



Appeal Decision

Site visit made on 3 May 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/F1610/W/21/3279211

Land to the west of New Farm, Daylesford GL56 0YG

- 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 Daylesford Organic Limited against the decision of Cotswold District Council.
 - The application Ref 20/04054/FUL, dated 12 November 2020, was refused by notice dated 19 January 2021.
 - The development proposed is extension to existing car parking with associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their appeal submissions, the appellant provided an amended Existing and Proposed Block Plan¹. This provided additional planting details and did not alter the main aspects of the scheme and was provided at the outset of the appeal. Therefore, the Council and third parties would not be prejudice by my taking the plan into account in my reasoning and I have done so.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area, including the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

4. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRoW Act) requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs when performing their functions. The National Planning Policy Framework (Framework) outlines that great weight should be given to conserving and enhancing landscape and scenic beauty of AONB's which have the highest status of protection in relation to these issues.
5. The site lies within the Cotswold AONB Landscape Character Area LCA 17 Pastoral Lowland Vale. Key characteristics of the area include farmed slopes with flat or gently undulating land and intermittent open expansive character and expansive views in some areas². The sub-area 17B The Vale of Moreton is

¹ 0001_210_01

² Cotswolds AONB Landscape Strategy and Guidelines

described, in part as having lush pastures and cropped fields divided up by a network of hedges³.

6. The appeal site reflects many of these characteristics with it forming part of the wide and open views of the countryside that generally comprises large undulating agricultural fields and are primarily absent of any development. I see no reason to reach a different finding to the Landscape and Visual Appraisal (LVA) that with a high value and medium susceptibility, the landscape character has a high sensitivity overall.
7. The New Farm complex in contrast is a relatively densely developed area with numerous buildings and parking areas. These are largely contained within surrounding tracks, including public rights of way around to two sides and the road to another. The existing parking areas are adjacent to and seen with other buildings and structures at the site forming a cluster of development.
8. In contrast, while not isolated, the appeal scheme would be located in a separate field. In longer distance views, along public routes, such as Viewpoints 4 and 5 from the LVA the site would not be overly prominent, and views would be intermittent over some distance.
9. Nevertheless, it would still be seen in occasional views along the public routes, including the raised railway bridge, closer to the site. Although not physically distant from existing parking areas of similar materials and features, where it would be seen, the car park would appear somewhat disjointed, spilling over from the existing track that ringfences the rest of the compact complex. Moreover, it would also create an uncharacteristically small enclosure within the larger field and would be an obvious intrusion into what is currently an undeveloped field.
10. The incongruity would be more readily apparent from closer views. Public views on the approach to the entrance to the site, such as Viewpoint 1 are currently through it and beyond of the rolling fields. Although likely to be transient, the scheme would noticeably disrupt these views even with landscaping at the entrance. Moreover, it is greatly different to the views of the considerable development the other side of the track. The existing undeveloped field and rolling landscape beyond would instead be dominated by views of parked cars in the forefront and glimpses of hard surfacing between and over the proposed planting.
11. In addition, from many points along the public rights of way in and near the wider Daylesford Farm site such as Viewpoints 2 and 3 and Figure 4 from the LVA, and other views within the complex, the intrusion into, and erosion of, the undeveloped field would be clear.
12. The car park would be partly screened by the native planting and the existing roadside hedgerow. Nonetheless, it would still be visible from several vantage points. Furthermore, that a development would be hidden is not a reason to allow development which is unacceptable. That it would help screen the existing car park would only be a minor benefit as the buildings behind would mean the presence of development would still be obvious.
13. The proposed lighting would be low level and relatively discrete, consistent with the design of that I saw in the existing parking areas. However, while it may

³ Landscape Character Assessment – Lowland Vale and Vale of Moreton

reduce light spill, the proposed planting would take some time to mature. In addition, no detailed information has been provided to demonstrate the level of light spill that would be experienced. Given the site is currently undeveloped without any such lighting, I cannot be certain that the impacts would be acceptable and consequently imposing a condition for such lighting would not be appropriate.

14. The appeal site is not a large area in the context of the wider field or the AONB. Nonetheless, it is characteristic of the AONB and unlike the existing developed area at New Farm. The introduction of parking, surfacing and associated paraphernalia into an undeveloped agricultural field would have a significant negative effect on the existing landscape.
15. Visual impacts would also be negative, significantly so at points along the nearby public and private routes until vegetation matured. Even in the long term with views over, through and between the maintained planting the harm would be moderate. That the scheme may encourage greater recreational use of the public footpath network would serve to increase the frequency that the harmful effects would be seen.
16. The scheme would increase parking provision and therefore likely increase vehicle movements. Notwithstanding this, due to its scale in comparison to that of the existing complex at New Farm, from the evidence before me and my observation on site, which I appreciate is only a snapshot in time, these would not be to an extent that would have a noticeably harmful effect on the tranquillity of the AONB.
17. Although related to an existing large complex of buildings and facilities at New Farm, the appeal site itself is not of a considerable size. While it would be harmful to the AONB, it would not be major development in the context of the AONB as set out in the Framework.
18. Nevertheless, the proposal would significantly harm the character and appearance of the area, including the landscape and scenic beauty of the AONB. It would be contrary to the landscape protection aims of Policies EN2, EN4 and EN5 of the Cotswold District Local Plan, the Framework and the CRoW Act.

Other Matters

19. There have been previous applications approved at the wider site that have included car parking. The event centre site⁴ previously had consent for a building on the site unlike the appeal scheme and is located at a different end of the New Farm complex. The provision of the event centre and restaurant would also be likely to bring about greater economic benefits than the proposal before me. The gym and clubhouse permission⁵ included the removal of existing buildings, rather than being on an undeveloped area. This was also the case for the change of use scheme that was said to have been sited within the existing service road⁶.

⁴ 19/01337/FUL

⁵ 19/04613/FUL

⁶ 19/01258/FUL

20. Furthermore, the details before me do not indicate that these, and the other schemes solely for parking⁷, were in the same field as the appeal scheme. Therefore, while sharing similarities in terms of being at the site and including additional parking, they are materially different to the scheme before me.
21. The conduct of the Council during the application does not affect my findings regarding the main issue. I appreciate that the appellant has reduced the scheme and sought pre-application advice to overcome previous concerns⁸. However, I have found harm would result from the scheme before me. The Council are not bound

Planning Balance and Conclusion

22. The appeal scheme would accord with local and national policy aims to support economic growth, including business expansion in rural areas. The proposal would provide additional parking for a long-established business at the site. The information before me indicates that the site's popularity has increased in particular since COVID-19, and that it offers a variety of services including those relating to health and wellbeing and assists those seeking to shop more locally. Additional parking would offer the opportunity to increase business at the site and this would potentially have knock on benefits for the wider economy of the area.
23. Nonetheless, even if I were to agree that there are no alternative locations at the site that could provide additional parking, there is no detailed evidence that the existing level and arrangement of parking is leading to highway safety issues or how this is affecting the efficiency of the business. Moreover, it is said that the scheme would be utilised as an overflow that eases strain on existing parking facilities at peak times, primarily at weekends, but I do not have detailed information of the present level of car park use. In the absence of the above, and any detailed financial information relating to the operation of the business with or without the proposed scheme, I give the economic benefits moderate weight.
24. A lack of refusal reasons or harm from other matters, including flood risk, highway safety, or living conditions would be neutral factors that do not weigh in favour of the scheme. As a result of the scale of the proposal biodiversity benefits would be small.
25. The Framework outlines that great weight should be given to conserving and enhancing landscape and scenic beauty of AONB's which have the highest status of protection in relation to these issues. Local development plan policies similarly give great weight to AONB conservation and enhancement and seeks to protect landscape character. The proposal would result in significant harm to the character and appearance of the area, including the AONB.
26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
27. In this instance, the proposal conflicts with the development plan when considered as a whole and there are no material considerations, either

⁷ 17/02789/FUL and 18/01547/FUL

⁸ 17/00138/FUL

individually or in combination, that outweighs the identified harm and associated development plan conflict.

28. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR