



Appeal Decision

Site visit made on 14 September 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2023

Appeal Ref: APP/C1625/D/23/3321145

Grandmas, Ruscombe Road, Whiteshill, Stroud GL6 6BX

- 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 Jeffrey Poole against the decision of Stroud District Council.
 - The application Ref S.22/1463/HHOLD, dated 29 June 2022, was refused by notice dated 3 February 2023.
 - The development proposed is New Parking bay with electric charging point.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are 3 main issues. These are:
 - whether the proposed development would harm the character and appearance of the area, including whether it would conserve or enhance the scenic beauty of the landscape within the Cotswold Area of Outstanding Natural Beauty (AONB);
 - whether the proposal would preserve the setting of the Grade II listed building known as the United Reform Church; and
 - the effect of the development on highway safety, with specific regard to access.

Reasons

Character and Appearance

3. The appeal proposal relates to a section of roadside dry stone walling covered with vegetation, running alongside Ruscombe Road. The site is also within the Cotswold Area of Outstanding Natural Beauty (AONB). The section of wall in question encloses the external amenity space associated with the property known as Grandmas, which rises up steeply behind the wall. The dry stone wall runs unbroken from the United Reform Church to the north of the site, all the way up to the top of Ruscombe Road, where it meets Main Road. Furthermore, dry stone walls are a distinctive landscape feature of the AONB and contribute positively to the character and appearance of the area, including the scenic beauty of the landscape within the Cotswold AONB.
4. Due to the proposal resulting in a significant break in the boundary wall to create the new parking bay, it would be seen as an incongruous gap in the dry stone wall. It would also be an overly engineered feature in an otherwise rustic lane. I acknowledge that the rear and side retaining walls would be faced with

Cotswold dry stone. However, this would not be sufficient to overcome the harm caused by the large gap in the wall. I note that wider views of the proposal would be largely obscured by surrounding buildings. Nevertheless, the proposal would still be highly visible and would be seen as out of place to those travelling along Ruscombe Road.

5. Therefore, the proposal would harm the character and appearance of the area. It would fail to conserve or enhance the scenic beauty of the landscape within the Cotswold AONB. It would be contrary to Policies HC8 and CP14 of the Stroud District Local Plan (Local Plan) (2015) and Policy LC1 of the Whiteshill and Ruscombe NDP (the NDP) (October 2016) which, in combination, seek to ensure development is of an appropriate design and appearance, which is respectful of the site's wider setting and location, and protects their distinctive identity and landscape character. Development will also be expected to conserve landscape features including dry stone walls.
6. The proposal would also conflict with the principles within Chapter 15 of the National Planning Policy Framework 2021 (the Framework), in regard to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regard to conserving and enhancing landscape and scenic beauty within the AONB.
7. Policy ES8 of the Local Plan has been quoted in the 2nd reason for refusal. However, it appears this has been cited in error as this relates to trees, hedgerows and woodlands. The officer's report refers to Policy ES7 when discussing the impact to the AONB, which is considered relevant to the proposal as this relates to landscape character. The proposal would be contrary to Policy ES7 which requires proposals within the AONB to prioritise the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage.

Setting of the Listed Building

8. The United Reform Church to the north of the site is a Grade II listed building. Its significance lies primarily from its age, historic built form, materials and architectural details. It is a prominent building in the immediate area. The surrounding built form, including the dry stone boundary wall which runs from the Church along the eastern side of Ruscombe Road forms part of the setting within which the listed building is experienced. Contrary to the view of the appellant, if you look down the hill towards the Church from the appeal site, the proposed parking bay would be seen with the Church in the backdrop. Consequently, the appeal site influences the setting of the Church, and thus the significance of the listed building.
9. There would be a degree of intervisibility between the proposal and the Grade II listed building. Due to the harm to the character and appearance that I have identified above, this would consequently harm the setting that the United Reform Church sits within. Therefore, it would also harm its significance.
10. I do not agree with the appellant that the proposal would reinstate the original ground levels, which 'will be seen as a considerable improvement to the street architecture and natural environment of this part of Ruscombe Road.' To the contrary, the proposal would be seen as an inappropriate gap within the sloping residential garden and would be seen as a harsh, strident intrusion in the wall.

11. I note that there is already parking directly outside of the church building. However, this appears to be relatively informal roadside parking, taking advantage of the bend in the road and its relationship with the church building.
12. Therefore, the proposal would fail to preserve the setting of the United Reform Church. The harm to the significance of the listed building would be less than substantial, to which I attach considerable importance and weight. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
13. The proposal would provide a parking space for Grandmas, removing the need for a car to park outside of the listed building. It would also provide an electrical charging point as part of the development. Therefore, whilst there would be some public benefits associated with the proposal, these public benefits are not significant enough to outweigh the harm to the listed building identified.
14. Therefore, the proposal would fail to preserve the setting of the Grade II listed building known as the United Reform Church, harming its significance. It would be contrary to Policy ES10 of the Local Plan and Policy BE3 of the NDP which, in combination, seek to ensure the district's designated heritage assets including listed buildings, will be preserved, protected or enhanced where possible in accordance with their significance and their importance to local distinctiveness, character and sense of place. It would also be contrary to the principles set out in Section 16 of the Framework, which requires great weight to be given to heritage assets' conservation, including their setting.

Highway Safety

15. Ruscombe Road is a relatively narrow road and is subject to a speed limit of 20mph. The proposed site plan annotates that visibility out of the site would be 22m in both directions. The appellant states that because of the 20mph speed limit, the visibility sightlines should be 2.4m x 25m, and not 2.4 x 43m which is based on a speed limit of 30mph. However, even based on the shorter sightline of 2.4 x 25m, the proposal would not achieve the required visibility sightlines.
16. The appellant argues that in reality the speed of the traffic is usually a lot less than 20mph, in part due to the other road users such as cyclists, dog walkers and horse riders. However, no speed surveys have been carried out by the appellant and no further justification for the substandard visibility has been provided. Therefore, in the absence of any speed surveys demonstrating otherwise, the lower visibility sightlines which can be achieved at the site access would leave the proposed development with substandard visibility sightlines. This would be to the detriment of highway safety.
17. Therefore, the proposal cannot achieve the required visibility sightlines to ensure safe access for all users to the appeal site. Consequently, the proposal would have an unacceptable impact on highway safety, with specific regard to access. It would be contrary to Policy CP13 of the Local Plan and TC1 of the NDP which, in combination, seek to ensure development is not detrimental to road safety or the existing road infrastructure.
18. It would also conflict with paragraphs 110 and 111 of the Framework which requires development to ensure that a safe and suitable access to the site can

be achieved for all users and advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

19. The appellant has drawn my attention to a parking area in Lower Street. However, no further details have been provided. Nevertheless, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

20. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR