



Appeal Decision

Site Visit made on 15 June 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/F1610/W/21/3270623

Land North East of Long Acre Barn, Birdlip Gloucestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr Duncan Lloyd-Jones of Bonehill Capital Ltd against the decision of Cotswold District Council.
- The application Ref 20/02706/PLP, dated 5 August 2020, was refused by notice dated 10 September 2020.
- The development proposed is residential development up to 6 dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision. I consider that there have been no fundamental changes relevant to the main issues in this appeal and therefore no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.

Main Issues

5. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development with particular regard to:
 - the local development strategy for the area; and

¹ 16 PPG Paragraph: 012 Reference ID: 58-012-20180615

- the character and appearance of the area including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

Local Housing Strategy

6. Policy DS4 of the Cotswold District Local Plan (LP) states that open market housing will not be permitted outside of principal and non-principal settlements, unless it is in accordance with other policies that deal with residential development in such locations.
7. Policy DS3 of the LP relates to small-scale residential development in non-principal settlements. Such proposals are permitted subject to certain criteria. The supporting text states that development boundaries have not been defined around rural settlements and that they often merge into the surrounding landscape. Such schemes are not limited to minor infilling development.
8. Case law² has established that when considering whether a settlement is a village or whether a site is in a village, regard should be had to the situation "on the ground" as well as any relevant policies.
9. The site has built form opposite and to one side and is close to, but separate from, the Royal George Hotel. While there are some streets leading off the main routes through Birdlip, the settlement is largely linear. Nonetheless, the edge of the settlement has an organic pattern of development where the extent of built form is not uniform on both sides of the road.
10. Although there is a fence to some boundaries of the site, it forms, and is seen as, part of a wider open field. The mature vegetation to the edge of the wider field and rising land levels mean there are no long-distance panoramic views of the wider countryside from the site.
11. Nevertheless, there are views through the frontage mature vegetation of the site and the further undeveloped field beyond. The appearance of the site is distinctly different to the relatively tight grain of residential development opposite and in the centre of the village where there is limited spacing between plots and buildings in the most part. The site is seen with existing buildings in some views however it does not appear as being enclosed by development.
12. Part of the appeal site is currently a garden area relating to an adjacent barn conversion and is of an overtly domestic appearance as is its boundary landscaping. There is a clear boundary between this and the majority of the site that is an undeveloped field. This represents a clear boundary edge to the settlement on this side of the road with no development beyond it.
13. Development opposite, which has street lighting and footways extends out further than the site itself. Nonetheless, this, along with the presence of road signs and a 30-mph speed limit, do not indicate that any land beyond these forms part of the village given the differing characteristics on the 2 sides of the road. Outside of the garden area, the rest of the site is different from the built form in the village and its appearance is that of an agricultural field in the countryside. While not isolated or physically distant from the settlement, the

² Julian Wood v SSCLG and Gravesham Borough Council [2015]

site is outside the cluster of development that currently provides a noticeable end to the settlement along this side of the B-road approach.

14. The layout of the site is unknown at this stage. However, even if the scheme were to be in linear form this would not alter the location of it in the context of the settlement.
15. Therefore, a significant part of the appeal site is not within the settlement of Birdlip. It does not relate to any of the exceptions outlined in, and is therefore contrary to, Policy DS4 of the LP. As such, it is not a suitable location for housing with regard to the local housing strategy.

Character and Appearance

16. The site is located where tree cover provides some degree of seclusion. It does not frequently feature in expansive long-distance views characteristic of the High Wold character area. Nevertheless, other than the part of the site within the garden of the adjacent barn conversion that has a domestic appearance and clearly defined boundary, the site has the appearance of an agricultural field. It currently fits some of the overall key characteristics of the AONB identified in the LVIA provided by the appellant being an agricultural landscape with a well-defined landscape structure and rural settlement pattern.
17. Many views from within the village are of the existing built form, with limited glimpses between the relatively tight grain of development. This includes the row of properties opposite that is distinct from the open field at the site. However, from across the road from the site and within the village itself existing views of the site are of an undeveloped area of land, part of a wider field before being enclosed by mature vegetation along its edge.
18. The site is within a regular shaped field with low-key fencing and unlike many fields in the wider area is not prominent in panoramic views. Nonetheless, views over the site give an appreciation of the rural context of the village and the countryside beyond that the often-dense mature vegetation and winding roads on the other village edges restricts. The site currently contributes positively to the character and appearance of the AONB.
19. Many details of the appeal scheme, such as layout, scale and design of the properties are currently undefined at this stage. Nevertheless, although built form would only be within the site itself, the introduction of dwellings and the associated domestic paraphernalia would inevitably bring about a change to the character of the site. It would undoubtedly and fundamentally alter the appearance of the site from what is currently an undeveloped field with no built form.
20. I am not convinced that additional planting and boundary treatments following advice in LSG would overcome my concerns. The presence of the A417 in the wider area has little impact on the village given its separation from it, land levels and the largely enclosed surroundings of the land around the appeal site.
21. In the long-distance viewpoints identified in the LVIA from the public rights of way I saw that the appeal site is seen with existing buildings in the foreground or background amongst mature vegetation. Therefore, dwellings would not appear incongruous and wider views of the open countryside could still be appreciated. Any negative effects would be minor from these locations.

22. Nevertheless, the proposed development would unacceptably harm the character and appearance of the area including the AONB. It would be contrary to Policies EN1, EN4 and EN5 of the Local Plan where they seek to prevent detrimental impact on the natural landscape character, visual quality and local distinctiveness and on the AONB.
23. It would also fail to accord with the Framework where it states great weight should be given to conserving and enhancing landscape and scenic beauty of AONB's and recognises the intrinsic character and beauty of the countryside.

Other Matters

24. The proposal would align with the aims of the Framework with regard to significantly boost the supply of homes and that small-scale developments can make an important contribution to meeting the housing requirement. The Local Plan also takes account of windfall schemes as part of growth. Being for up to 6 units the contribution would be small.
25. There would be economic and social benefits from the build and occupation of the dwellings as well as support for local services, facilities and the community in Birdlip and other nearby settlements. As with environmental benefits from energy efficiency, given the size of the development, such benefits would be minor.
26. While the appellant sought pre-application advice and some of the main issues were not raised at that time, any such advice is given without prejudice. I have assessed the scheme before me and found it would result in unacceptable harm. The lack of refusal reasons on other issues such as highway safety, flooding or the scale of the scheme in relation to the village are neutral factors.
27. My attention has been drawn to applications for new dwellings within Birdlip including opposite the site. I do not have full details of these, the appearance of the site itself or the considerations relevant at the time of them being granted planning permission. Therefore, I cannot be sure they represent a direct comparison to the appeal scheme. The Fair Haven appeal³ was similarly dismissed due to the site not being within the settlement.

Conclusion

28. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
29. For the above reasons, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

³ APP/F1610/W/20/3257387