
Appeal Decision

Site visit made on 21 July 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/C1625/W/20/3251217

Oakfield House, B4066 From the Cattle Country Adventure Park to Berkeley Bypass, Mobley, Berkeley GL13 9EN

- 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 Max Grieve against the decision of Stroud District Council.
 - The application Ref S.19/2494/FUL, dated 7 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is the conversion of existing outbuildings into self contained 4 bed room dwelling house.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 28th August 2020.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the acceptability of the location having regard to the locational strategy of the development plan.

Reasons

3. Policy CP1 of the Stroud District Local Plan (the Local Plan), sets out the Council's approach to facilitating sustainable development through supporting proposals that accord with the policies of the Local Plan. Accompanying this, policy CP2 directs growth predominantly towards a series of strategic locations, where housing, jobs and infrastructure can be coordinated and delivered. Following on from this, policy CP3 establishes a hierarchy for growth and development across the District's settlements, in order to promote sustainable communities, based on the size and range of services present. The settlements within this hierarchy all have defined settlement boundaries. The reasoned justification to policy CP3 establishes that small settlements not mentioned in the hierarchy will be treated as open countryside, where development will be restricted in accordance with policy CP15. Policy CP 15 sets out that in order to protect the quality of the countryside, proposals outside of settlement boundaries will not be permitted other than in a limited number of exceptions.
4. The appellant accepts that the site is outside of a settlement boundary and contends that the proposal is capable of being supported by criterion 4 of policy

CP15, i.e. that the proposal is enabling development, required in order to maintain a heritage asset of acknowledged importance. Should the proposal comply with this requirement, it would also then be necessary to comply with the “catch-all” criteria of the policy which apply in all cases, in this instance criteria i) and iii) are referred to, namely that the proposal would not have an adverse effect on heritage assets and that, in the case of the re-use of a building, these are appropriately located and capable and worthy of retention.

5. Dealing first with criterion 4, the proposed scheme includes the retention of a brick-built structure, comprising a former gardener’s workshop, garage and potting shed, which forms part of the overall, larger building. To the rear of this, is a timber framed former greenhouse. This element of the building is in a poor state of repair, with much of the wood falling and little, if any, glass remaining. The structure as a whole comprises a non-designated heritage asset, however I agree with the Council’s comments, that the timber framed greenhouse to the rear is the most architecturally and historically interesting part of the building. It is also the most sizeable element, with the brick-built structure being subservient to it in scale. The significance of the building therefore lies in its aesthetic appeal as a traditional timber greenhouse.
6. The appeal scheme, whilst retaining the brick elements, would involve the reconstruction of the greenhouse with a new timber frame which would be entirely clad in standing seam zinc cladding. Whilst I acknowledge that the form of the building would be replicated in terms of its shape, it would no longer be recognisable as a historic greenhouse. There would be substantial new structural elements to the building. In this light, I am not satisfied that the proposal would maintain the heritage asset. The very nature of the building would be fundamentally altered and replaced with a building of a more modern appearance. The significance of the building, which I accept to be minor, would be diminished. Thus, I find that the proposal would not be enabling development that would maintain the heritage asset, principally due to the majority of the asset being lost.
7. Turning to the “catch-all” criteria, as I have found above that the heritage asset would be harmed, the scheme would conflict with criterion i) of policy CP15. Furthermore, given the extent of the rebuilding works that are required, i.e. the complete replacement of the greenhouse, which is the largest element of the building, the existing building is not capable of conversion. As such, the proposal would not comprise the re-use of an existing building, but rather the reconstruction of it.
8. Accordingly, I find that the location of the development is not acceptable, having regard to the locational strategy of the development plan. The scheme therefore conflicts with policies CP1, CP2, CP3 and CP15 of the Local Plan.
9. There is reference to the policies of the emerging Stroud District Local Plan being supportive of the proposed development. However, I note that this plan is in an early stage and the Council advise that it is still subject to consultation. Given the early stage of preparation, this matter has little bearing on my decision.
10. The appellant asserts that the policies of the Local Plan are inconsistent with the National Planning Policy Framework (the Framework), in that they apply a restrictive approach to rural housing, which the Framework does not do. However, the policies I have referred to do not preclude all development in the

countryside, rather they limit such development to that which accords with specific policies of the Local Plan. As such, I find that the policies are not inconsistent with the Framework, which advocate that in rural areas, planning policies should be responsive to local circumstances. I have had regard to the legal judgements¹ referred to by the appellant but find nothing to alter my finding in this respect.

11. The appellant further comments that the policies fail to take account of paragraph 78 of the Framework, as well as paragraphs 117-118. These stated paragraphs refer development in one village supporting services in another, as well as to making efficient use of brownfield land within settlements. However, as the site is located outside of any settlement or village, I do not consider that these stated paragraphs provide support for the proposal. In addition, given the proximity of the existing house, any resultant dwelling would not be isolated and as such no support is provided by paragraph 79 of the Framework.

Other Matters

12. I have been referred to paragraph 192 of the Framework, particularly that account should be taken of the desirability of conserving heritage assets and putting them to viable uses consistent with their conservation. As I have found above that the building would not be conserved, but would be rebuilt, no support is provided by this paragraph. Furthermore, my attention is drawn to paragraph 197, which advises that the effect on the significance of a non-designated heritage asset should be taken into account, which I have done above.
13. I have had regard to the contended benefits of the scheme, which include the provision of an additional dwelling, with the associated economic and social benefits. Although, given that the development is only for a single dwelling, these would be limited. I also acknowledge that the scheme would utilise previously developed land. However, even when taken together, the benefits of the scheme are not sufficient to outweigh the conflict with policy that I have found.
14. The appellant has submitted a signed Unilateral Undertaking in respect of a financial contribution towards ecological mitigation, due to the site's location within the buffer zone of the Severn Estuary Special Area of Conservation. However, as this matter did not form any part of the Council's reason for refusal and that I have found harm above sufficient to dismiss the appeal, I have no need to consider this matter further.

Conclusion

15. The proposal would conflict with the policies to which I have referred to above. There are no material considerations sufficient to indicate a determination otherwise than in accordance with the development plan.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

¹ Monkhill Ltd v Secretary of State for Housing, Community and Local Government, and Waverley Borough Council [2019] EWHC 1993 (Admin) and Braintree District Council v Secretary of State for Community and Local Government, Greyread Ltd. and Granville Developments [2018] EWCA Civ 610

Martin Allen

INSPECTOR