



Appeal Decisions

Site visit made on 21 September 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal A Ref: APP/F1610/W/23/3315006

E418542 N219830 Land off Rissington Mill Lane

- 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 Mrs Firth against the decision of Cotswold District Council.
 - The application Ref 22/03299/FUL, dated 20 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is erection of new machinery barn.
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Appeal B Ref: APP/F1610/W/23/3315028

E418542 N219830 Parcel of land Little Rissington Road

- 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 Ben and Mrs Maddy Firth against the decision of Cotswold District Council.
 - The application Ref 22/01350/FUL, dated 13 April 2022, was refused by notice dated 22 Jul 2022.
 - The development proposed is hay storage barn.
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Appeal C Ref: APP/F1610/W/23/3315037

E418542 N219830 Parcel of land Little Rissington Road

- 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 Ben and Mrs Maddy Firth against the decision of Cotswold District Council.
 - The application Ref 22/01349/FUL, dated 13 April 2022, was refused by notice dated 22 July 2022.
 - The development proposed is grain store.
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Appeal D Ref: APP/F1610/W/23/3315042

E418542 N219830 Field to the right on Rissington Mill Lane

- 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 Mrs Maddison Firth against the decision of Cotswold District Council.
 - The application Ref 22/03150/FUL, dated 7 September 2022, was refused by notice dated 24 October 2022.
 - The development proposed is livestock barn.
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Appeal E Ref: APP/F1610/W/23/3315048

E418542 N219830 Parcel of land Little Rissington Road

- 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 Ben and Mrs Maddy Firth against the decision of Cotswold District Council.
 - The application Ref 22/01352/FUL, dated 13 April 2022, was refused by notice dated 22 July 2022.
 - The development proposed is farm machinery workshop.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. As set out above there are five appeals on this site which relate to different agricultural buildings – a machinery barn, a hay storage barn, grain store, livestock barn and a farm machinery workshop. The appellants have requested that the appeals are linked. I have therefore considered the five schemes together as if one building operation.
3. The appeal address is described differently on a number of the application forms. However, the site address referred to on the application form in respect of Appeal A is more accurate and I have borne this in mind when making my decision.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site lies within the Pastoral Lowland Vale character area of the AONB. The landscape is a gently undulating landscape fringed by the distinctive shallow form of farmed slopes. The area has a strong rural character with sparse settlement patterns.
6. The site comprises an irregular shaped field located on a farmed slope associated with Church Farm set within an agrarian landscape. The open and unspoilt nature of the field contributes to the verdant character of the AONB.
7. A country lane runs along the western edge of the field providing accessed to a sewage works and Rissington Mill. A coppice extends along the full length of the southern boundary largely screening the site from the sporadic development that extends along Rissington Road.
8. At the time of my site visit, I walked across Public Right of Way (PRoW) 5 that extends across the surrounding landscape. However, views of the site are filtered due to the topography and presence of landscaping. When walking along PRoW 6 the site was visible through gaps in the vegetation and is clearly visible from Rissington Mill Lane.

9. The buildings would be orientated in a broad east to west alignment set against the coppice, with access from the existing field entrance. Visually the buildings would be constructed from blockwork and boarding with a shallow pitched roof.
10. Due to the surrounding landform, field boundaries and vegetation views of the proposed development would be localised. Nonetheless the buildings would be clearly visible above the field boundary when viewed along the road and from PRow 6.
11. I acknowledge that the appearance of the buildings would be typical of agricultural buildings found elsewhere. However, the built form and associated infrastructure would intrude into an unspoilt field and would extend up the slope for a considerable distance. Having regard to the topography of the site, the number and the scale of the buildings proposed it would be an unduly prominent development clearly visible from the road and the wider landscape to the west.
12. The sense of physical and visual intrusion would be significant, spread over a sizable proportion of the site compounded by the presence of the track. Whilst the extent of the area from which the harm would be appreciated would be localised, I still find that the proposed development would be excessively dominant and would result in the erosion of the countryside adversely affecting the character of the Pastoral Lowland Vale area.
13. In coming to my decision, I have paid regard to the submitted Landscape and Visual appraisal. However, I am mindful of the National Planning Policy Framework (the Framework) which states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
14. Whilst the appellants have indicated that they are willing to introduce planting, I am not persuaded that it would successfully assimilate the development into the landscape or that the character of the AONB is best served through the screening of sites.
15. I note the presence of other agricultural buildings in the surrounding area. However, I have not been made aware of the individual circumstances that led to them being constructed. In any case, every appeal must be considered on its own merits. The presence of other buildings in the area does not justify the harm that I have identified.
16. There is nothing substantive, before me, to dispute the functional need for the proposed buildings and I accept that farming is an established feature of the AONB. However, this would not outweigh the harm that I have identified in respect of the main matter. Despite the appellant's comments there is nothing to indicate that the economic viability of the existing farm is dependent on the proposed development. I therefore give this aspect of the appellant's argument limited weight.
17. Despite the number of buildings proposed, it is likely that any external lighting would be limited. I am satisfied that the details of the external lighting could be secured through the imposition of a condition in order to protect the dark skies of the AONB.

18. Given that the proposed development would be associated with an established farm enterprise and unlikely to generate new practices and activities I am satisfied that the proposals would not unduly affect the tranquillity of the AONB. I also acknowledge that the proposed development would not adversely affect the living conditions of nearby occupiers and the setting of nearby settlements and designated heritage assets. However, I find that these factors either individually or cumulatively would not overcome the harm that I have identified.
19. The appellant has referred to appeal decisions which they consider relevant. However, based on the limited information before me I am not satisfied that they are materially similar to the development proposals before me. In any event every appeal must be considered on its own merits, as I have done.
20. I conclude that the proposed developments would be contrary to Policies EN1, EN2, EN4 and EN5 of the Cotswold District Local Plan (2018) which, amongst other things, seek to protect and enhance the natural environment and landscape; high quality design that respects the character and distinctive appearance of the locality and to conserve and enhance the natural beauty of the AONB.
21. The proposals would also be contrary to Section 85 of the Countryside and Rights of Way Act (2000) and paragraphs 174 and 176 of the Framework which, amongst other things, seek to protect and enhance valued landscapes and conserve and enhance the landscape and scenic beauty of AONBs.

Other Matters

22. I note the representations made by local residents raising additional concerns. However, given my findings on the main issue, it is not necessary for me to consider these matters in detail.

Conclusion

23. For the reasons set out above the appeals do not succeed.

B Thandi

INSPECTOR