

Appeal Decision

Site visit made on 20 June 2017.

by G Powys Jones MSc FRTPI

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

Decision date: 10 July 2017

Appeal Ref: APP/C1625/D/17/3170889

Partstreet Farm, Tinkley Lane, Nympsfield, Stonehouse, Gloucestershire, GL10 3UH

- 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 Mr Alan Smith against the decision of Stroud District Council.
 - The application Ref. S.16/2329/HHOLD, dated 24 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is described as erection of proposed garaging/Hobby-storage (RE-SUBMISSION following refusal of S.16/1161/HHOLD).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of proposed garaging/Hobby-storage (RE-SUBMISSION following refusal of S.16/1161/HHOLD) at Partstreet Farm, Tinkley Lane, Nympsfield, Stonehouse, Gloucestershire, GL10 3UH in accordance with the terms of the application, Ref. S. 16/2329/HHOLD, dated 24 October 2016, subject to the conditions set out in the attached Schedule.

Costs

2. An application for costs was made by the appellant against the Council. This shall be the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of its surroundings, and on the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

4. A conflict of view exists between the parties as to the applicability of certain development plan policies. Of the 4 policies cited by the Council in its reasons for refusal, I consider certain provisions of all to be relevant. However, I recognise a tension between the provisions of the first two criteria of policy CP15 of the Stroud District Local Plan (LP), designed to protect the countryside from inappropriate development and LP policy HC8 which, although principally directed to residential extensions, also covers the erection of outbuildings incidental to the enjoyment of a dwelling.
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5. The development proposed is an outbuilding, intended for incidental use, to be built within a residential curtilage, albeit a farmhouse. There is no reason in my view why the provisions of LP policy HC8 should not apply to houses in the countryside. I also note that the Council's officer report contains a comment to the effect that a different siting of the proposed outbuilding in a different location may have proved more appropriate. This implies to me that the Council also considers LP policy HC8 to apply in these circumstances, and that the erection of domestic outbuildings are not precluded within residential curtilages in the countryside, notwithstanding the rather prohibitive nature of LP policy CP15.
6. I also consider aspects of LP policies CP14 and ES7 to be relevant, especially since the latter is designed to govern the acceptability or otherwise of all, and not only major, development proposals in the AONB.
7. The extant farmhouse and garage are nestled close to the foot of a steep fold in the landform, so that both buildings are screened in respect of views from the north, and from the whole length of Tinkley Lane in particular. The same would certainly apply to the proposed new building.
8. But as the Council says, the proposed building would be sited apart from the other two, albeit still within the residential curtilage. Hypothetically, given its siting next to sloping land, the building would be more visually exposed. However, the Council has not specifically defined those places in the public realm from where the building could be seen. I have not been made aware of the presence of any public rights of way affecting the open land to the south, and because of the lie of the land and the presence of hedges and other vegetation the building would be barely seen, if at all, from the public highways some distance to the west & south-west.
9. The building would be seen from the open land to the south, but it is well designed so as to resemble a farm building of good quality from this direction. It is the type of building one could reasonably expect to see in the countryside; it would not look out-of-place, and it would certainly not harm the natural beauty of the AONB.
10. I conclude that the proposal would sit acceptably in its rural surrounding without harming the natural beauty of the AONB. Accordingly I find no conflict with the applicable criteria governing the erection of outbuildings found in LP policy HC8; or with criterion 5 of LP policy CP14 relating to High Quality Sustainable Development, or with the criteria of LP policy ES7 directed to protecting the natural beauty of the AONB.

Conditions

11. With regard to materials the Council says '*The Site is within an AONB therefore materials would be required to discharge.*' This statement is almost indecipherable, but if it means what I think is intended, it is unnecessary since sufficient information on materials is provided in the application documentation and plans.
12. The appellant's proposed planting scheme is shown on one of the submitted plans, and a condition requiring its implementation is imposed. Although the landscaping is proposed on land outside the application site, it is shown on land

within the applicant's ownership, and I am therefore satisfied that a landscaping condition may be lawfully imposed.

13. As suggested by the Council, a condition governing the future use of the building is necessary, and one shall be imposed, albeit in a modified form to that proposed by the Council.
14. It is necessary that the proposal is built in accordance with the approved plans, in the interests of certainty.
15. All other representations made have been taken into account, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and the materials specification shown on them: Drawing Ref. T1069.01D & T1069.02.
3. The building hereby permitted shall be used solely for the garaging of private vehicles and/or for purposes incidental to the enjoyment of the dwelling house known as Partstreet Farm and shall not be used for the carrying out of any trade or business.
4. The planting scheme shown on Drawing Ref. T1069.02 shall be carried out no later than the first planting season following the erection of the building hereby permitted. Any trees or plants which may die, become diseased or are removed within 5 years of their initial planting shall be immediately replaced with plants of a similar size and species.