



Appeal Decision

Site visit made on 15 February 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 15 March 2022

Appeal Ref: APP/F1610/W/21/3285106

Spring Villas, Main Road, Oddington, Gloucestershire GL56 0XW

- 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 Ms Emma Russell against the decision of Cotswold District Council.
 - The application Ref 20/04573/FUL, dated 18 December 2020, was refused by notice dated 3 August 2021.
 - The development proposed is for the erection of a detached two-storey house on land behind Spring Villas, with associated works to improve access arrangements.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Ms Emma Russell against the Cotswold District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application form refers to the appellant's name as simply 'Russell'. However, it has been confirmed that the appellant is in fact 'Ms Emma Russell'. Accordingly, I have reflected this in my banner heading above.
4. There is a dispute over the existing use of the land. I have had regard to the positions set out, but without formal planning permission or a certificate of lawfulness, I am unable to confirm or deny the use of the land as residential garden. As such, for the purposes of this appeal, I cannot define the site as being previously developed land as set out within the National Planning Policy Framework (The Framework).

Main Issues

5. The main issues are
 - Whether the proposed development would provide a suitable location for housing, with particular regard to whether the site is located within the 'Non-Principal' settlement of Upper Oddington.
 - The effect of the development on the character and appearance of the area, including the setting of the Oddington Conservation Area (CA), and whether it would conserve or enhance the natural beauty of the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

Location of Housing

6. The appeal site is land to the rear of Spring Villas. Spring Villas is a semi-detached two storey property accessed from an A Road to the north of Oddington Conservation Area. As there is no defined settlement boundary for the village of Upper Oddington, the main area of contention is whether the appeal site is located within Upper Oddington, where residential development is accepted in principle subject to complying with the criteria set out in Policy DS3 of the Local Plan (LP)¹.
7. Upper Oddington is characterised as having areas of relatively closely clustered linear development along the main routes through the settlement. There is residential development situated to the north, closer to the A road, but this is predominately situated off Back Lane to the west of the village. Spring Villas is one of the few dwellings fronting the A Road to the east of Back Lane, where much of the land surrounding it can be characterised as undeveloped agricultural fields. Although the appeal site adjoins a garden area to the south, this appears as an inconsistent extension of residential land, beyond the established pattern of development. As such, while Spring Villas is a period property with historical links to the settlement, in the main, Spring Villas and the land to the rear appears physically divorced from, and at odds with the linear pattern of development within Upper Oddington.
8. The site is within an acceptable walking distance to Upper Oddington. However, access to the village would either be along the A Road, or via the Public Right of Way (PROW) adjacent to the site. From what I saw, the A Road is a busy and well used highway with no footpaths or lighting. In addition, the PROW did not have any lighting, it was a difficult route to navigate and the access from the A road was also overgrown and difficult to pass. Due to the lack of a safe route, the site would not represent a suitably attractive option for walking or cycling, especially during the winter periods and after dark. Consequently, future occupiers would be heavily reliant on the use of a private car to access Upper Oddington.
9. Accordingly, the proposed development would not be situated within the 'Non-Principal Settlement' of Upper Oddington, and future occupiers would be heavily reliant on a private car to access services and facilities within the village. Policy DS4 of the LP would, therefore, apply in this instance. As the proposed market dwelling would not comply with those policy exceptions set out within the LP or Paragraph 80 of the Framework, the proposed development would amount to an unjustified residential development outside a 'Principal or Non-Principal Settlement'.
10. In support of the case, the appellant has drawn my attention to dwellings approved within the vicinity, either via a planning application or an appeal.² I accept that the Council has considered these sites as being within the settlement, assessing the schemes in line with Policy DS3 of the LP. However, due to the differences between these schemes and the proposal before me, in terms of their location, they are read in a different context and with a different relationship to the settlement. As such, there is no direct comparison between these schemes

¹ Cotswold District Local Plan 2011-2031 (Adopted 3 August 2018)

² 19/00501/FUL, 19/01288/FUL (APP/F1610/W/19/3233245), 19/01706/FUL, 20/04549/FUL, 20/04191/FUL

and the proposal that weigh in favour of the appeal. Consequently, I have assessed this scheme on its own merits.

