



Appeal Decision

Site visit made on 26 October 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2020

Appeal Ref: APP/F1610/W/20/3254849

Old School House, Condicote, Cheltenham GL54 1ES

- 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 Playfair against the decision of Cotswold District Council.
 - The application Ref 20/00162/FUL, dated 7 January 2020, was refused by notice dated 13 February 2020.
 - The development proposed is change of use of agricultural land to residential for the creation of a new driveway and parking area to be accessed via existing stable/agricultural access (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to residential for the creation of a new driveway and parking area to be accessed via existing stable/agricultural access (part retrospective) on land at Old School House, Condicote, Cheltenham GL54 1ES in accordance with the terms of the application Ref 20/00162/FUL, dated 7 January 2020, subject to the following conditions:
 1. The development hereby approved shall be implemented in accordance with the following drawing number: 2882-003 Rev. A.
 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no building or enclosure, swimming or other pool shall be erected, constructed or sited in the residential curtilage hereby approved other than those permitted by this Decision Notice.
 3. Within six months of the date of this decision, the area of gravel shown on drawing 2882-003 Rev. A shall be permanently removed.

Preliminary Matters

2. For the purposes of precision and clarity, I have taken the site address from the Decision Notice as opposed to the appeal application form.

Main Issue

3. The main issue in this appeal is the effect of the proposed development upon the rural character of the area, which lies in the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located on the edge of the settlement of Condicote and lies within the AONB. The appeal site comprises the property known as Old School House, its garden area and an adjoining area of land, which forms part of a wider open agricultural field. The proposal would involve the change of use of the agricultural part of the appeal site, to provide a driveway and parking area to serve the appeal property. Access to the highway would be via an existing field gate that currently serves the wider agricultural fields and associated buildings.
5. Within the AONB great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. Policy EN2 of the Cotswold District Local Plan 2011-2031 (the Local Plan) identifies that proposals should be of a design quality that respects the character and distinctive appearance of the locality. Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape. Policy EN5 requires development proposals within the AONB to conserve and enhance the natural beauty of the landscape, where its character and special qualities, will be given great weight.
6. The proposed driveway would be located adjacent to the existing boundary of the appeal site. I noted at my site visit, that additional landscaping has been provided, which serves to restrict clear views onto the driveway. This landscaping is in the control of the appellant. Furthermore, I note that the surface materials of the driveway are a natural stone, which is similar in colour and appearance to the predominate building material within the AONB.
7. The proposal would introduce residential activity into what is currently an open agricultural field, however due to the screening effect of the boundary treatment, the impact of the proposal would be reduced and therefore, would not detract from the rural character of the area. Moreover, when seen from public viewpoints, views of parked cars and associated activity would be seen against the backdrop of the existing appeal property and would therefore not be entirely unexpected. The proposed development would not be prominent within public views and would therefore not harm the scenic beauty of the area. As a result, the proposal would not have a significant detrimental effect upon the character and special qualities of the area.
8. For the reasons outlined above, I therefore conclude that the proposed development is not harmful to the character and appearance of the area and would preserve the natural beauty of the AONB and, in this respect, is in accordance with Policies EN2, EN4 and EN5 of the Local Plan and the Policies contained within Part 12 and Paragraph 172 of the National Planning Policy Framework (the Framework).

Other Matters

9. My attention has been drawn to a CLOPUD (18/01294/CLOPUD) which exists for the provision of a new driveway, which would bisect the existing open field to the north. This proposal would involve development of a similar character and appearance to the scheme before me, however the CLOPUD scheme would appear to involve the provision of a longer driveway and would introduce the presence of parked cars at the rear of the appeal property, in a more visible location. The Council consider that the appeal proposal would have a greater

visual impact than the fallback CLOPUD scheme. However, given its additional length and its position within the open field, set well away from the boundary, I am not convinced by these submissions. In any event, I have considered the appeal proposal on its merits.

Conditions

10. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. To ensure that the remaining aspects of the development are implemented in accordance with the submitted details, a condition is necessary to identify the approved plans. For the same reasons, it is considered appropriate to require the area of existing gravel to be removed within a period of 6 months. To protect the character and appearance of the area, it is necessary to remove permitted development rights from within the new area of residential curtilage, to prohibit the erection of buildings or other ancillary structures.

Conclusion

11. I conclude, for the reasons outlined above, and having considered all matters, that the appeal should be allowed.

Adrian Hunter

INSPECTOR