



Appeal Decision

Site visit made on 28 February 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/F1610/W/22/3308446

**The Pump House, Middle Chedworth, Chedworth, Cheltenham,
Gloucestershire GL54 4AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Raphael Bliss (SF Planning Ltd) against the decision of Cotswold District Council.
 - The application Ref 22/01035/PLP, dated 11 March 2022, was refused by notice dated 6 May 2022.
 - The development proposed is for a permission in principle application for up to 1no. self-build dwelling at The Pump House, Chedworth GL54 4AJ.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. In this instance, permission in principle has been sought for a single dwelling on the appeal site. I have determined the appeal accordingly.

Main Issue

4. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

5. Chedworth is identified as a non-principal settlement, and under the current Cotswold District Local Plan 2018 (LP), there is no defined settlement boundary for the village of Chedworth. An area of contention is whether the site is located

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

within Chedworth, where residential development is accepted in principle subject to complying with the criteria set out in Policy DS3 of the Cotswold LP.

6. I acknowledge that the appeal site is accessible from the village of Chedworth, as well as the facilities and services contained therein, however, this is not the only determining factor. Due to the lack of any defined settlement boundary, considerations of the site, its characteristics, and surroundings as well as its relationship to the existing built form would also be relevant.
7. The appeal site is located on the north side of Cheap Lane between Green Lane and School Lane, which is a narrow highway with grass verges but no footways. The land to the north is largely characterised by undeveloped sloping fields set within the wider valley. There are sporadic forms of development on this side of the road, but they mainly relate to historic residential buildings at either end of Cheap Lane, with scattered farmhouses and rural type developments in the distance. A more formal pattern of development has emerged on the opposite side of the road, consisting of dwellings fronting the road at a higher level in a more rigid linear fashion.
8. In this context, the Pump House is one of the few built forms on the north side of the road, whereas much of the surrounding land can be characterised as undeveloped fields. The land is not enclosed either side or to the rear by any other built form. While I appreciate that the Pump House closely relates to the settlement of Chedworth and the dwellings opposite, the proposed development would appear as an arbitrary addition to the settlement on the opposite side. In the main, the appeal site appears visually divorced from, and at odds with the more established linear pattern of development within Chedworth. Consequently, I am of the view that the site is outside the settlement of Chedworth, and Policy DS4 of the LP would apply in this instance.
9. Policy DS4 of the LP does not permit open market housing outside settlements unless the proposal complies with other policies for dwellings in such locations. Policy H3 of the LP indicates that single self-build plots may be brought forward as rural exception sites within, adjoining, or closely related to the built-up areas of villages where the applicant meets certain criteria. The policy requires demonstration of a housing need, the appellant being unable to access a suitable home currently available on the open market in the parish and the appellant having a need to live locally with strong local connections to the Parish.
10. Part of the appellant's case is that proposal would be a self-build proposal, as described under The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Although a self-build dwelling could not be secured by a planning obligation attached to a permission in principle, it is clearly set out as a self-build in the description of development. As such, it is possible to consider the dwelling as a self-build, provided the appellant is made aware that a legal obligation as part of a subsequent Technical Details Consent would need to be secured.
11. There is a dispute between the two parties with regard to whether demand for self-build proposals is being fully met within the district. Notwithstanding the positions set out in the evidence before me, even if there was a demand for self-build dwellings, there is limited information with the appeal to substantively demonstrate that the remaining criteria (b to d) can be met. As such, compliance with the alternative home and local connections test elements of the policy have

not been clearly demonstrated. The proposed development would, therefore, not meet the requirements of Policy H3 of the LP.

12. Most of the village, including the appeal site, is within the Chedworth Conservation Area (Conservation Area). Based on my observations and the information provided with the appeal, the relationship of the buildings and open spaces is critical to the appearance and character of the village.² Thus, the significance of the Conservation Area appears to be centred around the historic core of the rural village, which is largely defined by buildings of a simple form and appearance finished in local materials, within a verdant countryside setting.
13. The Chedworth Conservation Area statement indicates that open spaces are critical to the character of the place and should be preserved, and public views should be respected. In the immediate vicinity of the appeal site, the built form on the northern side of the road is sparse with significant gaps in between, providing scenic views of the undeveloped countryside. Although the appeal site and the building are not designated as an 'area of landscape value' on the Conservation Area Character Map, the existing building is small, does not appear neglected and the land surrounding it is largely undeveloped with trees bordering it. As such, currently the site blends into and does not detract from the character and appearance of the open landscape, respecting the important public views.
14. I have had regard to the appellant's position and appreciate that the visual impact of the proposals can be more critically assessed as the technical consent stage. However, the slope of the land and the level change from the road means that the formation of a dwelling would require works that would fundamentally alter and urbanise the site. These works would diminish the largely undeveloped character of the site, which would be at odds with the open landscape and detract from the important views. Despite the lack of detail, for these reasons I am of the view that the proposed development would be harmful to the special qualities of the Conservation Area.
15. The harm identified is considered to be less than substantial. Paragraph 202 of the Framework is applicable in these instances and indicates that less than substantial harm to heritage assets should be weighed against the public benefits of the proposal.
16. The proposed development would be considered a windfall site that would contribute a self-build or market dwelling to the local housing stock. There would also be social and economic benefits from the construction of the dwelling, in terms of additional expenditure in the local economy from future occupants and the creation of construction jobs. I would attribute the public benefits limited weight given the small uplift in housing supply and contributions it would provide to the area. I consider that the public benefits would not be sufficient to outweigh the less than substantial harm that I have identified, giving considerable weight and importance to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
17. I have also given weight to the conservation (and enhancement) of the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB) in my decision. The pattern of development within the village of Chedworth and its relationship to the countryside provides a sense of place that contributes to the character and appearance of the settlement. In this respect, the settlement and

² Page 5 of the Chedworth Conservation Area Statement March 2001

its character contribute to landscape and scenic beauty of the AONB. Although the proposed development would be near to the built-form, it would be at odds with the established pattern of development and its relationship to the AONB landscape. As such, it would fail to conserve or enhance the scenic and natural beauty of the AONB.

18. I, therefore, conclude that the proposed development is not suitable for housing, being a location outside of the non-principal settlement of Chedworth, and failing to conserve or enhance the special qualities of the Conservation Area and the scenic and natural beauty of the AONB. The proposal would be contrary to Policies DS4, H3, EN2, EN4, EN10 and EN11 of the LP, which seek to encourage growth in sustainable settlements to protect the character and appearance of the countryside and limiting development outside of settlements to justified exceptions. Proposals should also assimilate into the character of the area, preserving or enhancing the special qualities of heritage assets, as well as conserving and enhancing the landscape and scenic beauty of the AONB.
19. The proposal would also be contrary to paragraphs 174 and 176 of the National Planning Policy Framework (the Framework), which seek to ensure that great weight is given to conserving and enhancing valued landscapes, such as the AONB.

Other Matters

20. In support of the case, the appellant has drawn my attention to dwellings approved within the vicinity, via planning applications determined by the Council.³ I have not, however, been provided with the full details that would have been available to the previous decision makers when determining these cases. As such, it is difficult to make a comparison when I am not aware of the full facts of the cases and if the same policies were applied.
21. However, I note the sites are within proximity to the appeal site and the Council has decided that these sites as being within the settlement of Chedworth. However, due to the differences between these schemes and the proposal before me, in terms of their location, they are read in a different context and with a different relationship to the settlement. As such, I have judged this scheme on its own merits.
22. I note the letter of support for the proposal. I acknowledge the support for a local person to utilise the existing building and land, but this does not alter my findings on the main reasons.

Planning Balance and Conclusion

23. The contribution that a new dwelling from a windfall site could make to the local housing stock is a benefit, albeit limited due to the small scale of the development. I also note that there would be social and economic benefits from the construction of the new dwellings, in terms of additional expenditure in the local economy and the creation of construction jobs. Furthermore, it would potentially result in the redevelopment of brownfield land and the formation of a dwelling for a local resident.

³ Council references 20/02017/PLP, 20/00508/FUL and 19/03964/FUL

24. However, the scale of the proposals means any uplift in housing supply and expenditure in the village is small, and the construction period would a short period of time. Furthermore, although the land could be considered brownfield, it does not detract from the character of the area and largely blends into the landscape. Lastly, based on the evidence before, the appellant's connections to the local area have not been adequately demonstrated. As such, these benefits do not outweigh the harm I have identified above.
25. The proposed development would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should, therefore, be dismissed

M. P. Howell

INSPECTOR