
Appeal Decision

Site visit made on 19 August 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/C1625/W/19/3227937

The Coach House, Upper Framilode, Framilode, Gloucester GL2 7LH

- 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 & Mrs Mayo against the decision of Stroud District Council.
 - The application Ref S.18/2000/COU, dated 13 September 2018, was refused by notice dated 8 November 2018.
 - The development proposed is the conversion of an existing redundant nursery building to create a single dwelling by the addition of a second floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the site is an appropriate location for a residential dwelling having regard to local and national policy for the delivery of housing.

Reasons

3. The strategic approach of the Stroud District Local Plan November 2015 (the Local Plan) is to direct the majority of development to the strategic growth and development locations outlined in Policy CP2 with the settlement hierarchy set out in Policy CP3 being followed where development is proposed outside of these areas. The overall aim is to promote a pattern of development which creates and supports sustainable communities by focusing development within those settlements that have appropriate services and facilities and thereby reduce the need to travel.
4. Policy CP2 confirms that those settlements which are not referenced within the hierarchy are treated as open countryside with restrictions on the development to be permitted. Upper Framilode is not defined within the settlement hierarchy and as a result, for the purposes of planning policy, it is defined as being within open countryside.
5. In the context of the proposal, there are very limited facilities available locally and there is no compelling evidence indicating that there is adequate public transport provision to access such facilities. There is also nothing before me to indicate that the proposal would be essential to sustain any existing local services. As such, I consider it inevitable that future occupiers would be reliant on travelling, most likely by private car, counter to the Council's spatial policy.

6. Policy CP15 establishes six principles which would permit development within the open countryside as an exception to the development strategy. These include where development is related to the rural economy, meets local housing needs, supports the maintenance of a heritage asset, is a replacement dwelling or involves essential community facilities.
7. The evidence makes reference to elements of the National Planning Policy Framework in respect of the approach to rural housing, including to meet local needs (paragraph 77), and the potential of small sites (paragraph 68). However, there is nothing before me to indicate that there is a specific local need (nor personal family circumstances) in the circumstances of this case. Additionally, both parties have raised matters of housing land supply with the presence of at least a 5 year supply not disputed. Whilst the proposal would make a contribution to supply and there would be some benefit from this, it would be very limited. In light of the current overall position, I do not consider that the contribution to supply would meet one of the CP15 exception principles.
8. Within this context, the proposal does not meet any of the CP15 exception principles and as such the proposal conflicts with the spatial strategy. The appellant does not dispute that the site is located within open countryside for planning policy purposes nor that the development fails to engage one of the six principles in Policy CP15. It is however submitted that there would be no harm to the principle of the open countryside as the development involves the conversion of an existing building.
9. In circumstances where one of the six exception principles are engaged, Policy CP15 sets out a series of criteria which need to be addressed to ensure development is acceptable. Of these, criterion iv) was cited within the Council's reasons for refusal (albeit not as a reason in its own right), with reference to the increase in bulk, scale and form over the original building.
10. The existing building is constructed of yellow brick with a tile roof in a simple, modern mid-20th century style. It is single storey with hipped roofs in various orientations and in general, it reads as a long and narrow building, sitting comfortably within the plot and assimilating well with neighbouring buildings. Despite its previous use, the building appears residential in character.
11. The proposal involves minor changes to increase the floor plan along with more extensive changes to create a first floor and new roof structure. The plans indicate that the first floor would be rendered with the existing roof tiles reused and/or matched where necessary. However, I do not consider that the changes constitute an inappropriate increase in scale, form or footprint. The building is currently, and would continue to be, well screened from public vantage points and would not be appreciably different in scale or form to other buildings in the vicinity of the site.
12. Within this local spatial context, I am mindful of my responsibilities under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. As noted by the Council, the value of the Industrial Heritage Conservation area comes as much from the spaces around buildings in the local area as the buildings themselves with its overall significance relating to the industrial legacy across the district. Within this context, there would be no appreciable impact on the openness of the plot

and as noted above, the building would be screened from public vantage points. As such, I agree with the Council that there would be no harm to the character or appearance of the conservation area and therefore no conflict with the statutory test.

13. In light of this, I do not consider that the design of the proposal represents an inappropriate increase in bulk, scale and form over the original building and as such there is no conflict with criterion iv) of Policy CP15. However, it is important to recognise that criterion v) must not be read out of context of the remainder of Policy CP15, where it applies only when one of the six exception principles are engaged. As discussed above, none of these apply in this instance.
14. Therefore, whilst I consider the design to be acceptable, the site is not an appropriate location for a residential dwelling having regard to local and national policy for the delivery of housing. As such, when read as a whole, the proposal conflicts with the Local Plan in respect of Policies CP1 relating to the presumption in favour of sustainable development, CP2 which sets policy for strategic growth and development locations, CP3 which defines the settlement hierarchy and emphasises the approach to directing development to sustainable locations and CP15 insofar as it establishes policy for development in the countryside, including the exception principles where development can be permitted and the criteria for permitting it.

Other Matters

15. The building to be converted was previously a day nursery (D1 use class). The evidence indicates that this use ceased a number of years ago and that permission had previously been granted to amend the use to include A2, A3, B1, B8 or D2; marketing of the property was undertaken on this basis.
16. Although the loss of facilities has been cited within the Council's case, this was not a reason for refusal. Notwithstanding this, and whilst acknowledging the presence of evidence of the site being marketed, the acceptability or otherwise of the change of use does not outweigh the conflict that I have found in respect of the appropriateness of the location for residential development.
17. Finally, the Council's recommendation identified the need for a planning obligation to make a financial contribution towards the Severn Estuary Recreation and Mitigation Strategy, associated within the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. An obligation has not been submitted with the appeal. In any event, this matter would have no bearing on my finding of other harm in relation to the main issue.

Conclusion

18. Whilst the design of the proposal is acceptable this, together with other material considerations, does not outweigh the conflict with the Local Plan when it is read as a whole. For this reason, the appeal is dismissed.

M Harris

INSPECTOR