



Appeal Decision

Site visit made on 27 May 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/C1625/W/19/3243085

Barn, St. Mary's Way, Brownhill, Stroud, Gloucestershire GL6 8SW

- 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 J. Wightman against the decision of Stroud District Council.
 - The application Ref S.19/1126/FUL, dated 17 May 2019, was refused by notice dated 2 September 2019.
 - The development proposed is conversion and extension of existing redundant barn to form new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing redundant barn to form new dwelling, in accordance with the terms of application Ref: S.19/1126/FUL, dated 17 May 2019, and subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - i) whether the location of the appeal site is suitable for housing, having regard to the requirements of the development plan;
 - ii) whether the proposal would conserve the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty;
 - iii) the effect of the proposal on flood risk; and
 - iv) the effect of the proposal on the Rodborough Special Area of Conservation (SAC).

Reasons

Location

3. Core Policy CP3 of the Stroud District Local Plan (2015) (LP) establishes a settlement hierarchy for the district and ranks settlements according to their size and their range of services and facilities. It does this to promote sustainable communities by bringing housing, jobs and services closer together in an attempt to maintain and promote the viability of local facilities and to reduce the need to travel to services and facilities elsewhere. The appeal site does not lie within a defined settlement. Consequently, for the purposes of the development plan, it is located in the countryside where development will be restricted.

4. Despite this, Core Policy CP15 of the LP identifies a range of exceptions for development in the countryside, one of which relates to enabling development that is required in order to maintain a heritage asset of acknowledged importance.
5. The northern portion of the appeal site is located in the Brownhill and Bussage Conservation Area (CA). The existing structure is a simple and modest barn. It has a pleasing form and is consistent with the prevailing architectural vernacular. In this respect, it contributes in a positive way to the character and appearance of the surrounding area and CA. Furthermore, in their evidence, the Council confirm that the stone barn is worthy of retention and conversion as it contributes to the character and setting of an adjacent listed building. Indeed, the advice from the Council's Conservation specialist implies that the building should be considered as a non-designated heritage asset.
6. The National Planning Policy Framework (the Framework) does not provide a definition of non-designated heritage assets. However, by making such explicit reference to the term, it is clear that the Framework identifies that they are assets of acknowledged importance. There is no requirement for such an asset to be on a local list of important buildings or that it should have been previously identified in some manner by the Council. As a consequence, a judgement can be made on a case by case basis. Based on the evidence before me, and due to its pleasing form and presence within a conservation area, I have no reason to disagree with the Council in relation to the importance of the building. Accordingly, I am satisfied that the barn should be considered as a non-designated heritage asset of acknowledged importance. Indeed, the Council acknowledge this point in their evidence.
7. Having established the above, the core policy also identifies a series of requirements for development to be permitted. With reference to these, the proposal does not relate to a replacement dwelling or essential community facilities. Criteria 'v' and 'vi' are therefore not relevant to the assessment of this proposal. I also have no evidence before me to suggest that the building is not capable of conversion. As a consequence, I am satisfied that the proposal would accord with criterion 'iii'.
8. Criterion 'i', 'ii', and 'iv' all relate to the particular design merits of the proposal. On this matter, the proposal would see the demolition of some large, metal framed barns and in doing this, would substantially reduce the built form on the site. It would also introduce a single storey extension that would wrap around the barn. The addition would be contemporary in form, incorporating vertical timber cladding and large window openings and the Council are satisfied that the proposed materials would enhance the building and retain some of the visual character of the site. Based on the evidence before me, I have no reason to disagree. Due to the scale and form of the proposed extension, as well as the extent of the proposed demolition, I am also satisfied that the proposal would not result in an inappropriate increase in the scale, form or footprint of the original buildings, or that it would lead to excessive encroachment or expansions of development away from the original buildings. Consequently, the proposal would not dominate the existing building and would not have an adverse impact on heritage assets and their setting.
9. Accordingly, for the reasons identified above, I conclude that the appeal site is suitable for housing. It would therefore comply with Policies CP1, CP2, CP3 and

CP15 of the LP. Taken together, these promote the presumption in favour of sustainable development, establish the hierarchy for growth and development, and set out the requirements for development within the countryside.

