



Appeal Decision

Site visit made on 23 June 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/G1630/W/20/3246620

**Cotton Acre, Near Noreen, Ashleigh Lane, Cleeve Hill, Cheltenham
GL52 3QF**

- 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 Mark Godsall against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00800/FUL, dated 12 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is erection of agricultural storage building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Godsall against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the address from the appeal form as it more accurately describes the site's location compared to that on the application form. Also, I have assessed the appeal on the basis it relates solely to the erection of the agricultural storage building and does not include the construction of the drive.
4. The appellant has submitted a tree statement¹ that was not with the Council before it determined the application. This sets out comments on the construction of the proposal having regard to nearby trees. As it does not revise the development, I am satisfied that no prejudice or injustice would be caused to any party by taking this report into account in my assessment.
5. The emerging Tewkesbury Borough Local Plan 2019 (eLP) has not yet been examined and I have no information on unresolved objections to its policies. As such, I attribute limited weight to the eLP.

Main Issue

6. The Council has indicated that measures set out in the aforementioned tree report could address its second refusal reason relating to the impact on nearby trees. As such, the main issue is the proposal's effect on the character and

¹ B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement dated 7 January 2020.

appearance of the area and whether it would preserve or enhance the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

7. The site is vacant of buildings and mainly laid to grass with interspersed trees and bushes. Despite the gravel drive and boundary fencing it has a largely natural appearance in keeping with its surroundings.
8. The proposal would be away from the house at Noreen with trees in between and so in most views it would not be seen with any other building. The development would not be visible from public vantage points but it would be seen from the adjacent wood, from part of Noreen's garden and from within the site itself. While it would be of a modest size, the building would stand out starkly as a man-made feature against the backdrop of trees and the overall natural appearance of the site. As such, it would be a harmful visual intrusion that would fail to conserve or enhance the natural beauty of the site.
9. The appellant refers to policy AGR5 of the Tewkesbury Borough Local Plan 2006 (LP) which does not preclude new development away from existing buildings. However, the policy is in line with the National Planning Policy Framework (the Framework) in requiring particular regard be given to AONB's.
10. For the above reasons, I conclude the proposal would harm the character and appearance of the area and would fail to preserve or enhance the landscape and scenic beauty of the Cotswold AONB. In this regard, it would be contrary to policy SD7 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2017, LP policy AGR5 and the Framework. These all aim, amongst other things, to ensure development is in keeping with its surroundings and to conserve and enhance the qualities of AONB's.

Other Matters and Conclusion

11. The aforementioned tree report indicates nearby trees could be protected from harm and there is no evidence that the proposal would harm any features of biodiversity importance including Cleeve Common Site of Special Scientific Interest. Acceptability in these regards is a neutral factor in my assessment.
12. The proposal would create construction employment but the benefits in this regard are small given the scale of the development. The building would be for the appellant's own personal use rather than serve the needs of an agricultural business and so there would be no economic benefit in this regard.
13. Overall, the development would have limited benefits that would not outweigh the harm identified in respect of the main issue. The proposal conflicts with the development plan and material considerations do not lead me to a decision otherwise. Consequently, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR