



Appeal Decision

Site Visit made on 5 July 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/F1610/W/21/3272379

Site at former 'Grain Store and Storage Barns', Backs Lane, Ampney Crucis, Gloucestershire, GL7 5TE

- 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 Crucis Park Estate LLP against the decision of Cotswold District Council.
 - The application Ref 20/02591/FUL, dated 21 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is the demolition of agricultural buildings and the construction of three new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of agricultural buildings and the construction of three new dwellings at the former 'Grain Store and Storage Barns', Backs Lane, Ampney Crucis, Gloucestershire, GL7 5TE in accordance with the terms of the application, Ref 20/02591/FUL, dated 21 July 2020, subject to the conditions set out in the attached Schedule.

Applications for costs

2. An application for costs is made by Crucis Park Estate LLP against Cotswolds District Council. This costs application is set out with a separate decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and on the significance of the Ampney Crucis Conservation Area (CA).

Reasons

4. The site is within the setting of the CA. This CA, in my opinion, derives its significance from the historic buildings and layout of this village. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
5. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The proposed dwelling would infill a gap between the two dwellings of barn-conversion type appearance (allowed under appeal APP/F1610/W/19/3230303) and the semi-detached pair of dwellings approved under reference 16/05309/FUL. Although this proposal is for three dwellings, the new units at Plots 1 and 2 are very similar to that allowed under the previous appeal. Therefore, the focus of this appeal is primarily on the dwelling at Plot 3, which was to be an area of open space/orchard on the previously approved plans.
7. The former agricultural buildings have been demolished and the character of Backs Lane is evolving with a distinctly more residential appearance being formed. The agricultural character has largely been lost with the removal of the former barns, though Backs Lane would still retain a more rural character.
8. The eastern end of Backs Lane closer to the village core has higher density housing. The lower density barn-conversion type appearance of the new dwellings being built at Plots 1 and 2 of this site still retain a more rural appearance, which is positive for the transition in character between the village and the surrounding countryside.
9. The proposed additional dwelling would be positioned between Plot 2 and the new semi-detached pair. It would have a rural barn-conversion type appearance and would be positioned within a spacious plot, likely to allow some views through to the countryside beyond from Backs Lane. In this regard it would fit with the more rural appearance of this part of Backs Lane, retaining the positive transition between the village and the more rural/agricultural areas beyond. The development also reflects the emerging residential character due to the extant consents for dwellings. Although this would result in five new dwellings to the northern side of Backs Lane, they would generally be well spaced and would still retain a rural character, with views through to the countryside beyond. They would not appear cramped or suburban in character.
10. The dwelling at Plot 3 would clearly be part of the three dwellings now proposed, distinct in character from the semi-detached pair. There would also remain a clear gap between the semi-detached pair of houses and the side of the proposed new dwelling at Plot 3. Furthermore, considering the context of the site the proposed dwelling would be of a suitable design and scale, reflecting the dwellings at Plots 1 and 2, whilst being set back appropriately from the site frontage. The dwelling at Plot 3 would not extend the settlement edge as there are already dwellings being built at Plots 1 and 2 further along Backs Lane from the village centre.
11. The rural setting of Backs Lane is positive to the significance of the CA. However, whilst the dwellings have replaced the previous agricultural buildings, they would still retain a low density rural character. As such, the significance of the CA would be conserved as the rural setting of the CA is retained, albeit in a differing form.
12. The proposal would result in the loss of an area of open space (the orchard), but this would be a relatively small area. The new dwelling could also incorporate landscaping to soften the visual impact. The originally approved orchard area would have some benefits, but not to a significant degree, whilst the proposal would contribute another house towards housing land supply for the area.

13. For these reasons, the proposed development of three dwellings on this site would not be harmful to the character and appearance of the area, or the significance of the CA. The proposal therefore accords with policies EN2 and EN11 of the Cotswold District Local Plan, which have regard to design quality and the requirement to preserve and where appropriate enhance the special character and appearance of the Conservation Areas.
14. Furthermore, the proposal for the housing would be in accordance with policy DS3 which is permissive towards small-scale residential development in non-principal settlements. The proposal accords with this policy for reasons such that it is set within a reasonably short distance to some local facilities and services within Ampney Crucis and with public transport links to larger settlements nearby. The proposal would not be harmful to the character and appearance of the area, either alone or cumulatively.
15. I would also regard the proposal as being in accordance with the Framework on matters such as design and heritage, including that set out in Paragraph 199.

Other Matters

16. It is likely that an additional dwelling over that already approved would result in increased traffic, especially when there is more agricultural traffic at certain times of year on Backs Lane for example. However, there is no substantive evidence to suggest this additional traffic would be at a significant level which may cause highway safety concerns, result in damage to the highways or verges, or substantial congestion locally. Any additional construction traffic as a result of the proposal (particularly the dwelling at Plot 3) would be temporary and should not need to obstruct the highway to any significant degree or damage road surfaces.
17. The issue of precedence has been raised, but in my view the proposal has been considered on its own merits and the site circumstances, with each further proposal that might be put forward to be considered on its own merits.
18. I recognise that this is a village with limited services and transport links, but I would regard it as sufficient to support the three dwellings at Backs Lane (one dwelling more than already approved), being a minor scale residential development. The dwellings as proposed would not be isolated in this respect.
19. Developing this site, based on the evidence before me, would not result in any significant adverse impacts to biodiversity, subject to conditions that can be imposed.
20. The Parish Council and other interested parties have raised policy DS3 of the Local Plan. Whilst not a policy raised in the Council reason for refusal, in my view the proposal does not conflict with this policy, being a small scale residential development in this settlement. It adds a new dwelling within the local community, would complement the evolving character of Backs Lane, but does not result in overdevelopment, amongst other things.

