



Appeal Decision

Site visit made on 14 October 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/F1610/W/19/3233857

Land at Bell Lane, Poulton, Gloucestershire GL7 5JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messrs N & S Clapton against the decision of Cotswold District Council.
 - The application Ref 18/04323/OUT, dated 8 November 2018, was refused by notice dated 8 February 2019.
 - The development proposed is described as an "Outline application for the erection of up to 4 dwellings and associated works".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of matters other than the access, I have treated those as being purely illustrative.

Main Issues

3. The effect of the development on the character and appearance of the area, which includes the adjacent designated Conservation Area (CA).

Reasons

4. The site is a field on the northern side of the village of Poulton. The Cotswold District Local Plan has identified 17 Principal Settlements where new residential development will be acceptable in principle but Poulton is not one of these. However, it is classed as a Non-Principal Settlement. Policy DS3 of the Local Plan does allow for residential development in these non-principle settlements, subject to criteria including, for example, that the development should complement the character and form of the settlement.
5. Bell Lane is characterised by dwellings mainly along the western side, but with more open agricultural land to the east of this lane. This gives Bell Lane a distinctly rural character. This is reflective of the village character as a whole, which has a number of open spaces and greenfield areas within its general linear form, especially outside of the central core of the settlement. Together with the wider agricultural landscape, these spaces and gaps contribute to this rural character.

6. I am aware of the outline permission, given at appeal (ref: APP/F1610/W/17/3171382) for up to 9 dwellings on the eastern side of this lane, which will, if implemented, reduce the rural character of Bell Lane and this part of the village. However, if this site is further developed for housing there would effectively be houses lining both sides of Bell Lane up to the village edge, with no significant gaps or open spaces left undeveloped. This would erode the rural character of Bell Lane and this part of Poulton considerably.
7. Furthermore, the field/paddock that makes up the site is immediately to the north of traditional and historic older buildings (houses and outbuildings) which are within Poulton CA. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. I recognise that there has been no Conservation Area appraisal submitted to me and I understand there is not one in place. The site has not been identified specifically by the Council in a formal document as important to the Conservation Area setting, but the position of the site is such that it is clearly within this setting. Furthermore, the Council has made it clear through their submissions as to why they regard the site as important to the CA setting.
9. Although the site is outside of the CA, it forms a pleasant rural backdrop to this village core and is likely to reflect the historic layout of this part of Poulton. Therefore, this site contributes positively to the significance of the CA as part of its setting. Developing this field or paddock would substantially alter this rural backdrop by introducing housing which would have an urbanising effect to the CA setting.
10. The development of modern housing, even if this includes quality design and landscape screening, would substantially alter the character of the site. As a consequence, the agricultural and undeveloped backdrop to some of the historic areas of Poulton would be diminished. Instead, the houses would result in the urbanisation of this site and the CA setting. Whilst the appellant states that the housing would be a logical extension to the village, it is my view that the loss of undeveloped spaces and agricultural land could result in the erosion of the distinct rural character of the village.
11. I acknowledge the proposed screening through landscaping, together with existing tree and hedgerow screening of the site, but I am not satisfied that the introduction of dwellings onto this site could be done without losing its open and rural character as exists. Furthermore, there would need to be a more formal access and driveway which would likely be particularly evident.
12. Considering the above, this parcel of land positively contributes to the significance of the CA. The proposed development would therefore diminish the contribution this site makes to the CA and as such would neither preserve nor enhance this heritage asset's significance.
13. As mentioned above, there is a housing development with extant permission to the north of the site, fronting Bell Lane. Whilst this was up to 9 dwellings allowed at appeal, there are important differences to the circumstances. Indeed, the Inspector did find that the undeveloped rural backdrop (such as

this latest appeal site) reinforces the rural setting to the village and the Conservation Area. The Inspector concluded on this issue that the proposal would result in some limited harm to the character and appearance of Bell Lane. However, due to the circumstance in relation to the policies relevant at that time the 'tilted balance' of the Framework was engaged. The Inspector for this previous appeal, in his planning balance, concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. In the end, this previous appeal was allowed.

14. However, in this case, the Council has stated that they have the required housing land supply and there is a recently adopted Local Plan. Therefore, these matters do not result in the tilted balance, as set out in the Framework, being engaged for this appeal. Furthermore, the previous Inspector concluded that "the filtered views of the proposed development would essentially preserve the views that make a positive contribution to the rural setting of the Conservation Area". However, this latest appeal site is much closer to the edge of the CA, thereby having a greater potential impact to its setting. In this regard I have concluded that the proposal would be harmful to the CA setting, which contributes positively to its significance, together with the character and form of Poulton more generally.
15. Considering the scale of the proposal, the effect would amount to less than substantial harm to the CA. As required by the Framework, this less than substantial harm needs to be assessed against any public benefits.
16. In this case there would be the provision of four dwellings towards local housing needs. Economic benefits for the construction industry and to the vitality of the village and its local businesses are also likely. The appellant argued that the proposal would be an efficient use of land, which is not in any active use, in a relatively sustainable location with a bus service available. I also understand that there is some potential future and existing employment in the area.
17. However, having considered all benefits they do not outweigh the harm to the Conservation Area significance, to which I attached great weight. I therefore find no clear and convincing justification to outweigh the harm that would be caused to the significance of the Conservation Area as an important designated heritage asset.
18. In conclusion, the proposal is contrary to Cotswold District Local Plan Policies DS3, EN1, EN2, EN4 and EN11. These policies seek to, amongst other things, require that development complements the form and character of non-principle settlements, and to preserve and enhance the special qualities of heritage assets, including Conservation Areas. I have considered the proposed conditions put forward to me by the parties, but these would not overcome the harm I have identified.

Conclusion

19. For the reasons set out above, the appeal should be dismissed.

S. Rennie

INSPECTOR