Area of Outstanding Natural Beauty

10. The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB) whereby Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty.
11. The proposal would result in a utilitarian barn taking on a domestic use which would alter the nature of the property. However, as identified above, the proposed extension would be modest in scale and would complement the form and appearance of the existing building. The domestic use would generate certain visual pressures on the AONB, including car parking, domestic paraphernalia, and the introduction of a residential curtilage rather than a more traditional agricultural use. However, the proposal would include a car port to the front of the site to contain vehicles and I am satisfied that the overall size of the site would dilute the visual effect of domestic paraphernalia. The proposal would also see the removal of a large area of existing built form, with the extension having a smaller and less intrusive presence.
12. As a consequence, I am satisfied that the visual effect of the proposal would be neutral and accordingly, it would satisfy the requirements of the Framework. I therefore conclude that the proposal would conserve the landscape and scenic beauty of the AONB. It would therefore accord with Policies CP3, CP4 and ES7 of the LP, which taken together, establish the hierarchy for growth and development, seek development which protects or enhances a sense of place and which conserves or enhances the AONB.

Flood risk

13. The planning application was originally refused due to a lack of information to demonstrate that the proposal would provide a satisfactory means of drainage. However, subsequently the Council have confirmed that the matter could be adequately dealt with through a suitably worded condition and have suggested appropriate wording.
14. No compelling evidence has been presented to support the Council's view, and the appellant has indicated their acceptance of the suggested condition. Consequently, subject to the proposed condition, I conclude that the proposal would not harm flood risk. It would therefore accord with Policies ES3 and ES4 of the LP. Taken together, these seek to prevent development increasing flood risk.

Effect on SAC

15. The appeal site is within 3km of the Rodborough Special Area of Conservation (SAC), the most extensive area of semi-natural dry grasslands surviving in the Cotswolds. It is maintained by grazing animals, and a large number of rare plants are associated with the area, including rare orchids. The conservation objectives for the area are to ensure that the integrity of the site is maintained or restored as appropriate, and to maintain or restore the extent and distribution of qualifying natural habitats, the structure and function of qualifying natural habitats, and the supporting processes on which qualifying natural habitats rely.

16. Due to the location of the appeal site, the requirements of the Conservation of Habitat and Species Regulations 2017 apply (the Regulations). This requires that I, as the competent authority, must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the European Sites.
17. The proposal would increase the local population in the area which would likely increase recreational use of the SAC. Therefore, taking a precautionary approach, and when combined with other development within the area, I am satisfied that the proposal would result in an increase in such recreational activity which would lead to a likely significant adverse effect on the integrity of the SAC.
18. Due to this effect, the Regulations place a duty on competent authorities to make an appropriate assessment of the implications of the development proposed in view of the site's conservation objectives. In this respect, the appeal has been accompanied by a Unilateral Undertaking (UU) which would require the appellant to make a financial contribution per dwelling to mitigate the impact of the development. This would be in accordance with the Council's avoidance mitigation strategy.
19. Based on the evidence before me, I am satisfied that the undertaking provided would enable the delivery of suitable mitigation that would address the level of harm likely to be caused by the development. In this respect, the UU is entirely compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Accordingly, subject to the necessary mitigation, I conclude that the proposal would not result in a significant harmful effect on the integrity of the SAC.

Conditions

20. Due to my findings set out above, conditions are necessary to establish the time limit for the commencement of development as well as the approved drawing numbers.
21. Despite the appellant's reservations, conditions 3 and 4 are necessary due to the surrounding road network and to ensure that the development takes place in a suitably appropriate manner. Condition 5 is necessary in the interests of highway safety, and conditions 6, 7 and 8 are necessary due to the ecological sensitivities of the site.
22. Condition 9 is necessary to prevent increased flood risk and conditions 10 and 11 are necessary to ensure that the development is sensitive to its landscaped surroundings.

Conclusion

23. For the reasons identified above, the appeal is allowed and planning permission is granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below submitted 24/05/2019:

The Location Plan

Proposed Site Plan, Drawing 0577 104

Proposed Floor Plan, Drawing 0577 105

Proposed Site Plan incorporating existing drainage alignment, Drawing 0577 106

- 3) Prior to any above ground development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i) provide for the parking of vehicles of site operatives and visitors;
 - ii) provide for the loading and unloading of plant and materials;
 - iii) Provide for wheel washing facilities
 - iv) provide for the storage of plant and materials used in constructing the development;
- 4) No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 5) The dwelling hereby permitted shall not be occupied until the access and vehicular parking has been provided in accordance with the approved plans. The approved access and parking shall be permanently available and free of obstruction thereafter.
- 6) All works shall be carried out in full accordance with the recommendations contained in the Bat Survey, by Cotswold Ecology, dated May 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 7) Prior to occupation of the development written confirmation by a suitably qualified/experienced ecologist shall be submitted to and approved in writing by the local planning authority confirming that the recommendations made within the submitted report have been implemented in accordance with the report.
- 8) No lighting shall be erected unless a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority:

a) the strategy will identify the areas/features on site that are particularly sensitive for foraging bats;

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 9) No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water and foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage systems through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.
- 10) Prior to the occupation of the development hereby permitted all boundary treatments accordance with the approved details.
- 11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.