



Appeal Decision

Site visit made on 8 July 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/G1630/W/20/3245948

Court Farm Caravan and Camping Site, Tewkesbury Road, Twigworth, Gloucester GL2 9PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sean Gorman against Tewkesbury Borough Council.
 - The application Ref 19/00468/FUL, is dated 3 May 2019.
 - The development proposed is change of use of land from agricultural to a caravan site to be used as holiday accommodation.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural and Preliminary Matters

2. The appeal site is currently being used for the storage of caravans and motorhomes and the ground has been covered in gravel to accommodate this. However, the parties are in dispute regarding the lawfulness of this operation. Although the appellant has advanced an argument that the current use is lawful this is not a matter for me to determine in this S78 Appeal and is a matter that would need to be dealt with via a Certificate of Lawfulness of Existing Use or Development Application under Section 191 of the Town and Country Planning Act 1990 (as amended).
3. Similarly, the parties have referred in detail to the existing Certificate of Lawfulness of Existing Use applications¹ on adjacent sites that are currently undetermined. Whilst I have noted their existence, given the lawfulness of these uses is disputed, the existence of the adjacent uses does not have a bearing on this appeal. Accordingly, for the avoidance of doubt my findings in this appeal will be solely related to the change of use of the appeal site from agricultural land to a caravan site for holiday accommodation.
4. The parties have referred to Policies TOR1 and TOR3 of the emerging Pre-Submission Tewkesbury Borough Local Plan which has now been submitted to the Secretary of State for Examination. Given this plan has yet to be examined the proposed policies have not been found sound and could change. Further, I do not know if there are any unresolved objections to these policies. Accordingly, I attach limited weight to these policies in the determination of this appeal.

¹ 19/00400/CLE / 19/00423/CLE / 19/00456/CLE

5. Whilst the Council did not determine the application within the prescribed period, it has subsequently identified its main concerns to be the impact on the character and appearance of the area and the setting of Grade II Listed Buildings.

Main Issues

6. It follows therefore that the main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the setting of Grade II Listed Buildings.

Reasons

Character and Appearance

7. The appeal site comprises an area of agricultural land, together with an access drive which lies adjacent to the A38 Gloucester Road. The site forms part of the wider Court Farm complex which contains a number of land parcels of varying uses including residential use of the existing farmhouse and barns, caravan and camping site and the storage sale and repair of motorhomes. However, aside from the residential use of the farmhouse the lawfulness of the other tourism related and residential uses on the wider site is disputed between the parties.
8. The aerial imagery provided indicates that prior to the storage uses on the appeal site, it had an undeveloped agricultural appearance and its character would have been defined as providing a spacious open backdrop to the existing farmhouse and barn. The large open agricultural fields interspersed by pockets of development contribute to the openness of parts of the A38 corridor in Twigworth and are characteristic of the areas rural character. Clearly therefore, notwithstanding the current operation on the appeal site the agricultural use would contribute to the rural character of this area.
9. Saved Policy TOR1 of the Tewkesbury Local Plan to 2021 (2006) (LP) supports proposals for tourism related development where the siting, design and scale is in keeping with the landscape. Saved Policy TOR4 of the LP states that in considering proposals for new caravans, overriding protection will be afforded to the landscape particularly with regard to siting and landscape design. The appellant has made reference to Saved Policy TOR3 of the LP relating to extension of existing caravan sites. However, considering the disputed nature of the existing uses at the site, I do not find this policy relevant to the particular circumstance of this appeal and accordingly this does not inform my decision.
10. Policy E2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NP) states that development in the countryside should be in accordance with the development plan relating to the protection of the visual amenities in the landscape. The Policy identifies that important public views of the Vale landscape and protecting the openness of the Twigworth A38 corridor allowing an appreciation of the Vale landscape are key elements that should be protected from intrusive development. Further, Paragraph 83 of the National Planning Policy Framework (the Framework) states that decisions should enable sustainable tourism where this respects the character of the countryside.
11. The proposed rows of caravans would be of a fairly generic layout and would appear crowded, creating an intrusive form of development that would be of a

scale that would not be sympathetic to the areas open rural character. Whilst the site is fairly well screened along its eastern boundary by existing vegetation, glimpse views of the site are apparent of the existing storage uses when travelling from the north along the A38. I accept the appellant's point that the screening around the site could be strengthened through an appropriately worded landscape condition, however, landscaping is seasonal and views into the site particularly from the north would be likely to be increased during the winter months. Although the site is not within a local or national landscape designation, views of the of the caravans and associated paraphernalia would intrude into and disrupt the open rural character.

12. I acknowledge that particular views of the Vale landscape from the west of the appeal site as identified in the NP would not be impacted upon. However, when landscaping reduces during winter months the proposed scheme would intrude albeit to a limited degree on any long-range views of the Vale landscape from the east. In any event, it seems to me that one of the NP aims is to protect the openness of this corridor and the increased enclosure of this agricultural land, which restricts long range views to the Vale Landscape would fail to support this aim. Whilst I note the existence of the caravan repair yard to the north of the site; it would appear from the evidence that this site has an established history of employment use on the site and therefore is different to the agricultural use of the appeal site.
13. For the above reasons, I conclude that the proposal would result in harm to the character and appearance of the area. Accordingly, it would be in conflict with Policies SD4 and SD6 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS), Policies TOR1 and TOR4 of the LP and Policy E2 of the NP. Amongst other matters these policies seek that development responds positively to its surroundings, protect landscape character and new caravan sites should protect the landscape with regard to siting and landscape design with important views being protected from inappropriate development. The proposal would also be in conflict with the Paragraph 127 of the Framework which seeks that development is visually attractive as a result of layout and is sympathetic to local character including the surrounding landscape setting.

Effect on setting of Grade II Listed Building

14. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
15. Court Farm and the associated barn date back to the 17th century and it is clear from the available evidence that the buildings were originally largely isolated, surrounded by open fields and countryside, and the open agricultural backdrop including the appeal site would have contributed visually to their character. Whilst it is recognised that the Listed Buildings have incorporated a number of additions to their original features, including subsequent outbuildings, the context and form of the farmstead can still be appreciated.
16. Whilst this open character is not evident with the current storage use of the site, I consider rows of caravans in a fairly generic and high density layout would not be conducive to preserving the open setting of this farmstead and would erode the immediate agricultural setting jarring with the open character. This would be heightened with associated paraphernalia likely to include

fencing, decking and external light for the caravans which would make the development appear more prominent. It would thus be an intrusive form of development within the setting of the Listed Buildings and out of character with them.

17. I acknowledge that given the existing vegetation around the site, the appreciation of the open character is largely experienced within the immediate surroundings of the site. However, once landscaping reduces due to seasonal changes, views into the site from the A38 particularly from the north as the landscaping is less established will be increased. The intrusion of caravans into these views of the backdrop of the Listed Buildings would to my mind have a negative effect on the agricultural setting of the Listed Buildings.
18. In any event it seems to me, that whilst the site is screened on its boundaries, this disrupts the appreciation of the openness of the fields surrounding the listed farmstead. Although on one hand an argument can be put forward that screening the proposed caravans to hide them would mitigate the impact, the use of extensive screening to be secured through a landscaping condition would further disrupt views of the open agricultural land that allows for the rural character of this formerly isolated farmstead to be understood.
19. Given the proposal would disrupt the open character of the setting of the historic farmstead, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. The National Planning Policy Framework (the Framework) states that such harm should be weighed against the public benefits of the proposal and that great weight should be given to an asset's conservation. In this case, I acknowledge there would exist some public benefits in terms of the provision of additional tourist accommodation and associated benefits to the economy. However, given the intrusive nature of the siting of the caravans and the effect on the areas open character surrounding the Listed Buildings, these benefits would not outweigh the harm caused.
20. Given the above I conclude that, on balance the proposal would fail to satisfy the requirements of the Act and the proposal would fail to preserve the setting of the group of Grade II Listed Buildings and would be contrary to Policy SD8 of the JCS. Amongst other things, this policy seeks to ensure that designated heritage assets and their settings will be conserved and enhanced as appropriate to their significance and to their important contribution to local character.

Other Matters

21. Whilst the site is located within the wider countryside, I recognise its location in the village of Twigworth is in a fairly sustainable location with access to services and facilities. I also acknowledge that the land to the east of the A38 is allocated as a Strategic Allocation in the JCS and if developed will likely change the nature of Twigworth. However, I note Policy A1 of the JCS seeks that the layout and form of development will need to respect landscape character. Given the future development on the eastern side of the A38, this to my mind highlights the need to ensure that proposals should respect the openness of parts of the A38 corridor to the west and are sympathetic to the rural character and key viewpoints are not detrimentally affected.

Conclusion

22. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR