



Appeal Decision

Site visit made on 23 December 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/F1610/W/19/3238414

Ivydene, Manor Farm Lane, Shorncliffe, Somersford Keynes GL7 6ED

- 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 Kevin Lounds against the decision of Cotswold District Council.
 - The application Ref 18/04794/FUL, dated 6 December 2018, was refused by notice dated 22 May 2019.
 - The development proposed is erection of dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's third reason for refusal related to overlooking. The Council has since reviewed its position, in response to the appellant's evidence, and no longer wishes to defend this ground. Consequently, this is no longer a matter of dispute between main parties. However, I will return to this matter later.

Main Issues

3. The main issues are:
 - whether the appeal site offers a suitable location for new housing development having regard to the development plan policies concerned with the location of new development and the accessibility of services and facilities and the National Planning Policy Framework (The Framework),
 - the effect of the proposed dwelling on the character and appearance of the area, and
 - the effect of the proposal of the living conditions of future occupiers with respect to the size of the proposed garden.

Reasons

Suitability of location

4. The Council's housing spatial strategy seeks to direct new housing towards Principle Settlements. Policy DS3, of the Cotswold District Local Plan 2011-2031 (LP)(2018), refers to housing in non-Principal Settlements. This policy states, amongst other things, that small-scale development will be allowed in non-principal settlements provided where it would be in character and demonstrable support local vitality. The site is close to the small hamlet of

Shorncote. This does not have a settlement boundary defined by the Development Plan. Companion text for Policy DS3 explains that settlement boundaries have not been defined around non-Principal Settlements as many of the district's villages and hamlets are not sustainable locations for residential development. The text also explains that the policy only applies to non-Principal Settlements that have reasonable access to 'everyday' services, such as shops, schools and public transport. Smaller settlements would therefore fall outside the scope of this policy. The evidence before me indicates that Shorncote does not have any services or facilities. It would therefore fall within the latter group of settlements. In any event, the site itself is set away from the hamlet and therefore is not considered to be within the settlement. Accordingly, companion text for Policy DS4 explains that any land that falls outside of a development boundary of a non-Principal Settlement is referred to as countryside, even if previously developed land.

5. Due to the limited access to local services, future occupiers would be reliant on car borne travel to access basic services, facilities and employment. It is not in evidence that future occupiers would have access to a bus service or that bus stops are nearby. The site is within a reasonably comfortable cycling distance of South Cerney and Somerford Keynes, although the range of services and facilities available in these settlements is not stated. Cirencester is slightly further than these settlements and on the periphery of a reasonable cycling distance. Furthermore, the adjacent highway is a single-track country lane which is unlit and therefore dissuade many cyclists. The site is therefore not considered to be in an accessible location and would be largely reliant on the private car to access services and employment.
6. Paragraphs 77-78 of the Framework explain that rural dwellings could be supported where they would enhance or maintain the vitality of rural communities and support local services. It also identifies that development in one settlement could support services in a nearby village. However, due to the rural nature of the site and the distance to nearby settlements the proposal would be unlikely to meaningfully support local services in them. Therefore, the proposal would make only a limited contribution to the vitality of local services and facilities.
7. Consequently, whilst not isolated, the site is within a hamlet without reasonable access to everyday services. As such it is not within a 'non-Principal Settlement' with access to everyday services. Policy DS4 relates to development outside Principal and non-Principal Settlements, and therefore would include the site the subject of this appeal. Accordingly, the proposal would fail policy DS4 of the LP, which seeks to prevent open market housing outside of Principal and non-Principal Settlements unless it would meet specific rural exception policies.

Character and appearance

8. The site is a parcel of land in front of a row of terraced dwellings, with private rear gardens. It includes a large garden shed and a compacted gravel area which is currently used for car parking. The site is screened from the highway by a fir tree hedge. It is also screened from two of the three adjacent dwellings by another fir tree hedge. The site is however, highly visible from the adjacent highway. This is due to the exposed nature of the adjacent field and lack of significant field boundary screening. The largely open nature of the site

therefore makes a positive contribution to the character and appearance of the area.

9. The proposed two-storey dwelling would be located in front of the existing terraced row. Its principal outlook would be over the adjacent field. Its garden would be in front of the proposal, adjacent to the field and in view of the highway. The proposal would present a blank elevation to its rear. Although, inspired by the walled cottage design of other buildings in the area, this would nevertheless create a discordant relationship to the existing adjacent dwellings. Also, due to the limited screening and being slightly higher than the highway, the proposal would be prominent in the streetscene. The prominence of the site, in combination with the orientation of the dwelling and its relationship to its external space and neighbouring dwellings would result in poor design. This would also create a cramped form of development on this constrained site. Consequently, the proposed dwelling would be out of keeping with the form, layout and design of dwellings in the local area.
10. The appellant's consideration of plot ratios illustrates that the density would be consistent with the three adjacent terraced dwellings. Accordingly, the proposal would have a similar extent of space around it as exists locally. However, the proposed dwelling would be located in one corner of the site, this would visually crowd the existing dwellings when viewed from the south. Furthermore, the sense of spaciousness around the proposal would be largely read as isolated from it, being largely to its side. The proposal would also require the removal of a substantial section of the fir tree hedge, adjacent to the highway, to provide the required visibility splay. This would further emphasise the prominence of this already exposed site. Consequently, for the above reasons, the proposal would result in significant harm to the character and appearance of the area.
11. Accordingly, the proposal would be contrary to policy EN2 of the LP, which includes seeking development that would respect the character and distinctive appearance of the locality.

Living conditions

12. The proposal would include the creation of a garden in front of the dwelling. Policy EN2 of the LP, requires development to satisfy the Cotswold Design Code as set out at appendix D of the LP. Appendix D includes guidance for new dwellings. This requires private gardens to be capable of providing private sitting areas screened from passers-by. It also requires gardens to be capable of providing a range of family activities and to relate to the size and nature of the proposal. The proposed external space would include two parking spaces and be exposed to views from the public realm. The space in front of the kitchen window would not be appreciably private to satisfy this requirement. A private boundary enclosure could be added but this would both obscure the front of the dwelling and place a privacy screen around the street facing side of the dwelling. This would enclose the dwelling and reduce its limited outlook, being single aspect.
13. The shape of the site also limits the usefulness of the garden, being wedge shaped. The Council has not referred to garden size standards and the garden appears to be a reasonable size. However, although the area is larger than that available individually to the three adjacent terraced dwellings, it would not be private, and much would relate poorly to the proposed dwelling. Also, the side garden would be overlooked by occupiers of 'Ivydene' over a relatively short

distance. Consequently, the proposed garden would not be private. It would therefore be a compromised and poor-quality space. Its use would therefore be of limited value to future occupiers of the dwelling.

14. As such, the proposed dwelling would be contrary to policy EN2 and appendix D of the LP, which seeks amongst other things for development to include private areas within a garden and for gardens to be capable of accommodating a range of family activities.

Other matters

15. The site is close to two listed buildings; 'All Saints Church', which is grade II* listed, and the grade II listed 'Manor Farm'. I have a statutory duty¹ to have special regard to the desirability to preserve the setting of a listed building. The significance of the church derives from its Norman origins and architectural interest. The significance of Manor Farm derives from its age and architectural detailing. Due to the distance and intervening tree and boundary screening, I am satisfied that the significance of both heritage assets would not be adversely affected. The proposal would therefore have a neutral impact on these heritage assets.
16. The proposal includes some rooflights in the roof plane that would face the adjacent terraced row of dwellings. However, these would serve a landing and bathroom. Consequently, the limited overlooking towards the adjacent terraced row of dwellings could have been mitigated through the imposition of a condition requiring these to be obscurely glazed, if I was minded to allow the appeal.
17. The Inspector's Report², in association with the Local Plan examination, considered that the plan was silent on open market housing outside settlements. He considered it could be ineffective in safeguarding the countryside from such development and suggested policy DS4 to achieve this objective. Accordingly, policies DS3 and DS4 of the LP, provide a clear strategy for new residential development that is generally consistent with the Framework.
18. The Council gave pre-application advice that the scheme would be acceptable in principle. However, it has since adopted its new development plan and the advice was given without prejudice to the outcome of a formal planning consideration process. Therefore, I am unconvinced that the current policy context is directly comparable.
19. The Appellant refers to a recent decision by the Council in regard to reasonable cycling distances³. However, although evidence includes the distances to the nearest settlements, I have limited evidence in regard to the nature of connecting roads/cycleways or range of services offered in those local small settlements. I am therefore unable to draw any clear comparisons to this case.
20. The existing shed on site is domestic in appearance and in some disrepair. However, this is a single-storey building and partially hidden by the adjacent hedge. Consequently, the visual benefits of its removal would not outweigh the harm identified to the character and appearance by the proposed dwelling.

¹ Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

² Appellant's Statement of Case- appendix 5

³ Planning Application Reference: 18/04970/FUL

Planning balance and conclusion

21. The Framework seeks to significantly boost the supply of housing. The proposal would provide a dwelling within a small settlement which would make some contribution towards the vitality of local rural services and facilities. Furthermore, the removal of the existing shed would be of some benefit to the character and appearance of the area. However, these merits would be only of limited benefit and would not outweigh the harm identified to the development plan.
22. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR