The Planning Inspectorate

# Appeal Decision

Site visit made on 23 November 2020 by A J Sutton BA Hons DipTP MRTPI

**by R C Kirby BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 January 2021**

**Appeal Ref: APP/F1610/W/20/3258052**
**Primrose Cottage, Middle Chedworth, Chedworth, Cheltenham, GL54 4AL**

- 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 A Manning against the decision of Cotswold District Council.
- The application Ref 20/01678/FUL, dated 14 May 2020, was refused by notice dated 9 July 2020.
- The development proposed is erection of a double garage and tractor/equipment storage area.

## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matters

3. The appeal site includes a large area of hardstanding which has been subject of an enforcement notice and a subsequent appeal (Appeal A[1]) as well as an appeal following the refusal of planning permission for engineering operations comprising the construction of hardstanding and turning area (Appeal B[2]). Appeal A failed on a number of grounds and Appeal B was dismissed in respect to the hardstanding. I note the Inspector's comments at paragraph 51 of the Decision that the compliance period in respect of the enforcement notice …*'will give time for the requirements to be carried out as well as for the appellants to liaise with the Council on any final details for access to the site and/or revised hardstanding scheme plus garage if required*.'

4. The appellant has submitted a drawing indicating alternative locations and sizes of outbuildings with the appeal for my consideration. I have considered the drawing under the principles established by the Courts in *Wheatcroft,*[3] and conclude that to consider such modifications would deprive those who should have been consulted on the change, the opportunity of such consultation. As such the drawings submitted with the planning application have informed this recommendation.

[1] Ref APP/F1610/C/18/3211503
[2] Ref APP/F1610/W/19/3224046
[3] Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

## Main Issues

5. The main issues are the effect of the proposed development on:

    - the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB); and
    - the character and appearance of the Chedworth Conservation Area and the setting of Primrose Cottage.

## Reasons for Recommendation

*Cotswolds AONB*

6. The National Planning Policy Framework (Framework) states great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs.

7. The appeal site is within a landscape area described as High Wold Dip-Slope. The Cotswolds AONB Landscape Strategy and Guidelines 2016 identifies key features of the area which, relevant to this site, include complex mosaic of smaller scale arable and pasture contained within a strong framework of hedges and woodland, intermittent long distant views towards the high wold and across neighbouring lowland and sparsely settled with intermittent isolated farmsteads. The Guidelines state the area is sensitive to landscape change by amongst other matters, intrusion of expanded settlements, degradation of views and proliferation of suburban building styles.

8. Chedworth forms a long ribbon of development in the landscape, principally on the southern side of the valley. The appeal site is a gravelled area adjacent to Primrose Cottage (the Cottage), with an elevated and prominent position near the main lane in Middle Chedworth. The Cottage is on the western edge of its plot and is viewed in the context of a small group of dwellings. There is no development nearby, to the east and south.

9. The proposed building would be large and would be located some distance from the Cottage. It would result in an isolated, sizable building in an open and undeveloped plot which would notably expand the settlement fringe. The proposed gable detail with a window feature would give the development a cottage like appearance and in this respect would be different in appearance from most outbuildings in the area. Furthermore, its design is such that it would not appear as either an agricultural building or a garage of a scale expected for a dwelling of this size. The development would therefore result in the proliferation of suburban style buildings and would degrade the existing views of the open landscape in this area. The proposed landscaping would not mitigate the harm identified.

10. Given my findings I conclude that the proposed development is not appropriate in this location and would be harmful to the landscape and scenic beauty of the Cotswolds AONB. Consequently the proposal conflicts with Policies EN2, EN4 and EN5 of the Cotswold District Local Plan 2018 (Local Plan), which collectively require that in determining proposals within the AONB that the conservation and enhancement of the natural beauty of the landscape, its character and special qualities are given great weight. It would also conflict with policies of the Framework regarding conserving and enhancing the natural environment.

*Designated and Non-designated Heritage Assets*

11. The appeal site is located within the Chedworth Conservation Area and the host property has been identified as a non-designated heritage asset.

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas and non-designated heritage assets, is set out in the Framework. At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

13. The Conservation Area is defined by the long appealing valley settlement of Chedworth which straddles a narrow, steep sided valley. It is a village of generally modest dwellings in the Cotswold tradition and the relationship of buildings and open spaces is critical to the appearance and character of the village. Outbuildings and garages in the locality are generally of a subordinate size to the host dwelling and positioned relatively close to it.

14. The modestly sized Primrose Cottage has been extended but still retains the appearance typical of the Cotswold vernacular which is an identified special feature of the Conservation Area. It is set at the crest of the hill and positioned at the extreme northwest corner of its plot, bounding the lane. There are no properties immediately to the east and south and as such the plot provides a significant landscape gap with the built settlement pattern continuing at a lower level along the main village lane.

15. The new building would as a result of its scale, design and siting be intrusive and prominent within the Conservation Area and would introduce development into an area that is currently devoid of buildings. It would extend the developed fringes of the settlement and in doing so would detrimentally erode the existing relationship between built development and the landscape which is an important feature of the designated heritage asset. The proposed landscaping and use of local stone would not address this harm. As such I find that the proposed development would be harmful to the significance of the Conservation Area. It would not preserve or enhance the character or appearance of the conservation area.

16. Moreover, the proposal would be physically and visually remote from the host property and its scale and design would visually compete with this modest property. The large expanse of hardstanding fronting the Cottage has resulted in no discernible garden space to the front. The proposed scheme would seek to retain the hardstanding which would reduce the scope to restore a more appropriate pastoral setting for the property which would be in-keeping with settings of similar dwellings in this area. Accordingly, the proposal would result in harmful development within the setting of this non designated heritage asset and harm to its significance would occur.

17. The harm that would result to the Conservation Area would be less than substantial and in accordance with the Framework this harm needs to be weighed against the public benefits of the proposal. The benefits advanced by the appellant including that the building is required to store vehicles and

equipment is a private, rather than a public benefit. No public benefits have been identified in support of the proposal and I therefore find that there are no public benefits which would outweigh the harm to the significance of the designated heritage asset.

18. Accordingly, it is concluded that the proposed development would neither preserve or enhance the character or appearance of the Chedworth Conservation Area, and would be harmful to the setting of Primrose Cottage as a non-designated heritage asset, in conflict with Policies EN2, EN10, EN11 and EN12 of the Local Plan which collectively require development to accord with the Cotswold Design Code and be of a design quality that respects the character and distinctive appearance of the locality and non-designated heritage assets, and preserves the special character and appearance of conservation areas. The proposal also conflicts with the guidance set out in the Cotswold Design Code which states that new outbuildings should relate to the scale and character of the main building and the plot in which it sits, and the Framework in respect to conserving and enhancing the historic environment.

**Other Matters**

19. My attention has been drawn to other properties in the area where large outbuildings have been permitted, including Calveshill House. I observed the large dwellings, including Chedworth House, positioned on the opposite side of the valley which are of a different character to the appeal property and its environs. The examples referred to are not directly comparable to that before me and I give them limited weight in reaching this recommendation.

20. It is clear from the appellant's statement and submitted information that consultation with the Council has occurred despite the Covid 19 pandemic and it is clearly open to him to engage further with the Council in respect of alternative schemes which could address the needs of his young family and allow for the storage of agricultural equipment.

**Conclusion and Recommendation**

21. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

*A J Sutton*

APPEAL PLANNING OFFICER

**Inspector's Decision**

22. I have considered all the submitted evidence and concur that the appeal should be dismissed

*R C Kirby*

INSPECTOR