



Appeal Decision

Site visit made on 13 June 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/F1610/W/21/3289240

Lake 16, Station Road, South Cerney, Gloucestershire GL7 5QW

- 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 Watercraft Management against the decision of Cotswold District Council.
 - The application Ref 20/02921/FUL, dated 3 September 2020, was refused by notice dated 29 July 2021.
 - The development proposed is the construction of 6 no. fishing camping/cabins for use with an existing fishery.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) whether the development accords with the Development Plan strategy for such a proposal outside of a defined Development Boundary; (2) the effect of the development on the character and appearance of the site area; and (3) the effect of the development on species and habitats.

Reasons

Principle of Development

3. The proposal is for 6 fishing cabins along a stretch of the lake shoreline. These would either be type A or B, but both are small cabin units, with what appears to be a bedroom, storage area/kitchenette and a toilet/shower room. The Council considers these a form of self-catering accommodation, whereas the appellant states they are more akin to 'glamping' style accommodation, especially as there are no full kitchen areas to be installed.
4. Policy EC11 of the Cotswold District Local Plan 2011-2031 (LP) has a different set of criteria for self-catering accommodation to that of caravan and camping sites. In my view, the cabins as proposed are of a size and form more akin to glamping pods and would not likely be available as 'self-catering' style accommodation. This would also link in with the amenity block which already has planning permission. As such, part 7 of policy EC11 is more applicable.
5. With regard to the site area, it is part of the Cotswold Water Park which itself attracts tourists. Also, those people fishing at the lake and also use the proposed cabins could well be tourists themselves, visiting from outside of the area for leisure purposes such as fishing. This fishing area, even if not open to the public without payment, could still be viewed as a facility that tourists could

use. As such, the site is well related to tourist routes and areas. There are no converted or potentially convertible agricultural buildings available as an alternative to new build cabins that I am aware of.

6. On this basis, the proposed development would not conflict with policy EC11 of the Local Plan.

Character and Appearance

7. The proposed cabins would be located spaced along a narrow causeway of mostly undeveloped land between Lakes 16 and 17. The cabins would front onto Lake 16 and be more evident from this lake. Currently, when viewed from other parts of the lake, such as the edge of the playground area adjacent to Nightingale Way, the shore of the lake where the cabins are proposed appears free from development.
8. This undeveloped strip of land between the lakes appears as a green space which partially encloses the lake. As the other sections of the lake shoreline has been substantially developed, the area to which the development is proposed is particularly important in providing some natural setting to the lake. It is positive to balance the developed and undeveloped shoreline areas around this lake. For these reasons, I would consider the undeveloped character and appearance of the site area to be of importance to the landscape setting of the lake.
9. The proposed cabins would be modest in scale with suitable materials and cabin design, although they would be positioned on the shoreline where they would be visible from other parts of the lakeside. There would also be multiple (six) cabins spaced and visible along the shoreline adding to the visual impact. They would have more than a negligible visual effect in my view. They would appear as a form of development encroaching into this primarily undeveloped side of the lake, thereby eroding this important characteristic of the site. I acknowledge that an amenity building has been approved, but this would be another six buildings developed onto this part of the lakeside, which would have an adverse visual impact.
10. The appellant has submitted a Landscape and Visual Assessment. It concluded that there was not any significant landscape or visual harm with a very limited urbanising effect on the lake edge. However, it is my view that this southern area of the lake edge has a positive contribution to the landscape setting of the lake and that the visual harm is greater than the limited level concluded within the Landscape and Visual Assessment. Further planting may help to some extent limit the visual impact of the six cabins but given their open location at the edge of the lake this would not be sufficient to overcome the impacts identified.
11. This part of the lake is used for fishing already, but this is done on a more informal basis without the accompanying development proposed with this appeal. This more informal type of fishing has less of a visual impact than the proposed development.
12. In terms of tranquillity, these are modest sized units spaced out along the lake and would not likely have a significant detrimental impact to the tranquillity of this area. Likewise, lighting could be kept to a minimum so it would have minimal adverse impacts. There is an existing track which could be used, and

the level of parking would not likely be much greater than existing. However, I would regard the proposed cabins to have an adverse visual impact to the landscape setting of the lake as they would introduce formal development on an area of shoreline which is positively characterised by the lack of such development.

13. There have been numerous other lakeside developments within the wider area, with some clusters of buildings, with similar proposals approved to those subject to this appeal. However, I have made my decision based on the characteristics of this site including the setting of Lake 16 and the merits of the proposals in this context.
14. On this basis, the proposed development is contrary to Cotswold District Local Plan policies EN2, EN4 and SP5. These policies require development to be of a design which respects the character and distinctive appearance of a locality, does not have a significant detrimental impact to the natural landscape, whilst strengthening landscape character and reinforcing the Cotswold Water Park sense of place, amongst other things.
15. As the site does not provide particular quality of life benefits for local communities, given that this is private land, I am not satisfied from the evidence that this is an area of green infrastructure and so there would be no conflict with policy INF7 in this regard.

Species and Habitats

16. North Meadow and Clattinger Farm is in the Thames Valley and is a form of lowland meadow with important and rare plant life. It is, due to its special characteristics, a Special Area of Conservation (SAC). Natural England (NE) has raised the issue of a potential likely impact to the SAC through the proposed development, due to the close proximity between the two sites. These impacts would be through increased recreational pressures due to the additional accommodation within the area that the development would provide.
17. The Council is working on a visitor survey and an interim recreation mitigation strategy relating to the SAC, which may result in financial contributions being required to off-set the potential impacts. However, the appellant has argued that there is no clear evidence to show that the proposed development and people staying at the cabins would result in occupants going to visit the SAC area also for recreational purposes.
18. Whilst I acknowledge that there may be alternative recreational sites closer to the appeal site, which could be included in an information pack for future visitors to the proposed cabins, when applying the precautionary principle, I would need to be satisfied from the evidence that a likely adverse effect to the SAC could be discounted. Had I been minded to allow the appeal I would have consulted Natural England on the matter and undertaken an appropriate assessment. In the circumstances I have not pursued this matter further.
19. Further to the SAC issue, the lake is now part of the Cotswold Water Park Site of Special Scientific Interest (SSSI). The lakes are especially important for breeding and overwintering birds. The site is already used for fishing and so there is already a possible level of disturbance to birds around this part of the lake, though this does not appear to have harmed the special biodiversity at this side of the lake. However, it is possible that the proposed cabins would

result in increased disturbances, through noise or light disturbance for example. This includes disturbance to the gull roosts and breeding nightingales, amongst other species.

20. The cabins are more of a formal development to accommodate those fishing. They would be permanent forms of development where there is none at present. They could through their introduction increase the attraction of visitors to this part of the lakeside. It may also increase overnight stays for example, with the proposed cabin accommodation provided. It is not clear also if the proposed cabins would mean there would not be the informal fishing continuing at the lake, or whether this form of informal fishing would be additional to those using the cabins. As such, it is my judgement based on the evidence that there would likely be some increase in activity and therefore disturbance as a result of the development proposed.
21. The appellant would implement a Landscape Ecological Management Plan (LEMP) and other management strategies and enhancements. I acknowledge that the development would allow for an increased element of control and management, but in my view, the proposed cabins would likely increase activity at this part of the lake, with there being no substantive evidence to demonstrate this would not be the case. As such there would likely be this overall increase in disturbance overall into what is a sensitive undeveloped area. Even with the proposed enhancements, the impacts from disturbance to the particularly important bird species as raised by NE would not be sufficiently mitigated or compensated for, based on the evidence before me.
22. The appellant has confirmed that there are no black poplar trees near any of the cabin sites. As such, there should be no impact to this tree species at the site.
23. Overall, on balance, there is not the evidence to persuade me that introducing the cabins would not result in any greater disturbance to important bird species at or near this location. NE has raised concerns with the proposal on this basis. These bird species are important features of this SSSI. The proposed enhancements and management plans do not, in my view, provide sufficient mitigation or safeguards against such adverse effects to bird assemblages of the SSSI.
24. For these reasons I have concluded that the proposal would conflict with policies EN8 and SP5 of the LP, which require that development protect and enhance biodiversity in the Cotswold Water Park and provide net gain where possible, amongst other things.

Planning Balance

25. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
26. In this case I have concluded that the proposal would harm the character and appearance of the site and wider lake context and also have potential harm to important bird species within the SSSI. I understand that the proposal would help the business of the appellant in this post-covid pandemic time, with a potential economic boost from the construction of the cabins and also enhanced tourism/leisure accommodation in the area. There would also be

some aspects of environmental and biodiversity enhancement/gains. However, the scale of the proposal is modest and I would consider the benefits to have limited weight.

27. Overall, the benefits do not outweigh the harms I have identified above. There are no material considerations that indicate a decision other than in accordance with the Development Plan policies with this appeal.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR