



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: 07 October 2021

Appeal Ref: APP/F1610/W/20/3254755

Streetway Cottage, Ready Token, CIRENCESTER, GL7 5SX

- 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 & Mrs H Bonas against the decision of Cotswold District Council.
 - The application Ref 19/04584/FUL, dated 12 December 2019, was refused by notice dated 2 March 2020.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, during the appeal process, 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.

Main Issue

3. The main issues are:
 - a) whether the site would be suitably located for the development proposed having regard to local and national planning policies, and
 - b) the effect of the proposal on the archaeological interest of the site.

Reasons

Location

4. The appeal site is located within a small hamlet associated with a road junction. The hamlet is little more than a collection of six dwellings that appear to have developed in association with Ready Token House, which is a substantial country house to the south of the appeal site.
5. Supporting text to Policy DS2 of the Cotswold District Local Plan 2011-2031 (LP) explains the Council's approach to focusing the majority of development in the most sustainable settlements where there is better access to services, facilities, employment opportunities and transport links. Supporting text to Policy DS3 of the LP advises that beyond the principal settlements the district

essentially comprises open countryside and a scattering of rural settlements including villages, hamlets and farmsteads.

6. Policy DS3 establishes that small-scale residential development in non-principal settlements will be permitted provided it satisfies certain criteria. Non-principal settlements are defined in the glossary to the LP as any stand-alone settlement that is not listed in Policy DS1. Despite its very small size, given that the LP refers to hamlets and farmsteads in its description of rural settlements, I must conclude that Ready Token is a non-principal settlement for the purposes of LP Policy DS3.
7. Part 'a' of Policy DS3 establishes that development will be permitted provided it demonstrably supports or enhances the vitality of the local community. It is difficult to see how adding a dwelling to such a small hamlet that does not currently have any particular community focus such as a church, school or village hall could support or enhance its existing vitality, if indeed the group of dwellings provides for a meaningful level of community or social interaction currently. Although two of the existing dwellings are paired together, most sit in large plots and the two big houses to the north and south of the site are quite independent of the four dwellings that front Roman Road.
8. Furthermore, the Policy states that the development must provide *demonstrable* support or enhancement, which indicates that the benefit that it brings to the vitality of the local community must be clear. Whilst the delivery of a dwelling would be of a more general benefit to boost housing supply locally, I cannot be satisfied that it would offer any support or enhancement to the vitality of Ready Token.
9. Part 'a' also refers to the support such development should give to the continued availability of services and facilities locally. There are no services or facilities within Ready Token. The appellant has provided information about various services and facilities provided by towns and villages in the area. All are distant from the appeal site and would be accessed by a private car. Services and facilities in the closest villages are generally limited. Future occupiers, once making a journey by car, would be likely to choose to travel further to larger settlements to access a greater range of services for reasons of convenience and choice. On this basis, and taking into account the small scale of the proposal, future occupants would be unlikely to meaningfully contribute to the limited services and facilities of the smaller settlements closest to the site.
10. In summary, the site would not be suitably located for the development proposed. It would be contrary to Policy DS3 of the LP and paragraphs 79 and 92 of the Framework, which together seek to ensure that development in non-principal settlements and rural areas is carefully managed and located where it will enhance or maintain the vitality of rural communities.

Archaeology

11. The Council refers to the County Historic Environment Record, which records the finds of two Anglo-Saxon burials at the site. It suggests that more burials may be present at the site, and that further archaeological assessment is required to enable an informed decision to be made regarding the potential for the proposal to harm the significance of any further remains.

12. As a result of the interest identified by the Council the site should be considered a non-designated asset of archaeological interest. The planning practice guidance (PPG) is quite clear that a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation¹. I appreciate that the costs quoted to the appellant for such are significant, however this advice, and the requirement for the same set out in paragraph 194 of the Framework, is clear.
13. I am mindful of the lack of a similar requirement in relation to the recently developed site immediately to the north of the appeal site, on the same side of the Roman road. It is not clear why the Council did not require a similar level of investigation before work commenced here, although the full circumstances of the case are not before me and the context is slightly different in that this is a separate site from the known archaeological finds and is further from the Roman road.
14. I have considered whether a condition would suffice in the event that the appeal is allowed. However, given the potential significance of the site and the potential disturbance caused by the proposal I cannot be sure that a condition would be sufficient, taking into account the clear advice in the Framework and the PPG.
15. In summary, the information before me is not sufficient to allow me to make a proper assessment of the impact of the proposal on the site's archaeological interest and is thus contrary to paragraph 194 of the Framework.

Other Matters

16. The Council added two additional refusal reasons during the appeal process. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB). The statutory purposes of AONBs is to conserve and enhance the natural beauty of the area. Paragraph 176 of the Framework establishes that great weight should be given to conserving and enhancing the scenic beauty in AONBs.
17. The dwelling would be set back within a large site and in line with existing built form to the side and rear. It would be of a design that would assimilate well with the appearance of existing buildings and would be seen in the context of the existing building group. Strong vegetative boundaries around the site that include mature trees, and significant woodland blocks nearby would serve to contain its impact on the wider landscape, including the effects of lighting and domestic paraphernalia, to the extent that it would not result in an encroachment of built form into the open countryside of the AONB. I am satisfied that it would conserve the scenic beauty of the AONB.
18. The Council also added a refusal reason relating to ecological impact. The site primarily comprises a mown lawn and boundary vegetation, which would be retained and supplemented by hedging. There is nothing before me to suggest that the site has any particular ecological value, beyond that which could be managed through an appropriately worded condition in the event that the appeal is allowed.

¹ Planning Practice Guidance Paragraph: 041 Reference ID: 18a-04120190723

19. For these reasons I am satisfied that matters relating to the proposal's impact on the AONB and ecology should not be main issues of this appeal.

Conclusion

20. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons above, I therefore conclude that the appeal should be dismissed.

A Tucker

INSPECTOR