11. The appellant also highlighted that in a previous planning application, on the same site, the Council indicated the site was within Upper Oddington³. I have had regard to the advice given in the previous case, however, this was an opinion set out within an email from an individual officer. Furthermore, no formal decision was made on this application, and it was later withdrawn. Although I appreciate the need for consistency in decision making and professional advice, this matter can only be attributed limited weight and does not alter my conclusion on this matter.
12. I, therefore, conclude that the proposed development is not suitable for housing, being a location outside of the 'Non-Principal Settlement' of Upper Oddington, contrary to requirements of Policy DS4 of the LP. This policy seeks to encourage growth in sustainable settlements to protect the character and appearance of the countryside and limiting development outside of settlements to justified exceptions. The proposed development would also be contrary to the objectives of Section 5 contained within the Framework.

Character and appearance

13. Spring Villas and its adjoining neighbour are a pair of semi-detached, two storey dwellings fronting the A road. The land to the east and west of Spring Villas are largely undeveloped fields, which are outside of the CA but form part of its setting. Although there is dispute over whether the land subject of this appeal is garden, currently there is limited built development on the site, and it maintains a largely open and undeveloped character. The appeal site, therefore, provides visual relief from the built form, contributing positively to the character and appearance of the area, the setting of the CA and the AONB.
14. The proposed dwelling is a two storey, L-shaped contemporary property constructed in traditional local materials. I appreciate that the design approach looks to replicate a large traditional rural building, however, there are several design features, which are more reflective of a residential dwelling.
15. The proposal would be located in the largely undeveloped space between Spring Villas and Brans Cottage. As indicated, the extended garden of Brans Cottage appears as an inconsistent extension beyond the established pattern of development and contrasts with the use of the surrounding undeveloped fields. Accordingly, the introduction of a dwelling in this space would not appear as a natural infill or rounding off development to the settlement. On the contrary, it would consolidate this arbitrary extension of residential development to the north, contrary to the established linear pattern of development within Upper Oddington.
16. There are dwellings of varying scales, heights and design within the village of Upper Oddington, however, the nearest residential dwellings with the context of the appeal site are Spring Villas and its adjoining semi. Although both have been extended, this has been carried out sympathetically, ensuring the simple scale and form of the dwellings has been retained. I accept that the height and floor space of the proposed dwelling is comparable to the pair of semis, however, due to two storey height, orientation and the lack of any visual breaks, the proposal

³ 20/01714/FUL

would be wider with a greater scale, form and mass. The resultant building would, therefore, appear as a much larger dwelling that would conflict with the more modest scale and simple form of the pair of the semi-detached dwellings.

17. The dwelling would be set back and sited lower than the A road, however, it would still be partly visible from the approach on the A436 and on the PROW adjacent to the site. The siting of a dwelling of this scale and layout would fundamentally alter the appearance of the site, which, at close range, would be clearly read and understood. As such, the proposal would diminish the openness to the rear of Spring Villas, which contributes positively to the open and largely undeveloped character and appearance of the site and its surroundings within the setting of the CA. I have also given weight to the conservation (and enhancement) of the landscape and scenic beauty of the AONB in my decision. For the same reasons, I find that the proposed scheme would also fail to conserve or enhance the natural beauty of the AONB.
18. I, therefore, conclude that the proposed development would adversely impact upon on the character and appearance of the site and the setting of the CA as well as failing to conserve or enhance, the natural beauty of the AONB. Accordingly, the proposed development would be contrary to the objectives of Policies EN2, EN4, EN10 and EN11 of the LP, which together seek to ensure development respects local character and distinctiveness, as well as having no harm to the setting of designated heritage assets or the wider landscape setting. The scheme would also be contrary to general design aims and policies of section 15 of the Framework.

Other Matters

19. I understand that the appellant feels frustrated with the advice that was received, leading to the proposed development being considered differently to other residential developments within the locality. However, the conduct of the Council and any previous discussions or decisions on alternative applications is not a matter that affects my findings on the main issues in this case.

Conclusion

20. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR