



Appeal Decision

Site visit made on 24 June 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/F1610/W/22/3291954

Land Parcel North East of the Village Hall E405260 N211360, Fields Road, Chedworth GL54 4NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant technical details consent.
 - The appeal is made by Centaur Homes (South West) Limited against the decision of Cotswold District Council.
 - The application Ref 21/00650/FUL, dated 11 February 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as 'Application for Technical Details Consent for 2no. dwellings (based on a Permission in Principle application (ref. 20/02017/PLP) for the erection of up to 3no. dwellings on Land at Chedworth)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. Despite not forming a reason for refusal, it has come to light during the appeal that the proposed development would be within the zone of influence for the Cotswold Beechwoods Special Area of Conservation (SAC). The appellant was made aware of this and has provided comment.
3. Consequently, the main issues are the effect of the proposed development on a) the integrity of the SAC; and b) the character and appearance of the area.

Reasons

The SAC

4. The appeal site lies within 13.5km of the SAC, which is designated due to it comprising an internationally important area of Beech forests, dry grasslands and scrublands. The woodlands are recognised as amongst the most diverse and species-rich of their type, while the grasslands exemplify calcareous pastures for which the area is renowned.
5. Increased recreational activity associated with new housing and tourism developments is placing pressure on the SAC. To address these pressures the Council has identified that it has prepared a draft 'Recreation Mitigation Strategy' (the 'draft strategy'). This has been prepared in collaboration with neighbouring authorities and Natural England. The Council has further informed that the appeal site falls within the Zone of Influence of the SAC, in which it has been concluded that significant likely effects on the SAC cannot be ruled out. The significant likely effects are deemed to arise from recreational

- pressures associated with additional residential development (alone or in combination with other development).
6. A copy of the draft strategy or zone of influence has not been provided as part of the appeal. However, I have no reason to doubt the validity of the Council's statement.
 7. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant site. I acknowledge the appellant's comments that given the distances involved, and the presence of alternative recreational options, occupiers of the proposal are likely to use more local areas for recreation. Nevertheless, I cannot rule out that occupiers of the dwellings wouldn't chose to visit the SAC and add to the recreational pressures facing it due to them being in the zone of influence, thereby potentially affecting its integrity.
 8. Consideration may be given to any conditions or other restrictions which could secure mitigation and so provide certainty that the proposal would not adversely affect the integrity of the site. I am aware that as part of the draft strategy, financial contributions are to be sought towards mitigating impacts of development on the SAC. It is alluded to within the appeal evidence that a figure of approximately £250 per dwelling is likely to come-forward as an appropriate level of contribution towards Strategic Access Management and Monitoring (SAMM). However, the necessary amount has yet to be agreed.
 9. As an alternative, the appellant has indicated a willingness to accept a planning condition requiring the provision of a homeowner/guest information pack, which it is suggested could alleviate the need for a financial contribution. The information pack would seek to advise on the sensitivities of the SAC, provide a code of practice for visiting and encourage the use of other recreation options. It is indicated that such an approach has been used by a neighbouring planning authority in dealing with an application (ref: S.21/2019/FUL), for holiday accommodation located nearer to the SAC.
 10. I have only limited details of the above planning permission, but in any case, I am not bound by the approach of the relevant Council. Whilst I recognise that the provision of information packs may encourage occupiers to visit alternatives to the SAC, it does not guarantee such an outcome. Furthermore, it does not provide suitable mitigation if occupiers of the dwellings were to utilise the SAC for recreational purposes.
 11. Therefore, I cannot conclude that the proposal would not have an adverse effect on the integrity of the SAC. This is because there is no mechanism in place, for example a planning obligation, that might be used to secure and control an appropriate mitigation strategy, such as, funding of signage/wayfinding, increasing staff etc.
 12. With the above in mind, the proposed development would result in harm to the integrity of the SAC, contrary to Policies EN8 and EN9 of the Cotswold District Local Plan 2011 – 2031 (adopted August 2018) ('Local Plan'). Together the policies seek to conserve and enhance biodiversity and geodiversity, including safeguarding internationally designated sites from development that could cause a significant effect that would adversely affect their integrity. Likewise, the development would not accord with the aims of the National Planning Policy

Framework (the Framework) in respect of protecting and enhancing biodiversity.

Character and Appearance

13. The appeal site is located on the outskirts of Chedworth. It is an undeveloped plot of land that occupies a roadside position on one of the main routes in and out of the village. The site has boundaries onto Chedworth Village Hall and onto tennis courts serving the Hill and Valley Lawn Tennis Club. Opposite the site are a small number of dwellings that are laid out in a linear fashion, these dwellings appear to be of post-war era and are a mix of styles.
14. The site is not located within the Chedworth Conservation Area (CA) but is in close proximity, being set approximately 20m from its boundary. The CA is largely characterised by its rural valley setting. The organic nature in which buildings have been sited, and the general consistency in their materials and scale also positively add to the character of the village.
15. The concerns raised by the Council relate specifically to the close siting of the proposed dwellings fronting onto the adjacent highway. Similarly, the close relationship that the dwelling's garages would share with the highway was also deemed to be at odds with the prevailing character.
16. Residential properties in the immediate vicinity of the site are typically set back from the public highway. However, there is significant divergence in the size of front gardens, such that they do not share a consistent building line. Furthermore, I observed on my site visit that many nearby dwellings in the village share very intimate relationships with the highway. This included frequent instances where dwellings directly fronted onto or abutted the highway. Several other properties were only set back from the highway by small gardens or narrow roadside verges, similar to the arrangement of the appeal proposals.
17. Indeed, the Chedworth Conservation Area Statement (March 2001) acknowledges that a defining characteristic of the village is that a valley road runs throughout its course, with buildings standing right alongside the road. The Statement also highlights that newer large dwellings that have been set in extensive gardens, sited well back from the road, have undermined the traditional character of forward-sited building lines.
18. The close relationship between the proposed development and the highway would therefore not be out of keeping with the wider prevailing characteristics of Chedworth. Nor do I find the development proposed would result in a harmful urbanising effect given its scale and the context of surrounding built development.
19. No wider concerns have been raised by the Council regarding the precise appearance of the dwellings. From my own observations on site the proposals would be of an appropriate scale, density, use of materials, and form that would suitably reflect and integrate with surrounding built development.
20. Consequently, the proposals would not cause harm to the character and appearance of the area. Accordingly, I find no conflict with Policies DES3 and EN2 of the Local Plan. Together these policies, amongst other matters, seek to ensure that new development is of a suitable design quality that complements local form, character, and appearance.

Other Matters

21. As indicated, the site is located outside, but near the CA. In addition, the appeal site is located approximately 40m from the Grade II Listed Smuggs Barn. The Council did not raise concerns with the impact of the development on heritage assets. Based on the evidence before me, including the observations I made on site and refer to above with specific regard to the design and siting of the proposals, they would preserve the character, appearance, and significance of nearby heritage assets.
22. The appeal site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Views of the development would be highly localised. In addition, the proposals would be of a limited scale and an appropriate design, while also being positioned amongst other built development. Together these factors would combine so that the proposals would conserve the special qualities, distinctive character, and key features of the AONB.

Conclusion

23. For the reasons outlined above and having regard to the development plan as a whole, and all other relevant material considerations, the appeal should be dismissed.

Lewis Condé

INSPECTOR