



Appeal Decision

Site visit made on 18 May 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 15 July 2020

Appeal Ref: APP/F1610/W/20/3250100

Hartshill, Queen Street, Chedworth, GL54 4AT

- 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 A. Wilkinson against the decision of Cotswold District Council.
 - The application Ref 19/04419/FUL, dated 2 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is change of use of land and formation of artificial grass surfaced tennis court with surround fencing.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Chedworth Conservation Area; and,
 - The effects of the proposal on the natural beauty, character and special qualities of the Cotswolds AONB.

Reasons

3. The site is tucked into the side of a steep ridge above the picturesque village of Chedworth and is in both the Chedworth Conservation Area (CA) and the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is immediately behind the main housing complex and is currently a grassed area divided into two sections by post and rail fencing. The area closest to the house is mown and contains a shed originally used for stabling, and the rear section contains the concrete base of a small, disused horse walker.
4. The Chedworth Conservation Area Statement (March 2001) states that Hartshill is 'visible from many places in the village'. The fact that it is mentioned in this document implies this is an important public view, which the guidelines recommend should be respected. Trees largely seclude the buildings and gardens at Hartshill, but the location of the site itself is open and distantly visible when viewed from the south and west. It is surrounded by public rights of way, including designated long-distance footpaths, and a right of way runs immediately adjacent to the site.

Chedworth Conservation Area

5. The CA Statement describes a 'constant dialogue between buildings and the open valley landscape'. The site has previously been developed for equestrian use and the balance between the surrounding open countryside and buildings has therefore already been somewhat disrupted. In addition, the CA Statement acknowledges the benefits of replacing features that do not conform to local character and in this regard, removal of equestrian equipment could be beneficial. However, a tennis court with artificial grass, posts and curtains would domesticise this area to a significantly greater extent than equestrian use. This would further erode the strength of the relationship between the buildings and open valley landscape and would therefore not preserve or enhance the special character of the area.
6. An artificially grassed tennis court would not reflect the characteristic form and materials observed in the area. I appreciate that the shade of green for the grass can be selected to be as natural as possible, but in uniformity of tone and form, it will inevitably appear artificial when viewed from the adjacent public right of way. The six upright posts and black netting would be visible from the south and west, albeit the impact of this would reduce rapidly with distance given that they would not break the skyline and are narrow structures when the curtains are retracted. I have also taken into account that additional tree and hedge planting is proposed, which in time would reduce the distant visibility further. However, overall the proposed form and materials would be uncharacteristic for the area, and I consider that they would be intrusive when viewed from the public domain, particularly when curtains are in use and when passing nearby to the site. In this respect, the proposal does not preserve or enhance the appearance of the CA having regard to form, design or materials.
7. There would be benefits to the appearance of the area from removal of the disused horse walker and shed. However, this would be modest in relation to the harm that would arise to character and appearance from the domestication of the appeal site. Moreover, enhancement measures to the land could be undertaken independently from the proposed development.
8. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality in a Conservation Area under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This proposal constitutes less than substantial harm as defined by paragraph 196 of the Framework. However, there would be no public benefits from the work to outweigh the harm.
9. The development would be harmful to the character and appearance of the CA through increased domestication of the area and use of uncharacteristic form and materials, which would be clearly evident from the public domain. This is in conflict with Policy EN11 of the Cotswold District Local Plan 2011-2031 (adopted 2018), which requires that the special character and appearance of the CA are preserved and enhanced, a consideration to which I am directed to give great weight by Policy EN10.

Cotswolds AONB landscape

10. Policy EN5 of the Local Plan states that within the AONB the conservation and enhancement of the natural beauty of the landscape, its character and special qualities must be given great weight. This reflects Section 85 of the

Countryside and Rights of Way (CROW) Act 2000, which gives a statutory duty to conserve and enhance the natural beauty of the AONB. As described above, I am in no doubt that near views would overall be harmfully changed through domestication and use of uncharacteristic form and materials.

11. According to the Council, the Cotswolds Conservation Board's Landscape Character Assessment states that local landscapes are sensitive to developments that would compromise their rural character, including through domestication. For the reasons above, I consider that a tennis court with artificial grass, posts and curtains would domesticise this area, further compromising the rural character.
12. The Council has also drawn my attention to the Landscape Strategy and Guidelines (2004), which lists the negative implications from the loss of tranquillity and sense of seclusion that are characteristic of the High Wold Dip-slope Valley. The proposed use may be more tranquil in character than the original equestrian business, but the site is not currently being used for commercial use and there is no suggestion before me that it is likely to be re-started. The proposal would therefore not increase tranquillity when compared to its current use and, through increased domestication, the sense of remoteness in the area would be diminished.
13. The proposal would not conserve and enhance the natural beauty of the AONB, nor its character or special qualities, as required by Policy EN5. It is also in conflict with Policy EN2, which requires development to respect the character and distinctive appearance of the locality and Policy EN4, which seeks to protect the wider natural landscape.

Other matters

14. My attention has been drawn to other permissions for tennis courts in the AONB. The first, at Ashgrove Farm some 10 km away near Winstone, was given permission prior to the current Local Plan and in not being in a CA, is in a significantly different setting. I also note that the surrounding area is flat, which means that views would only be possible immediately adjacent to the site. For these reasons, I do not consider the two sites to be easily comparable. Chedworth House (also described as Greenhill Farm) is close to the appeal site and in a similar setting on the side of a hill above the village, although at the site visit I noted that distant views of this tennis court were entirely screened by trees. The tennis court appears to have been part of a much larger scale development and I have no further information on the complexities of the planning balance before me, making meaningful comparison of the two sites problematic and in addition, the development was also given permission prior to the current local plan. My attention has also been drawn to the tennis courts at the village hall in Chedworth, also in the AONB, which have a coloured surface and flood lighting. Again, the setting of this in the centre of the village is different in character and the two locations are not directly comparable. In any event, I must determine the current application on its own merits.
15. I have noted correspondence from local interested parties, and the arguments that they put forward in support of the proposal. However, the undoubted private benefits from the development of a tennis court do not outweigh the conflict with local policies, which aim to protect the character and appearance of both the Conservation Area and the AONB for the wider public.

16. Part of the site contains children's play equipment and the Council have questioned the lawfulness of this use. This does not have a bearing on the outcome of my decision, and I have therefore not considered it further.

Conclusions

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

B Davies

INSPECTOR