



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/21/3274600

**Fosse Dogotel & Cattery, Cricklade Road, South Cerney,
Cirencester GL7 5QB**

- 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 Mrs Allyson Evans (Fosse Dogotel and Cattery) against the decision of Cotswold District Council.
 - The application Ref 20/02851/FUL, dated 14 August 2020, was refused by notice dated 23 March 2021.
 - The development proposed is described as "amended access and design of the extant consent for two new homes under ref no. 12/00138/FUL".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have invited comments from the main parties on the revised National Planning Policy Framework (the Framework), issued in July 2021. Also, I have taken into account the comments received.

Main Issue

3. The main issue is whether the proposal would be in a suitable location having regard to the policies of the Cotswold District Local Plan 2018 (LP), the Framework and accessibility.

Reasons

Suitability of location

4. The proposal would provide 2 new houses outside any defined settlement and there is no suggestion it would comply with any LP policy that allows housing in the countryside. As such, even though the site contains buildings, the scheme would not accord with LP policy DS4.
5. Whilst it would be close to other properties, the development would be away from any sizeable settlement. The nearby farm shop may provide for a small proportion of future residents' needs. However, occupants would need to travel much further to access places such as schools, supermarkets, community facilities and workplaces. There is no certainty that residents would work from home. The nearest bus stop and South Cerney and Cirencester would not be within easy walking distance and there are no connecting footways. As such, occupants of the development would be heavily reliant upon the private car. Therefore, the proposal would not limit the need to travel and would not offer

occupiers a genuine choice of transport modes. Also, it would not be located where it would enhance or maintain the vitality of a rural community.

6. The appellant suggests that the site is part of an established cluster of development and so it is not isolated. Even if I was to accept this contention, it does not address or override the conflict with LP policy and identified accessibility issues.
7. The scheme would mainly consist of new constructions and while it would involve conversion works, the building to be converted is not currently disused. Moreover, the houses would be of a style typical of the area rather than of exceptional design. The information on the reputation of the intended housebuilder and the environmental performance of the development does not convincingly demonstrate the scheme would be truly outstanding. Therefore, the proposal would not fall within any of the exceptions set out in paragraph 80 of the Framework when isolated homes in the countryside may be acceptable.
8. For the above reasons, I conclude the proposal would not be in a suitable location when having regard to LP policies, the Framework and accessibility.

Fallback Position

9. Planning permission has been granted for the alteration and conversion of kennel buildings on the site to provide 2 detached dwellings. There is a greater than theoretical possibility this development would be carried out if this appeal is dismissed and so it represents a fallback position.
10. Unlike the appeal scheme, the Council advises that the re-use of rural buildings to provide new dwellings is permissible in the countryside under LP policies. As such, the approved scheme would be less harmful than the proposal in terms of the level of conflict with the development plan.
11. Furthermore, the details provided indicate the approved dwellings would be single storey and would provide less living accommodation than the appeal development. Consequently, it is likely that the approved scheme would result in less residents and less car trips to access facilities than the proposal.
12. The appellant indicates the development would involve the re-use of materials in its construction and would provide energy efficiency and renewable energy generating features. However, the scheme would require new construction materials to build the proposed houses whereas the approved scheme involves the re-use of existing buildings. Also, the larger homes are likely to lead to more car trips with subsequent environmental effects. Without a full comparative analysis that takes account of such factors, I am unconvinced that the proposal would be significantly better than the approved scheme in overall environmental performance terms.
13. In the absence of full details, I am unable to ascertain whether the approved dwellings would provide unsatisfactory living conditions or that the current proposal would provide better internal arrangements. It seems the permitted development would provide smaller homes but it does not follow that it would be unacceptable or inferior to the proposal in these regards.
14. The proposed 2 storey high houses would be typical of dwellings in the area unlike the approved scheme which would utilise single storey flat roof buildings of a simple functional appearance. However, without details of the permitted

alterations, I am unable to assess whether the proposal would represent a marked improvement in appearance. Even if I found this to be the case, the development would be away from the road and largely screened by vegetation and The Fosse. As such, any visual enhancement as a result of the proposal would not be particularly noticeable.

15. The current proposal omits a driveway that forms part of the approved development and would be near to a line of trees. However, there is no substantive evidence that shows the construction of the drive would harm the trees and so there is no clear benefit in these regards. The appeal development includes reinstatement works to a ditch which does not form part of the approved scheme although it is unclear from the evidence provided how beneficial this would be in terms of avoiding flooding. In any event, such works are not dependent upon the provision of 2 new dwellings on the site.
16. For the above reasons, I find the proposal would be more harmful than the approved scheme in terms of the level of conflict with LP policies and the provisions of the Framework regarding location of housing and sustainable transport. I am not persuaded that the appeal scheme would provide sufficient benefits over and above those of the permitted development to override this harm. Overall, the approved scheme would not be as harmful as the proposal and so I attach limited weight to the fallback position.

Other Issues and Planning Balance

17. As it is used as kennels, the site is the source of barking. However, there is no substantive evidence that shows this causes nuisance to nearby residents. Therefore, I attach limited weight to the removal of the potential noise source.
18. Reference is made in the appellant's submissions to self-build homes. However, there is no evidence that the initial owners of the houses have had an input into the final design and layout. As such, I am not satisfied the proposal would meet the definition of self-build housing.
19. The development would add to the stock of dwellings but it would provide no more units than the approved scheme. Also, it is not disputed that the Council can demonstrate a housing land supply in excess of the 5 year minimum requirement. The proposal would generate a community infrastructure levy contribution but the benefits overall attract modest weight given the scale of the scheme.
20. The harm identified in respect of the main issue means the proposal would not accord with the development plan policies when read as a whole. The overall benefits of the scheme and other factors, including the fallback position, are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

21. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR