



Appeal Decision

Site Visit made on 21 September 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/C1625/W/21/3277970

The Cart Shed, Maiden Hill House, Horsemarling Lane, Standish, Stonehouse, GL10 3BZ

- 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 Winchle against the decision of Stroud District Council.
 - The application Ref S.20/2623/FUL, dated 3 December 2020, was refused by notice dated 8 February 2021.
 - The development proposed is Change of use of the cart shed to an independent residential dwelling (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, following the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
3. The appeal building is a 5 bay garage with an external staircase to one side to give access to its roof space. Evidence before me suggests that its roof space has been used for domestic accommodation since 2009. The appeal does not seek to make any physical changes to the building, but rather grant permission for the use of the roof space as an independent residential dwelling. The Council recently refused an application for a certificate of lawful use of the building as an independent residential dwelling. This was subsequently dismissed at appeal¹.

Main Issues

4. The main issues are:
 - a) whether the site would be suitably located for the development proposed with adequate access to facilities and services having regard to local and national planning policies, and
 - b) whether the accommodation would secure adequate living conditions for future occupiers.

¹ APP/C1625/X/20/3262443

Reasons

Location

5. The appeal building faces out onto a driveway that also provides parking and access to the main house and a converted Coach House that is used as an independent dwelling. The buildings stand in an elevated position surrounded by open countryside. Although the edge of Stonehouse is close by and can be seen easily from the appeal site, it is separated by agricultural fields. These give the appeal site a rural appearance and setting that is very different to the urban character of Stonehouse.
6. Policy CP3 of the Stroud District Local Plan 2015 (LP) sets out the hierarchy for growth and development across the Council's area, with the aim of promoting sustainable communities and reducing the need to travel. The settlements within the hierarchy have defined settlement boundaries.
7. The site is outside of a defined settlement boundary and is thus in an area where the Council seeks to restrict development. Policy CP15 of the LP provides 6 principles where proposals outside development limits would be accepted. The proposal would not comply with any of the 6 principles. The appellant suggests that the building would re-use an existing building; however, within the scope of the Policy it must also comply with one of the 6 principles to be acceptable.
8. It is suggested that Policy CP15 is not consistent with the Framework as it is more restrictive than paragraph 80. However, I find significant similarities between the Policy of the LP and Framework paragraphs 78 - 80. Both refer to exceptions for rural development where there is an essential need, rural exception sites and enabling development. Paragraph 80 refers to the delivery of housing, whereas Policy CP15 refers to a broader range of development that may be accepted in the countryside including essential community facilities, development to promote the enjoyment of the countryside and development that supports the rural economy. These are matters that are dealt with outside of the Framework's section on rural housing. I am therefore satisfied that Policy CP15 attracts full weight.
9. Policy CP14 of the LP establishes the Council's support for high quality development where, amongst other things, it achieves the re-use of previously developed land and/or the adaptation of existing buildings that make a positive contribution to the character of the site and surroundings. Whilst the existing building is built to a high standard, it is a simple timber framed garage which has a neutral rather than positive impact on the character of the area.
10. Parts 11, 13 and 14 of Policy CP14 of the LP refer to development in areas that are accessible by public transport and other non-car modes; with safe, convenient and attractive access; and near to essential services with good transport links by means other than a car. The appeal site is accessed from a track that connects to Horsemarling Lane. Where this lane intersects with Gloucester Road to the west it is possible to catch a bus into Stonehouse.
11. There are alternative routes via footpaths that would give more direct access between the site and the settlement. These footpaths or the route along Horsemarling Lane would be attractive for leisure use for those walking or

cycling, however, they involve crossing undeveloped land, either via the lane that is without a dedicated footway or streetlighting, or over fields.

12. I am mindful that it is more likely for a private car to be relied upon in a rural area. However, access from the site to the bus stop or into Stonehouse would not be safe or convenient for a future occupier to use for a regular commute or to access facilities and services by means other than a private car, particularly during the winter months when daylight hours are less. As a result, a future occupier would be largely dependent on a private car.
13. The proposal is not for an isolated home in the countryside as it would stand alongside Maiden Hill House and the Coach House. Therefore, paragraph 80 of the Framework is not relevant. However, the existing building group is little more than a rural house with ancillary buildings, one of which has already been converted into a separate dwelling. It does not have the appearance of a hamlet or small settlement for which a further dwelling may enhance or maintain its vitality.
14. The Council granted planning permission for the use of the coach house as an independent dwelling in 1993. I do not know the full circumstances of its decision at this time, and there have been significant changes in both local and national planning policy since then. Therefore, this matter carries little weight.
15. The appellant has referred to other appeal decisions. I have reviewed these carefully. I see that there are significant differences in the circumstances of these cases, including the options for moving between the sites and nearby services and facilities, that resulted in a different conclusion regarding site accessibility. Accordingly, these decisions have not altered my findings on this main issue.
16. In summary, I am not satisfied that the site is suitably located for the development proposed. It would be contrary to Policies CP1, CP2, CP3, CP14 and CP15 of the LP, which set out the hierarchy for growth and development across the Council's area, with the aim of promoting sustainable communities and reducing the need to travel in locations that are accessible by public transport and other non-car modes.

Living Conditions

17. The Council is of the view that the unit does not meet the minimum size for a 2 person dwelling set out in the nationally described space standards. Such standards can only be applied if there is a relevant local plan policy, which there is not in this case. However, paragraph 130 f) of the Framework still requires developments to create places that have a high standard of amenity for future users.
18. The plans before me propose to retain the current layout which I was able to view on site. The unit has the character of a long and low loft room. Whilst it has space for basic facilities such as a small kitchen area, a living area, space for a bed and a shower room, it does feel heavily constrained by its restricted head height, which significantly impacts on the way an occupant can move through the unit and utilise the space effectively.
19. The unit provides accommodation that is more typical of an annex or holiday let, where it would not need to provide the level of space, facilities or flexibility to meet the ongoing needs of occupants in permanent independent occupation.

The existing Kitchen area is without a hob and oven, and the unit is without a washing machine. It is difficult to see where such appliances could be accommodated easily to provide the unit with the additional facilities it would need to function as an independent dwelling.

20. In summary, the accommodation would not secure adequate living conditions for future occupiers. It would be contrary to Policy ES12 of the LP and paragraph 130 f) of the Framework, which together seek to ensure that new development is well designed to create places that have a high standard of amenity for future users.

Other Matters

21. The appeal site is within the catchment of the Severn Estuary Special Area of Conservation. The addition of a residential unit within this area would be likely to have a significant effect on the internationally important interests and features of this site. The appellant has submitted a Unilateral Undertaking to secure a financial contribution towards environmental and ecological mitigation measures. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event, and this matter does not therefore need to be considered further.

Conclusion

22. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the benefit of providing a unit of residential accommodation, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR