



Appeal Decision

Site visit made on 15 February 2021 by Ben Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/C1625/W/20/3263040

Land at Dotloe Farm, Dotloe Lane, Nupend, Stonehouse, Gloucestershire

- 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 Jersey Developments Ltd against the decision of Stroud District Council.
 - The application Ref S.20/1690/FUL, dated 17 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is described as the demolition of existing Dutch barn and dual-pitched barn and the erection of a single storey dwellinghouse.
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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.

Main Issues

3. The main issues are:
 - Whether the proposal would be an acceptable form of development in this location, having particularly regard to its size; and
 - The effect of the proposal on the character and appearance of the locality.

Reasons for Recommendation

Location

4. The appeal site comprises of a single storey, steel built Dutch barn with a corrugated iron clad roof, sited on the eastern edge of the small settlement of Nupend, directly next to a slightly larger similar agricultural building being converted to residential use. To the west are residential properties, to the north, south and east is open countryside. A number of Public Right of Way's (PROW) run close to the appeal site.
5. The site is located outside any settlement boundary and as such, for planning policy purposes, it is located within the open countryside. Policy CP15 of the Stroud District Local Plan (LP) (2015) establishes the type of development that is considered acceptable in the open countryside. The proposed new dwelling

does not correspond with the list of development found acceptable by this policy and accordingly there is conflict with it.

6. However, prior approval¹ has been granted for the conversion of the Dutch barn on the appeal site and the neighbouring agricultural unit into residential use. Work has commenced on the neighbouring barn and as such, the prior approval for the residential use of the appeal building has been implemented. I have no reason to disagree with the Council that the conversion of the appeal unit is a very real and realistic fallback position to which I give significant weight. The Council assessed the planning application on the basis that the proposal is for a replacement dwelling, which is one of the exceptions set out within LP Policy CP15.
7. Even in accepting that the proposal would represent a replacement dwelling, LP Policy HC5 sets out that the scale, form and footprint of the replacement dwelling *'should be smaller than, or of a similar size to the existing dwelling (including any extensions), and the design does not detract from the character or appearance of its surroundings.'* A minor enlargement of the replacement may be permitted, *'but only to allow the dwelling to achieve a basic living standard and where the design does not detract from the character and appearance of the area.'*
8. The Council measure the proposed dwelling as 37% (from 69 sqm to 95 sqm) larger in footprint compared to the existing structure and prior approval conversion, whilst the appellant sets this as 43.6% (from 55 sqm to 79 sqm). Either way, this represents a substantial increase in size and the dwelling would not therefore be smaller than or of a similar size to the approved dwelling for the purposes of LP Policy HC5.
9. Although the proposed dwelling would be of a modest size, having 2 bedrooms, which may well allow for greater future adaptability for its intended occupiers, there is no evidence before me to demonstrate that the approved dwelling would not provide a basic living standard as required by LP Policy HC5. It is also acknowledged that extensions to the property as approved could occur. However, such development would be for the Council to determine on its own merits. The appellant further points to the benefits of an 'improved design' and more sustainable and energy efficient building. However, it is not established that the design is improved from the simple conversion allowed or that energy efficiency is not possible through conversion. Accordingly, these matters do not provide justification for the size of the dwelling as proposed.
10. The information provided by the appellant emphasises the relative lack of one and two bed dwellings in the area, but this has not been substantiated so limited weight is given to this matter.
11. In light of the foregoing, it is concluded that the proposal would not be an acceptable form of development in this location because of the conflict with LP Policies CP15 and HC5 which seek to control development in the open countryside.
12. The impact of the proposal on the character and appearance of the area is discussed below.

¹ Application ref: S.18/2447/P3Q

Character and Appearance

13. The prior approval fallback position would not involve increasing the external dimensions of the host building, with any building operations restricted to the addition of fenestrations and minor roof alterations.
14. The proposed dwelling would be larger than the existing building and would extend further to the west. This projection would replace an existing detached storage structure. Given that the additional length would be located towards the neighbouring property it would not extend the dwelling into the open countryside. The visual impact of the proposed dwelling therefore would not be substantially greater than the previously approved conversion. From distance views the additional massing would only be seen in the context of the surrounding residential development.
15. Both parties agree that the garden area of the proposed dwelling would be considerably larger than the permitted fallback position. The appellant sets out that the wider curtilage of the fallback converted dwelling would be restricted to 69m², whilst the curtilage as proposed under this appeal is measured at 372m².
16. The garden area would be likely to be domesticated with paraphernalia associated with a residential use, such as outdoor seating and a washing line, landscaping and fencing. Whilst limited to some 5.2m from the building, it would encroach into the open countryside and would be visible to users of nearby PROWs including EEA14, EEA16 and EEA17 and to the occupiers of the dwellings immediately to the west. The garden area would contrast starkly with the undeveloped countryside to the east and would be harmful to the existing open rural character. Any potential proposed landscaping to screen the dwelling and garden would further enclose the existing open space, drawing attention to this harmful aspect of the proposal. Whilst I acknowledge that the approved garden area could accommodate domestic paraphernalia, the impact would be likely to be less than that proposed, because of the smaller size of the garden area.
17. In light of the foregoing, I conclude that the proposal would be harmful to the character and appearance of the locality. There is therefore conflict with LP Policies CP14 and CP15, which collectively seek to ensure that development is high quality which protects the natural environment and is respectful of its surroundings, in addition to protecting the quality of the countryside by not leading to excessive encroachment or expansion of development away from the original building. The proposal also conflicts with the general requirements of Policy EP1 of the adopted Eastington Neighbourhood Development Plan (2016), which whilst a more strategic sustainability policy, sets out that development should accord with Local Plan Policy CP15.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR