
Appeal Decision

Site visit made on 16 July 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/F1610/W/19/3225442

Cockleford Farm, Cockleford, Coberley, Cheltenham GL53 9NW

- 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 Alderbury Overseas Ltd against the decision of Cotswold District Council.
 - The application Ref 18/02276/FUL, dated 15 June 2018, was refused by notice dated 24 January 2019.
 - The development proposed is erection of an agricultural building.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I note comments regarding the potential future use of the building and the planning history of the site. Nonetheless, I have assessed the appeal on the basis of the information before me and the appellant's stated intention to use the building for agricultural purposes.
3. The appeal does not seek prior approval for the building and therefore it is not subject to the requirements relevant to that procedure. Planning permission is sought, and I have assessed the development in that way.
4. While not part of the application before the Council, the Flood Risk Assessment March 2019 (FRA) was submitted at the outset of the appeal and therefore parties have had the opportunity to comment. While it provides additional information, it does not fundamentally change the scheme. The overall design and position of the development has not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take this document into account. I have considered the appeal on that basis.
5. I note works of the site have already commenced. However, the building has not been completed and I have assessed the appeal as a proposed scheme.

Main Issues

6. The main issues of the appeal are;
 - Whether the proposed development would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding; and

- The effect of the proposed development on the character and appearance of the area, with particular regard to its location within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

Flooding

7. The National Planning Policy Framework (Framework) states that inappropriate development in areas at risk of flooding should be avoided. This is achieved by steering development to the lowest flood risk areas through the application of a sequential test. Consequently, planning applications, such as the appeal proposal, are required to apply a sequential test to establish whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding. Planning Policy Guidance states that it is for local planning authorities, taking advice from the Environment Agency (EA) as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case.
8. Policy EN14 of the Cotswold District Local Plan (Local Plan) states that development must avoid areas at risk of flooding and that flood risk will be minimised by applying a sequential test assessment, and exception test where necessary.
9. During the appeal the EA confirmed they were satisfied that the FRA assessed flood risk and climate change in line with latest guidance. In addition, they commented that the design level of the development would result in it being safe from flooding during a 1 in 100-year flood event, plus climate change. Nonetheless, the site remains within flood zones 1-3 and the EA did not provide any comment in regard to the sequential test.
10. In relation to the sequential test, the FRA states that the building needs to be at the proposed location due to land ownership, to serve the agricultural land and that there has been a sequential approach to the layout. Furthermore, I note comments regarding the potential loss of agricultural land, accessibility to thieves and visibility in the landscape with regards to other locations on the land as well as that the slab and materials are already at the site.
11. Notwithstanding this, even if I were to agree with the appellant that a building is needed at the holding to manage the land, there are substantial areas of the appellant's land that are not within the higher flood zones. This includes land relatively close to the appeal site. Other than in regard to a position near the gateway, there is limited information provided as to why other locations outside the higher flood zones would be unsuitable.
12. Consequently, there has been no compelling evidence presented to me as to why the building could not be located elsewhere. On the basis of the information before me, the proposal does not pass the sequential test.
13. Therefore, the proposal would not comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding. The proposal would be contrary to Policy EN14 of the Local Plan where it seeks, in part, to minimise flood risk and apply a sequential test to development in flood areas.

14. It would also fail to accord with the Framework where it states that development should be steered to areas with the lowest risk of flooding and should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Character and Appearance

15. The site is within the AONB. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of these, which have the highest status of protection in relation to these issues.
16. The building would be single storey with simple linear proportions commensurate with an agricultural use. The gable end openings are small. Nonetheless, large openings to the main elevation are typical of such buildings and allow access for machinery and other storage. The footprint would not be excessive given the proposed use.
17. Although the appeal building would have an inner skin, the external use of stone would be seen. This is comparable to the external materials of the dwelling and small outbuilding to the rear of the site. Given the proximity of the appeal building to the dwelling behind, it would be viewed as part of a group of buildings rather than as separate or remote. The arrangement of an agricultural building and a dwelling in this manner is not untypical of a rural setting. Moreover, from the evidence before me it would be similar to the arrangement of the previous buildings at the site.
18. Therefore, the development would not harm the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. It would accord with Policy EN5 of the Local Plan where it states the conservation and enhancement of the natural beauty of the landscape, its character and special qualities of an AONB will be given great weight. It would also comply with the Framework where it states great weight should be given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty.

Other Matters

19. The proposal would contribute to the vitality of the rural economy. However, given the scale of the proposal this contribution would be limited. The refusal reasons do not relate to impacts on living conditions or the public right of way. Nevertheless, these are neutral factors that do not weigh in favour of the scheme.

Conclusion

20. While the proposal would not harm the character and appearance of the area or the AONB, the policy conflict with regard to flooding is determinative.
21. Therefore, for the above reason the appeal is dismissed.

Stuart Willis

INSPECTOR