
Appeal Decision

Site visit made on 8 March 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/F1610/W/20/3262835

Land adjacent to Upper Siddington House, Upper Siddington, Siddington GL7 6HL

- 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 J Hayward against the decision of Cotswold District Council.
 - The application Ref 20/00400/FUL, dated 29 January 2020, was refused by notice dated 12 May 2020.
 - The development proposed is described as erection of dwelling together with detached car port and associated ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for erection of dwelling together with detached car port and associated ancillary development, at Land adjacent to Upper Siddington House, Upper Siddington, Siddington GL7 6HL, in accordance with the terms of the application, Ref 20/00400/FUL, dated 29 January 2020, and subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. This appeal relates to an application for planning permission only. The scheme would however require demolition of part of the boundary wall of Upper Siddington House in order to form the access. As Upper Siddington House is a listed building, the boundary wall is potentially covered by its listing. As such the scheme may additionally generate a requirement for listed building consent. Therefore, in the event that the appeal was allowed, this would be a matter requiring the further attention of the parties.
3. An application for costs was made by Mr and Mrs J Hayward against Cotswold District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - whether the site is located within a non-principal settlement; and
 - whether the site is a suitable location for the proposed development having regard to its effect on the character and appearance of the area, including whether it would preserve the setting of a Grade II listed building.

Reasons

Non-principal settlement

5. The Cotswold District Local Plan (the LP) seeks to direct growth to 17 principal settlements, whilst facilitating small scale residential development in non-principal settlements. Residential development is tightly restricted outside these locations. In this regard the parties dispute the nature of the site's location and thus whether the scheme should be assessed against Policy DS3 of the LP, which relates to housing in non-principal settlements, or Policy DS4 of the LP, which relates to housing outside principal and non-principal settlements.
6. Non-principal settlements are not defined within the LP. An assessment of whether or not a settlement falls into this category is therefore required, based on considerations set out within the supporting text of Policy DS3. In this regard the Council states that the village of Siddington is a non-principal settlement. Given that its occupants have reasonable access to everyday services, facilities, and employment opportunities, both within it and adjacent Cirencester, I agree. The Council however considers that the site lies outside Siddington, within what it identifies as the smaller hamlet of Upper Siddington.
7. Upper Siddington, which is identifiable by a street name, lies towards the west of the village centre. It comprises a loose cluster of development of mostly historic origin. Based on the age of buildings within the surrounding area, it appears that this cluster was once spatially and visually separated from development of contemporary age towards the east. Whether or not Upper Siddington at that time therefore constituted a 'hamlet', or was simply a detached portion of Siddington, is unclear. Either way, Upper Siddington is now linked to the village by an unbroken band of housing along the north side of Park Way, and a large public recreation ground. Pedestrian connectivity is good. As experienced on the ground therefore, Upper Siddington is not perceived as a separate settlement, but as a component of Siddington. The Parish Council notably echoes this view. Based on the evidence before me therefore, I consider that Upper Siddington forms part of the non-principal settlement of Siddington.
8. The proposed dwelling would be built within part of a paddock of roughly triangular shape. This is located immediately to the south of the garden of Upper Siddington House and adjacent dwellings, and immediately to the west of the domestic curtilage of The Byre. Thus, whilst its southern edge is bounded by a field, the other two edges of the paddock are almost entirely bounded by existing residential development. The two accesses which exist between it and the garden of Upper Siddington House, as too the presence of domestic paraphernalia, further provide the paddock with a semi-domestic character and appearance. This impression is visually reinforced by topography, the nature of the fencing employed along its southern edge, and in contrast with land in active cultivation immediately beyond. In the above regards I find that the paddock, as too therefore the site, has a primary visual and spatial relationship with adjacent development, and that as such, it forms part of the settlement.
9. For the reasons outlined above I conclude that the site lies within a non-principal settlement, and that it therefore falls to be considered against Policy DS3 of the LP.

