
Appeal Decision

Site visit made on 3 September 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/F1610/W/19/3230303

Grain Dryer and Storage Barns, Backs Lane, Ampney Crucis, Cirencester GL7 5TE

- 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 Crucis Park Estate LLP against the decision of Cotswold District Council.
 - The application Ref 18/04770/FUL, dated 6 December 2018, was refused by notice dated 12 April 2019.
 - The development proposed is the demolition of agricultural buildings and the construction of two new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of agricultural buildings and the construction of two new dwellings at Grain Dryer and Storage Barns, Backs Lane, Ampney Crucis, Cirencester GL7 5TE in accordance with the terms of the application, Ref 18/04770/FUL, dated 6 December 2018, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development in the above heading has been taken from the appeal form. During the application process the proposal was reduced from three to two dwellings and it is on this basis that I have determined the appeal.

Main Issues

3. The main issues are whether the proposed development:
 - would provide a suitable location for housing, having regard to the built extent of the Ampney Crucis settlement; and
 - the effect on the character and appearance of the surrounding area.

Reasons

Location of development

4. Ampney Crucis is a small rural village located within the open countryside. Development within the village generally forms a linear pattern along the main roads and is of a scale and distribution consistent with the surrounding rural setting. The appeal site is located on the edge of the village and forms part of a larger agricultural estate, subject to disused agricultural buildings.

5. Policy DS1 of the Cotswold District Local Plan 2011-2031 (LP) sets out the settlement strategy for the district. The strategy seeks to concentrate the majority of new dwellings within Principal Settlements as the most sustainable locations to deliver future growth. Cirencester is identified as the main Principle Settlement and is in close proximity to Ampney Crucis, with bus services connecting the two.
6. Policies DS3 and DS4 of the LP subsequently define how development outside of Principal Settlements should occur. Specifically, Policy DS3 provides scope for small scale residential development to occur in Non-Principal Settlements where some rural settlements may have greater sustainability credentials. Ampney Crucis is a Non-Principal Settlement and has no defined development boundary. Policy DS4 restricts the construction of new-build open market housing outside of both Principal and Non-Principal Settlements.
7. The rural character of Ampney Crucis and pattern of development is such that it merges into the surrounding landscape. The appeal site appears as part of the rural village despite its location on the edge of the settlement and separation distance to existing dwellings. This is supported by the extant planning permission 16/05309/FUL for two residential dwellings, which adjoins the appeal site and existing dwellings on Backs Lane. Accordingly, in my judgement Policy DS3 of the LP is relevant to the assessment of the appeal proposal as opposed to Policy DS4 as identified by the Council in their decision notice. I am also satisfied that the appeal proposal would not result in isolated homes under Paragraph 79 of the National Planning Policy Framework (the Framework) for the above reasons.
8. In line with the criteria under Policy DS3, the evidence submitted by both parties identify a number of local facilities and services within Ampney Crucis which would benefit from development of this scale. The close proximity of Ampney Crucis to Cirencester, and the presence of connecting local bus services further adds to the sustainability credentials of the appeal site. The size and scale of the proposed residential development would appear proportionate to, and complementary of the size and character of the settlement and surrounding rural area. In my view the proposed development would not result in cumulative harm to the rural character and appearance of the surrounding area.
9. I note the comments from Council and other interested parties regarding the concern of precedent. I am satisfied that the specific circumstances pertaining to this appeal would not result in a harmful precedent facilitating the undue expansion of the Ampney Crucis settlement. No directly comparable sites have been put forward to which this might apply. The policies under the LP are robust and set clear criteria limiting new development in the open countryside. That withstanding, each planning decision is made on its own merits which I have done in this instance, and a generalised concern of this nature does not justify withholding permission in this case.
10. Accordingly, the proposed demolition of the existing agricultural buildings to erect two new dwellings would be suitably located in relation to the Ampney Crucis built extent. It would therefore comply with relevant Policies DS1 and DS3 of the LP (adopted August 2018), and Paragraph 78 of the Framework.

Character and appearance

11. Policy DS3 of the LP seeks, in part, to protect the form and character of settlements. Whilst forming part of the Ampney Crucis settlement, the character of the appeal site is currently dominated by the existing disused agricultural buildings. The scale and design of these agricultural buildings contrasts with the predominant traditional stone built design and rural character of buildings throughout the village.
12. This traditional design and appearance have been noted as defining qualities which contribute towards the significance of the Ampney Crucis Conservation Area (CA). Whilst occupying much of the Ampney Crucis settlement, the CA does not cover the whole settlement and excludes the appeal site.
13. By removing the dominant agricultural buildings, the proposal introduces two dwellings that would more sympathetically assimilate into the pattern and character of development in Ampney Crucis. The proposed dwellings take design cues from the development within the CA, incorporating traditional stone building materials, whilst retaining the design features typical of the agricultural buildings, including wood panelling and barn style designs.
14. The scale and layout of the proposal is an improvement upon greater bulk and massing of the existing agricultural buildings. This is particularly evident when considering the realistic fallback position for the existing agricultural buildings to be converted into three dwellings under permitted development rights (application reference 17/03018/OPANOT).
15. There has been suggestion that the existing agricultural buildings on the appeal site represent a heritage asset of value to the CA, however no substantive evidence has been submitted to support this claim and the appeal site is not within the CA. Notwithstanding this, the proposal would replicate the rural character and appearance of the village, compliment the surrounding countryside setting, and would not result in harm to the CA as a designated heritage asset.
16. Accordingly, the proposed demolition of the existing agricultural buildings to erect two new dwellings would not harm the character and appearance of the area. It would therefore comply with relevant Policy DS3 of the LP (adopted August 2018) which seeks, in part, to protect the character and appearance of the settlement.

Other Matters

17. The concerns over the additional generation of traffic as a result of the proposed development are noted. However, no objection was received from the relevant Highway Authority and the proposed development would result in less dwellings than was permitted under reference 17/03018/OPANOT. Likewise, appropriate conditions would address concerns over the current configuration of Backs Lane.

Conditions

18. I have had regard to the conditions suggested by the Council. Where necessary I have amended the wording in the interests of precision, clarity, to avoid duplication and in order to comply with advice in the Planning Practice Guidance and the Framework.

19. Both parties have had the opportunity to provide comments on the schedule of conditions. The appellant responded confirming no significant objection to the conditions, and recommending some amendments to remove duplicated requirements and to remove conflict with the approved plans. No response was received from the Council. I agree with the appellants comments and amended the schedule of conditions as necessary. The procedure set out under section 100ZA(5) of the Town and Country Planning Act 1990 has been followed.
20. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans in the interests of certainty. To protect the character and appearance of the area it is necessary to impose building material, design, lighting, boundary treatment, and landscaping conditions. I have not been provided with sufficient justification for the suggested conditions relating to barge boards, rainwater goods, and timber boarding. I do not consider them to be necessary to protect the character and appearance of the area.
21. Ecological mitigation and enhancement measures have been conditioned to enhance the developments contributions towards the biodiversity objectives under the LP and in accordance with the statutory obligations under Section 40 of the Natural Environment and Rural Communities Act 2006. Conditions requiring details of sewage disposal and drainage works are necessary to ensure the development is adequately serviced.
22. A pre-commencement condition requiring a Construction Method Statement is appropriate and necessary due to the existing condition of the local road network and the sensitive setting. Likewise, conditions requiring the passing bay on Backs Lane and off-street car parking to be provided before occupation are necessary to ensure the safety of users along the road network. Contaminated land conditions are also necessary should any be found during construction.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: Proposed Wider Site Plan & Roof Plan (Dwg No 2226.080, Rev A, dated 26.03.19); Proposed Floor Plans (Dwg No 2226-081, Rev A, 26.03.19); Proposed Elevations (Dwg No 2226-082, Rev A, dated 26.03.19); Proposed Floor Plans (Dwg No 2226-083, Rev A, dated 26.03.19); Proposed Elevations (Dwg No 2226-084, Rev A, dated 26.03.19); Proposed Back Lane Elevation (Dwg No 2226.085, Rev A, dated 26.03.19); Site Location Plan (Dwg No 2226.107, Rev B, dated 13.11.18); Existing Wider Site Plan (Dwg No 2226.08, Rev A, dated 07.12.17); Existing Barn 01 External Elevations (Dwg No 2226-109, Rev A, dated 07.12.17); Existing Barn 02 External Elevations (Dwg No 2226-110, Rev A, dated 07.12.17); Proposed Garage Layout (Dwg No 2226-115, Rev C, dated 25.03.19).
- 3) Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.
- 4) Prior to their installation/insertion/construction in the development hereby approved, design and details for windows, glazed screens and shutters, doors, glazing details and finish/RAL colour, boundary treatments, flues and vents shall be submitted to and approved in writing by the Local Planning Authority. The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.
- 5) All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.
- 6) The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.
- 7) Before the occupation of the development hereby approved, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including full details of all biodiversity enhancements, including the new native species-rich hedgerow (at least 6 woody species), wildflower meadow and orchard, and a 5-year aftercare maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.
- 8) Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the

- completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.
- 9) Prior to installation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts / that light spillage into wildlife corridors will be minimised as much as possible. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. The scheme should be implemented and maintained in accordance with the approved details.
 - 10) No more than 7 days prior to the commencement of demolition works a suitably qualified/professional ecologist shall undertake a detailed check of the buildings proposed for demolition for barn owls and other active bird nests. Written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the demolition works.
 - 11) Before the erection of any external walls, details of the provision of integrated bat boxes, bird nest boxes, swallow nest cups (and platforms, if needed) and a barn owl box in suitable locations shall be submitted to the Local Planning Authority for approval. The details shall include technical drawings showing all the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.
 - 12) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
 - 13) The development shall not be occupied until the passing place has been provided in accordance with the approved plans and that area shall be retained thereafter.
 - 14) The development shall not be occupied until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
 - 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - a) specify the type and number of vehicles;

- b) provide for the parking of vehicles of site operatives and visitors;
 - c) provide for the loading and unloading of plant and materials;
 - d) provide for the storage of plant and materials used in constructing the development;
 - e) provide for wheel washing facilities;
 - f) specify the intended hours of construction operations;
 - g) measures to control the emission of dust and dirt during construction;
 - h) specify the route to be taken to and from the site by vehicles during demolition and construction works.
- 16) No part of the development shall be occupied until the surface water drainage works serving the development have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 17) No part of the development shall be occupied until details of the Package Treatment Plant, or other means of foul water disposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.