The Planning Inspectorate

Appeal Decision

Site visit made on 6 December 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2022.

Appeal Ref: APP/C1625/W/22/3303324
Land at Orchard House, Shortwood Road, Nailsworth, Gloucestershire GL6 0SH

- 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 Opperman against the decision of Stroud District Council.
- The application Ref S.22/0827/FUL, dated 12 April 2022, was refused by notice dated 7 June 2022.
- The development proposed is described as an agricultural building.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, a building of the approximate proportions and location shown on the submitted plans was present on site. Notwithstanding what has been erected on site, the appeal has been determined on the basis of the submitted drawings.

3. The Council state that engineering works have been undertaken to facilitate level access to the building. The appellant refers to this as small regrading works. While the plans show a path to the building, any engineering works do not form part of the application subject to this appeal, so have not been considered under the appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

5. The site is a modest plot of land adjacent to the dwelling known as Orchard House. It also adjoins Shortwood Road and other dwellings along the road. The site is outside of, but adjacent to the settlement limits of Nailsworth, so is classified as open countryside. The site slopes down steeply away from the dwelling and the road and is primarily set to grass, with some trees and a vegetable plot. It has an open and rural character and appearance and the authorised use is for agriculture.

6. The development consists of a building and linked decking area, set away from the dwelling, located on its own, part way down the slope. The building is constructed of wooden panels and a green felt roof finished with scalloped edging to the front. It has windows and doors across the whole of the frontage.

7. There is an area of wooden decking to the front of the building, raised to accommodate the slope of the land. The materials, detailing and design of the building and decking have the character and appearance of a garden outbuilding or 'summerhouse'. This significantly domesticates the site in a way that is unsympathetic to the rural landscape and out of keeping with the site and its surroundings.

8. Existing hedgerow and the topography provide screening for the development when travelling along Shortwood Road from the west. However, when travelling along Shortwood Road from the east, the building and decking are highly visible and prominent elements within the landscape, despite being below the level of the road. The development is also visible from public rights of way. While additional planting could be secured by condition and would reduce visibility of the development to an extent, it would not alter the fundamentally domestic character and appearance of the building and decking.

9. Policy CP15 of the Stroud District Local Plan (2015) (LP) relates to development in the Countryside and specifies that development will not be permitted except where a specified principle is complied with. The principle that potentially applies here is that the development is essential to the maintenance of a sustainable farming enterprise. The appeal site, along with any additional land the appellant rents, is modest. Regardless of any future ambition to be self-sufficient and to expand the enterprise, the appellant currently keeps only a small number of animals. While some form of storage and housing may be needed, I have been presented with no substantive information which would lead me to conclude that the site is part of a sustainable farming enterprise or rural business.

10. Even if I considered the building and decking complied with a specified principle of Policy CP15, the policy also requires development to not lead to excessive encroachment away from original buildings. As set out above, the building and decking is set away from the dwelling. Therefore, I do not consider the development forms part of any existing cluster of buildings and it encroaches into the countryside. Although the building and decking may be viewed in the context of and against the backdrop of the dwelling from some perspectives, this only serves to emphasise its domestic appearance.

11. The site is close to a listed building known as The Stepps. However, due to the separation distance and topography, the setting of this listed building would be preserved.

12. I conclude that due to its design and visibility the building and decking cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, the development does not comply with Policies CP14, CP15 and ES7 of the LP, which together, amongst other things, seek to protect the separate identity of settlements and the quality of the countryside, and ensure development is of an appropriate design and appearance, which is respectful of the surroundings and protects the landscape character.

Other Matters

13. I acknowledge the support for rural enterprises and the rural economy in the National Planning Policy Framework and Policy CP1 of the LP. I also note that the building may have helped facilitate the restoration of the site and there

have been no objections from technical consultees. These factors do not outweigh the harm identified.

14. Policy CP14 of the LP states that development will be supported where it 'achieves the following', and then gives a list of criteria. While this policy does not specify that development will only be supported if it achieves all criteria, neither does it state that only some of the criteria need to be met. On a reasonable reading of the policy wording, it requires compliance with all criteria and this is how I have applied it.

Conclusion

15. 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.

Helen Davies

INSPECTOR