



Appeal Decision

Site visit made on 26 April 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/F1610/W/19/3222218

Moors Lane, Bourton-on-the-Water, Cheltenham, GL54 2HA

- 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 Adrian Caunter against the decision of Cotswold District Council.
 - The application Ref 18/02675/FUL, dated 13 July 2018, was refused by notice dated 24 August 2018.
 - The development proposed is Erection of a dwelling and garage at Land Off Moors Lane Bourton-On-The-Water Gloucestershire.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development was changed when the application was registered by agreement with the appellant, according to the Council. I have therefore used the amended description from the decision notice.

Main Issue

3. The main issue is whether the site is an acceptable location for housing having regard to the development plan.

Reasons

4. The appeal site is located approximately 120 metres from the development boundary for Bourton-on-the-Water. It is accessed via a treelined farm track which also serves the nearby farm, and business units opposite the site. Although the site is relatively close to recently built housing, it is separated by fields and screened by field boundary hedgerows and trees. It is clearly visually more related to the countryside than the settlement. The site is previously developed land currently used for storing farm machinery and other vehicles and contains a workshop building.
5. The Cotswold District Local Plan 2011-2031, August 2018 (LP) sets out the Council's housing strategy. Policy DS4 directs new housing to Principal and Non-Principal settlements. The supporting text states that any land outside of these settlements, including previously developed land, will be considered countryside where open market housing is not permitted. Exceptions to this are the conversion of rural buildings, the sub-division of existing houses and replacement houses. The proposed development is not one of these exceptions.

6. I note that the proposal would contribute to meeting the Council's housing requirement which I accept should not be treated as a maximum limit for housing development. However, there is no evidence that the Council's LP strategy would not meet the area's housing needs over the Plan period and that new housing in the countryside is therefore needed. Nor, as noted by the Parish Council, is there any evidence that the LP strategy would not meet the housing needs of Bourton-on-the Water. A previous consent, 14/05620/FUL, on the site was granted because at the time the Council was unable to meet its housing requirement under the old Local Plan. This is not the case now that there is an up to date adopted LP.
7. I have had regard to the economic benefits during construction; the contribution that new housing can make to supporting services and facilities within the nearby settlement; and, the improvements to the appearance of the site by replacing an industrial workshop with a house designed in the local vernacular. However, the benefits would not outweigh the harm that the proposal would cause, and that would arise if this type of proposal were permitted elsewhere, in terms of undermining the policies of the development plan and the effectiveness of its housing strategy in meeting local needs.
8. I have noted other appeals referred to by the appellant. The Allesborough Farm appeal¹ relates to a different district, is immediately adjacent to a settlement boundary and includes benefits that are not provided by the proposal such as affordable housing and improvements to the setting of a heritage asset. The Mount appeal² site was described by the Inspector as being visually and physically part of the village, which is not the case with the proposal. As such neither appeal is analogous to the proposal. I note that appeals referred to by the Council were not solely dismissed on the grounds of their location. Nevertheless, in my view this is not a single narrow point of objection as suggested by the appellant but a significant conflict with the LP and sufficient grounds alone to dismiss the appeal.
9. The appellant suggests policy DS4 contradicts the National Planning Policy Framework (2019) (the Framework) and as such the Policy is out of date and the proposal should be assessed against the policies of the Framework instead of the Development Plan. I disagree. The LP has been subject to an Examination, found to be sound and recently adopted. The proposal therefore must be determined in accordance with it unless material considerations indicate otherwise.
10. The proposal is contrary to LP Policy DS4 which does not permit new open market housing in the countryside and the appeal site is therefore not an acceptable location for housing. There are no material considerations that outweigh the conflict with the Development Plan.

Conclusion

11. For the reasons given above the appeal should be dismissed.

P D Sedgwick

INSPECTOR

¹ APP/H1840/W/17/3188250

² APP/F1610/W/18/3217856