
Appeal Decision

Site visit made on 21 July 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 18th August 2017

Appeal Ref: APP/G1630/W/17/3173283

**Bushcombe House Farm, Bushcombe Lane, Woodmancote, Cheltenham
GL52 9QL**

- 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 P Badham against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00907/FUL, dated 3 August 2016, was refused by notice dated 7 October 2016.
 - The development proposed is siting of a single log cabin holiday let unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was made, the Council has granted permission¹ for a holiday let development on a site at Bridle Croft, Cleeve Hill; the matter of which was raised by the appellant in his final comments in response to the Council's appeal statement. In the interests of fairness and natural justice, the Council were given the opportunity to provide a view on any bearing this might have on the appeal. I have taken the submissions of both parties into account in making my decision.

Main Issues

3. The main issues in this appeal are (i) the effects of the proposal on the character and appearance of the area having particular regard to the Cotswolds Area of Outstanding Natural Beauty (AONB); and (ii) whether the appeal site is an appropriate location for the development proposed having regard to local and national policy in respect of tourist accommodation and sustainable development in the countryside.

Reasons

Character and appearance

4. The appeal site comprises a roughly triangular area of land opposite the existing Bushcombe House farm buildings. It lies within a loose ribbon of development stretching along the narrow, steep and winding Bushcombe Lane. The site is wholly within the boundary of the Cotswolds AONB.

¹ Application ref 17/00368/FUL

5. Framework paragraph 115 says that great weight should be given to conserving the landscape and scenic beauty of AONBs and paragraph 116 advises that planning permission should be refused for major developments within AONBs although this does not necessarily preclude all built development. Whilst the Framework does not include a definition of 'major development' it cannot reasonably be concluded that this would include a single modest building.
6. The site is surrounded by mature vegetation that screens it in most of the available public views. I have noted that the Council granted permission² in 2011 for a stable block in a similar position and of generally similar proportions to that of the proposed building. Furthermore, the proposed building would be of timber construction including its roof. In my view, this could sit comfortably on the site and accord with the general characteristics of the surrounding landscape.
7. Having said that, the Council's officer report refers to the visibility requirements necessary to make the proposal acceptable in highway safety terms (which were not an issue in the stables application) and says that the resultant loss of vegetation along the site's frontage would harm the character and appearance of the AONB. Whilst such matters do not feature in the Council's subsequent appeal statement or the conditions attached thereto, I cannot ignore such a requirement. Indeed the appellant's own evidence³ sets out the need for adequate visibility splays in both directions along Bushcombe Lane.
8. From my observations on site, to achieve these would require the removal of a substantial amount of vegetation that currently screens most of the site in views from along the lane. This would open up the site such that the building and the land around it would be much more visible. Such a noticeable change from an enclosed site of rural appearance to an much more open one with parked cars and other likely domestic accoutrements would adversely affect the character and appearance of this part of the AONB.
9. I have given consideration to whether a planning condition requiring replanting along the back of the visibility splays could provide adequate mitigation. However, it would take many years to reach the stature of the existing mature trees and shrubs and thus make an equivalent contribution to screening the development. I am not therefore convinced that this course of action would mitigate the clear identified harm to the AONB and to which I attach great weight.
10. For the reasons set out above, the proposed development would conflict with the Framework and statutory legislation⁴ relating to protected landscapes.

Location of development

11. The site is located to the north-east of the main built-up area of Woodmancote and falls within the open countryside as defined in the Tewkesbury Borough Local Plan (2006) (LP).
12. Outside residential development boundaries, LP policy TOR2 only permits the development of serviced and self-catering accommodation where it would

² Application ref 11/00400/FUL

³ Access Appraisal Technical Note dated August 2016 by Cotswold Transport Planning

⁴ Section 85 of the Countryside and Rights of Way Act 2000

result in the renovation and improved use of existing buildings. The proposal would conflict with policy TOR2. However, the policy is more restrictive than national policy set out in Framework paragraph 28 that seeks, in broader terms, to support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. In this regard, I therefore give more weight to the Framework than to policy TOR2.

13. LP policy TPT1 permits development where, amongst other things, it would make provision for safe access by pedestrians and cyclists and where there is an appropriate level of available public transport or whether this could be made available. This generally accords with the Framework's sustainable transport objectives, although the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. I acknowledge the steep and narrow character of Bushcombe Lane and accept that the site is located away from the local shop in Woodmancote and further still from the larger stores in Bishops Cleeve. However, at my site visit, I did not encounter a high volume of traffic and observed pedestrians navigating the lane without apparent issue. To my mind, tourists wishing to visit the Cotswolds would be unlikely to be put off by the need to walk or cycle. Furthermore, even in the event that trips to shops and services were made by car, in all likelihood, they would be relatively infrequent. This cannot easily be equated with travel needs associated with a residential dwelling, whereby in addition to shopping trips, there would be daily travel to work and schools.
15. Moreover, it seems to me that for many tourists, proximity to footpaths for countryside walks, the rural location and attractiveness of the Cotswolds are likely to outweigh proximity to urban facilities in their list of considerations. There are a number of Public Rights of Way in sufficiently close proximity to the site and notwithstanding the character of Bushcombe Lane, I am satisfied that with appropriate caution, those using bicycles could easily navigate it. I therefore consider that the proposal would accord with sustainable travel objectives of policy TPT1 and with the Framework.
16. The Council refers to Framework paragraph 28 with regard to the lack of evidence to demonstrate an unmet need for the development. The aim of Framework paragraph 28 is to support economic growth in rural areas. The third bullet point seeks to support sustainable rural tourism and leisure developments that respect the character of the countryside. The third bullet point also supports the provision and expansion of tourist and visitor facilities in appropriate locations where needs are not met by existing facilities in rural service centres. This does not, in my view, exclude other developments which may, irrespective of unmet needs in rural service centres, have the potential to contribute to the rural economy.
17. I consider that the proposal would add to the local choice and availability of holiday accommodation, thus encouraging people to visit the area who would contribute, albeit modestly to the local economy. However, the harm I have described in my considerations on the first main issue would nonetheless bring the proposal into conflict with paragraph 28 of the Framework because it would fail to respect the character of the countryside.

Other Matter

18. The appellant has provided a signed and dated planning obligation by way of a Unilateral Undertaking that would prevent the development from being used as anything other than holiday accommodation. However, as I am dismissing the appeal for other substantive reasons, I do not consider this matter further.

Planning Balance and Conclusion

19. The proposal would provide some, albeit modest, economic benefits through the construction phase of the development and the subsequent use of local businesses by its occupants. It would also provide a benefit by increasing the local choice of holiday accommodation in an area attractive to tourists. However, any benefits would be significantly and demonstrably outweighed by the harm to the scenic beauty of the AONB. The proposal would not be sustainable development.
20. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector