



Appeal Decision

Site visit made on 3 January 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2023

Appeal Ref: APP/G1630/W/22/3302491

**Liberty Farm, Stanway Lane, Stanton, Broadway, Worcestershire
WR12 7NE**

- 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 William Hance against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00675/FUL, dated 23 July 2020, was refused by notice dated 11 January 2022.
 - The development proposed is described as 'retrospective application for the erection of an agricultural building (amended scheme to planning permission ref: 07/01385/FUL) and the erection of a permanent agricultural workers dwelling.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr W. Hance against Tewkesbury Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Appeals APP/G1630/C/08/2089558 and APP/G1630/A/08/2085813/NWF against the refusal of planning application 07/01385/FUL and the Enforcement Notice were allowed in December 2009, subject to conditions, one of which required that the height of the steel frame should not exceed 9.66m (condition 2) and the period for compliance was September 2010. The allowed appeal (appeal B for planning permission) stated that the planning permission was granted for an agricultural building in accordance with planning application 07/01385/FUL, dated September 2007 and the plans submitted with it.
4. Thus, the principle of an agricultural building has already been established on the appeal site. I observed during my site visit that the steel-framed agricultural building allowed under the 2009 appeal had been partially constructed on site. The current appeal would incorporate this partially constructed building.
5. In October 2013 an appeal (APP/G1630/A/13/2195695) was allowed and planning permission was granted for the conversion of the separate agricultural building to a temporary agricultural dwelling and siting of a polytunnel in accordance with planning application Ref: 12/00319/FUL. The appeal (APP/G1630/W/17/3175483) was allowed in February 2018 for a further temporary period of three years expiring on 14 February 2021.

6. Since the planning application was refused the Tewkesbury Borough Local Plan 2011-2031 (Local Plan) has been adopted by the Council on 8 June 2022. On adoption of the Local Plan, saved policies from the Tewkesbury Borough Local Plan to 2011 were replaced and policies ADR2, AGR6 and AGR7 of this plan which were referred to in the Council's decision notice are no longer part of the development plan for Tewkesbury. The main parties are aware of this and have had the opportunity to comment on this during the appeal process. I have determined the appeal in regard to the development plan at the time.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, including the Cotswold Area of Outstanding Natural Beauty.

Reasons

8. The appeal site is located on Liberty Farm. It is accessed off Stanton Road and situated to the west of the village of Stanton. The site is positioned outside of a defined settlement boundary and within the Cotswolds Area of Outstanding Natural Beauty (AONB).
9. The AONB is broadly characterised by soft rolling landscape on the lower slopes of the escarpment forming a transitional area between the adjacent escarpment and the vale area, wide open sparsely settled agrarian landscape, numerous fields, hedgerows and small woodlands, and quiet winding lanes.
10. Paragraph 176 of the National Planning Policy Framework (Framework) requires that I must give great weight to the conservation and enhancement of the landscape and scenic beauty of an AONB.
11. The appeal site is situated within a farmed landscape near to the Cotswold escarpment. It has an open rural appearance with views of the escarpment. The farm buildings within the area are typical of the Cotswold vernacular, with simple rectangular plans, simple plain gables, and plain walls with minimal openings. These make a positive contribution to the character and appearance of the area.
12. The nearby village of Stanton contains traditional style properties constructed from honey-coloured Cotswolds stone, with many featuring mullioned windows, steeply pitched gables, and some with thatched roofs, that give them a distinctive character.
13. The proposed development would incorporate the partially constructed steel-frame and maintain the building footprint and siting of the previously approved scheme. In addition, the building ridge height would remain at around 9.6 metres.
14. However, the height to eaves on the proposed development would be higher than that shown on the approved plans under 07/01385/FUL. This would result in the proposal's roof pitch being much shallower than the previously approved plans.
15. Consequently, the roof of the proposed building would not respond to the rural character of traditional farm buildings in the local area that tend to have narrow spans and steep roof pitches. Furthermore, the elevations up to the proposed eaves height would be taller than the previous approval and would

not reflect the identity of its rural surroundings. The proposal would therefore appear as an incongruous feature that would be highly visible and intrusive within the landscape, given its prominent position with public views from the escarpment, especially the Cotswolds Way, and from Stanway Road and the B4632.

16. The proposal would also include a permanent agricultural workers dwelling within the southern extent of the building. As the height and elevations of the proposed dwelling would be flush with the main barn, there would be no visual break between the two. Combined with its domestic appearance, it would have little resemblance to the agricultural building it adjoins. This effect would unbalance and blur its relationship with the agricultural building, to the detriment of the structure and its relationship to the local rural buildings. In addition, the tall height of the proposed dwelling would be uncharacteristic of dwellings in the local area.
17. Furthermore, the proposal would consist of a number of window openings of varying sizes, including a large, glazed gable feature on its southern elevation. This would introduce overtly modern features that would detract from the plain, simple, and utilitarian character of the agricultural building. The fussy modern features on the building's elevations would also be unlike the traditional appearance of the dwellings nearby. They would appear as incongruous and dominant features that would significantly harm the traditional character of the rural landscape. Moreover, the extent of the glazing, particularly on the southern elevation, would cause light pollution during hours of darkness, and glare and reflection on fine weather days. Inappropriate levels of lighting and glare within the site could accentuate the visual impact of the development on the wider landscape, particularly at night.
18. Views of the proposed building on its eastern elevation would be partially screened by the existing agricultural barn. However, the dwelling would be visually prominent from public vantage points along the nearby footpaths, including the Cotswold Way.
19. In addition, the proposed metal flue would have a large industrial appearance, resulting in an unsightly addition to the building. I have considered imposing a condition regarding the proposed flue. However, this would not overcome the harm identified relating to the effect of the proposed development generally as referred to above.
20. The proposal would therefore cause harm to the character and appearance of the surrounding area and to the AONB.
21. Although landscape planting could be secured by condition, the proposal would nevertheless be visible from the surrounding area. This is due to the site's proximity to public vantage points along Stanton Road and the public footpaths such as the Cotswold Way, and when such trees and vegetation are not in leaf during winter months. Such planting would take some time to mature and provide any effective screening and could not be guaranteed to survive or be maintained in the longer term.
22. Turning to the proposed external materials, they would not be traditional rural building materials for this area of the Cotswolds, but given the proposed colouring, the materials would not look out of place within its surroundings. In any event, the external materials could be conditioned if planning permission

were to be granted. However, this would not overcome the harm arising from the proposal's design for the reasons given above.

23. Given the siting and scope of the development and its immediate context, I find that there would be adverse effects to the character and appearance of the area and to the AONB, and that as such its landscape and scenic beauty would not be conserved.
24. Therefore, for the reasons above, the proposal would fail to accord with Policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) (JCS), Policy AGR3 of the Tewkesbury Borough Plan 2011-2031 (2022) (TBP), and Policies CE1 and CE3 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (2018). These policies, amongst other things, seek to conserve and enhance the landscape and scenic beauty of the AONB, and to ensure that developments are of high quality design and respond to the local distinctiveness and character of the area. In addition, the proposal would fail to accord with the Framework in so far as it seeks to ensure developments respect and enhance the AONBs.

Other Matters

25. The appellant refers to a fallback position in their Statement of Case, in the form of a free-standing agricultural worker's dwelling being located elsewhere on Liberty Farm. I find that the fallback position would not be more harmful than the proposal before me. Due to the scale and design of the proposal, harm has been identified for the reasons explained above. With that in mind, the fallback position would not tip the balance in favour of the appeal proposal.
26. The Council is satisfied that an essential need has been demonstrated for a rural worker to live permanently at Liberty Farm, and the principal of a new dwelling at the appeal site is considered to be acceptable. Based on the information before me, I have no reason to disagree.
27. The proposal would provide a permanent dwelling for an agricultural worker. Nevertheless, based on the evidence before me it has not been shown that the appeal scheme is the only way of achieving a dwelling on the site, particularly when there is a fallback.
28. The appellant refers to email correspondence dated 16 June 2017 from the Council's Enforcement Officer regarding the eaves height and the pitch of the roof. However, this evidence is not before me. In any event, the Council is not bound by historic email correspondence from the Enforcement Officer at the time.
29. In the previous appeal decision, the Inspector was clear that the scheme should be built in accordance with the submitted plans and the height of the steel frame should not exceed 9.66m. The Inspector also stated, "*a building with a narrow span, a steeply pitched roof and using natural materials would create an attractive feature in this landscape.*" In my mind, this means that the ridge height was to be adjusted to 9.66m and the eaves height was to be in accordance with the approved plans. I have not been presented with any substantial evidence to indicate otherwise.
30. I note the appellant refers to expenses associated with altering the existing structure on site. However, any such expenses have no bearing on the proposal before me.

31. The appellant has drawn my attention to PPS7 in their Statement of Case. However, PPS7 has been revoked. In any event, I have found harm in respect of the character and appearance of the area and to the AONB, therefore any policy support for agricultural worker accommodation is outweighed by that harm.
32. Policies SD4 and SD6 of the JCS and Policy AGR3 of the TBP are broadly consistent with the sustainability principles and design objectives set out in the Framework. Policy SD7 of the JCS is also consistent with paragraph 176 of the Framework. I therefore give the conflict with these policies significant weight in this appeal.

Conclusion

33. The proposal conflicts with the development plan, as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR