



Appeal Decision

Site visit made on 15 July 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/B1605/W/20/3252582

The New Barn, Ham Road, Charlton Kings, Cheltenham GL52 6ND

- 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 M Casey against the decision of Cheltenham Borough Council.
 - The application Ref 20/00006/FUL, dated 30 December 2019, was refused by notice dated 20 February 2020.
 - The development proposed is described as 'change of use (in line with permission reference 3192290) and extension to holiday let'.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of stables to holiday let (C3) and erection of single storey side extension to provide a garage/store in accordance with the terms of the application, Ref 20/00006/FUL, dated 30 December 2019, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr M Casey against Cheltenham Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development that appears in the banner heading above is taken from the planning application form. In the interests of precision and accuracy, the description in the decision above is taken from the decision notice and appeal form as this more accurately describes the development. However, I have omitted reference to 'revision of planning permission 17/01777/FUL - allowed on appeal' as this in itself is not relevant.
4. Since the determination of the application subject of this appeal, Cheltenham Borough Council have adopted the Cheltenham Plan in July 2020 (CP), that supersedes the Cheltenham Local Plan (2006) quoted within the officer report and reasons for refusal within the decision notice. I have therefore determined this appeal in accordance with the Development Plan as updated.
5. Planning permission has previously been granted at appeal for the conversion of the stables to a holiday let (re 17/01777/FUL & APP/B1605/W/17/3192290). From the information before me, this permission has not been implemented but the principle of the use of the building as a holiday let has been established. The appeal proposal constitutes a revision to the consented scheme to include

the erection of a single storey side extension to provide a garage/store. I have therefore determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the development on the character of the building and area including the impact upon the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

7. The appeal property comprises a timber clad stable building and surrounding land, situated in an attractive area of countryside within the Cotswold AONB in the context of a number of residential properties of varied forms and styles. As aforementioned the appeal proposal seeks to convert the building for use as a holiday let and extend the stable building with a single storey flat roof side extension.
8. Policy SD4 of the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) is a design led policy that amongst other things requires that new development should respond positively to, and respect the character of, the site and its surroundings. Policy D1 of the adopted CP is a criteria based policy that seeks amongst other things that development complements and respects neighbouring development and the character of the locality and/or landscape. This policy also seeks that extensions and alterations do not cause harm to the architectural integrity of the building.
9. Policy L2 'Conversion of Rural Buildings' of the CP is a criteria based policy. These include Criterion a) that requires that the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or rebuilding and criterion b) that requires any conversion and alternative use are appropriate with the character of their surroundings.
10. Policy SD7 of the JCS requires that all development proposals within the setting of the Cotswolds AONB will amongst other things conserve and, where appropriate, enhance its landscape and scenic beauty and be consistent with the Cotswolds AONB Management Plan. Policy CE1 'Landscape' of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (MP), states that proposals that will likely impact, or create change in the AONB should have regard to the scenic quality of the location and its setting and ensure that views and visual amenity are conserved or enhanced. Policy CE3 'Local Distinctiveness' of the MP requires that proposals should have regard to, be compatible with and reinforce local distinctiveness.
11. The existing building is visible in part from the road although screened to a significant degree by the existing hedgerow. Although views of the extension may be possible and I acknowledge concerns about its flat roofed design and metal garage doors, I do not consider, on balance, that the proposal would be incompatible with or cause unacceptable harm to the architectural integrity of the host building or its functional appearance. Having regard to the size and design of the extension before me, I am not persuaded that the proposal amounts to a substantial extension and consider it reflects the restrained nature of the site, representing a relatively modest addition. To my mind therefore, I consider that the proposed extension would respect the character of the site and its surroundings.

12. Furthermore, I consider that the proposal would not be overly prominent when viewed from the public domain or be of a scale, form or location to cause detriment to the landscape setting and scenic quality of the wider AONB. To my mind therefore, whilst the proposal may not necessarily meet the higher bar of the identified planning policies, to provide an enhancement to the setting of the AONB, I consider that the proposal adequately meets the requirement to conserve the landscape and scenic beauty of the AONB as required by the policies of the JCS, the MP and the Framework.
13. Comments of the previous Inspector for the appeal at the site have been brought to my attention with regard to the requirement for conditions relating to restrictions upon permitted development rights, to ensure that any extension, building or other works are controlled to prevent harm to the character and appearance of the Cotswolds AONB. Whilst these comments are noted, to my mind this does not equate to an embargo on all future alteration to the building, and each case must be assessed on its individual merits. Whilst I have not found harm arising from the development subject of this appeal, I concur that further works that would often benefit from permitted development rights should be further controlled to allow their suitability to be assessed.
14. Whilst the Council suggest that adequate justification has not been provided in support of the appeal proposal, having regard to the information before me, there is no requirement for this to be evidenced for development of this form within the relevant policies. Noting this I am not minded to agree that this constitutes a reason to restrict such development nor do I consider that storage provision associated with the proposed use would either be unreasonable or disproportionate or result in an unacceptable intensification of residential activity at the site.
15. My attention has been drawn to nearby developments including that at Glenfall Stables on the opposite side of the road, by both parties. Whilst comments are noted, I have considered the appeal proposal on its individual planning merits and as such this does not alter or outweigh my findings above.
16. For the collective reasons outlined above, I conclude that the proposed development would respect the character and appearance of the site and its surroundings and conserve the landscape and scenic beauty of the Cotswold AONB. Consequently, it would accord with the design aims of Policy SD4 of the JCS and Policies D1 and L2 of the CP. Furthermore, I consider it accords with the landscape aims of policies SD7 of the JCS, CE1 and CE3 of the MP and advice contained within the Framework, including paragraphs 79, 127, 130 and 170. In reaching this conclusion, I have taken into account paragraph 172 of the Framework which says that great weight should be given to conserving and enhancing landscape and scenic beauty of an AONB.

Other Matters

17. Whilst the Council indicate that storage could be provided within a shed or similar structure, that could be more discretely designed or positioned to reduce harm to the AONB, such a scheme is not before me, and I have only had regard to the planning merits of this particular case. As such this does not outweigh or alter my findings on the main issue above.

Conditions

18. I have had regard to the Council's suggested conditions and the comments of the appellant in response. Where necessary, I have amended the wording of the suggested conditions in order to comply with the tests as laid out in paragraph 55 of the Framework.
19. In addition to the standard time commencement condition it has been necessary to impose a drawings condition for the avoidance of doubt and in the interests of certainty.
20. Although I note the comments of the appellant, this permission is separate to that previously granted at the site and therefore many of the conditions imposed on the previous consent are necessary to be attached to this permission. As such in the interests of the character and appearance of the area, it is necessary to impose planning conditions relating to construction materials to match those of the host building and further detailing of the building to be provided (including rainwater goods, doors and windows).
21. Given the location of the building within the Cotswold AONB and the recognised importance to the restrained nature of the proposal, having regard to the advice within PPG I consider the removal of permitted development rights is exceptionally necessary. To reflect the intentions of the development a condition is necessary to prevent permanent occupation of the building as a year-round dwelling. Furthermore, to ensure that the site is suitably drained, I concur that the suggested condition requiring details of drainage to be approved and implemented, is reasonably necessary.
22. In the interests of the living conditions of the occupiers of neighbouring properties, it is necessary to impose planning conditions relating to restrictions on the use of the flat roof.
23. I note the Council request that the garage approved be retained available for parking of vehicles in the interests of highway safety. However, I am not satisfied that any risk to highway safety has been evidenced and I do not consider such a condition to be reasonable or necessary.

Conclusion

24. For the above reasons and having regard to all other matters raised, the appeal is allowed.

Robert Lankshear

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing Nos PL1000, PL1002, PL104.
- 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
- 4) Prior to first occupation of the building, the details (including design, specification and colour) of all new windows and external doors, including garage doors; rainwater goods and downpipes; any vents, flues or external pipework; refuse store; sedum roof (including planting specification and maintenance details) shall be submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved details, prior to the building first being occupied.
- 5) Prior to the first occupation of the building, details of a surface water drainage system incorporating the principles of Sustainable Drainage Systems (SUDS) shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.
- 6) The development hereby permitted shall be used for holiday accommodation only and shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that order with or without modification). It shall not be occupied by any individual, family or group for more than 4 weeks within any 12 month period.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no enlargement of the building shall take place or any building, walls, fences, satellite dishes or other aerials shall be erected upon the site without the express permission of the local planning authority.
- 8) The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.