



Appeal Decision

Site Visit made on 21 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/F1610/W/21/3274250

High Green Farm, Birdlip, Gloucester, Gloucestershire GL4 8JH

- 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 outline planning permission
 - The appeal is made by Stuart Hall (Churcham Homes Ltd) against Cotswold District Council.
 - The application Ref 21/00974/OUT, is dated 1 March 2021.
 - The development proposed is described as residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address above is taken from the appeal form with the post code from the original application. I am satisfied it properly describes the site's location.
3. The application was submitted in outline with approval sought for details of access and scale. In my assessment, I have considered the details of access to the site as well as the height, width and length of proposed buildings as shown on the appeal plans. I have treated the details of layout, appearance and landscaping as being submitted for illustrative purposes only.
4. The description of development in the header above is taken from question 4 on the application form. The appeal form gives the description as "outline application for 5 dwellings with all matters reserved except scale and access". This description is consistent with the answer to question 15 of the application which states 5 houses are proposed. Also, it accords with the appeal drawings and the information in the appellant's other submissions. As such, my assessment is based on the description as provided on the appeal form.
5. As part of the appeal, the appellant has provided a plan titled "revised scheme for consideration". This is marked as illustrative and shows the layout of 4 rather than 5 houses. As this plan has not been the subject of any public consultation, I am concerned that injustice may be caused if I was to take it into account. As such, my determination has not had regard to this drawing.
6. The National Planning Policy Framework (the Framework) was revised in July 2021 and so after the date the appeal was lodged. As part of the appeal process, I have asked for comments from the main parties on the revised Framework. I have taken into account the responses.

Main Issues

7. The Council has not issued a decision on the planning application. However, having regard to its submissions, the main issues are the proposal's effect on the character and appearance of the area including whether it would conserve or enhance the natural beauty of the Cotswold Area of Outstanding Natural Beauty (the AONB).

Reasons

8. The appeal property lies on the edge of Birdlip with development to the north and across the road but with open land to the south and west. It contains a single building with areas of hardstanding used to accommodate parking, shipping containers and external storage. The southern part of the site is grassed and vacant of buildings and hardstanding. A public footpath runs from the road up a slope in the field to the south of the site.
9. Tall conifer hedges on the roadside and northern boundaries generally prevent views into the site from the road, although the building and part of the hardstanding is visible through the access gap. From this point, the open grassed area on the site is also seen with views to trees and bushes behind. Also, there are views from the footpath across the site towards the village.
10. The existing building is of a simple functional appearance and is similar to many agricultural barns. As such, it is in keeping with the rurality of the area. The hardstanding and external storage detract from the site's visual qualities but they have limited visibility. The openness of the southern section means the site acts as a transition between the countryside and the village. Also, it lies in public views which highlight the attractiveness of countryside and the rural setting of the village.
11. The illustrative plan shows 2 houses to the south and 3 to the north of the proposed access. Details of layout are reserved for future consideration. However, when having regard to the size and shape of the site, the position of the access as well as the scale of the proposed buildings, I am unconvinced the development could be laid out on just the northern part of the site or entirely away from the road. From the information provided, it seems highly likely that the development would encroach on to the grassed area on the southern section of the site and would be closer to the road than the existing building.
12. Consequently, the proposal would be more noticeable from the road and by walkers on the public right of way compared to the existing development. Also, it is likely that the houses would obstruct existing views from the road towards the countryside beyond the site. Moreover, the scheme would result in a greater mass of built development and the presence of domestic paraphernalia which would diminish the site's role as a transition between the countryside and the village. As such, the proposal would harm the area's scenic qualities.
13. The plans show open space and a landscape buffer on parts of the site and so it is unlikely that the scheme would appear cramped. Appropriate new planting on the southern boundary would help conceal the development from the footpath, although it is probable that any screening effect would be reduced during times of leaf-fall. Also, new planting cannot be relied upon for perpetuity. In any event, there would still be views of the houses from the road through the proposed access gap.

14. The proposal would remove the external storage which detracts from the appearance of the locality. Also, the houses would be of an appropriate scale and could be designed to integrate with the local vernacular. However, I am unconvinced from the information provided that any advantages in these regards would offset the identified detriment to the area's scenic qualities. Furthermore, given the details of the proposal before me, I am not persuaded that planning conditions could be imposed so as to fully address my concerns.
15. Therefore, I conclude the development would harm the character and appearance of the area and would not conserve or enhance the natural beauty of the AONB. In these regards, it would not accord with policies DS3, EN2, EN4 and EN5 of the Cotswold District Local Plan 2018 (LP). These aim, amongst other things, to protect the special qualities of the AONB and to ensure development respects the character and appearance of the locality. The Council also refers to LP policy INF7 but this includes no relevant provisions.

Other Matters and Planning Balance

16. Full planning permission has been granted for the development of 4 houses on the site. There is a greater than theoretical possibility that this approved scheme would be implemented if the appeal is dismissed. Therefore, it provides a realistic fallback position.
17. However, the current proposal would include more buildings and so it is likely to encroach nearer to the road and more onto the southern part of the site compared to the approved scheme. As such, the appeal development would have a more harmful effect than the permitted alternative in terms of erosion of the open space and obstructing views of the countryside. Also, it is likely to be more obvious from the public footpath and lead to additional domestic paraphernalia to the detriment of the rural nature of the area. As it would be less detrimental than the appeal scheme, I attach limited weight to the fallback position in my assessment.
18. The proposal would be a more efficient use of land within a short walking distance to the school and pub in the village. As such, it is likely that occupiers of the houses would support local businesses and add to the vitality of the local community. The scheme would add units, including bungalows, to the housing stock and as a small development it is likely to be delivered quickly. Compared to the scheme already approved, the proposal would deliver just a single additional unit. Nonetheless, the benefits attract positive weight in my assessment.
19. However, the identified harm means the scheme would be contrary to the development plan policies when read as a whole. In light of the contents of the Framework, I attach great weight to the detriment that would be caused to the AONB. As such, the benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

20. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR