



Appeal Decision

Site visit made on 10 August 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/C1625/W/21/3275126

Land rear of 7 Sandfield Crescent, Church Lane, Saul GL2 7JZ

- 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 L Ludlow against the decision of Stroud District Council.
 - The application Ref S.20/1919/FUL, dated 9 September 2020, was refused by notice dated 17 November 2020.
 - The development proposed is described as 'retrospective planning for garage building and gym outbuilding'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the appeal seeks retrospective planning permission, it is not the purpose of my decision to establish the length of time the building has been in situ or used. This would be for a certificate of lawful development to determine. The evidence also suggests that the scheme includes a change of use. I have considered the appeal accordingly.

Main Issue

3. The main issue is the principle of the development with particular regard to the character and appearance of the area.

Reasons

4. The appeal site is an area of land located to the rear of No's 7-10 Sandfield Crescent. At the time of my visit the area was finished with hardcore, the two buildings had been constructed and were being used and domestic items were located inside. Several vehicles and trailers were also parked on the site. To the south the site adjoins the rear gardens of Sandfield Crescent and to the north is an area that has been developed for the keeping of horses and includes a stable and menage.
5. The area is characterised by semi-detached and terraced dwellings set behind deep front gardens, some of which have been altered to provide access and parking. To the rear of Sandfield Crescent dwellings benefit from either gardens or a parking area. There is a clear distinction between the residential development in Saul and the open countryside in the shape of the fields and equestrian use to the rear. The latter contributing clearly and positively to the open and undeveloped quality of the countryside.

6. Policy CP15 of the Stroud District Local Plan (2015) (LP) presumes against most forms of development in the countryside in the interests of, amongst other things, its quality. Limiting it to that associated with agriculture or forestry, essential needs, support for the economy, tourism, exception sites, replacement buildings and community facilities. The appeal scheme does not sit within any of the expressed exceptions.
7. The outbuildings that form the development clearly function as ancillary residential ones. They are sat noticeably outside of the garden of the dwelling to which they relate and as such clearly encroach into the open and undeveloped countryside. As such the land, even taking into account the nearby stables and equestrian uses, has taken on an obvious domestic use, which jars with those more commonly associated with the countryside.
8. Additionally, and if permission were granted, there is the greater possibility for the proliferation of domestic paraphernalia and structures. This would add further to the incongruity of the use and buildings against the appearance of the clearly more agricultural land, and the stables and associated structures nearby.
9. The development has been carried out to the rear of dwellings. As such the public realm impact of it in visual terms is not significant. That said, it remains readily apparent from neighbouring gardens, users of the stables and the wider countryside. In any case, how obscure a development might be would not reduce the harmful effect it has on the character of the area.
10. The development has therefore resulted in harm to the character and appearance of the area. As such it conflicts with Policies CP15 and HC8 of the LP which seek, amongst other things, to ensure that the separate identities of settlements and the quality of the countryside is protected and that outbuildings are in keeping with the site's wider setting and location. The proposed development would also be at odds with paragraph 130 of the National Planning Policy Framework 2021 (the Framework) which seeks, amongst other things, to ensure developments are visually attractive and sympathetic to local character.

Other Matters

11. As the proposal lies near to the Saul Conservation Area (CA), I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In determining the application, the Council's Conservation Team advised that due to the degree of separation there would be no harm to the CA. Neither party have raised this as a concern during the appeal. Based on the evidence before me, including the scale of the development and the distance maintained between it and the CA, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the Conservation Area.
12. There is suggestion in the evidence that the land around the appeal site is previously developed following the grant of planning permission for equestrian use and the erection of a stable block. If this were to be the case, then it would still be for me to make an assessment of the appeal scheme's planning merits. In any event, and as I have alluded to above, the equestrian use is arguably more suited to an open countryside location than the appeal scheme.

13. The policies of the existing Local Plan are not overly old although I note, at a strategic level, they are yet to be reviewed. I feel their aims broadly align with those of the Framework that seek to recognise the intrinsic character and beauty of the countryside and promote good quality and contextually appropriate design. For the above reasons, I have also explained that the appeal scheme is contrary to the development plan.
14. If I were to consider the policies out of date, I would be taken to paragraph 11 of the Framework. Specifically, the second limb. I would ascribe substantial weight to the harm I have found above since it would be wide ranging and long lasting. There are benefits to the scheme but as far as I can see from the evidence these are largely of a personal nature. The development is of a contextually small and domestic scale and as such I am unaware of the wider benefits it gives rise to. I could therefore attach only limited weight to them. With this in mind, and considering the Framework as a whole (taking into account its aims in regard to the main issues of the case) the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development would not therefore apply to the appeal scheme.

Conclusion

15. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant material considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR