



Appeal Decision

Site visit made on 15 February 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/F1610/W/21/3286692

Hillview Farm, Silver Street, South Cerney, Gloucestershire, GL7 5TP

- 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 A Seymour against the decision of Cotswold District Council.
 - The application Ref 21/00303/FUL, dated 15 January 2021 was refused by a notice dated 27 May 2021.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the restoration of a former railway line.

Reasons

3. The appeal site forms part of the linear alignment of a dismantled railway. Policy S8 of the adopted Cotswold District Local Plan 2011-2031 ('the Development Plan') identifies the alignment as the proposed route for a non-strategic infrastructure project, consisting of a new and improved cycle path from South Cerney to Cirencester and other locations.
4. Policy INF3 of the Development Plan states that development will be permitted where it makes a positive contribution, where appropriate, to the restoration of former railway lines, including by retaining existing embankments and related features.
5. The proposed dwelling would be sited on top of an existing embankment where the railway crossed Silver Street, presumably by means of a bridge. The site is currently inaccessible to the public. Although overgrown, the embankment's shape is clearly discernible when within the site. On the other side of Silver Street, a public cycle path runs along the continuation of the former track bed.
6. The appellant believes there has been no demonstration of the practical purpose of the route through the site, but it clearly forms part of the old railway alignment. The supporting text to policy S8 states that its aim is to encourage more sustainable modes of transport and to enhance tourism opportunities, so its purpose is clear.
7. The appellant makes the case that walkers using a new path through the site would emerge onto Silver Street near a junction and where visibility is poor, thereby risking highway safety. They suggest that a public right of way could

run next to the proposed dwelling, or that an alternative route, perhaps further to the south utilising the existing farm drive could be used instead. However, the new path would presumably open on to Silver Street close to the existing path/cyclepath heading east.

8. Furthermore, no worked-up detailed proposals of a new cycle path, either through the appeal site or using an alternative route, have been provided to me. Therefore, were the appeal development to take place, I cannot be sure that there would be sufficient space for a path to accommodate all users including cyclists. I can also not be sure of the implications of any routing, either through the site or elsewhere, for instance in respect of site levels, access, linkage to the existing path or the effect on the appeal development itself.
9. In the absence of such details, I am concerned that the erection of a dwelling on the embankment as proposed could significantly inhibit or even prevent the cycle path being successfully achieved, putting at risk the aim of Policy S8.
10. While policy INF3 does not rule out the co-existence of a dwelling and a path through the site, it is not clear to me that this can be acceptably achieved on this site. The proposal cannot therefore be said to make a positive contribution to the restoration of the line or provision of the cycle path.
11. As part of the appeal, plans were submitted to indicate a re-siting of the dwelling, away from the top of the embankment. However, this is a full application, and it is important that I consider essentially the plans which were before the local planning authority, and on which interested people's views were sought. The appellant accepts that these plans do not form part of the appeal before me, and I can therefore give them little weight.
12. I recognise that the dwelling is within the development boundary of a Principal Settlement within the District and that it would enable the appellant to take on the running of the farm. I have also taken into account the support in the National Planning Policy Framework for boosting the supply of homes, including for those who wish to commission or build their own houses, as here. I have noted the local support for the dwelling based on its eco-efficient design.
13. However, I conclude that the proposal would have an adverse effect on the restoration of a former railway line. I consider that it would conflict with Development Plan Policies INF3 and S8, and that this conflict is determinative in this case.

Conclusion

14. Having regard to the development plan as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

Oliver Marigold

INSPECTOR