

Appeal Decision

Site Visit made on 18 May 2021

by Mr Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/C1625/W/20/3260430

86 Woodmancote, Dursley, GL11 4AJ

- 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 G Peacey against the decision of Stroud District Council.
 - The application Ref S.20/0349/FUL, dated 14 February 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the erection of two detached dwellings (one self-build) with provision for associated parking, garden and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect on the character and appearance of the area, bearing in mind the location of the Cotswolds Area of Outstanding Natural Beauty and the Woodmancote Conservation Area, and
 - ii) The suitability of the location of the development, having regard to the policies of the development plan.

Reasons

Character and appearance

3. The appeal site comprises an existing dwelling, 86 Woodmancote (No. 86) and its associated garden area. The dwelling sits centrally within the site with a lawned area to the north, with a further lawned area to the south set apart from the dwelling by the hard-surfaced driveway. The dwelling and its garden have a spacious quality, which sets it apart from the more tightly arranged layout of properties in the immediate vicinity. Based on the information submitted with the appeal, the settlement boundary bisects the appeal site, with the northern part within the settlement and the southern part outside. The boundary did not appear to follow any discernible feature on the ground.
4. The appellant has submitted extracts of the Council's Proposal Map which shows that the settlement boundary also serves as the boundary for the Cotswolds Area of Outstanding Natural Beauty (the AONB), in that it also intersects the appeal site. The appellant has submitted a further extract showing the boundary of the AONB located further to the south, abutting the edge of the appeal site. However, given this diverges from that plotted by the Council on the Proposal Map, this does little to convince me that the site is not located within the AONB. My view in this respect is reinforced by the comments

of the Council, which state that the settlement boundary was specifically drawn to exclude the relevant part of the garden of No. 86, that lies within the AONB, from the settlement. Thus, I have proceeded on the basis that part of the appeal site is located within the AONB boundary.

5. The southern part of the appeal site, which would accommodate House 1 is located within the AONB. While it currently forms part of the residential garden area associated with No. 86 and the appellant contends it is separate from the character of the surrounding land, I find that it shares a greater affinity with the open, natural aspect of the surrounding countryside than with the developed area of the settlement. It is a relatively open, lawned area, with a small number of trees and a noticeable lack of built form or domestic paraphernalia. It permits views from within the appeal site to the surrounding countryside, of the nearby fields and woodland beyond. As such, while maintained as a lawn and enclosed by a hedge, it provides an attractive area of transition between the built development in the settlement and the surrounding countryside. Furthermore, this part of the site is visible when approaching the settlement along the public right of way (the PROW) which runs to the south and is viewed as an undeveloped area of land. Thus, the current undeveloped nature of the appeal site, being within the AONB, contributes to the setting of the settlement when viewed from surrounding vantage points.
6. In this light, the introduction of House 1 would diminish the contribution that this part of the appeal site makes to the character and appearance of the area, including that of the AONB. Notwithstanding the findings of the appellants Landscape and Visual Impact Assessment, it would be viewed as an insensitive addition to the site, eroding the transition from the built-up area to the more open aspect of the AONB. I note that the scheme includes a landscape plan which seeks to mitigate the visual effect of the proposal; however, this would not overcome the adverse effect of the new development that I have identified.
7. The site is predominantly located adjacent to the Woodmancote Conservation Area (the CA), with part of the access lying within it. I observed that the significance of this designated heritage asset lies, in part, due to the quality of the traditional housing stock that is located largely along the A4135 road. There was also a number of traditionally designed and proportioned dwellings along Nunnery Lane which are also located within, and positively contribute to, the significance of the CA.
8. The proposed dwellings would be located to the rear of properties that have a frontage to the main road. From vantage points along this road, views of the proposed development would be limited only to glimpsed views when passing the point of vehicular access. When viewed from the PROW, the dwellings would be viewed against the rear elevations of existing properties. There would also be relationship, in terms of proximity, with the properties that are located along Twinberrow Lane, but which lie outside of the CA. There would be further glimpsed views from this lane, but my view is that they would not diminish the sense of openness that contributes to the CA at this location. While the two dwellings are designed to have a modern appearance, in light of the context that I set out above, I find that they would not be harmful additions to the CA.
9. Accordingly, while I find no harm to the significance of the CA as a designated heritage asset, the appeal scheme would be harmful to the character and appearance of the area, bearing in mind the location of part of the appeal site

within the AONB. Therefore, the proposals conflict with policy ES7 of the Stroud District Local Plan (adopted November 2015) (the Local Plan), as well as policy ES2 of the Dursley Neighbourhood Development Plan (adopted October 2018). Together, and amongst other things, these policies seek to ensure that development within the AONB is sympathetic to, and complements, landscape character, in addition to ensuring that development enhances and protects the AONB.

10. Given that I have found no harm to the conservation area, there would be no conflict with policy ES10 of the Local Plan, nor the heritage asset protection aims of the National Planning Policy Framework (the Framework).

Suitability of location

11. As set out above, the appeal site straddles the settlement boundary for Dursley. The Council raise no objection in principle to House 2, to the north of No 86, given its location within the settlement. From the evidence before me however, House 1 would be wholly located outside of the boundary for the settlement. Policy CP15 of the Stroud Local Plan sets out the circumstances where development in the countryside, i.e. outside of settlement boundaries, will be permitted. The construction of House 1 would not accord with any of the permissive criteria and thus the proposals conflict with policy CP15, insofar as it seeks to protect the quality of the countryside. In failing to accord with this policy, there would also be conflict with policy CP1 of the Local Plan.
12. The Council's reason for refusal also sets out that there would be conflict with the locational strategy as set out in policies CP2 and CP3. Given that part of the site lies within the settlement and that the remainder lies adjacent to it, I find that there would be no conflict with these policies which seek to direct growth to identified settlements in the District, where there is good access to services. This however does not outweigh the conflict that I identify above.

Other Matters

13. I acknowledge that the scheme is intended to deliver self-build housing. However, there is no mechanism before me, such as a legal agreement or unilateral undertaking, to ensure that the development that would be delivered would comprise self-build units. Mention is made that this matter could be secured by planning condition, however there is nothing that convinces me that a condition could be utilised for this purpose. This matter therefore has little bearing on my decision.
14. There is mention of the proposal not resulting in isolated dwellings. I agree that the location would not be isolated within the context of paragraph 79 of the Framework. However, that the dwellings would not be isolated in this regard does not outweigh the harm that I have identified.
15. I have had regard to the appeal decision that has been drawn to my attention. I find that the circumstances of that case are different from that which is before me, most notably the Inspector in that case found the site shared a greater affinity with the settlement than the adjacent countryside. I have found differently in this case and thus the schemes are not directly comparable. The provision of this appeal decision does not therefore dissuade me from my findings above.

16. There would be benefits accruing from the proposed development, both in economic and social terms. While these are noted, they do not overcome the harm that I have identified.
17. Reference is made to the Pre-Submission Draft of the Stroud District Local Plan review that has recently been published. However, given the stage of preparation, that the draft is currently out for consultation and that the plan is yet to be examined, it carries limited weight. In any event, it is not sufficient to alter my findings above.

Conclusion

18. For the reasons given I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR