



Appeal Decision

Site visit made on 23 May 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/F1610/W/22/3313792

The Butts (Home Ground), Cricklade Street, Poulton, Cirencester GL7 5HY

- 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 N. Clapton against the decision of Cotswold District Council.
 - The application Ref 22/01917/FUL, dated 31 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is for the erection of 1 no. detached dwelling together with associated ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant following the adoption of the North Meadow and Clattinger Farm Special Area of Conservation - Interim Recreation Mitigation Strategy 2023 – 2028, published in May 2023, has provided a signed and dated unilateral undertaking in respect of securing mitigation and/or compensation of ecology or biodiversity impacts to address addition ecology and biodiversity impacts raised by the Council during the appeal. I consider this matter below.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development having regard to local plan policies for the distribution of housing and in particular whether the appeal site is located within the non-principal settlement of Poulton.
 - the effect of the proposed development on the character and appearance of the area having regard to the setting of adjacent grade II listed buildings) and the setting of Poulton Conservation area (CA).

Reasons

Location of development

4. The appeal site is part of a larger agricultural field set back from Cricklade Street behind a grass verge on the south side of Poulton village. The land is partially enclosed by a combination of post and rail fences hedges and low stone wall, beyond the appeal site to the north and east is open agricultural land and to the south is the residential boundary of a detached property. The

proposal is to construct a detached dwelling with new accesses from the street frontage.

5. The Cotswold District Local Plan 2011-2031 adopted August 2018 (LP) seeks to direct growth to principal settlements with small scale residential development being supported in non-principal settlements subject to criteria set out in Policy D3. The Council consider Poulton to be a non-principal settlement and I see no reason to disagree. Nevertheless, the Council assess the appeal site as being outside of Poulton and in the countryside for the purposes of the LP policies.
6. Poulton CA is unmistakably 'Cotswold' in both its pallet of materials and modest vernacular forms. The tight grain of the built form on the south side of the village sits up to the conservation area boundary separated from the appeal site by an open area of agricultural land. The appeal site is a field last used for agriculture. Agricultural land extends to the east. Adjacent to the road its open form and verdant appearance is consolidated by the significant grass verges on both sides of Cricklade Street. The appeal site makes a positive contribution to the general character and appearance of the rural landscape. The existing small cluster of development to the south is distinct from the tight knit village character and contains a very limited section of the appeal site boundaries. The majority of the site boundaries are open with a clear connection to land providing extensive views of the pastoral landscape. Consequently, the appeal site appears as part of the countryside rather than the settlement and therefore is outside the non-principal settlement for the purposed of LP policies.
7. I have had regard to the appeal decisions provided by the appellant. Whilst I see no reason to disagree with the description of the character of Poulton in the appeal at Bell Lane¹ the extent of the appeal site frontage and its association with agriculture set it apart from the character of the village its location and character is associated with the open rural landscape to the east. Ampney Crucis² is in a different settlement and there were existing buildings within the appeal site. The appeal site at Siddington³ was considered to have a primary visual and spatial relationship with adjacent development and described as appearing semi-domestic, re-enforced by topography, whereas the appeal site, is a flat agricultural field.
8. In addition, two planning applications⁴ are referenced in the evidence but I do not have all the details of those cases, and because both relate to a different settlement, they are not directly relevant to the case before me.
9. The appeal site is within the countryside wherein Policy D4 of the LP restricts new build open market housing unless in accordance with other policies that expressly deal with residential development in such locations. No such policies have been referred to in this case.
10. Therefore, for the reason set out, the appeal site is outside the non-principal settlement of Poulton it is not a suitable location for the proposed development having regard to local plan policies for the distribution of housing and the proposal is contrary to Policy D4 of the LP.

¹ APP/F1610/W/19/3233857

² APP/F1610/W/19/3230303

³ APP/F1610/W/20/3262835

⁴ 20/02285/FUL and 20/00729/FUL

Character and appearance

11. The significance of CA derives from its distinct appearance, a result of the traditional pallet of materials and their application in modest vernacular forms in a tight grain which combine to provide a united character.
12. In terms of the listed buildings the heritage and impact statement submitted with this appeal (HIS), identifies additional Grade II listed buildings nearby other than those referred to by the Council, I have considered these in my assessment given my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting or any features of special architectural or historic interest of a listed building.
13. Butts farmhouse, 9 Cricklade Street (No 9), Peach Cottage and Pear tree cottage are grade II listed buildings located on the opposite side of the street to the appeal site. The significance of the buildings derives from their age, architectural form which includes the use of local materials in a style which can commonly be seen in the Cotswold, and their historic relationship with the village and wider agricultural landscape experienced directly in the case of Butts Farmhouse and 9 Cricklade Street or as a result of their group value as part of the evolving historic settlement.
14. I am mindful of the National Planning Policy Framework's (the Framework) definition of 'setting' as being the surroundings in which a heritage asset is experienced, the extent of which is not fixed and may change over time. Although the immediate setting of listed buildings is relatively well defined as is the extent of the CA, the general spaciousness of the wider area provides a rural context. It is not a transitional space, the appeal site's last use was for agricultural, and this is reflected in its agricultural appearance. The appeal site makes a positive contribution to the significance of the listed structures, in particular Butts Farmhouse and 9 Cricklade Street, where the appeal site makes a modest contribution to the setting of the CA and the significance of the listed buildings as a group.
15. I acknowledge the appellant's view that the proposal would have a neutral impact on the setting of the CA and listed buildings and would enhance the setting of the CA in terms of the proposed built form. Further, I accept that the built form of the appeal proposal would take up a limited portion of the whole site. However, the proposal would nevertheless be an imposing structure of some considerable size. It would have a substantial garden area which would be enclosed. As such the nature of the land use would be fundamentally changed from one of agriculture to domestic with the associated visual changes resulting from the different use and domestic buildings. This would be exacerbated by the introduction of two access points and the associated parking and hardstanding which would be prominent features of the entrance to the village. The effect of the proposal would be to introduce development on an open and undeveloped site to the detriment of the rural setting of the village.
16. The open and undeveloped nature of the appeal site forms part of this wider spacious setting of the listed buildings and the CA. As a consequence of the introduction of a dwelling and the associated changes to the surrounding land from agriculture to domestic use the proposal would detrimentally compromise

the setting of the heritage assets and affect the ability to appreciate their significance. The setting of the listed buildings would not be preserved.

17. In terms of the National Planning Policy Frameworks (the Framework), the proposal would cause less than substantial harm to the significance of the listed buildings and the setting of the CA this harm should be weighed against the public benefits of the proposal.
18. The provision of additional housing would be a public benefit, but as the Council can demonstrate a 5 year housing land supply (5YHLS), this benefit would be limited. The appellant has drawn my attention to a planning application⁵ for one house where the Council found that it would support the viability and continued availability of services within the village, as would be the case here. Even so, for one dwelling this would be a modest benefit and these public benefits do not outweigh the less than substantial harm to the significance and setting to listed buildings and the CA to which I give considerable importance and weight. Consequently, the proposal would be contrary to the Framework.
19. Overall, I conclude that the proposed development would be detrimental to the character and appearance of the area having regard to the setting of adjacent grade II listed buildings and the setting of the CA contrary to policies EN1, EN2, EN4 and EN10 of the LP. These policies amongst other things seek to ensure the protection and enhancement of existing natural and historic environmental assets and their settings, are in proportion with the significance of the asset, and seek to ensure development proposals do not result in the loss of open spaces which make a valuable contribution to the character and/or appearance and/or allow important views into or out of the Conservation Area.

Other Matters

20. I have had regard to the additional refusal reason raised by the Council in their statement that the appeal site is within the zone of influence of North Meadow and Clattinger Special Area of Conservation. However, a mitigation scheme has been agreed between relevant Local Authorities and Natural England with details provided of the charging zone and amount payable for each development to offset any recreational impact resulting from additional development cumulatively with other development. The appellant has provided a signed Unilateral Undertaking to secure the required mitigation for the appeal scheme. However, as I am dismissing the appeal on the main issues for the reasons given above, it has not been necessary to pursue this matter further.

Conclusion

I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Crossen

INSPECTOR

⁵ 18/04474/FUL