



Appeal Decision

Site visit made on 26 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/C1625/W/23/3321055

Land at 331 Westward Road, Ebley, Stroud, Gloucestershire GL5 4TX

- 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 W Gardiner against the decision of Stroud District Council.
 - The application Ref S.22/1665/FUL, dated 30 March 2022, was refused by notice dated 3 November 2022.
 - The development proposed is erection of single storey 3 bed dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the appeal form and Council's decision notice as that provided in the application form includes reference to the appellant's agent's company.

Background and Main Issues

3. There has been a dismissed appeal¹ at this site for a property which is materially different to this scheme in that it was of a two storey construction as opposed to the proposed single storey of this appeal. The appellant has attempted to overcome the concerns raised by the previous Inspector. This includes new evidence in respect of the Stroud Industrial Heritage Conservation Area (IHCA) and a reduced scale of proposed property that would make use of an existing access and parking arrangement. There is no dispute that the property would be positioned outside the IHCA, though part of the site is within it. Additionally, I observed that the planning permission² for 2 properties to the north of the appeal site had commenced.
4. I therefore consider the main issue to be whether the proposed development would preserve or enhance the character or appearance of the IHCA including its setting and the effect of the development on the character and appearance of the area.

Reasons

5. A section of the appeal site forms part of the wider IHCA with the remainder of it outside, but within its setting. As such, there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the IHCA, where great weight should be given to its

¹ Appeal Ref: APP/C1625/W/21/3266468

² Application ref:S.20/2019/FUL

conservation. The significance of the IHCA derives from its historic transport infrastructures, linking and preserving the mill complexes and the context of Stroud's industrial legacy. The part of the IHCA the appeal site lies within and its setting is characterised by its open, green spaces that meet the canal and the more densely built up area of the historic and domestic settlement.

6. The Council's IHCA Management Proposals SPD 2008 (SPD) seeks to minimise the erosion of visual distinction and physical separation between settlement groups / mill complexes. Furthermore, although the scheme would not be defined as a medium or large scale housing development, the SPD notes that uncharacteristic development and loss or visual obstruction of open spaces is a key issue along the canalsides. The SPD adds that linear development along the canals threatens to homogenise and amalgamate the built environment of the IHCA corridor.
7. Historic mapping has been submitted with this appeal that shows previous industrial activity including a sawmill and railway line extending beyond the identified boundaries of the IHCA and into the appeal site. However, these features are no longer apparent and I have assessed the contribution the site has to the IHCA in its present day sense. The mapping also shows that the adjacent Hoopers Yard development bears no relationship to the character and layout of the previous historic industrial sawmill buildings.
8. In that context, the proposed gravelled area would be introduced over undeveloped garden and an area of hardstanding using an existing access within the IHCA. It would be close to other residential developments including a raised parking area towards Westward Road. The space currently forms part of a wider open residential garden that slopes down towards the canal. This garden within the IHCA comprises the first of a row of similar canal fronted gardens linked to properties along Westward Road above. Although already in a residential use, the introduction of an additional residential planning unit in this location would generate a significant increase in activity on this part of the site. Despite the existing access and hardstanding features in the landscape, even if certain permitted development rights were removed, the comings and goings of further human activity and pressure for additional residential paraphernalia would reduce the site's current sense of openness.
9. Therefore, regardless of the modern housing development at Hoopers Yard and any erroneous historic boundary, I observed at my visit that the part of the appeal site within the IHCA and the nearby gardens in its setting form an important distinction between the built up canalside and its designated green corridors. Furthermore, the Council's Conservation Area Statement – The Industrial Heritage Conservation Area: Volume 1, November 2008 defines the part of the site within the IHCA as being a 'hub' which is described as comprising fragmented examples of many of the other identified character types, often directly juxtaposed with each other. In this case, I find that the part of the appeal site within the 'hub' includes a section of a green corridor which would be harmfully eroded by the development as it forms an important vista within the IHCA and its setting.
10. Although not formally classified as being within important open space, the proposed property would be surrounded by such spaces. Consequently, open and close views of the property would be readily visible from the canal towpath, despite being set against a backdrop of mixed residential

development. The appeal site includes a substantial ancillary structure in the form of a raised patio terrace with a pool within it and an associated block built shed. In that context, the proposed property would be of a similar height to the existing structures, making use of sympathetic materials including natural stone and timber cladding and a design that attempts to reflect industrial built form. However, the plans show that the proposal would introduce an expansive property frontage with a high proportion of large openings over a wider footprint that would be closer to the canal than the existing structure. This, together with the increased human activity associated with an intensification of residential use close to the canal bank would be substantially more prominent and intrusive than the ancillary structures and use that currently exists on site. As such, the proposal would diminish the open space and would introduce a layout uncharacteristic of the verdant canalside setting. Consequently, despite being reduced to a single storey when compared with the previous dismissed scheme, it would fail to enhance or better reveal the significance of the IHCA.

11. Comparisons are made between the design of the Hoopers Yard development and the appeal proposal. However, I am not aware of the site specific circumstances surrounding that scheme and, in any case, I have assessed this proposal on its merits and based on the evidence before me. Furthermore, the edge of the Hoopers Yard development closest to the appeal site is reflective of the edge of the existing settlement's built up core. For the above reasons, a further property on this green space would amalgamate linear housing development on the canal edge, rather than it providing a transition from the built up area to suburban fringes.
12. The proposal would cause less than substantial harm to the IHCA's significance as a designated heritage asset due to the relatively small scale of the development proposed. Paragraph 202 of the National Planning Policy Framework explains that in such circumstances, it is necessary to balance the harm against the public benefits of the proposed development.
13. The proposal would provide an additional property which would boost housing supply, and it would generate employment during the construction phase, thereby bringing some short term benefits to the local economy. The appellant submits that the proposal would enable a better appreciation of the true extent of the past historic industrial built environment, though, for the above reasons, I do not find that a new property would achieve this. The appellant further argues that the proposal would create a forever family home close to relatives. To my mind, this is more of a private benefit, but even if I were to treat it as a wider community gain, the public benefits would not outweigh the harm to the designated heritage asset.
14. Therefore, I conclude that the proposal would fail to preserve or enhance the character or appearance of the IHCA including its setting and the character and appearance of the area. Consequently, it would be in conflict with policies ES10, ES11, ES13, HC1 and CP14 of the Stroud District Local Plan November 2015 (LP) and the advice contained within the Council's SPD. Taken together, these policies and guidance seek to preserve and enhance the IHCA where proposals adjacent to the canals must respect their historic value, having regard to improving and enhancing views along and from them.

Other Matters

15. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment of the implications of the appeal scheme for the European designated sites. I would also have assessed whether the appellant's financial contribution secured through the signed Unilateral Undertaking would have provided suitable mitigation.
16. There are grade II listed buildings near the site and consequently there is a statutory duty to pay special regard to the desirability of preserving their setting. From the evidence before me it is apparent these buildings are significantly separated from the appeal site by intervening built form and vegetation. As such, the appeal site does not affect their setting. Furthermore, neither party has raised any concerns in this respect.

Conclusion

17. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

