



Appeal Decision

Site Visit made on 20 August 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/F1610/W/20/3249568

The Stables, Land north of Greenway Lane, Ullenwood, Cheltenham, GL53 9QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Pamela Hullah against Cotswold District Council.
 - The application Ref 19/04286/FUL, is dated 18 November 2019.
 - The development proposed is Construction of a new dwelling (and associated site enhancement works) following removal of the existing building and hard-standing.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. During the course of the appeal the appellant submitted revised drawings which amongst other things removed the proposed car port from the proposed development. In effect the proposed amendment reduces the mass of the scheme within the landscape. Therefore, whilst third parties have not had the opportunity to comment, given the nature of the changes, I am satisfied that no party would be prejudiced by me taking these into account. The Council considered these amended plans and have subsequently, based on the revised scheme, identified its main concerns to be the suitability of the location for new build residential development and the effect of the proposal on the Green Belt.
3. The Council has granted planning permission for the change of use of the existing stables to residential use on 16th August 2019. The appeal proposal differs from the approved conversion scheme so I shall deal with the proposal before me on its merits.

Main Issues

4. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) Whether the site is a suitable location for new build housing having regard to the development plan; and
 - (iii) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount

to the very special circumstances necessary to justify the development.

Reasons

5. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Inappropriate Development

6. The appeal site relates to a parcel of land off Greenway Lane which incorporates a current concrete block building, most recently used as Stables. The site lies within a countryside setting within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is located outside any development boundary designated in the Cotswold District Local Plan (2018) (Local Plan) and is not within a Principal or Non-Principal settlement.
7. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework outlines that the construction of new buildings should be regarded as inappropriate development. Exceptions include the limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The relevant development plan policy that deals with development in the Green Belt is Policy SP1 of the Local Plan. This conforms to the general thrust of the Framework Green Belt policy.
9. The proposed site is occupied by a permanent structure and the revised site area on the amended plans could reasonably be considered to fall within the Framework definition of previously developed land. Nevertheless, the proposal still needs to be assessed as to its effect on the openness of the Green Belt.
10. Paragraph 133 of the Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It indicates that openness is an essential characteristic of the Green Belt. Openness can have both a visual and spatial dimension.
11. The current concrete block building appears as an isolated element of built form to the north of Greenway Lane. It is of simple functional form and retains a sense of openness around it with the undeveloped appearance around the building and the adjacent open fields. This contributes to the sense of visual and spatial openness to the north of Greenway Lane.
12. Whilst the proposal would replace existing built footprint at the site, it includes an additional lower ground element to the north east. The additional volume

and larger scale of the proposal would increase the amount of development at the site. Although part of the building would be below ground level, in my view it would cause a reduction, albeit limited, in the spatial openness of the Green Belt.

13. In current views from the surrounding open fields the building is well screened by vegetation. The contemporary form and the stone wall and glazing along the ground floor element would lead to the dwelling being more visible than the current stable introducing a residential appearance to the site from the surrounding open fields which would urbanise the site. This would cause a limited reduction in visual openness.
14. In views from Greenway Lane the dwelling would be located further into the site than the existing building and would be less visible from the entrance to the site from Greenway Lane. This will be achieved by substantial landscaping along Greenway Lane and at the site access. Although this will help to mitigate the impact of the proposal, this will take time to establish but will in any event formalise the landscaped residential appearance of the site further reducing the site's visual openness. Whilst I consider overall the reduction in openness would be limited nevertheless, it would fail to preserve the openness of the Green Belt.
15. As the proposal would be the redevelopment of previously developed land and it would have a greater impact on the openness of the Green Belt than the existing development, it would be inappropriate development, which by definition is harmful to the Green Belt. The harm to the Green Belt due to inappropriateness attracts substantial weight. Therefore, it would be contrary to Policy SP1 of the Local Plan and Paragraph 145 (g) of the Framework.

Suitable location for housing

16. Policy DS4 of the Local Plan states that new build open market housing will not be permitted outside Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations. The supporting justification for Policy DS4 states that for the purposes of the policy even if land is technically previously developed land it is classed as countryside for the purposes of the policy. The policy does not preclude the development of some open market housing in rural locations including housing created from the conversion of rural buildings.
17. The proposal would involve the demolition of the existing building and the construction of a contemporary dwelling further back into the site on a larger scale. Whilst the conversion of buildings is supported through Policy DS4, the proposal is for the construction of a new and larger building. It therefore constitutes a new build open market dwelling in the countryside contrary to the locational strategy of the Local Plan.

Other Considerations

18. There is more than a theoretical possibility that the extant planning permission will be implemented should the appeal fail. I note the appellant's view that the proposal would be less harmful than the approved scheme. However, the Council, have found the conversion of the building to be acceptable, whereas the proposal would conflict with local and national policy. On this basis, the appellant's personal preference attracts little weight in favour of the proposal.

19. Whilst the proposal would make a modest contribution to the area's housing stock, it would provide only one dwelling and the economic and social benefits that could be associated with it would be small. I note the appellant's comments in respect of Covid-19, but they could apply with similar force to the conversion of the stable building. Accordingly, these benefits attract only little weight in favour of the proposed development.
20. The proposed landscaping will include some enhancements such as providing a Geoweb driveway to provide a more natural appearance to the site access. Whilst this could benefit green infrastructure and the landscape character of the AONB, I note from Condition 4 of the existing permission that a landscaping scheme would be secured for this scheme in any event. Accordingly, I can only attach limited weight to this benefit of the proposed development.

Green Belt Balance

21. The proposal would cause substantial harm to the Green Belt by reason of inappropriateness, and significant harm due to conflict with the adopted locational strategy, which together add up to considerable harm. The other considerations altogether only attract moderate weight in favour, so they do not clearly outweigh the harm to the Green Belt and the locational strategy that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal would conflict with Policies SP1 and DS4 of the Local Plan and the Framework.

Conclusion

22. For the above reasons the appeal does not succeed, and planning permission is refused.

S Thomas

INSPECTOR