
Appeal Decision

Site visit made on 17 December 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/G1630/W/19/3236917

Land to the east of Broadway Road, Stanway, Cheltenham

- 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 Will Holmes against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00192/FUL, dated 18 February 2019, was refused by notice dated 18 June 2019.
 - The development proposed is described as the "retention of an agricultural barn and associated works (Revised scheme Ref: 18/00449/FUL)".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The parties agree that the building has already been erected and so I have considered the appeal on that basis.
3. I note that the appellant refers to plans submitted to the Council omitting the proposed fencing. The Council contend that these plans were received only the day before the meeting of the Planning Committee and as such, were not accepted. However, it is clear from the Minutes of the Planning Committee, that Members were advised of the amended plans omitting the fence and were therefore able to consider them when making their decision. I have therefore considered them also.
4. Additionally, the appellant has submitted amended drawings with the appeal showing changes to the submitted scheme. I am conscious that these amendments have not been the subject of formal consultation by the Council and, as such, I cannot be satisfied that all interested parties that commented on the planning application have had the opportunity to comment on the revised details. Furthermore, I am conscious of the Procedural Guidance which states that appeals should not be used to evolve a scheme. To avoid prejudice, I have therefore considered the appeal on the basis of the plans on which the Council based its decision.

Main Issue

5. The main issue raised in this case is the effect of the proposal on the character and appearance of the area, having particular regard to the sites location within the Cotswolds Area of Outstanding Natural Beauty.

Reasons

6. The appeal site lies to the north west corner of a field and is accessed directly off the adjacent highway. I observed that the area surrounding the site was characterised by a general lack of development, with vegetated boundaries enclosing agricultural fields. Whilst to the south there is built development concentrated around the roundabout at New Town, this extends for only a limited distance to the north and, moving towards the site the landscape opens up into a patchwork of fields within an undulating landscape. As a consequence, the immediate surroundings of the site have a distinctly rural appearance. The site lies within the Cotswolds Area of Outstanding Natural Beauty (the AONB). Whilst the appellant refers to the removal of the fencing from the scheme, at the time of my visit, the site remained enclosed by galvanised palisade fencing and the access to the site was gated.
7. The building is plainly visible from the adjacent highway when approaching and passing the site. The building, given its scale, has the appearance of a large structure, which is an assertive visual element at this location. Whilst the use of metal sheet cladding can be common on agricultural buildings, at this location, when considered in combination with the scale of the structure, the development has a somewhat industrial character. The building is also unrelated to, and isolated from, any other development which emphasises it as a conspicuous feature. Consequently, the development appears as a discordant and incongruous element within the landscape, that detracts from its attractive rural nature. This is particularly so when passing the site, as well as from viewpoints along the road, from the south.
8. I acknowledge that the site benefits from a previously granted planning permission for a hay storage barn, which remains extant until May 2023. This permitted a smaller building, which was clad in timber boarding, located closer to the highway with a smaller area of hardstanding. This permitted scheme would have a reduced visual impact than that of the scheme before me, in that it would have a smaller visual presence due to its lesser scale and its more sympathetic use of materials.
9. I note there is reference to changes to the levels within the site and the reduction in level in order to accommodate the development. In this regard, I recognise that a condition of the previous permission required details of site levels to be agreed and, given the topography of the site, consider that some change in levels would have been necessary to accommodate a building. The partial setting down of the building below ground level serves, to some degree, to reduce the visual presence of the building and is not of itself unacceptable. However, this does not overcome the harm that I identify above.
10. The permitted building was to be open on one side, however that which is constructed on site includes roller shutter doors enclosing the east elevation. Whilst I appreciate the need for security, the inclusion of these three roller shutters impart a, and reinforce the, industrial nature of the building. This is at odds with the rural character of the area. The scheme before me also includes a larger hardstanding area than that which was previously permitted and, together with the location of the building further from the road, this results in development extending further into the countryside than previously permitted.
11. As such, whilst I am cognisant of the extant permission, this was for a smaller building, with less visual presence and intrusion into the countryside.

Therefore, the appeal scheme results in greater harm. The fallback position has weight in my consideration but does not outweigh the harm that results from the appeal scheme and is not a basis on which to allow the appeal.

12. The appellant contends that the barn is well screened from public view by boundary vegetation. However, I observed that whilst there was vegetation present, this was not sufficient to mitigate the appearance of the building, which remained clearly visible from the road as an inharmonious feature.
13. The Council have concern over the level of lighting at the site and whilst no lighting is shown on the submitted plans, I observed at my visit that there were external lights installed above the roller shutter doors to the east elevation, as well as additional lighting to the west elevation. The appellant asserts that there was no control over lighting within the permitted scheme and that lighting could have been installed within that development. In my view, if the development was otherwise acceptable, as this is a minor element of the scheme, appropriate details could be secured by planning condition in this regard. I do not therefore find harm in respect of this element of the scheme. The appellant has also offered enhanced screening, in the form of landscaping, to mitigate landscape effects, however I do not consider this would sufficiently overcome the harm I identify.
14. Thus, the scheme results in harm to the character and appearance of the area, including that of the AONB. The scheme therefore conflicts with saved policy AGR5 of the Tewkesbury Borough Local Plan to 2011, policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) and policy CE1 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (the AONB Management Plan). Together, and amongst other things, these policies seek to ensure agricultural buildings minimise adverse impact on visual amenity, that new development responds positively to a site and its surroundings, that development protects landscape character, that development conserves the landscape and scenic beauty of the AONB and that within the AONB visual amenity is conserved. There would also be conflict with the design and conservation of the natural environment aims of the National Planning Policy Framework.
15. As I have found that the matter of lighting could be addressed by planning condition if the scheme were otherwise acceptable, the scheme would not conflict with policy SD14 of the JCS or policy CE5 of the AONB Management Plan, insofar as they seek to ensure development does not result in unacceptable levels of light pollution and that proposals should minimise light pollution. This does not however diminish the conflict with the other policies I refer to above.

Conclusion

16. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR