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## Appeal Decision

Site Visit made on 31 August 2021

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2021**

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**Appeal Ref: APP/C1625/W/21/3276439**

**The Walled Garden (Formerly the Poultry Unit), Bath Road, Nailsworth, Gloucestershire, GL6 0QQ**

- 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 J Ryan-Challinor against the decision of Stroud District Council.
  - The application Ref S.21/0063/FUL, dated 8 January 2021, was refused by notice dated 9 March 2021.
  - The development proposed is the redevelopment of the site to provide a new dwelling (updated proposal to the extant permission granted under application reference: S.12/12/1283/VAR).
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### Decision

1. The appeal is allowed and planning permission is granted for the proposed redevelopment of the site to provide a new dwelling at The Walled Garden (Formerly the Poultry Unit), Bath Road, Nailsworth, GL6 0QQ in accordance with the terms of the application, Ref S.21/0063/FUL, dated 8 January 2021, subject to conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by Mrs J Ryan-Challinor against Stroud District Council. This application is the subject of a separate decision.

### Preliminary Matters

3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I have asked for further comments from the main parties and, where received, have had regards to these. The revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal.

### Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and whether the proposal would lead to the loss of smaller rural dwellings.

### Reasons

#### *Character and appearance*

5. The appeal site is located in an area known as Barton End and is situated beyond any defined settlement boundary. A group of dwellings is located either

side of Bath Road and the appeal site is located within one of these small groups. The area is characterised by a mix of dwelling sizes and styles, however Barton Manor, The Retreat and Barton End Hall immediately adjoining the site are sizeable detached properties located on large plots with mature boundary treatments obscuring them from nearby roads.

6. The appeal site itself falls within the same ownership as Barton Manor, a grade II\* listed building located to the south-east. The appeal site comprises a number of dilapidated agricultural buildings to the rear of the site and is bound by stone walls and mature trees and hedgerows and access is provided from Bath Road. Due to the sloping topography of the land, Bath Road sits at a lower level than the appeal site. Views of the site from nearby roads are restricted due to the change in topography and by existing vegetation. Nevertheless, where views can be afforded from the road, the site appears as part of Barton Manor and its domestic outbuildings.
7. The appeal site is considered to be within the countryside where Policy HC5 of the Stroud District Local Plan<sup>1</sup> (LP) applies. The policy seeks to protect the character and appearance of the countryside by ensuring that replacement dwellings are of an appropriate design and size. The appeal site benefits from extant consent for the conversion of one of the existing dilapidated agricultural buildings to a dwelling. Whilst on site I could not see that any conversion works had been undertaken, however the Council is content that the principle of a replacement dwelling is acceptable.
8. The Council is concerned about the overall scale of the proposed dwelling which, according to their statement, is some 156 square metres in floorspace larger than the extant consent for the conversion. The proposed development would see the removal of the dilapidated buildings and replacement with a u-shaped split-level dwelling, although it would generally appear as single storey. Due to the topography of the site an entrance hallway, staircase and lift is to be provided at a lower level which provides access to the main dwelling. The proposed development has been designed to replicate a barn conversion with simple pitch roof design, timber clad walls and metal standing seam roof.
9. Whilst the proposal is larger than the approved conversion, the dwelling would be modest in appearance, and its design would emulate the understated appearance common to many agricultural buildings, including those currently on the site. Its single storey appearance and set back from the highway, means that the proposed dwelling would be largely obscured from view. Where visible, the dwelling would be seen in conjunction with Barton Manor and its outbuildings.
10. The design and materials do differ from nearby dwellings, which are grander in their design and use limestone in their construction. However, the use of traditional agricultural building materials echo's the materials used in the existing buildings on the site whilst ensuring that the proposed dwelling does not appear dominant, allowing Barton End Hall and Barton Manor (both Grade II\* listed buildings) and associated outbuildings (Grade II listed buildings) to retain their status. Additionally, in their delegated report, the Council state that they consider that the design and material of the proposal to be complimentary to its setting.

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<sup>1</sup> Stroud District Local Plan (November 2015)

11. For the reasons set out above I consider that the proposed development would not be overly prominent or harm the character and appearance of the area. Accordingly, I find no conflict with LP Policies HC5, CP3 and CP15 which seek, amongst other things, to ensure that development does not detract from the character or appearance of its surroundings. The proposal also complies with paragraph 130 of the National Planning Policy Framework which seeks good design sympathetic to local character.

#### *Housing Type*

12. LP Policy HC5 also seeks to limit the size of replacement dwellings to the ability to achieve a basic living standard, although this standard is not defined in the policy. In their statement the Council also advise that HC5 seeks to control the size of replacement dwellings in order to ensure that there is a supply of smaller and affordable rural dwellings to meet the objective of providing appropriate housing for the needs of the population.
13. Plans comparing the volume of the extant consent and the proposed development have been provided as well as comments in the Council's delegated report regarding floorspace. I have not been provided with any floor plans which details the bedroom numbers of the extant consent. Whilst policy HC5 seeks to limit the increase in size of replacement dwellings to minor enlargements, no information or evidence has been submitted to demonstrate the need for a specific housing size or type in the area. Whilst the proposed development will provide a larger dwelling in terms of volume and floorspace, in the absence of clear evidence of housing need, I do not consider that the proposed development would have a harmful impact on housing type provision.
14. For the reasons set out above I consider that the proposed development would not result in the loss of a smaller or affordable dwelling. Accordingly, I find no conflict with LP Policies HC5 which seeks, amongst other things, to ensure that development protects the provision of smaller rural dwellings.

#### **Other Matters**

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Barton End Hall and Barton Manor (both Grade II\* listed buildings) and associated outbuildings (Grade II listed buildings), neighbour the site. In determining the application the Council's Conservation Team concluded that the proposed dwelling had been sensitively designed in order to reflect the historic nature of the buildings on site and would not harm the setting of the nearby listed buildings. Neither party have raised this as a concern during the appeal. Based on the evidence before me, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the listed buildings.
16. The appeal site is located in the Cotswold Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 176 of the NPPF requires "great weight" to be given to those matters in decision making. The proposal would replace agricultural buildings at the site with a

dwelling that emulates a barn in its design. The siting of the proposed development at the rear of the site and the surrounding landscaping ensures that the proposal would not result in unacceptable impacts on the AONB.

### **Conditions**

17. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider a condition relating to the approved plans to be necessary in the interest of clarity. I consider that a condition regarding construction times is necessary in order to ensure that there would be no harmful effects on nearby residents during the construction of the development. Conditions regarding materials and biodiversity are required in order to ensure that the character and appearance of the area and biodiversity is safeguarded. I have altered the wording of some conditions in order to ensure they comply with the PPG.
18. I have given careful consideration to the inclusion of the condition removing permitted development rights. Having had regard to the PPG's advice on the inclusion of such restrictive conditions in specific circumstances. In this instance, the proposed development, whilst currently not harmful, if altered or extended could have a harmful effect on the character and appearance of the area or on the setting of nearby listed buildings. As such, I consider the condition to be necessary.

### **Conclusion**

19. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed.

*Tamsin Law*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001 Site Location Plan; PL-102 Proposed Block Plan; PL-110 Proposed Site Plan; PL-111 Proposed Floor Plans; PL-120 Proposed Elevations; PL-121 Proposed Site Section; PL-122 Proposed Site Elevation; PL-123 Proposed Neighbours Elevation.
- 3) No works shall take place on the external surfaces of the building hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.
- 4) All works shall be carried out in full accordance with Section 4 of the Ecological Impact Assessment, Clarkson & Wood Ecological Consultants,

dated December 2020. Prior to occupation of the development written confirmation by a suitably qualified/experienced ecologist shall be submitted to and approved in writing by the local planning authority confirming that the recommendations made within the report have been implemented in accordance with the report.

- 5) No construction site machinery or plant shall be operated, no process carried out and no construction related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A - E of Part 1 of Schedule 2 shall take place.