
Appeal Decision

Site visit made on 18 August 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/F1610/W/19/3243678

Glebe Farm, Coln St Dennis, Gloucestershire GL54 3JX

- 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 D Hall against the decision of Cotswold District Council.
 - The application Ref 19/02343/FUL, dated 20 June 2019, was refused by notice dated 3 October 2019.
 - The development proposed is the demolition of agricultural buildings and erection of 2 No. holiday lets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the site address on the decision notice and appeal form as it is more succinct than that given on the planning application form.

Main Issues

3. The main issues are (i) whether the site is in a suitable location for the proposal having regard to local and national planning policies, and (ii) the impact of the proposal on the character and appearance of the area with particular reference to the Cotswolds Area of Outstanding Natural Beauty.

Reasons

Location

4. The proposal is for two detached single storey units of holiday accommodation with associated parking and garden areas. There is disagreement between the parties as to which use class the proposal might constitute under the Town and Country Planning (Use Classes) Order 1987 (as amended). Nevertheless, both parties refer to the development as holiday accommodation situated on a wider farm. As such, neither party suggests that policies EC5 – Rural Diversification and EC11 – Tourist Accommodation in the Cotswold District Local Plan 2011-2031, August 2018 (LP) are irrelevant to the consideration of the proposal. Therefore, a finding on the specific use class, which the case law¹ referred to

¹ Moore v Secretary of State for Communities and Local Government and Suffolk Coastal District Council [2012] EWCA Civ 1202, Appendix 4, Appellants' Statement of Case

confirms is a matter of fact and degree in each case, is not central to my determination.

5. Policy EC5 of the LP generally supports rural diversification schemes subject to criteria. The last of these refers to the scale and design of the development contributing positively to the character and appearance of the area. This is a matter which I shall consider further later in my decision. However, the first two stipulate that the proposal should not conflict with the existing farming operation and that existing buildings are reused wherever possible.
6. The supporting explanatory text² states that the range of rural diversification proposals is so varied that it is difficult to establish specific policies for every potential use. It follows that the criteria in policy EC5 are deliberately generic in order to cover a broad spectrum of possibilities. Both parties accept that the LP should be read as a whole³, which leads me to policy EC11. This deals explicitly with tourist accommodation, including self-catering accommodation. As the proposed units provide kitchen and dining facilities for the occupants, the appeal proposal would constitute self-catering accommodation.
7. Policy EC11 states that self-catering accommodation will only be permitted where it (a) is provided through the conservation and conversion of existing buildings, including agricultural buildings; or (b) is appropriately located within development boundaries identified in the LP. Exceptionally, proposals for new-build, short stay, self-catering units that are directly associated on-site with a tourist attraction and required to sustain the viability of the tourist attraction, will be acceptable.
8. The appellants consider that as policy EC5 does not preclude new buildings, there is a conflict between policies EC5 and EC11. However, policy EC11 does allow new buildings for self-catering accommodation on sites within development boundaries, and as an exception on sites with a tourist attraction. Rather than a conflict, this provides greater specificity when read together with the more generic policy EC5. This is reinforced by the explanatory text for policy EC11 which in paragraph 9.11.3, makes direct reference to self-catering units often providing a valuable alternative use for traditional agricultural buildings as part of rural diversification schemes. In combination, and in accordance with paragraph 83 of the National Planning Policy Framework (the Framework), these policies indicate the circumstances in which the LP enables rural tourism accommodation development.
9. The appellants have provided reasoning to explain that no existing buildings would be suitable for the proposed use. In addition, notwithstanding some concerns expressed by the Council, there is little to suggest the proposal would interfere with the smooth running of the wider farm operations. Nevertheless, the proposal involves new built form to provide self-catering accommodation outside of the development boundaries identified in the LP. Notwithstanding that Coln St Dennis is comparatively close, the intervening distance and presence of agricultural land is such that it does not form part of that settlement, which in any event is not shown to have a development boundary. Neither is it suggested by the appellants that the proposal would form part of a tourist attraction site⁴. Accordingly, even though it comprises part of a rural

² Paragraph 9.5.1

³ Paragraph 6.9 Appellants' Statement of Case

⁴ Paragraph 6.10 Appellants' Statement of Case

diversification scheme, the proposal would conflict with the overall approach to the provision of tourist accommodation in the LP.

