
Appeal Decision

Site visit made on 15 October 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/C1625/W/19/3235883

Abnash Stable Barn, Abnash, Chalford, Stroud GL6 8QN

- 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 Chris Hutchens against the decision of Stroud District Council.
 - The application Ref S.19/0438/FUL, dated 28 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is described as the removal of horse menage, surface and fencing. Conversion of a redundant barn to a dwelling including services, landscape and orchard and garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal proposal represents a suitable location for housing having regard to national and local policies and the principles of sustainable development.

Reasons

3. Policy CP1 of the Stroud District Local Plan¹ (the Local Plan) provides for a presumption in favour of sustainable development. Policy CP2 of the Local Plan states that housing development will take place in accordance with the settlement hierarchy set out in the Local Plan and within settlement development limits.
4. Policy CP3 of the Local Plan sets out the settlement hierarchy and ranks settlements according to their size and the range of services and facilities which they provide access to. The development strategy of the plan aims to prioritise growth at sustainable locations, in accordance with this hierarchy.
5. The appeal site is situated outside the settlement boundary of Chalford, which is identified as a third-tier settlement under Policy CP3 of the Local Plan. The proposed development for a single residential dwelling would therefore conflict with the development strategy for the District as set out in Policies CP1, CP2 and CP3 of the Local Plan.
6. Outside the settlement boundary of Chalford, development proposals are to be assessed against Policy CP15 of the Local Plan. This seeks to protect the separate identity of settlements and the quality of the countryside including its

¹ Adopted November 2015

built and natural heritage. Development outside identified settlement development limits is restricted by Policy CP15 of the Local Plan except in certain specified circumstances, none of which are stated to apply in this case. Accordingly, the proposal would be in conflict with Policy CP15 of the Local Plan.

7. However, it has been put to me by the appellant that the provisions of Policy CP15 of the Local Plan are more restrictive than paragraph 79 of the National Planning Policy Framework (the Framework) in that local planning policy does not provide exceptions in relation to the re-use of redundant or disused buildings in the countryside. Whilst I acknowledge that paragraph 79 of the Framework does differentiate between 'redundant' and 'disused' buildings, the provisions of this paragraph clearly relate to 'isolated homes in the countryside'.
8. In this regard, The Framework does not define what is meant by the term 'isolated'. However, a court judgement² determined that 'isolated' should be given its ordinary objective meaning, being 'far away from other places, buildings or people'. The appeal site, whilst being located outside of the settlement development limit, is not isolated by reason of the housing which is located northwest of the appeal site and, consequently the provisions of paragraph 79 of the Framework would not apply to the appeal scheme.
9. The evidence before me indicates that the Council is able to demonstrate a five year supply of deliverable housing sites. This means that there is no reason to treat the relevant development plan policies as out-of-date. For the above reasons, the appeal proposal would conflict with the identified Policies of the Local Plan. The conflict with the development plan in this regard, weighs significantly against the proposal in the determination of this appeal.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
11. The appeal site is located within the Cotswolds Area of Outstanding Natural Beauty (the AONB). The statutory purpose of including land within the AONB is to conserve and enhance its natural beauty. Paragraph 172 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. The effect of the proposal on the AONB is not cited as a reason for refusal. Nonetheless, the site's location within the AONB reinforces the role of the settlement boundary in defining the settlement and so protecting the surrounding countryside.
12. The appeal site is also located close to a Grade II Listed Building at Abnash House and adjacent to the Chalford Hill Conservation Area. The evidence before me indicates that, in the view of the Council, the appeal proposal would not be harmful to the landscape and scenic beauty of the AONB and would not be harmful to the setting or significance of the nearby heritage assets.
13. The appellant maintains that the appeal proposal would result in significant enhancements to the landscape and scenic beauty of the AONB and would protect and enhance the setting of the respective heritage assets described

² Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)

above, by reason of the removal of the horse ménage and associated equestrian paraphernalia and by the introduction of additional landscaping including provision of an area to be used as an orchard. For the same reasons the appellant has also put it to me that the setting of the heritage assets would be enhanced, with the appellant maintaining that there is a high level of intervisibility between the appeal site and the listed building at Abnash House.

14. I acknowledge that the Council Officers confirmed that, in their view, the appeal scheme would not result in harm to these designated assets. However, in respect of the potential enhancements which the appellant maintains the proposal would bring, whilst I acknowledge that the horse ménage is somewhat run down in appearance, such structures would not look out of place in a countryside setting.
15. Furthermore, whilst equestrian paraphernalia such as jumps and horse boxes may be removed, it is likely, in my view, that the appeal scheme would result in the introduction of paraphernalia associated with residential occupation such as vehicles, washing lines and garden furniture which has the potential to be equally harmful to the designated assets described above. I therefore find the effect of the proposal to be neutral with regards to potential conservation or enhancement of the landscape and scenic beauty of the AONB.
16. The appeal site is located some distance from Abnash House and, by reason of the topography of the surrounding land and due to the presence of mature and established trees, intervisibility between the site and the listed building is limited, with only the roof slopes of the listed building being readily visible from the appeal site. Nonetheless, in terms of heritage assets setting is not confined to intervisibility and I conclude that the appeal scheme, due to the removal of the somewhat run down horse ménage and some areas of hardstanding and due to the provision of additional landscaping, may result in some enhancement to the setting of the heritage asset.
17. Consequently, whilst I conclude that the appeal proposal would potentially enhance the setting of the heritage assets and, whilst the proposal would not be more harmful to the landscape and scenic beauty of the AONB than the current built form at the site, I find that, on the balance of these considerations and by reason of the location of the appeal site and its surrounding topography, these benefits would be limited in nature. In combination of these factors, I have attached moderate weight to these potential benefits of the scheme in the determination of this appeal.
18. Further to the above, whilst the site is located outside of the settlement, it has been put to me that the appeal site is sustainably located with regards to access to services and facilities. However, access to Chalford is via a winding and relatively steep hill. As such, despite the proximity of Chalford and its facilities and services, the nature of the local topography is such that walking or cycling journeys would be unacceptably strenuous for many people.
19. Furthermore, whilst there is a footway connecting the site to the junction with the highway known as 'Old Neighbourhood', access to the nearby settlement of Bussage would require crossing this highway where there are no apparent footways to assist pedestrians. The road network near to the appeal site does not include street lighting and therefore would be an unattractive alternative to using private motor vehicles especially during the winter and at night.

20. In addition to the above, the proposed development would provide some economic benefits in terms of employment during the phase of works and by reason of the potential contribution a household could make to the vitality of nearby settlements. I also acknowledge that the proposal would make use of a disused building to provide an additional residential unit towards housing land supply. However, any such benefits are significantly limited in nature due to the limited scale of the development.
21. In summary of the above, the proposal's conflict with the development plan when taken as a whole, weighs significantly against the appeal scheme. For the reasons given, I conclude that the potential benefits described above, either singularly or in combination, would attract only moderate weight and, consequently, would not outweigh the harm identified in relation to the development plan conflict.

Conclusions

22. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR