
Appeal Decision

Site visit made on 10 September 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/F1610/W/19/3233245

Brae Croft, Upper Oddington, Moreton-In-Marsh, Gloucestershire GL56 0XJ

- 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 Peter Wilsdon against the decision of Cotswold District Council.
 - The application Ref 19/01288/FUL, dated 4 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is change of use of existing building from ancillary use to independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of existing building from ancillary use to independent dwelling at Brae Croft, Upper Oddington, Moreton-in-Marsh, Gloucestershire GL56 0XJ in accordance with the terms of the application, Ref 19/01288/FUL, dated 4 April 2019, subject to the conditions set out in the appended schedule.

Application for costs

2. An application for costs was made by Mr & Mrs Peter Wilsdon against Cotswold District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellants have submitted additional plans¹ as part of the appeal. This corrects mistakes made within the suite of plans submitted to the Council as part of the planning application. As these plans do not make substantive changes to the appeal proposal, no parties would be prejudice if I take them into account. I have determined the appeal on this basis.

Main Issue

4. The main issues are the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located within the outskirts of the village of Upper Oddington. The appeal property is an existing building which was granted planning permission to provide ancillary accommodation to the dwelling known as Brae

¹ Drawing numbers: 6199-05d Details Sheet, 6155-02c Site Elevations, 6155-01c Floor Layout and Elevations and 6155-04c Basement Layout

- Croft. The site falls outside of the established settlement boundary of the village but within the Cotswolds Area of Outstanding Natural Beauty (AONB).
6. The appeal seeks a change of use from this ancillary building to an independent dwelling. Currently the appeal building allows for a self-contained two-bedroom unit with kitchen, lounge and utility rooms. The proposal would see no changes made to the built form of the existing development.
 7. Upper Oddington is identified as a non-principal settlement within the development plan. Policy DS3 of the Cotswold District Local Plan 2011 – 2031 (LP) allows for small-scale residential development within these settlements subject to four criteria being met. The Council maintains that the proposal does not accord with criteria b and c of this Policy, which require residential development to be of a proportionate scale that maintains and enhances sustainable patterns of development, and that it complements the form and character of the settlement.
 8. The village of Upper Oddington is characterised as having areas of relatively closely clustered linear development. Towards the outskirts of the village development becomes more sporadic with large separation distances between dwellings. The general feel of the area is largely rural, and the mix of densities contributes to this pleasing nature of the village. The appeal property sits well within this environment, and a dwelling in this location is in keeping with the larger separation distances between properties. Furthermore, the appeal building is of a comparable size to neighbouring dwellings. The proposal is, therefore, of an appropriate scale and respects the existing pattern of development of the village as defined by criterion b of LP Policy DS3.
 9. Turning to whether the appeal proposal complements the form and character of the settlement; Policy EN2 of the LP requires that development should accord with the Cotswold Design Code (CDC), and should be of a high-quality design. This should respect the character and appearance of the locality. The CDC requires that new development is of the highest standard which respects the distinctive qualities of the District. In general, new development should respect the Cotswold vernacular. This includes, amongst other things, the use of local limestone for walling, simplistic design and form and steep roof pitches of stone tiles.
 10. Nonetheless, the CDC also makes allowances for contemporary architectural styles within the District. Nonetheless, there is a requirement for such design to respect elements of the Cotswolds vernacular, in order to maintain the architectural distinctiveness of the area. The use of local materials, appropriate proportions and high standard of workmanship can help ensure contemporary designs are harmonious with their surroundings.
 11. The building is of a modern contemporary design, which with its flat roof clearly is not in keeping with the steep pitched rooves seen elsewhere in the District. However, it has been built in local materials in keeping with surrounding buildings and is of a simple but high-quality design. Whilst the building is clearly modern in appearance, this combination means that it sits well within the landscape and does not appear out of keeping with the surroundings. In this respect I find no conflict with the CDC and its requirements for contemporary architectural styles. Furthermore, given the proposal respects the character and appearance of the area I find no conflict with criterion c of LP Policy DS3.

12. The appellant states that when the building was granted its original consent as an ancillary building to the main property, there were no concerns raised that it did not respect the character and appearance of the area. The CDC does not specify that it relates specifically to residential dwellings, and therefore the CDC would have been a planning consideration at the time the site was granted its consent.
13. The appeal proposals would not seek to make any changes to the exterior of the building which would affect the character and appearance of the area. The Council has not provided evidence as to why the design of the building as ancillary use is considered acceptable, but not if it were to become an independent dwelling.
14. The Council has stated that subdividing the plot would make the development more apparent and harmful in the street scene. Whilst a new residential use would be likely to increase domestic paraphernalia including sheds and garden furniture and general activity at the site, this in itself is unlikely to significantly harm the character and appearance of the area given the modest scale of the development concerned. Additional concerns have been raised that the subdivision could lead to new development, such as a new access, which would make the development more apparent and harmful in the street scene. Whilst there could be more development on this site, I can only consider the proposals before me at this time.
15. Section 85 of the Countryside and Rights of Way act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the Framework specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas. The appeal property is partially set within the ground, which means the majority of the built form is single storey above ground level. As such it complements the landscape, and does not appear as an incongruous feature. I therefore find no harm to the AONB.
16. Consequently, I find no conflict with LP Policies DS3 and EN2, and the CDC. Together these Policies seek, amongst other things, that development is of a high-quality design which complements the character and appearance of the area.

Other Matters

17. I have had regard to the objections raised by the Parish Council in respect of the proposal. This relates to the design of the proposal and access to the highway. I have found no harm in respect of the design of the proposal as outlined above. Turning to the concerns raised in respect of highway safety, the proposal would use the existing access into Brae Croft. I have been presented with no evidence to suggest that this access is unsuitable for use for a residential dwelling, and I note there have been no objections from the Highway Authority. Consequently, I can give this limited weight in my consideration of the appeal proposal.

Conditions

18. The Council has suggested three conditions in the event that the appeal were to be allowed. It is necessary to amend the Council's conditions requiring the development to be carried out in accordance with the approved plans to

reference the correct submitted plans. I have imposed the standard time limit condition. These conditions are necessary to provide certainty and clarity. which is necessary as this provides certainty. In addition, I have included a condition securing details of the boundary treatments to ensure that the development is adequately separated from the property known as Brae Croft and to safeguard the character and appearance of the area.

Conclusions

19. For the reasons set out above, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS - APP/F1610/W/19/3233245

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 6199-05d Details Sheet dated , 6155-02c Site Elevations, 6155-01c Floor Layout and Elevations and 6155-04c Basement Layout
3. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority details of the boundary treatments to separate the appeal site from the neighbour property of Brae Croft. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.