10. I have had regard to the Business Viability Appraisal⁵ and have little basis to doubt its conclusion that the proposal represents a viable proposition, which could make a valuable contribution to the farming business. Nevertheless, the information provided focusses on the viability of the proposal rather than providing a whole farm business plan. Reference is made to the profit and loss accounts for the previous 4 years of the agricultural business showing losses, but this is not quantified or explained further. Therefore, the information provided falls short of demonstrating that the wider farm business would be reliant on the proposal for future profitability. Accordingly, this attracts limited weight.
11. My attention is also drawn to the appellants' application under the Cotswold LEADER grant funding programme, now superseded by the Rural Development Programme for England which, amongst other things, provides grant aid for schemes to grow rural tourism. However, it is not suggested that the scheme seeks to encourage proposals that do not accord with the LP and the Business Viability Appraisal⁶ confirms that the final grant decision cannot be made until the outcome of the planning application is established. Therefore, this attracts little weight.
12. In support of the proposal the appellants refer to examples of new buildings providing tourist accommodation⁷. Nevertheless, no specific details are given which inhibits a comparison with the proposal before me. Accordingly, I cannot be certain that any such examples are directly comparable with the appeal scheme nor that they were considered against policy EC11 of the LP. Thus, this is of little weight. In any event, I have determined the proposal on its own merits.
13. I acknowledge that tourism is generally identified as a key part of the Cotswold economy in the Cotswolds AONB Management Plan 2018-2023 which has policies to support sustainable tourism. Moreover, the proposal would increase and diversify the range of on-farm holiday accommodation on offer. It would also generate some employment. Nevertheless, the modest nature of the proposal would limit the extent of these benefits and therefore, they are of limited weight overall and would be insufficient to outweigh the conflict with the development plan.
14. Accordingly, I find that the proposal would be contrary to the locational approach in policy EC11 of the LP for the provision of self-catering tourist accommodation, even when provided as part of a rural diversification scheme.

Character and appearance

15. The appeal site is within the designated Cotswolds Area of Outstanding Natural Beauty (AONB). It is further characterised as within the Cotswolds High Wold Dip-Slope landscape character of the Cotswolds AONB Landscape Strategy and Guidelines, June 2016. This broadly describes the landscape as having a gentle, rolling landscape with a well maintained, productive agricultural character. Within the landscape, settlement is sparse, and is generally confined to

⁵ Prepared by Fox Rural Planning and Land Management, Appendix 5, Appellants' Statement of Case

⁶ Page 9

⁷ Paragraph 6.32 Appellants' Statement of Case

- intermittent, isolated farmsteads and hamlets. This is consistent with my observations of the surroundings of the appeal site, and these elements contribute towards the special qualities of the AONB.
16. Paragraph 172 of the Framework stipulates that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
 17. The appeal site currently comprises part of a pastoral field. It has a verdant, open character that contributes positively towards the rural character and appearance of the area and special qualities of the AONB.
 18. The proposal would introduce two detached structures into an area where there is presently an absence of built form. Furthermore, the provision of the gardens and parking areas would bring associated activity and introduce enclosure, boundaries, lighting and seating as well as the likelihood of more ornamental planting. These factors would emphasise the domestic nature of the accommodation and represent a marked change to the agricultural appearance of the land.
 19. Additionally, the siting of the buildings would extend the main concentration of buildings at Glebe Farm south-eastwards encroaching into the space between them and other more isolated agricultural buildings.
 20. There is no dispute between the parties that the proposal would not feature prominently in longer public views⁸. However, it would be possible to see the development from the road, in comparison to which the appeal site is elevated.
 21. In combination, these factors would adversely affect the open rural character and appearance of the area and would fail to conserve or enhance the special qualities of the AONB. It follows that the proposal would conflict with paragraph 170 of the Framework which stipulates that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
 22. The presence of existing buildings, use of sympathetic materials and potential for additional planting may screen the proposal and mitigate its visual impact to a certain extent. However, these measures would not fully overcome my concerns and it would still result in localised harm. The modest scale and limited extent of harm is not a sufficient reason to justify the proposal, as over time such incremental harmful development would cumulatively erode the special qualities of the AONB.
 23. The proposal includes the removal of existing agricultural timber sheds⁹ situated adjacent to the road. Their simple, functional form is consistent with the agricultural landscape and although their condition is weathered, it is not particularly objectionable. In addition, they are sited at a lower level than the appeal site and appear better integrated within the concentration of buildings comprising Glebe Farm and Glebe House. It follows that their removal, although attracting limited weight, would be insufficient to outweigh the great weight given to conserving and enhancing landscape and scenic beauty in the AONB.

⁸ Council's Landscape Response dated 17.9.19, Appendix 8, Appellants' Statement of Case

⁹ Drawing number S100

24. Accordingly, I find that the proposal would be contrary to policies EN2, EN4 and EN5 of the LP. These policies in combination and amongst other matters, seek to protect the character of the natural environment and the AONB in particular. Additionally, it would conflict with policy EC5 of the LP which in supporting rural diversification has a criterion that requires the scale and design of the development to contribute positively to the character and appearance of the area.

Other matters

25. My attention is drawn to the absence of harm in relation to highway safety, heritage matters, drainage and the living conditions of nearby residents. Nevertheless, these factors would not address or overcome the harm I have identified in relation to the main issues and would, in any event, be required to meet other policies of the LP.

26. I have no reason to doubt that the appellants are responsible landowners who operate a high level of environmental stewardship and undertake environmental projects. Nevertheless, this would not lead me to find otherwise in my assessment of the planning merits of the proposal against the policies of the LP.

Conclusion

27. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹⁰.

28. The economic benefits that the proposal would bring do not outweigh the significant weight given to the conflicts with the development plan policies outlined and the great weight given to conserving and enhancing the landscape and scenic beauty of the AONB. Accordingly, they do not justify my determining the development other than in accordance with the adopted development plan and Framework.

29. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹⁰ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.