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## Appeal Decision

Site visit made on 29 June 2020

**by B Davies MSc FGS CGeol**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 July 2020**

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**Appeal Ref: APP/F1610/W/20/3250504**

**White House, 1 Paxford Road, Chipping Campden, GL55 6LA**

- 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 and Mrs Tyzack against the decision of Cotswold District Council.
  - The application Ref 19/04036/FUL, dated 30 September 2019, was refused by notice dated 19 December 2019.
  - The development proposed is a new two storey house and garage.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The original application was technically invalid through omission of the applicant's details from the application form by reason of s327A of the Town and Country Planning Act (1990). However, it was clear the applicants were Mr & Mrs Tyzack and both parties have had an opportunity to comment on the decision to progress the case with this amendment and I am satisfied that no party would be prejudiced by determining the appeal on this basis.
3. Various versions of site plans have been submitted. For the avoidance of doubt, I have determined the appeal using 137.010B (elevations) and 137.02C (site plan) in line with the Decision Notice.

### Main issues

4. The main issues are:
  - Whether or not the appeal site is a suitable location for residential development, having regard to local policies for housing in the countryside;
  - The effect of the proposal on the character and appearance of the surrounding area and the AONB; and,
  - Whether protected species and their habitats would be conserved.

### Reasons

5. The site is a grassed paddock adjacent to an Arts and Crafts style detached dwelling called the White House. It is on the end of a short, loose ribbon of development along the north side of the B4035 comprising large, detached

dwelling in spacious plots, which are mainly hidden behind high hedges and mature trees. The surrounding land is agricultural, including the expanse between the site and the edge of Chipping Campden.

#### *Location*

6. The site is approximately 260 m east of the Chipping Campden Development Boundary and is therefore in the 'open countryside' as defined by the Cotswold District Local Plan (2011-2031)(the LP). Policy DS4 of the LP states that new-build, open market housing will not be permitted at this location unless it meets specific exceptions, none of which apply in this case.
7. The appellant has drawn my attention to nearby houses and barns that have had recent modifications. In all these cases the development appears to be permitted by local policies and are not, on the basis of the information before me, comparable with a new house on the open market.
8. The proposal is therefore in conflict with Policy DS4 of the LP, which directs development to the most sustainable locations.

#### *Character and appearance*

9. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB). In this area the AONB is characterised by open, rolling fields with mature hedges and copses of trees. 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.
10. The current paddock is not a formal, domestic garden and nor does it appear to be intensively used for horses. It therefore contributes to the rural character and appearance of the AONB, and replacement of this with domestic paraphernalia would not conserve or enhance the landscape. Given that the site would be at the end of the ribbon of development in the direction of Chipping Campden, development of this plot would also erode the important agricultural gap, to the detriment of the rural character of the area.
11. The proximity of the development to the existing property and the road would be uncharacteristically close for this area. While I consider the harm from this to be minor given that views of the site from the public domain would be fleeting, it nonetheless adds to the overall harm.
12. The proposed dwelling would contain references to the Cotswold vernacular and would be in keeping with the existing building in terms of height and scale. When taken together with the mixed architecture of the surrounding houses, I do not consider the design to be overly harmful to the appearance of the locality. This finding does not however outweigh my conclusions regarding the erosion of the rural gap and the proximity of the proposed dwelling to the road.
13. The appellant has drawn my attention to businesses, including warehouses a few hundred metres to the east, postulating that this area should not be an AONB. It is a matter of fact that the site is in the AONB and policies appropriate to this designation must apply. The adjacent ribbon of houses is distinct from the commercial development in both location and character and I have

therefore considered the proposal in its immediate rural and residential context.

14. Given my findings above, the proposal would not conserve or enhance the natural beauty of the AONB, nor its character or special qualities, and is therefore in conflict with local Policy EN5. It is also in conflict with policies EN1 and EN4, which together aim to protect the natural landscape.

#### *Biodiversity*

15. The Council's Biodiversity Officer considers that the site has the potential to host a range of species, including bats, badgers, reptiles and great crested newts. No ecological appraisal has been provided and it has therefore not been demonstrated that the development would not have an adverse impact on these protected species or their habitats.
16. The appellant has stated that 'there are no Bats or Crested Newts', and while this is useful, it is not sufficient to meet the requirements of a specialist ecological appraisal.
17. It is therefore not possible to conclude that the development would not have an adverse impact on protected species or their habitats, in conflict with Policy EN8 of the LP, which states that proposals that would lead to loss or deterioration of habitats will not be permitted.

#### *Other matters*

18. There would be benefits from increasing housing supply and the contribution this would bring to the local economy, and from proposed solar panels, charging point and grey water recovery systems, but as this is only a single dwelling these benefits would be very small.

#### **Conclusions**

19. The benefits set out above do not outweigh the conflict I have found with the local plan and as such the proposal represents an unacceptable form of development. For this reason, and having had regard to all other matters raised, the appeal is dismissed.

*B Davies*

INSPECTOR