
Appeal Decision

Site visit made on 20 December 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 April 2017

Appeal Ref: APP/C1625/W/16/3159532

Land adjacent to Lampern Cottage, Lampern Hill, Uley, Gloucestershire GL11 5BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr A Longstaff against the decision of Stroud District Council.
 - The application Ref S.16/0594/FUL, dated 17 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is construction of a new single-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are
 - whether the site would be accessible to services and facilities;
 - the effect of the proposal on the character and appearance of the area having regard to its location within the Uley Conservation Area and the Cotswold Area of Outstanding Natural Beauty (AONB); and
 - whether the proposal would preserve the setting of Stouts Hill.

Reasons

Policy Context

3. The Stroud District Local Plan (LP) was adopted in November 2015. Policy CP1 of the LP states that when considering development proposals a positive approach will be taken reflecting the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). Policy CP1 also reflects the Framework with regard to approving development which accords with the development plan. Policy CP2 of the LP states that housing development will take place in accordance with the settlement hierarchy set out in the plan and within settlement development limits; limited development will take place outside areas designated for development where it is in accordance with other policies in the LP.
 4. LP Policy CP3 sets out a settlement hierarchy based on, amongst other matters, settlement size and their range of facilities and services. Uley is identified as one of a number of third tier settlements in Policy CP3, that is an accessible settlement with limited facilities. Uley has a defined settlement
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- boundary and LP Policy HC1 permits small scale housing within defined settlement development limits.
5. The appeal site lies to the south side of Uley and forms part of the garden of Lampern Cottage. The site is outside the settlement boundary and is described in the appellant's Design and Access Statement as 200m south of Uley and shown in Section 6 of the Grounds of Appeal as around 250 m from the developed edge of the village.
 6. In terms of LP policy the appeal site lies within the countryside and Policy CP15 applies. This policy seeks to protect the separate identity of settlements and the quality of the countryside including its built and natural heritage. Policy CP15 sets out specific circumstances in which development outside settlement boundaries may be considered acceptable. Such circumstances include being essential to agriculture, forestry, tourism and the local economy and, as a 'rural exception site', housing to meet local needs. Enabling development to maintain a heritage asset of acknowledged importance is also specified within Policy CP15.
 7. The Council advise that they can demonstrate a housing land supply in excess of five years and provide evidence to support this. This is not disputed by the appellant. On this basis, and given the relatively recent date of the adoption of the LP, I am satisfied that the policies within the LP related to the supply of housing and other policies relevant to the appeal proposal are consistent with the National Planning Policy Framework (Framework), up to date and carry full weight. Accordingly, the provisions of Paragraph 14 of the Framework are not applicable to this proposal.
 8. Lampern Cottage and the appeal site sit within an extensive walled garden, formerly part of Stouts Hill, a Grade II* listed building situated on the opposite side of Lampern Hill. The garden walls extend to the north east of the appeal site whilst the south eastern boundary of the site is now defined by a beech hedge. At the time the application was made to the Council and in the grounds of appeal it is indicated that the proposed development would assist in securing long term repair of the garden walls. However, the appellant confirmed in subsequent evidence that the proposal is not put forward as enabling development. Consequently, the criterion in LP Policy CP15 relating to enabling development is not applicable to the proposal.
 9. There is a suggested need for smaller dwellings in Uley together with freeing up larger properties to provide accommodation for younger people. However, whilst the proposed dwelling may bring Lampern Cottage onto the market, there is no confirmation that the proposal is specifically to meet local needs nor is any mechanism put forward which would control occupancy of either the proposed dwelling or Lampern Cottage.
 10. The proposal would therefore not comply with any of the exceptions set out in LP Policy CP15.

Proximity to services

11. Whilst Uley has a limited level of services, the LP policies support some additional housing within its settlement limits. However, as noted above, the appeal site is some distance outside the settlement boundary. The road which serves the site is on a hill and has no footways or street lighting.

12. I have noted the availability of public footpaths in the vicinity of the site, including the informal arrangements by which the current occupiers of Lampern Cottage gain access to the public footpath network. Some footpaths provide shorter routes than walking along roads to village destinations such as the primary school. The appellant has an electric vehicle and the proposal includes charging facilities for such vehicles. However, there is no certainty that future occupiers of the proposed dwelling would access facilities in Uley by electric vehicles or walk along footpaths across fields. The latter are unlikely to prove attractive routes during inclement weather or hours of darkness. Therefore, whilst there is a bus service through Uley, I consider that the location of the proposed dwelling would result on reliance on private cars for a considerable number of trips.
13. Paragraph 55 (P55) of the Framework promotes sustainable development in rural areas, advising that new isolated homes in the countryside are to be avoided unless there are special circumstances. I consider that the proposed dwelling would be isolated in the context of P55.
14. One of the special circumstances set out in P55 where isolated dwelling may be permitted is the exceptional quality or innovative nature of the design of the dwelling. The proposal is put forward as such a dwelling.

