



Appeal Decision

Site visit made on 4 December 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/C1625/W/19/3234172

Hill Farm, Upton Hill, Upton St Leonards GL4 8DA

- 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 Mrs Kay Turner against the decision of Stroud District Council.
 - The application Ref S. 19/1025/FUL, dated 13 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is described as conversion of the barn to the rear of Hill Farm to a residential dwelling with landscaping and a replacement outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the appeal development on the character and appearance of the area and Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - ii) whether the proposed development would be in a suitable location, having regard to local and national planning policies.

Reasons

AONB and character and appearance

3. The appeal site is located to the south-west of Upton St Leonards and forms part of a wider complex of buildings including the dwelling at Hill Farm to the west. The host group is situated in an elevated position with the land sloping downwards to the north, where the open fields surrounding the site combine to give the local landscape a verdant character, that is recognised with its inclusion within the Cotswolds AONB.
4. The appeal proposal involves the conversion of an existing barn for use as a 3 bedroom dwelling. It is also proposed to demolish an existing open sided barn structure and erect a slightly smaller building to provide storage and garaging facilities.
5. The appeal site is in an elevated position from land to the north with short and medium range views possible from Public Rights of Ways (PROWs) running through open pasture land. The proposal would result in additional fenestration and external cladding of the converted barn. Although this would be obscured

to some degree, views would be afforded across the site from adjoining PROWs.

6. Although the garden area would follow existing boundaries with fields and paddocks beyond, the resulting area would be substantial. Noting this I consider that the proposal would result in a sense of domestication and urbanisation from the residential use and alterations of the building and associated domestic paraphernalia and use of surrounding land. This would be in contrast to the present arrangement which maintains an agricultural character. I am not satisfied that any such harm resulting from the appeal development could be adequately mitigated by way of condition or that a landscaping scheme would be effective particularly in the short to medium term. When considered in the round, I consider the proposal would not result in an enhancement of its immediate setting.
7. I acknowledge the presence of a degree of paraphernalia in association with existing properties and equestrian equipment in land to the north. However, I am not familiar with the planning status of these features nor am I persuaded that the presence of such, or any existing harm, justifies further intrusive development through incremental domestication of the site. Although parking associated with the proposal would be largely contained between the buildings and having considered the relative size of the replacement ancillary structure, these matters do not outweigh the harm I have identified above.
8. Having considered all the above, I conclude that the appeal proposal would cause significant harm to the character and appearance of the area. As such the proposal would be at odds with the provisions of Policies CP4 and ES7 of the adopted Stroud District Local Plan 2015 (LP) that seek, amongst other things, to protect or enhance sense of place and to ensure that development including its location, scale and use conserves or enhances the special features of the landscape of the AONB. In reaching this conclusion, I have had regard to paragraph 172 of the National Planning Policy Framework 2019 which says that great weight should be given to conserving and enhancing landscape and scenic beauty of an AONB.
9. Policy CP3 of the LP is quoted within the relevant reason for refusal, although given this relates to the hierarchy for growth and settlements, I do not consider that this is of direct relevance to this matter.

Suitability of location

10. Policy CP2 and CP3 of the adopted LP detail the Council's strategic vision for housing development and that it shall be located in accordance with the District's settlement hierarchy, to reflect the sustainable development aims of Policy CP1. The proposed dwelling would be situated outside of a settlement defined by these policies that are suitable to support further growth, at odds with the strategic vision for housing development.
11. Policy CP15 of the LP is a criteria based policy that seeks to restrict the form and nature of the development outside of settlement development limits to a number of specified forms. I consider that the proposal would not meet any of the criteria of this policy and as such the appeal scheme would be at odds with its provisions.

12. The Framework post-dates the adoption of the LP. Having regard to paragraph 213 of the Framework, whilst existing policies should not be considered out of date if adopted prior to publication of the Framework, due weight should be given to them, according to their degree of consistency with the Framework. The appellant indicates that owing to no explicit reference being made to the conversion of buildings to provide dwellings within Policy CP15 that it is not consistent with paragraph 79 of the Framework. This indicates that planning policies and decisions should avoid the development of isolated homes in the countryside subject to exceptions, including criterion c) that the development would re-use redundant or disused buildings and enhance its immediate setting.
13. Even if the appeal development would result in an isolated home in the countryside as referred to by paragraph 79 of the Framework, for the aforementioned reasons I have found harm with regard to the first main issue with regard to character and appearance. As such I consider, in any event, that the appeal proposal would not meet the additional requirement of paragraph 79 c) of the Framework that requires such development enhances its immediate setting. As such, whilst I acknowledge the lack of explicit reference to the conversion of buildings for residential use within the exceptions to Policy CP15, I consider that the provisions of paragraph 79 would not outweigh or supersede the provisions of adopted development plan policy.
14. Furthermore, I consider that it is likely that future occupiers would be reliant on the private car to access a number of day-to-day local facilities, owing to their lack of proximity, at odds with the sustainable development aims of the LP and of the Framework. Noting all of the above, I do not consider that conflict with the restrictive policies within the development plan, that are generally consistent with the provisions of the Framework should be afforded diminished weight. Even if I were to accept the appellant's suggestion that the development plan is silent on the matter of conversion of rural buildings, such that the provisions of paragraph 11 d) of the Framework applied, and the presumption in favour of sustainable development or 'tilted balance' applies, I consider the adverse effects of the development would significantly and demonstrably outweigh the benefits.
15. Whilst there is some debate with regard to the redundancy of the barn for an alternative use, and whether a marketing exercise should have been undertaken, I consider that these matters do not alter or outweigh the harm identified above.
16. Having considered all of the above, I find that the appeal site does not represent a suitable location for the proposed development. As such the proposal is at odds with the requirements of CP15 of the LP that seeks to restrict forms of development within the countryside. It is also at odds with the Council's development strategy contained within Policies CP2 and CP3 of the LP and sustainable development aims of Policies CP1 of the LP and the Framework, including that contained within chapters 2 and 5.

Other Matters

17. Other examples have been brought to my attention in relation to other rural buildings that have been converted and a previous permission for conversion of the building subject of this appeal for light engineering. However, I do not have the full circumstances of those permissions before me and am not persuaded

they are the same in all respects and in any event, each case must be assessed on its individual planning merits. Having carefully considered the evidence that has been submitted, I find that it does not justify allowing a proposal that would cause the harm referred to above.

18. Whilst I acknowledge the support received from the Parish Council and lack of other objection from third parties, it is incumbent upon me to consider the proposal in line with the relevant policies and therefore find that this does not outweigh the harm I have identified with regard to the main issues.
19. None of the other matters outweigh or alter my conclusions on the main issues.

Conclusion

20. For the reasons given above, I consider that the material considerations of the appellant do not outweigh the harm identified or result in adopted policy being afforded diminished weight. Given this and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR