



Appeal Decision

Site visit made on 28 January 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/C1625/W/19/3241256

Castle End Barn, Upton St Leonards, Stroud, GL6 6SY

- 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 Daniel Jones against the decision of Stroud District Council.
 - The application Ref S.19/1506/FUL, dated 12 July 2019, was refused by notice dated 9 September 2019.
 - The development proposed is described as 'conversion to a self-build single family dwelling, with associated landscape restoration and enhancement works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Plan 19044.101.B was updated for the appeal to better illustrate the extent of the proposed domestic curtilage. This is for visualisation purposes only and does not evolve the scheme. On this basis, no parties would be prejudiced by my acceptance of this, and I have considered the appeal on that basis.

Main Issues

3. There are two main issues:
 - Whether the appeal site is a suitable location for residential development, having regard to local and national policies for housing in the countryside;
 - The effect of the proposal on the character and appearance of the AONB.

Reasons

Location

4. The site comprises a modern barn originally constructed for agricultural use, and the surrounding land. The site gained approval in 2018 to change the use of up to 150 m² to class B8 (storage and distribution) and I observed during my visit to the site that a large area both inside and outside the barn is now intensively used for storage of mainly agricultural machinery.
5. The site is located in 'open countryside' beyond the defined boundaries of Upton St Leonards and Painswick. Policy CP3 of the Stroud District Local Plan (2015) (SDLP) states that development in open countryside will be restricted to that which contributes to farming, recreation, tourism and essential community

facilities, none of which this proposal would deliver. SDLP Policy CP15 echoes these principles, also allowing for 'rural exception sites' or enabling works to protect a heritage asset, none of which are fulfilled by the proposal. I note the appellant contends that SDLP Policy CP2 allows for development outside settlements, but this is required to be 'in accordance with other policies of the Plan', which leads to comparison with CP3 and CP15, on which the proposal fails.

6. The appellant has drawn my attention to National Planning Policy Framework policies in paragraphs 77, 78 and 79, which relate to rural housing. I consider that in their intention the Local Plan policies are consistent with these and that finding harm against the local policies also meets the requirements of national policies.
7. The location is therefore in conflict with the Local Plan, a factor to which I give substantial weight. I conclude that the appeal site would not be a suitable location for the proposed residential development, having regard to local and national policies for housing in the countryside. As such, it would conflict with Policies CP2, CP3 and CP15 of the SDLP, the relevant requirements of which are set out above.

Effect on the AONB landscape

8. The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB). The main change to the structure of the building would be large-scale fenestration of the northern side. The impact of changing the appearance would be felt predominantly from the south and its elevated location makes the site visible in the landscape from this direction, albeit as a distant feature and partly mitigated by the backdrop of a wooded escarpment. The Character Assessment quoted in the appellant's LVIA lists protection for the 'unlit character of much of the escarpment' and as designed, I conclude light spill from windows at night time would cause harm given the distance from which the property can be seen, even with some hedging in front.
9. I note the appellant has proposed a condition be imposed to reduce light spill, but no details of such a scheme are before me and as such, I am not satisfied this would provide sufficient mitigation to address the harm to the AONB in this respect, or to be reasonable and enforceable.
10. During my visit to the site I observed that the site and its surroundings were degraded from the ideal. This is because extensive storage of machinery has spilt out onto an extended hardcore and rubble apron in front of the barn and the land below is scarred by deep vehicle tracks and a partly bunded, hardcore and rubble platform constructed at the bottom of the field.
11. The proposals to restore the large area of land below the barn include augmentation with native hedgerows and trees, and introduction of new woodland areas, which I consider to be a benefit. However, a garden and associated paraphernalia, even well screened, would cause additional domestication of the countryside's original character and landscape. Therefore, while the enhancement scheme would bring some benefit, this would be modest in relation to the harm that would arise to character and appearance from the domestic use of the appeal site. Moreover, enhancement measures to the land below the barn could be undertaken independently from the proposed development.

12. Light spillage from the property and domestication of the surroundings would be harmful to the character of the AONB, in conflict with ES7 of the Local Plan and paragraph 170 of the National Planning Policy Framework, which requires that great weight is given to conserving and enhancing landscape in AONBs.

Other Matters

13. I note the appellant's intent that the proposal would be implemented as a self-build house, something the government is supportive of. However, there is no mechanism before me to secure delivery as self-build and it therefore cannot attract any significant weight as a benefit in favour of this appeal. I have also considered that this site would contribute to the number of 'windfall' sites looked for by the Council, but for one dwelling this attracts limited weight, which does not outweigh the harm identified in respect of the location and the AONB.
14. I have had regard to the support from third parties, including in relation to the appearance of the area, considered above, and security. There is no significant detail in relation to security before me, but I accept that the scheme may offer modest improvements in this regard. However, this is insufficient to outweigh the harm identified above
15. There may be a reduction in vehicle trips from the development, but I have no evidence to substantiate this before me. Either way, this is not a site that can be accessed by public transport and facilities are too distant to regularly access by foot or bike. The location is therefore not an accessible location for travel by a range of modes, even if fewer trips would be taken. Policy CP14 requires that development such as this is near to essential services and good transport links by means other than motor car, which this proposal does not fulfil.
16. The appellant notes that re-use of previously developed land and buildings is encouraged in policies CP14 and CP15. However, I have interpreted CP14 to be applicable following application of the settlement hierarchy, and in the context of CP3 it does not apply here. CP15 permits exceptional development in the countryside, including for re-use if it is appropriately located and involves a building that positively contributes to an established local character and sense of space. For the reasons above, I do not consider this to be an ideal location and the existing barn is not of sufficient architectural merit that it would justify making an exception.
17. The appellant also states that removal of hardstanding would reduce flood risk and, whilst this would be beneficial, the extent of this would be small to negligible.
18. I note the appellant considers continuation of the current situation and the opportunities that may arise from other permitted uses arising from this as 'fallback'. This would potentially enable conversion to several other uses apart from residential, some of which may be more compatible with the local policies. However, no details of alternatives or clear intent to pursue these are before me, which substantially limits any weight in favour of the purported fallback, and I must consider the application on its own merits.

Conclusions

19. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR