



## Appeal Decision

Hearing held on 6 September 2023

Site visit made on 6 September 2023

**by Robin Buchanan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 October 2023**

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**Appeal Ref: APP/C1625/W/23/3320241**

**Frith House, Far Oakridge, Stroud GL6 7PG**

- 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 Dr and Mrs J Milner against the decision of Stroud District Council.
  - The application Ref S.22/0920/FUL, dated 22 April 2022, was refused by notice dated 13 October 2022.
  - The development proposed was described as 'conversion of existing barn to provide two staff accommodation units and land maintenance store'.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion of existing barn to provide two staff annex accommodation units and a land maintenance store at Frith House, Far Oakridge, Stroud GL6 7PG in accordance with the terms of the application, S.22/0920/FUL, dated 22 April 2022, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The description of development in the banner above is taken from the application form. As discussed at the hearing, and with subsequent written agreement by the main parties after the hearing closed, the description in my decision is more precise.
3. Before the hearing I visited Frith House and the settlements and another site referred to me by the main parties, insofar as these can be seen from a public place. After the hearing closed, I visited Frith House, including the appeal site, with a representative of the main parties.
4. At the hearing I asked for a printed copy of Policies CP15 and HC7 of the Stroud District Local Plan 2015. This copy of Policy HC7 differs materially in layout to the electronic copy in the Council's appeal questionnaire.
5. After the hearing closed the appellant submitted an amended, executed unilateral undertaking relating to the Cotswolds Beechwoods Special Area of Conservation. It corrects some minor errors or omissions in the appellants' previous unilateral undertaking discussed at the hearing. I have taken the amended unilateral undertaking into account in determining the appeal.
6. Though not apparent at the hearing, the Government published a new National Planning Policy Framework the day before on 5 September 2023 (the Framework). The changes to national policy are not relevant to this appeal.

## **Main Issue**

7. The main issue in this appeal is whether the staff accommodation units would be annexes to Frith House or independent dwellinghouses, and be justified in location, use, form, size, siting, living conditions and accessibility.

## **Reasons**

### *Location and use*

8. The appeal site is in the countryside, outside of any settlement. It contains a portal frame barn of agricultural vernacular in the grounds of Frith House. This large country house is set in about 20 acres of domestic gardens, fields, paddocks, woodland, hedgerows and a lake. The barn is used to store equipment, machinery, tools and products or materials for the upkeep of the house, outbuildings, immediate grounds and wider landholding.
9. The appellants are new owners of this property, which is undergoing substantial works to restore and adapt it to meet their needs as a family home, including for dependent elderly relatives and guest accommodation. The front three-quarters of the barn would be converted to living accommodation – one unit for a new housekeeper and the other for a gardener employed by the previous owners of Frith House who has been retained – with a land maintenance store at the back. The fabric and structure of the building would be significantly enhanced to Passivhaus standards for construction and energy efficient design.
10. The proposal strictly conflicts with Policy CP15 because it does not explicitly meet any of the exceptions (1-6) for development in the countryside. This includes that there is no evidence employment of a housekeeper or a gardener is essential to promote public enjoyment of the countryside and support the rural economy, for instance as a farm worker might. There is therefore no need to consider the conditions or limitations of this policy set out at i) to vi).
11. However, though under a heading 'dependent or carer' the Council intends Policy HC7 to support annexes in the countryside<sup>1</sup> for domestic staff working for the residents of a principal dwelling<sup>2</sup>. A housekeeper and a gardener would be clearly associated with Frith House by means of their place of employment and domestic service to its occupants, with a high degree of interdependence and mutual trust. The continued upkeep and occupation of large country homes with landholdings in rural areas by owners with the means to do so, including employment of live-in staff, is an intrinsic part of the countryside and important to its stewardship in the wider public interest. The proposal would provide accommodation for these rural workers.
12. Accordingly, and in this sense, it would be broadly in-keeping with the underlying objectives of Policy CP15 to maintain a 'living and working' countryside. Furthermore, in contrast to this policy and paragraph 80(a) of the Framework, Policy HC7 does not stipulate 'essential need' but a 'clear justification' for an annex. Having regard to the printed layout of policy HC7 and what was suggested to me by both main parties at the hearing, I fail to see why a clear justification required for a linked annex by extension and attachment (the scope of the first part of this policy, including the two

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<sup>1</sup> Local Plan paragraph 4.53

<sup>2</sup> Local Plan paragraph 4.51

numbered points) should not be necessary for a detached annex crafted by converting an outbuilding (the second part of this policy, under the same overall heading). In this policy, read as a whole, the possibility of a detached annex is engaged if there is no scope for it to be attached.

### *Form*

13. There is a large pool building under construction on the west side of the house, the front elevation of the house faces a formal open setting to the south and a driveway runs next to the house to the east and across part of the rear (north) elevation, which already includes an extension in-depth. I have not been informed that Frith House is a heritage asset but parts of it date to the 17<sup>th</sup> Century, built with traditional Cotswold stone. As such, it has innate visual stature and spatial presence so makes a positive contribution to the character and appearance of the area, even though not very visible in public views.
14. Consequently, further extending the house with attached annexes would detract from appreciation of its architecture, form and siting in its landscape setting. Additionally, such proximity and use of annexes by non-family members would undermine the living expectations or enjoyment of Frith House and its immediate environs by its occupants, including part of the garden and a group of domestic outbuildings next to it. Conversely, despite association by employment, likely also have uncomfortable connotations for staff. In these circumstances, the second part of Policy HC7 supports converting a detached outbuilding to a self-contained annex<sup>3</sup>. In contrast to Framework paragraph 80(c), this is irrespective of whether it is a redundant or disused building.

### *Size, siting and living conditions*

15. At the hearing the main parties agreed that each 2-bedroom unit would have about 133m<sup>2</sup> of living space. In part this reflects the open plan design of a large, combined ground floor main family living space and circulation area. As was also established at the hearing, some of the first floor would not be suitable for a 3<sup>rd</sup> bedroom under a low roof slope and as such it would not be necessary to control the use of this part of the building by a condition. Each unit would have all the necessary facilities for independent living. However, a self-contained annex is permitted by the second part of Policy HC7 so it is not itself determinative, but a matter of fact and degree<sup>4</sup>.
16. There would be notably more floor area than approximately 92m<sup>2</sup> the gardener had lived in elsewhere at Frith House. Though not adopted by the Council, it would also significantly exceed the Government's nationally described space standard for a 2-bedroom home. However, these minimum standards do not preclude more floor area in smaller homes. Furthermore, Policy HC7 and the explanatory text to this policy do not require an annex to be a 'minimum' (or any specific) size, 'reliant on', in this case, Frith House for living facilities or akin to an affordable dwelling, as the Council suggested at the hearing.
17. As a line on a plan, the staff accommodation would be about 95m to 100m from the closest part of Frith House. Not, though, an inordinate distance for a housekeeper to walk and, as I found, take a matter of minutes along an existing pathway. It is common ground that the barn is in the residential

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<sup>3</sup> Also, Local Plan paragraph 4.55

<sup>4</sup> *Uttlesford DC v Secretary of State for the Environment and White* [1992]

curtilage of Frith House. Some of the other outbuildings and a formal laid out part of the garden lie to the south of the house, closer to the barn. As a result, after an initial uphill approach towards Frith House there is quickly a tangible sense of arrival in the residential environs of the house and then at the house itself. A gardener would also be centrally located in relation to the grounds and landholding overall, convenient also for the land maintenance store. The accommodation would not, therefore, be remote or isolated from Frith House and this limited separation would enable an appropriate degree of living independence for staff, as Policy HC7 anticipates<sup>5</sup>.

18. A housekeeper and gardener would share the vehicular access used by Frith House and share part of the extensive gardens, most likely discreetly next to or near the barn which nestles into lower ground levels just out of direct view of the house. This would give mutual privacy with no need to apportion a private amenity area through subdivision by fences, which is not proposed nor anyway expected by Policy HC7<sup>6</sup> (so there is no conflict with Policy CP14(9) in this context). A small seating area in front of the barn, if it were provided, would be in view next to the access track but would not be the only external amenity space. Car parking next to the barn would not be shared with the occupants of Frith House but would be convenient for staff. This factor alone would not, in my view, render the staff accommodation a separate planning unit(s).
19. As well as the responsibilities of the gardener, a housekeeper would ensure the efficient and effective domestic running of the house, such as cleaning and cooking. To attract 'the right staff' (as it was put to me at the hearing) to carry out these roles to a high, attentive standard (and in the fullness of time a new gardener), including tasks not on a formal job specification, and contemplate living on-site in a remote rural area, it is important to meet expectations for quality of life and living conditions. This includes flexibility for personal family circumstances of staff such as a spouse, partner or dependent children or to allow a guest to stay without relying on meagre or bare minimum living space. The units would provide for these circumstances without being excessively out of proportion to this intended use and remain subservient or subordinate in size to Frith House.
20. A planning obligation to prevent independent dwellinghouse use of an ancillary annex is a discretionary part of Policy HC7<sup>7</sup>. With the appeal the appellant submitted an incomplete unilateral undertaking in this regard. At the hearing the main parties agreed that an occupancy condition could secure this same outcome. This would accord with paragraph 55 of the Framework that planning obligations should only be used where it is not possible to address unacceptable impacts through a condition and Planning Practice Guidance (PPG) that even if it would be equally possible to overcome an objection via condition or obligation, a condition should be used<sup>8</sup>. It would also be consistent with an allowed appeal decision that I have been referred to. In that case an Inspector applied a similar condition to a proposed staff accommodation annex at another country house in the District so that a dwellinghouse would not be established<sup>9</sup>.

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<sup>5</sup> Local Plan paragraph 4.51

<sup>6</sup> Local Plan paragraph 4.52

<sup>7</sup> Local Plan paragraph 4.52

<sup>8</sup> PPG paragraph 21a-011-20140306

<sup>9</sup> APP/C1625/W/21/3266664

21. That would, therefore be, how the accommodation should be occupied. There is no compelling evidence that the development could not continue to be used ancillary to Frith House rather than result in a self-contained independent dwellinghouse(s) in a separate planning unit(s). Any planning permission runs with the land irrespective of the circumstances of the intended occupants. If it was not used as proposed, or if there was a material change of use in the future to create a separate dwellinghouse(s), then planning permission would be required, with the development at risk of enforcement action if such permission was not granted. The Council would also be able to consider the planning merits of any application seeking to vary or remove an occupancy condition. Either way, the site is in an area where dwellinghouses are not usually permitted by local or national planning policy.

### *Accessibility*

22. There is no evidence that a housekeeper or a gardener could not afford to buy or rent property in a nearby village or further afield. Even if they could, it was established at the hearing that the duties and expected hours are such that the appellants (indeed, it seems to me the owners and occupants of large country houses per se) would reasonably expect staff to be readily available not only during a normal working day, but on occasions early morning or later evening or night time, including when guests were present or for social events. This would also cover emergencies, unexpected circumstances or security including when the appellants were away from home. It would not be conducive to health or well-being, or be unduly punitive, to expect staff to work long hours then travel home elsewhere, even if reasonably close by, and likely be a disincentive to such employment.
23. Frith House is in an isolated part of the countryside, remote from a settlement with services or facilities necessary to conveniently meet most day-to-day or weekly living needs at once. This would primarily be Stroud, a market town about 5 miles away. In any event, lanes to small villages closer to Frith House are narrow, winding or undulating and unlit with no pavements, so not conducive to use by pedestrians and in places not safe even for cyclists. It is not guaranteed that internet ordering and delivery services would meet all living needs and would anyway generate vehicle movements to and from the site. A housekeeper and a gardener would be reliant on their own cars and it is possible that any spouse, partner or dependent children would generate further car travel to and from the site.
24. However, a gardener already lives at Frith House so there would be no material change in this travel and a fall-back position, or for a future gardener. Travel by car by a housekeeper would be a net gain of one member of staff. This must be off-set against savings in journeys to work if they lived elsewhere and even if commuting was combined with shopping or to meet other needs, or if housekeeping or gardening services were routinely, perhaps even daily, provided by visiting contractors (which would also require more 'hands on' management by the appellants). Paragraph 105 of the Framework acknowledges that sustainable transport opportunities vary between urban and rural areas, so there does not have to be a neutral effect or even a net reduction in travel to have significance. The location and nature of the employment in this case is of necessity in the countryside and requires travel to and from it at least to some extent.

### *Findings on main issue*

25. Taking account of all the above, I find that the proposed staff accommodation units are intended to be used as self-contained ancillary annexes in a way that would be closely related to, and dependent on, Frith House in a visual, spatial and functional sense and be within the immediate surroundings of this principal dwellinghouse. Subject to an occupancy condition, I am satisfied they would not be separate, independent dwellinghouses and there is a clear justification for the proposal having regard to location, use, form, size, siting, living conditions and accessibility. Consequently, it complies with Policy HC7 and does not, in my view, offend Policy CP15.
26. I do not therefore have to consider if any other outbuilding at Frith House could instead be converted and/or extended to provide staff accommodation or by a new building. The Council also cited Policy HC1(7) in the reasons for refusal in its decision notice but this policy relates to development within defined settlements, so is not relevant. The proposal is not for dwellinghouses so there is no conflict with Policies CP2 or CP3 which, in essence, set out a spatial strategy for the location and amount of new housing across the District; or, with Policy CP14(14) because, as in this case, development in the countryside in accordance with Policy HC7 is of necessity or intrinsically not likely to be located near essential services or be able to make significant use of travel modes other than the car.

### **Other Matters**

#### *Cotswolds Beechwoods Special Area of Conservation (the European site)*

27. The appeal site is within a zone of influence of the European site. It is an important protected site for nature conservation, designated mainly for its beech woodlands, unimproved semi-natural dry grassland and wetlands with habitat suitable for rare terrestrial snails and butterflies. These interest features rely on, amongst other things, limited disturbance by people. A significant effect on the integrity of the European site would be likely to occur from the proposed development alone, or in combination with other plans and projects, due to risk of increased recreational use of it by people in turn causing damage to these features. As the competent authority in this appeal, I therefore need to undertake Appropriate Assessment<sup>10</sup>.
28. The Council has prepared and adopted a recreation mitigation strategy(RMS)<sup>11</sup> in conjunction with Natural England. In essence, it provides that a financial contribution would be used by the Council to support strategic access management and monitoring (SAMM) to facilitate people using the European site and towards the provision of suitable alternative natural greenspaces (SANG) on land outside the European site for people to use instead. The appellants have submitted an executed unilateral undertaking in this regard. It would make the requisite contribution for SAMM and SANG prior to commencement of development if planning permission was granted. It was confirmed at the hearing that the appellants and the Council consider these measures would mitigate individual or in-combination adverse impact of the

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<sup>10</sup> Conservation of Habitats and Species Regulations 2017 (as amended)

<sup>11</sup> Cotswold Beechwoods SAC Recreation Mitigation Strategy, May 2022



proposal on the European site, in-line with the RMS and, as such, cause no harm to the integrity of the European site.

29. In light of the above, I have no reason to find otherwise. I am also therefore satisfied that this unilateral undertaking is necessary, related directly to the development and fairly related in scale and kind. As such it accords with the provisions of Regulation 122 of the CIL Regulations 2010 and the Framework tests for planning obligations.

*Cotswolds Area of Outstanding Natural Beauty (the AONB)*

30. The site and barn is in the AONB. The distinctiveness of the AONB includes the appearance and siting of traditional manor houses with estates in wooded valleys as part of a managed landscape. The site and the barn therefore makes a positive contribution to the AONB. Subject to a condition to secure details of external materials sympathetic to the barn and to the character and appearance of the area, the Council did not object to the design of the converted barn as overly residential in external appearance. I agree. The overall scale, massing and form of the barn would be retained with no change to siting so it would remain inconspicuous in the wider countryside beyond Frith House. This neutral effect would therefore conserve the landscape and scenic beauty of the AONB.

*Storage use*

31. It was established at the hearing that the landholding at Frith House is the same as before the appellants acquired this property. I was informed that the appellants consider the proposed land maintenance store would be sufficient in size to maintain the house, outbuildings and grounds, including because the internal space would be efficiently used. The barn was, though, virtually full of equipment, machinery, tools and products or materials. I have some sympathy then with the Council's concern that if planning permission were granted for the proposal, additional storage space might be sought by the appellants. However, this is not intended. The Council would be able to consider the planning merits of such a proposal if a planning application was submitted.

**Conditions**

32. The appellants do not object to the conditions suggested by the Council if the appeal was allowed, including that I have their written agreement to pre-commencement of development conditions; one for details of a construction management plan including to ensure site operatives and vehicles did not interfere with safe use the public highway. The other to ensure tree protection fencing was installed and works were carried out to avoid harm to existing trees to be retained. There is, therefore, a clear reason to secure these matters before any development started.
33. Where required, I have considered modified wording of the suggested conditions in the interests of clarity or precision and have had regard to the relevant tests in the Framework and advice in PPG, including to keep conditions to a minimum.
34. As well as the standard 3-year time limit for commencing development a condition would be necessary to specify the approved plans in the interests of certainty. In addition to the conditions already referred to above, and earlier, a condition would be justified to ensure no significant adverse effect on ecology

at the site and to secure biodiversity net gain. The barn incorporates hazardous materials so a condition to ensure necessary safeguards would ensure the development is undertaken without harm to the health of site operatives or staff occupying the accommodation.

35. The Council suggested a condition to remove Schedule 2, Part 1, Class A to E permitted development rights at the site, including for extensions, alterations and outbuildings. However, the development is not for dwellinghouses so this part of the GPDO does not apply and a condition is not therefore necessary.

### **Planning Balance and Conclusion**

36. The proposal accords with the development plan taken as a whole. There are no other material considerations, including provisions of the Framework, which override this finding or indicate that my decision should not be otherwise than in accordance with the development plan.
37. Consequently, for the reasons given above and subject to conditions the proposal is acceptable and appeal therefore succeeds.

*Robin Buchanan*

INSPECTOR

### **Documents Submitted at the Hearing**

- Printed copy of Policies CP15 and HC7 of the Stroud District Local Plan 2015

### **Schedule of Conditions (8)**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved proposed plans, as annotated on the plans:

|                      |                             |
|----------------------|-----------------------------|
| 9796 S (0) 010       | site location plan          |
| 9796 P (0) 401 Rev A | first floor plan            |
| 9796 P (0) 401 Rev A | ground floor plan           |
| 9796 P (0) 411 Rev A | elevations (south and east) |
| 9796 P (0) 412 Rev A | elevations (north and west) |
| 9796 P (0) 420 Rev A | section AA and DD           |
| 9796 P (0) 421 Rev A | section BB and CC           |
| 9796 P (0) 4002      | tree protection plan        |
| 9796 P (0) 4003      | services route              |
- 3) Prior to the commencement of the development hereby permitted, details of a construction management plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include, but not be restricted to:



- (a) Parking for site operatives and visitor vehicles, including measures to ensure satisfactory access and movement for all users of the public highway during construction;
- (b) Any temporary access to the site;
- (c) Location(s) for loading/unloading and storage of plant, waste and construction materials;
- (d) Method of preventing mud and dust being carried onto the public highway;
- (e) Arrangements for turning vehicles so that they can enter the public highway in a forward gear; and
- (f) Method of communicating the CMP to staff, visitors and neighbouring residents or businesses.

The approved CMP shall be adhered to throughout the construction period.

- 4) The development hereby approved shall be carried out in compliance with the Arboricultural Impact Assessment dated 9 August 2021 prepared by Tyler Grange (ref 13687\_R05\_LS\_HM), including that protective fencing must comply with Figure 2 in BS5837: 2012 'trees in relation to design, demolition, and construction' and shall be erected prior to any construction works and remain in situ until the development is complete.
- 5) Prior to the construction of the external surfaces of the development hereby approved, samples and a written specification of the materials to be used, including all boundary treatments and drives or parking areas, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The development hereby approved shall be carried out in compliance with the biodiversity recommendations for mitigation and enhancements, including methodology, contained in the Ecological Assessment dated 9 August 2021 prepared by Tyler Grange (ref 13687\_R04\_GE\_HM).
- 7) The development hereby approved shall be carried out in compliance with the Asbestos Survey Report dated 12 March 2021 prepared by Armour (ref 4562).
- 8) The converted barn hereby permitted shall not be occupied or used at any time other than for the purposes of two staff annex accommodation units and a land maintenance store, ancillary to the main dwellinghouse and estate known as Frith House, Far Oakridge. The two staff annex accommodation units shall not be used as independent dwellinghouses nor the converted barn be used for any commercial or business use whatsoever.