Conditions

21. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework

- and PPG. I am also aware that the development of the dwellings at Plots 1 and 2 have already commenced under the previous consent.
22. I have attached the standard plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance. To protect the character and appearance of the area and to ensure a suitable design and finish it is necessary to impose conditions relating to fenestration, boundary treatment, and landscaping.
23. As with the previous appeal for this site, there is not the sufficient justification for the suggested conditions relating to barge boards, rainwater goods, and timber boarding. I do not consider them to be necessary to safeguard the character and appearance of the area. Furthermore, I do not regard the sample panel as recommended with Council condition 3 to be necessary.
24. In the interests of safeguarding/enhancing biodiversity I have included conditions for an external lighting strategy, the 'Little Owl' box and further integrated/built-in bird and bat boxes.
25. There is a condition imposed to set out the necessary procedure if contamination is found at the site during the course of construction.
26. In the interests of highway safety and sustainable transport conditions relating to electric charging points, parking provision, cycle storage and the passing bay have all been included.
27. Conditions requiring details of sewage disposal and drainage works are necessary to ensure the development is adequately serviced.
28. Prior to the commencement of the dwelling being constructed at Plot 3 a condition requiring a Construction Method Statement is appropriate and necessary due to the nature of the lane and the close proximity of neighbouring dwellings.

Conclusion

29. For the reasons given I conclude that the appeal should succeed, subject to the conditions in the following schedule.

Mr S Rennie

INSPECTOR

SCHEDULE - CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2492-120A; 121A; 122A; 123A; 124A; 125A and 126A.
- 2) Prior to their use in the development hereby approved (unless where details have already been agreed by the Local Planning Authority in accordance with previous consent 18/04770/FUL), samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.
- 3) Unless where details have already been agreed by the Local Planning Authority in accordance with previous consent 18/04770/FUL, prior to their installation/insertion/construction in the development hereby approved, design and details for windows, glazed screens and shutters, doors, glazing details and finish/RAL colour, boundary treatments, flues and vents shall be submitted to and approved in writing by the Local Planning Authority. The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.
- 4) All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.
- 5) The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.
- 6) Before the occupation of the development hereby approved, full details of the creation of the native species-rich hedgerows (at least 6 tree or shrub species) and wildflower meadow (e.g. native shade-tolerant hedgerow or woodland mix) shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas or woodland bulb planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The details as approved shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.
- 7) Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

- 8) Prior to installation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts / that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be retained thereafter. The scheme should be implemented and maintained in accordance with the approved details.

- 9) The Little Owl box as per image and in the location shown in figures 26 and 27 (pages 14 and 15) respectively of the 2020 Bat Survey Report prepared by Cotswold Wildlife Surveys dated 15th May 2020 (ref 1891-CWS-02), as submitted with the planning application, shall be implemented prior to the occupation of any of the dwellings hereby approved. The Little Owl box shall thereafter be permanently retained in this location.
- 10) Details of the provision of integrated/built-in bird and bat boxes for all dwellings approved (including at Plot 3) shall be submitted to the Local Planning Authority for approval. The details shall include a technical drawing showing the types of features, their location(s) within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be completed fully in accordance with the approved details prior to occupation of the corresponding dwelling to which the box is to be attached, and the approved features shall be retained in accordance with the approved details thereafter.
- 11) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- 12) The development shall not be occupied until the passing/pull-in place has been provided in accordance with the approved plans and that area shall be retained thereafter.
- 13) The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 14) The development hereby permitted shall not be occupied until cycle storage facilities have been made available for use in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Those facilities shall be maintained for the duration of the development.

- 15) The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.
- 16) No part of the development shall be occupied until the surface water drainage works serving the said development have been permanently carried out in accordance with details to be first approved in writing by the Local Planning Authority.
- 17) Prior to the installation of any Package Treatment Plant, or other means of foul water disposal, details shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be undertaken fully in accordance with the agreed details
- 18) Prior to the commencement of development of the dwelling at Plot 3 a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - a) specify the type and number of vehicles;
 - b) provide for the parking of vehicles of site operatives and visitors;
 - c) provide for the loading and unloading of plant and materials;
 - d) provide for the storage of plant and materials used in constructing the development;
 - e) provide for wheel washing facilities;
 - f) specify the intended hours of construction operations;
 - g) measures to control the emission of dust and dirt during construction;
 - h) specify the route to be taken to and from the site by vehicles during demolition and construction works.

END OF SCHEDULE