
Appeal Decision

Site visit made on 29 December 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/F1610/W/20/3260371

Church Farm, Little Rissington, Cheltenham GL54 2ND

- 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 B Firth against the decision of Cotswold District Council.
 - The application Ref 20/02488/FUL, dated 22 July 2020, was refused by notice dated 1 September 2020.
 - The development proposed is the change of use of land from agricultural to residential curtilage.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land from agricultural to residential curtilage at Church Farm, Little Rissington, Cheltenham GL54 2ND in accordance with the terms of the application, Ref 20/02488/FUL, dated 22 July 2020, subject to the conditions in the conditions annexe at the end of this decision.

Procedural Matter

2. The above site address and description are taken from the appeal form which tally with the decision notice.

Main issue

3. The main issue is the effect of the proposal on the Cotswolds AONB.

Reasons

4. The site is wholly within the Cotswolds AONB. It is outside the village of Little Rissington and within the open countryside, on a hillside overlooking a valley which includes Bourton on the Water.
5. The appeal site is immediately adjacent to the farmhouse which was being substantially extended at the time of my site visit. There are several farm buildings and stables almost adjacent to the site and alongside a north-south orientated public footpath, with another right of way to the north which leads tangentially to the east.
6. The appeal site is visible from north-south footpath, however these views are not notable as the foreground is dominated by a farmyard and the Church Farm dwelling. Indeed, the main focus from this footpath are the outward views towards the valley rather than the appeal site.

7. The submitted details show the farm buildings have permission for conversion to residential and the surroundings would be changed to car parking and gardens. I cannot foresee any reason why these permissions would not be implemented. Consequently, domestic and residential spaces will form the foreground to the views of the extended garden.
8. From the footpath to the north, the site can be seen through some gaps in an adjacent hedge. However, the extended garden would be seen against the much-extended house and would not look out of place.
9. The proposal would be an encroachment into agricultural land. However, this would be small compared with the surrounding fields. Moreover, the appeal site is fenced along its boundaries, which would provide a clear segregation of the domestic curtilage from the surrounding countryside. The proposed block plan shows a native hedge on the boundaries, which would be beneficial.
10. I therefore conclude that the proposal would not be harmful to the landscape.
11. Policies EN4 and EN5 of the Cotswold District Local Plan seek to conserve and enhance the natural beauty of the landscape including the AONB. Paragraph 170 of the National Planning Policy Framework (the Framework) seeks to enhance the natural environment and whilst paragraph 172 places great weight on conserving and enhancing the scenic beauty of AONBs, which echoes the Countryside and Right of Way Act. The proposal would not conflict with these policies as I have found it would not be harmful.

Conditions

12. Paragraph 55 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions. The approved plans condition provides clarity and is therefore necessary. The submission and implementation of a detailed landscaping scheme is recommended. The appellants question whether this would be necessary bearing in mind the defined boundaries. However, reinforcing the appeal site's boundaries with appropriate planting would ensure a sensitive appearance against the edge of the countryside. The wording of the landscaping conditions have been adjusted to suit the proposal.
13. The removal of Permitted Development Rights is suggested and is also supported by the Parish Council. Whilst removal of such rights is only warranted in exceptional circumstances, I find that this would avoid any impact on the AONB. The appellants indicate their wish for some potential hardsurfacing and storage nearer the house. The condition could be worded to only relate to this extended garden area. In any event if works required a planning application that does not mean they would not be permitted particularly if sensitive to the landscape.
14. A condition is also suggested to control lighting. As worded, this would be troublesome to enforce but would not be warranted due to the presence of the other buildings in the vicinity.

Conclusion

15. I therefore conclude that the appeal should be allowed.

John Longmuir INSPECTOR

Conditions Annexe

- 1) The development hereby approved shall be implemented in accordance with the following drawing number: 6980-02.
- 2) Prior to the first use of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.
- 3) The entire landscaping scheme shall be completed by the end of the planting season immediately following the site being brought into use.
- 4) Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.
- 5) 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, enclosure, pool or container shall be erected, constructed or sited in the extended residential curtilage hereby approved, other than those permitted by this Decision Notice.