



# Appeal Decision

Site Visit made on 25 May 2021

**by A Owen MA BA(Hons) MRTPI**

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

**Decision date: 3 June 2021**

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**Appeal Ref: APP/C1625/W/21/3266664**

**Holcombe Folly, Holcombe End, Painswick GL6 6RG**

- 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 Lord and Lady Liverpool against the decision of Stroud District Council.
  - The application Ref S.20/1994/HHOLD, dated 23 September 2020, was refused by notice dated 1 December 2020.
  - The development proposed is erection of four garages with living accommodation.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of four garages with living accommodation at Holcombe Folly, Holcombe End, Painswick GL6 6RG in accordance with the terms of the application, Ref S.20/1994/HHOLD, dated 23 September 2020, subject to the conditions in the schedule at the end of this decision.

## Main Issue

2. The main issue is whether the proposal would represent a new independent dwelling in the open countryside.

## Reasons

3. The appeal site accommodates a large detached dwelling set in spacious grounds in the open countryside. The dwelling is a Grade II listed building. To the front of the house there is a formal lawn and beyond that a more informal garden area containing a number of trees and long grass along with a greenhouse and some planters for vegetables. The proposed development would take place roughly where the greenhouse and planters are.
4. The development would primarily provide staff accommodation and garaging. There is currently staff accommodation in a small detached building close to the main house, but this is limited and the proposal would provide more reasonably sized accommodation for their staff. The building would be single storey with most of the ground floor area occupied by garaging to serve the main house with staff accommodation above in the pitched roof. There currently is no garaging serving the site.
5. Policy HC7 of the Stroud District Local Plan (SDLP) refers to the creation of annexes. Although strictly, the policy refers to accommodation for dependents or carers, the explanatory text refers to domestic staff, and I consider it is a relevant policy. The policy states that annexes must be linked to the main house by a door and must be readily able to be converted into an extension. It adds that where it is not possible for the annexe to be attached to the house, it

- may be acceptable to convert an existing outbuilding. The proposal would plainly not meet these criteria and so would conflict with the policy.
6. It is considered that as the main house is a listed building, which has a rather irregular layout, extending it to the degree necessary to provide the required staff accommodation whilst preserving the character and appearance of the listed building is unlikely to be possible. Indeed, in that regard, I understand an application to extend the existing staff accommodation was withdrawn because of objections from the Council's Conservation Officer in respect of its impact on the listed building. In addition, I saw no other existing outbuildings that would be suitable for conversion to staff accommodation. Consequently, it would be unlikely that any new staff accommodation would be able to meet the policy.
  7. Notwithstanding this, the explanatory text to the policy provides guidance on the aspects to consider to assess the degree of association between an annexe and its main house. This includes the scale, layout, design and physical relationship between the house and the annexe.
  8. The annexe would be around 90 metres from the main house. There is currently a gravel footpath that links the house and formal garden to the area of the site where the development would be sited. However there is also a tall thick hedge which would separate views of the house from the proposed building and vice versa. As such, physically, there would be a substantial degree of separation from the house. Indeed this appears to have been the appellant's intention so as to minimise the impact on the setting of the listed building. Furthermore, functionally, staff could live independently from the main house and separate vehicular access would be provided directly from the access road. The fact that the garaging would be for the main house would not materially affect the degree of independence of the accommodation.
  9. I consider that the amount of accommodation would be modest especially in the context of the scale of the main house. Indeed the scale of the building overall would be subordinate to the main house. Also the Council raise no objection to the design of the building, with which I concur. Nonetheless, overall there would be a high degree of separation between the annexe and the main house, and this leads to the Council's main concern that the proposal would be tantamount to a new independent dwelling in the countryside. Policy CP15 generally guards against the creation of new dwellings in the countryside.
  10. However it would be possible to ensure the development remained ancillary to the main house by imposing a condition to ensure this on any planning permission. With this condition in place, the proposal would not conflict with policy CP15. Although the Council consider that future applications to remove the condition to facilitate the creation of an independent dwelling would be difficult to resist, I see no reason why this would be so as policy CP15 firmly guards against new dwellings in the countryside.
  11. The Council raise no objection to the impact of the proposal on the setting of the listed building. I agree that the position of the main house, a substantial distance from the annexe and separated from it by a thick hedge, means its setting, which is informed by the well-maintained gardens in front of it, would not be harmfully impacted by the proposal. Similarly, I agree with the Council that the development would conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

12. Overall, the development fails to comply with policy HC7 and fails to accord with the development plan taken as a whole. However, the ability to impose a condition to ensure the development does not become a wholly independent dwelling is a material consideration that indicates the decision should be made other than in accordance with the development plan.

### **Conditions**

13. I have considered the Council's suggested conditions. Where necessary and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
14. Crucially I have imposed a condition to ensure the use of the building is ancillary to the main house only so as to ensure the development does not result in the provision of a new dwelling in the countryside which would conflict with the Council's settlement strategy.
15. Also, I have imposed the standard commencement of development condition and a condition identifying the approved plans to ensure certainty. Conditions relating to the construction materials and levels are necessary to ensure the character and appearance of the site is maintained. The conditions requiring a strategy for any external lighting, and details of bird and bat boxes are imposed in the interests of biodiversity.
16. I have not imposed the suggested condition relating to construction hours as the nearest neighbouring dwelling is some distance away and would not be likely to experience unacceptable noise or disturbance from the construction works. I also have not added the conditions relating to the landscaping of the site as the site is already well landscaped and, despite the removal of a hedge, no additional planting would be necessary to make the development acceptable.

### **Conclusions**

17. For the reasons given, and having had regard to all other matters raised, the appeal is allowed.

*A Owen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at 1:1250 scale, 36699/1, LPC.4946.20.02, LPC.4946.20.03 and 497/1.
- 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Holcombe Folly, Holcombe End, Painswick.
- 4) No works on the external surfaces of the building hereby permitted shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 5) No works above ground level shall take place until full details of the existing ground levels and finished levels, the ground floor of the proposed building, and the proposed finished ground levels of the site including the parking area, above ordnance datum, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
  - a) identify the areas/features on site that are particularly sensitive for foraging bats;
  - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.
- 7) Within three months of commencement of the development hereby permitted, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the local planning authority. The approved works, shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development.