Effect of the proposal on the character and appearance of the area

15. The principal developed extent of Uley around which the settlement boundary is drawn is focused within the valley bottom. The boundary of Uley Conservation Area is drawn more widely to include Stouts Hill and its grounds on the western side of Lampern Hill and the large walled garden on the eastern side of Lampern Hill. The appeal site lies within but on the southern edge of the designated conservation area. From what I observed during my site visit, the walled garden is an important feature within the conservation area. Part of the character of the walled garden, related to its historic function, is its largely open or undeveloped nature. The garden walls make a strong visual statement.
16. Existing dwellings and buildings on Lampern Hill are generally set some distance apart from one another. The character of the immediate area is one of gardens, landscaped grounds and open countryside with buildings interspersed amongst predominantly open land.
17. Uley and the appeal site lie within the Cotswold Area of Outstanding Natural Beauty (AONB). The statutory purpose of including land within an AONB is to conserve and enhance its natural beauty. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.
18. The proposed single storey dwelling would be a contemporary design, with a plan form of an extended L-shape, partly aligned with one of the garden walls. The outward facing elevations would be finished in reclaimed Cotswold stone with extensive glazing set back under a colonnade of round stone pillars. The structure would have a 'green' flat roof for reasons insulation, rain water attenuation and aesthetic considerations. The main structure would be slightly lower in height than the existing garden wall.

19. The provisions of P55 require a design to be truly outstanding or innovative, significantly enhancing its immediate setting and sensitive to the defining characteristics of the local area. It must reflect the highest standards in architecture and raise the standards of design more generally in rural areas.
20. The proposed development would incorporate a wide range of features which, in combination, are designed to make the proposed dwelling carbon neutral. It is suggested that such a combination of measures may not exist elsewhere and that the proposal would exceed what is achieved by standards such as the 'passivhaus'. However, similar measures in varying combinations are increasingly being incorporated within the design of some buildings. I do not doubt the appellant's intention to create a dwelling which in terms of design and construction would be carbon neutral. The supporting documentation provides clear evidence on the various technologies which would be employed. However, the combination of measures does not represent innovation as it is required to meet the exceptional requirements in P55 of the Framework.
21. Whilst Uley exhibits strong evidence of the Cotswold vernacular with regard to architectural style, the village includes a variety of building styles and materials. The height of the proposed development has been designed relation to its siting alongside the garden walls. The round pillars reference civic and farm buildings in the locality. Materials have been carefully selected. Despite the evident attention paid to its design, the building would have an extensive area of flat roof and visible photovoltaic and thermal panels. Whilst much of the roof would be planted or 'green', the overall effect would nonetheless be of a substantial building.
22. I have taken into account the appellant's landscape assessment. Views of the proposed dwelling from public footpaths on the east side of the road at Lampern Hill would be evident for a relatively short distance due to the undulating landforms. Nevertheless, this does not render such views unimportant. The walled garden, extending eastwards from the gable ends of Lampern Cottage, is a significant and attractive feature in the landscape within these views. The proposed dwelling would mask views of the south eastern garden wall, replacing it with a substantial structure, predominantly horizontal in form and punctuated by a series of vertical pillars. The overall effect of the proposal would be visually at odds with the more undulating topography of the landscape setting of the site.
23. It is possible to see the site from points on the road at Lampern Hill. Although the proposed dwelling would be partially obscured by the existing beech hedge, it would be visible above the hedge. Whilst conditions could secure retention or replacement of the hedge, reliance upon landscaping to obscure a proposed new dwelling which is being promoted on the basis of its exceptional qualities would not be a reasonable requirement.
24. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Whilst the LVIA assesses the likely impact of the proposal on Stouts Hill, and from various viewpoints, the proposal does not include a detailed assessment or history of the walled garden itself. Whilst the proposal sets out its intention to remain below the height of the wall, the historic role and function of the walled garden in terms of informing the design is not wholly clear. The proposed dwelling would mask a wall of the

- walled garden. The proposal would not preserve and therefore would not enhance either the character or appearance of the conservation area.
25. Consequently the proposals would not significantly enhance their immediate setting which is one of the requirements of P55 of the Framework. Nor is it clear from the evidence how the proposal would raise the standards of design more generally in rural areas.
 26. Whilst the appeal site forms part of the garden land associated with Lampern Cottage, the site nonetheless makes a positive contribution to the landscape and scenic beauty of the area, as part of the large walled garden which is a significant feature within the landscape. The proposed development would fail to conserve the landscape of the AONB.
 27. Drawing these matters together, I find that the proposed dwelling would not be truly outstanding or innovative and therefore would not satisfy the requirements of P55 of the Framework in terms of the exceptional quality or innovative nature of the design.
 28. The harm to the conservation area would bring the proposal into conflict with Policy ES10 of the LP which aims to preserve, protect or enhance the historic environment. Harm to the AONB would result in conflict with Policy ES7 of the LP which requires development proposals in all locations to conserve or enhance the special features of different character types. For these reasons, the proposal would also fail to meet the expectations of sub-paragraph 5 of Policy CP 14 with regard to respect for local topography and heritage.

Setting of Stouts Hill

29. As a Grade II* listed building Stouts Hill is a building of particular importance and more than special interest. It is an 18C century house in the Rococo Gothic style, now converted to time share apartments.
30. The Georgian Group express their views regarding the status of the walled garden as part of the landscape associated with and forming part of Stouts Hill at the time of it being added to the statutory list. However, the Council have not suggested in the context of this appeal that the walled garden should be considered as a listed structure.
31. The setting of a heritage asset is defined in the Framework as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. The significance of a heritage asset is the value of the asset to this and future generations. Significance derives not only from an asset's physical presence but also from its setting. From the evidence and from what I saw during my site visit, I consider that the walled garden of which the appeal site forms part holds historic and architectural interest in its own right and forms part of the setting of Stouts Hill. Whilst there may be no inter-visibility between the principal building of Stouts Hill and the site of the proposed dwelling, the walled garden and appeal site are clearly evident in views from parts of the retained grounds of Stouts Hill. The walled garden and appeal site contribute to the significance of the listed building.
32. The Stouts Hill committee have not raised any objections to the proposal. The appellant points out that Stouts Hill has modern extensions and that there are 20th century buildings in the vicinity of the listed building including flat roofed buildings. I have taken into account that the Gloucestershire Gardens &

Landscape Trust consider there would not be a major aesthetic impact on the Stouts Hill building. I have also considered the views expressed in support of the proposal by a planning consultant with detailed knowledge of the Scouts Hill site.

33. Section 66 of the Planning (Listed Buildings and Conservation) Act 1990 requires that special regard be paid to the desirability of preserving a listed building or its setting. The proposal would harm and so would not preserve the setting of Stouts Hill as it would introduce a domestic building of substantial proportions into the walled garden. It has not been demonstrated that there is any special justification for the presence of such a building within the walled garden.

Other matters

34. My attention is drawn to the permission granted by the Council in 2006 for the dwelling known as "Walled Garden". However it is clear that, despite its significant size and unconventional design, "Walled Garden" was a replacement dwelling rather than an additional dwelling. Whilst I am not aware of the full facts relating to this development, as a replacement dwelling it does not create a precedent for the appeal proposal.
35. I am referred to other developments in the District where the Council has granted permission for dwellings outside settlement boundaries. However, in the absence of detailed information I cannot comment on the extent of their similarities or otherwise with the appeal proposal. In any event, I have determined this appeal based on the circumstances of this particular case.

Conclusions

36. In accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would meet the expectations of some policies of the LP, particularly ES1 and ES2 relating to sustainable construction and design and renewable energy. However, the proposal conflicts with the development plan in other respects and in particular with settlement policies CP2, CP3 and with Policy CP15 which seek to protect the countryside and the AONB.
37. Having regard to Sections 132 – 134 of the Framework I find that there would be less than substantial harm to designated heritage assets. However, the Framework makes clear that great weight should be given to any harm to such assets. The public benefits which would arise from the provision of the additional dwelling would not be sufficient to outweigh the harm I have identified.
38. The development would not be sustainable development as defined in the Framework. There are no material considerations which are sufficient either singly or cumulatively to outweigh the conflict with the development plan when read as a whole. Accordingly, for the reasons given above and having taken into account all matters raised I conclude that the appeal should be dismissed.

J E Tempest

INSPECTOR