Location

10. Policy DS3 of the LP sets out a number of criteria governing the provision of small-scale residential development in non-principal settlements. In this regard the Council's concern is the effect that the development would have on the character and appearance of the area, including the setting of Upper Siddington House.
11. Upper Siddington House is listed at Grade II. Insofar as it is relevant to this appeal, the special interest and significance of Upper Siddington House resides in its probable late seventeenth century date, formal architectural design, and visual presence, which has been accentuated by its enlargement with an extension of matching style, scale and fully integrated form.
12. As outlined above, the paddock within which the site is located lies towards the south of the house and its garden. Ground levels in the paddock fall away from the garden wall, dropping to their lowest within the part occupied by the site. As levels then rise to the south, the extent of the site's exposure within the landscape is limited, though Upper Siddington House itself is prominent in glimpsed in views above the hedge lining the lane towards the south east.
13. I have been provided with no evidence that any important functional or other historic relationship exists between the house and the paddock, or the landscape at large. None is otherwise apparent. Based on old maps, the paddock itself appears to be of relatively recent formation, and the land within it hasn't always been wholly free of development. As such, neither the paddock nor its open character are historic features.
14. The paddock, and more specifically those parts immediately to the south and south west of the house, nonetheless currently provide an attractive open outlook, which the extension has clearly been designed to enjoy. Given the degree to which the extension has been integrated with the fabric and design of the original building, this outlook makes a positive contribution to the way in which the significance of the house is experienced as a whole. Even within this context however, the part of the paddock occupied by the site is not directly viewed or particularly prominent. The same is true in relation to views from the front of the building, and even from the rear the outlook from the house is directly over an enclosed garden. For this and the above reasons, the site makes little if any contribution to the significance of the listed building.
15. The proposed dwelling and outbuildings would stand at a lower level than the listed building, and, for the most part, at a lower level than its garden. Though they would nonetheless be partially visible from parts of the house and garden, and somewhat more so were trees adjacent to the boundary to be thinned or removed, they would be little more noticeable than other development which currently stands adjacent to the plot. Nor would they intrude upon long views of the listed building from the lane.
16. The level of garden to the rear of the house itself gradually falls. It is an attractive space whose proportions complement that of the rear elevation, and from within which aspects of the architectural significance of the house can be clearly appreciated. The site access would be built along its bottom end, utilising a strip of land which has already been partly differentiated by garden planting. The access would as such occupy a relatively small amount of land in the lowest and most peripheral part of the garden, where it could be sensitively

- screened. As noted above, demolition of a small section of the garden wall would be required to form an opening. However, the extent of demolition required would be minimal, and, viewed within context, would not undermine the overall integrity of enclosure provided by the wall.
17. For the above reasons, I find that the development would not undermine appreciation of the significance of the listed building, or therefore harm its setting.
 18. More broadly, Upper Siddington House forms one of a small number of dwellings currently accessed off a short cul-de-sac. Though this provides a degree of linearity to the layout, this is not strongly noticeable on the ground given the spaciousness of plots, and the varied orientation of buildings. In this regard the proposed dwelling would stand further away from the lane than existing dwellings, but it would nonetheless be accessed from it. Its plot boundaries would roughly correspond with those of The Byre, and its scale and massing would fall well within the local range. As such, the development would not obviously appear at odds with the layout or grain of existing development.
 19. Whilst the proposed dwelling would feature local materials and a barn-like form, it would be of identifiably modern origin, and unlikely to be perceived as a former agricultural building. Its composition would not be typical of either traditional agricultural or domestic buildings in the area. However, in this case there appears to be no particular reason why this should be required or considered desirable. Nor is there any good reason to require the development to otherwise display 'contemporary merit'. Furthermore, this is not an instance in which the requirement for design of 'exceptional quality' set out in paragraph 79(e) of the Framework, is applicable, given that the dwelling would not be isolated. Thus, whilst the proposed design would not be architecturally outstanding, it would contain sufficient material and visual cues to enable its general integration without causing harm.
 20. The design of the car port also received criticism. However, in the absence of clear explanation of how this timber clad shed-like structure would undermine local architectural traditions, I again consider that no harm would arise.
 21. At appeal the Council has raised additional concern in relation to potential light spill, glint and glare, and increased activity at night. As established above, exposure of the dwelling within the surrounding landscape would be limited, as would public views. In these regards scope for intrusion due to light spill, glint, glare and activity at night would be very limited, particularly relative to more prominent and visible development to the north. As such, it is unlikely that harm would arise.
 22. The development would see part of the paddock more comprehensively domesticated than it is at present. However, in view of my findings above, this would not result in any sense of harmful suburbanisation of the rural character of the area.
 23. For the reasons outlined above, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area, including a Grade II listed building, whose setting would be preserved, and that as such the site is a suitable location. The development would therefore comply with Policy DS3 of the LP which amongst other things requires development in non-principal settlements to complement the form and character of the

settlement; Policy EN1 of the LP, which seeks to secure development that promotes the protection, conservation and enhancement of the historic environment; Policy EN2 of the LP which seeks to secure design which respects the character and distinctiveness of a locality; and Policy EN10 of the LP which reiterates national policy relating to heritage assets.

Other Matters

24. Though the Council's officer report raised concern that great crested newts may be present on the site, a subsequent ecological impact assessment has confirmed that this is unlikely. The presence of a single common lizard was however recorded. This suggests that the site may see a low level of use by this protected species, and also indicates the potential for the development to cause minor disturbance. A number of potential mitigation measures are identified within the report. Insofar as some of these measures relate to land outside the site, I cannot be certain that their delivery would be secured by condition. I am however satisfied that, notwithstanding the general landscaping details otherwise submitted, the site is of sufficient size to accommodate the area of raised ground/reptile hibernation features indicatively specified. This can be secured by an appropriately worded condition.
25. At appeal the Council has suggested that future occupants of the development would be car dependent given the limited availability of facilities, services and public transport in Siddington. However, this is at odds with the identification of Siddington as a non-principal settlement based partly on the level of services and facilities it contains, and the good level of accessibility its occupants have to those within adjacent settlements. The travel distances cited otherwise confirm that Siddington is easily walkable, and the very close proximity of Cirencester. I therefore have little reason to believe that any unacceptable harm would arise on account of car use.
26. Concern has been expressed with regard to the possible precedent that might be set were the appeal to be allowed. However, I have assessed the scheme on its own particular merits, which are unlikely to be identically replicated elsewhere.

Conditions

27. I have imposed standard conditions which set out the time period for commencement of the development, and identify the approved plans for sake of certainty. I have worded the plans condition in such a way that flexibility exists to vary details to allow compliance with other conditions.
28. Condition 3 requires the provision of a reptile mitigation strategy. This is for the reasons outlined above, and as proposed within the submitted report. It is necessary for this to be a pre-commencement condition given the potential for impacts to arise from the point of commencement, and given the importance of timing.
29. Condition 4 requires the provision of a drainage scheme. This is in the interests of ensuring that the site is properly drained. A pre-commencement condition is required given the likely importance of incorporating drainage measures from the point of commencement. I have modified the wording suggested by the Council for sake of clarity.

30. I have imposed Condition 5 in relation to materials, as proposed by the appellants. This is again necessary in order to help ensure that the development has a satisfactory appearance in relation to its broader setting.
31. The Council has proposed two other conditions which I have not imposed. One, which would require the proposed access to be laid out and specify the way in which a gate should be installed, is unnecessary. This is because construction of the access would otherwise be essential, and because no gate has been proposed. The second, which would impose a requirement to provide a construction management plan/method statement, would be both unnecessary and unreasonable. This is because it would be disproportionately onerous relative to the small scale of the development and limited potential to give rise to the adverse effects these measures are generally designed to address.

Conclusion

32. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified in compliance with the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 00 Rev. B; 09 Rev A; 10 Rev D; 11 Rev D; 12 Rev A; 15 Rev E; 16 Rev E; G01; G02 Rev A .
- 3) The development hereby permitted shall not commence until a reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved strategy, with any required features provided prior to the first occupation of the dwelling hereby permitted, and retained thereafter.
- 4) The development hereby permitted shall not commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - the results of 3 soakage tests carried out at the site to demonstrate the infiltration rate, with the lowest used for design;
 - details of the size, position and construction of the drainage infrastructure to be provided; and
 - an exceedance flow routing plan for flows above the 1 in 100 year plus 40% allowance for climate change.The development shall then be carried out in accordance with the approved details, which shall be fully implemented prior to the first occupation of the dwelling hereby permitted, and maintained thereafter.
- 5) Construction of the development hereby permitted shall not proceed above slab level until specific details of all facing and roofing materials, including

finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.