



Appeal Decision

Site visit made on 24 May 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2022

Appeal Ref: APP/C1625/W/22/3292901

Sunset View Cottage, Road from Ivy House to Billow Farm, Breadstone, Berkeley GL13 9HF

- 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 M Evans against the decision of Stroud District Council.
 - The application Ref S.21/2092/FUL, dated 26 August 2021, was refused by notice dated 8 December 2021.
 - The development proposed is alterations and extensions of existing detached garaging building to form a two-bedroomed dwelling for holiday letting.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the location of the proposed development is acceptable, having regard to the accessibility of services and facilities and (ii) the effect of the proposal on the character and appearance of the countryside.

Reasons

Location

3. The proposal relates to a detached double garage associated with Sunset View Cottage, a semi-detached property situated in Breadstone. The site is situated outside any identified settlement development limits and is classified as open countryside. The nearest settlement of Cam is approximately 2.5km from the appeal site.
4. The proposal would result in the creation of a separate, self-contained unit which would be accessed separately from the main house. It would create a physically and functionally separate planning unit. Even if its occupation were restricted to holiday accommodation by a condition, the proposal would be treated as a dwelling house for the purposes of applying planning policies, as a Use Class C3 residential use. Consequently, the proposal would create a new dwelling in the open countryside.
5. Policy CP3 of the Stroud District Local Plan (Local Plan) (adopted November 2015) sets out the settlement hierarchy of the district. It states that development in the open countryside will be restricted to that which would be in accordance with Policy CP15 of the Local Plan.
6. The overriding objective of Policy CP15 is to protect the separate identity of settlements and the quality of the countryside. Proposals outside settlement

development limits will not be permitted unless it falls under certain exceptions. The most applicable to the proposal would be criterion 2, which states that development will be permitted in the countryside where it is essential to be located there in order to promote public enjoyment of the countryside and support the rural economy through employment, sport, leisure and tourism.

7. I have no substantive evidence before me to demonstrate that it is essential to locate holiday accommodation on the site in order to support tourism or leisure. The appeal site is situated outside any defined settlement boundary and is within an area with limited services and poor transport connections, with the closest settlement not within suitable walking distance. In view of the above, the proposal would be contrary to Policy CP15 and would not constitute acceptable development in the open countryside.
8. Policy EI10 of the Local Plan sets out the "exceptional" circumstances in which new tourist accommodation can be supported in lower tier settlements, including where it is evidenced that the facilities are associated with a specific countryside attraction, or where a countryside location is essential for the proposed use, and only where no suitable alternative buildings or sites capable of reuse exist.
9. The overriding objective behind Policy EI10 is to guide new tourism opportunities to more accessible locations, notably to Tier 1-3 settlements, and to lower tier settlements only in exceptional circumstances. The appeal site is classed as open countryside and is not in a settlement. Therefore, there is no policy support at all for the proposal in Policy EI10.
10. The supportive text to Policy EI10 states the Council 'favours' the principle of re-use in countryside locations. However, the proposal involves a substantial extension to the existing garage so would fall outside of the exceptions of Policy EI10.
11. Whilst I acknowledge several tourist attractions and leisure opportunities are located nearby, as well as the facilities and classes on offer at the Breadstone Business Centre, the proposal would not be associated with a specific countryside attraction. Future occupants of the holiday let would be largely reliant on the private car to access the nearby tourist attractions and leisure opportunities.
12. In conclusion, the location of the proposed development would be unacceptable, having regard to the accessibility of services and facilities. The proposals would be contrary to Policies CP1, CP2 and CP3 of the Local Plan which, in combination, seek to ensure that development is sustainable, that development is located in accordance with the settlement hierarchy to, amongst other matters, reduce the need to travel, and directs development towards the principal settlements which already have a range of services. It would conflict with Policy CP15 of the Local Plan which restricts development outside of identified settlement limits subject to certain exceptions which the proposal does not fall within. It would also conflict with Policy EI10 of the Local Plan which restricts new tourist accommodation to more accessible locations.
13. It would also conflict with paragraph 20 of the National Planning Policy Framework (the Framework) (2021) which sets out the requirement for

strategic policies to set out an overall strategy for the pattern, scale and design quality of places.

14. The Council refer to criterion 6 of Policy CP14 of the Local Plan in the refusal reason on the spatial strategy. However, this policy relates to achieving high quality design, which would not be directly relevant to this issue.

Character and Appearance

15. The double garage that is subject to the appeal is situated adjacent to the boundary of the garden. A low brick wall runs behind the garage and clearly demarks the garden and garage from a paddock, which lies adjacent. The gable end which would be extended under the proposal would be highly visible as you travel along the access track to the east.
16. The proposal, whilst it involves the re-use of the existing garage, involves a substantial extension into the adjacent paddock. The extension would involve new build development in the paddock, which by virtue of its scale and siting, would be harmful to the character and appearance of the countryside. There would also be a more intensive residential use of the land immediately around the holiday let, including planting and domestic paraphernalia. This would have an urbanising feature in comparison to the paddock and would further add to the incongruity of the proposal.
17. It is a point of disagreement between the parties whether the proposal would extend the residential curtilage into open countryside. This is principally centred on a planning permission on the site, which was granted consent in 2007, for the 'construction of a double garage and change of use of agricultural land to residential curtilage'¹. Regardless of the use of the land, the proposal would involve an extension to the existing garage, resulting in new build development in an open area. My consideration of this appeal does not, therefore, turn on the matter of the lawful use of the land.
18. The appeal scheme would therefore cause harm to the character and appearance of the countryside. It would conflict with criterion 5 of Policy CP14 of the Local Plan and criterion 3 of Policy EI10 of the Local Plan which together require development to be of an appropriate scale, design, and appearance, respectful of its wider landscape setting. Criterion 6 of Policy CP14 supports the re-use of buildings but where they would make a positive contribution to the character of the surroundings, which the proposal would fail to do. It would also be contrary to the main objective of Policy CP15 of the Local Plan which is to protect the quality of the countryside.

Other Matters

19. The appeal site is situated within the 7.7km catchment zone of the Severn Estuary, which is classified as a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar site. Given my conclusions on the main issues, I do not need to carry out an appropriate assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and do not need to consider the matter any further.
20. The appellant has drawn my attention to paragraph 80 of the Framework which indicates that the development of isolated homes within the countryside should

¹ Application Ref - S.07/2027/COU

be avoided, although can be supported in certain circumstances. One of these circumstances is that the development would re-use a redundant or disused building and enhance its immediate setting. Whilst the appellant argues that the use of the existing garage could be promptly terminated, and therefore become disused, it is not currently disused. Furthermore, I have found that it would harm the character and appearance of the countryside and therefore it would not enhance its immediate setting.

21. I also attach limited weight to the appellant's allegation that the proposal has been specifically designed with disabled people in mind, especially as the proposal incorporates first floor accommodation.

Conclusion

22. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR