
Appeal Decision

Site visit made on 4 December 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 7th December 2017

Appeal Ref: APP/F1610/W/17/3181538
Overton House, Itlay, Daglingworth GL7 7HZ

- 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 B Hayes against the decision of Cotswold District Council.
 - The application Ref 16/04732/FUL, dated 14 November 2016, was refused by notice dated 13 March 2017.
 - The development proposed is for the change of use from agriculture to domestic curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from agriculture to domestic curtilage at Overton House, Itlay, Daglingworth GL7 7HZ in accordance with the terms of the application, Ref 16/04732/FUL, dated 14 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: RNA-30/05/2016 and 7168E 03.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification no development included within Schedule 2, Part 1, Class E shall take place on the site without the further express permission of the local planning authority.

Main Issue

2. I consider the main issue in this case is the effect of the proposed development on the character and appearance of the rural locality including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. There is no dispute between the parties that the appeal site is located within open countryside outside, but adjacent to, the residential curtilage of Overton House, which itself lies within a scattering of residential development comprising the hamlet of Itlay. It comprises an area of land previously used for agriculture. The area lies within the Cotswolds AONB. The land has been fenced off but is otherwise open and grassed. The extended curtilage area is consistent with the depth of the garden area to the neighbouring residential

property, Little Manor and includes a low stone wall along the southern boundary that ties in with the neighbour's wall.

4. Policy 42 of the Saved Cotswold District Local Plan (LP) has wide application to many types of development that might arise within the District and where good design will need to form an important part in the consideration of planning applications. However, this policy does not appear to be of direct relevance to this appeal other than the walling and fencing that have been constructed and I am not persuaded that the fear of domestic paraphernalia additions would necessarily arise. Of relevance however is the effect on the landscape character of the AONB.
5. The Council makes reference to the Landscape Strategy and Guidelines for the Cotswolds AONB (LSG) and purports that the appeal site is located within the character area 9D High Wold Dip Slope, which is further refined as Cotswolds High Wold Dip Slope in the LSG. There is no dispute between the parties in relation to this categorisation and I have no reason to disagree. I also acknowledge that built development, expansion and infilling can undermine the rural character and specific qualities of this landscape. I have carefully considered the potential impact of the appeal development upon the AONB, having regard to the AONB's purpose of conserving and enhancing the natural beauty of the area.
6. From my observations both on site and from the public rights of way, having regard to the depth of the neighbouring property's curtilage, the incursion that has been made at the appeal site has had a benign effect on the character and appearance of the area. Accordingly, I do not believe that the development carried out has led to an unacceptable level of harm to the countryside setting and the development undertaken has not seriously undermined the objectives contained in Policy 42 of the LP. Neither do I believe that paragraphs 17, 109 and 115 of the National Planning Policy Framework have been seriously or unacceptably undermined.

Conditions

7. The Council has suggested that a condition be included that would withdraw permitted development rights in respect of the construction of buildings or other enclosures, swimming or other pool or hard surfaces within the appeal site. I have considered this suggestion against the Use of Conditions guidance set out in the Planning Practice Guidance and conclude having regard to the site's openness and, in order to prevent harm to the character and appearance of the area, a condition would be reasonable and would serve a useful planning purpose. A further condition specifying approved drawings is also included to provide certainty.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR