



Appeal Decision

Site visit made on 16 August 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/F1610/W/22/3311172

Redhill Farm, Redhill Farm Road, Broadwell GL56 0UF

- 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 H C Pond against the decision of Cotswold District Council.
- The application Ref 21/02947/FUL, dated 23 July 2021, was refused by notice dated 8 June 2022.
- The development proposed is the erection of a detached dwelling and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity I have used the description of development given on the decision notice in the banner heading above, as it more accurately describes the development.
3. The reasons for refusal do not relate to the effect of the proposal on the Cotswolds Area of Outstanding Natural Beauty (AONB) however, I have a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The parties have been given the opportunity to comment further on this matter and I have taken these comments into account in making my decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area, bearing in mind it would be within the Broadwell Conservation Area (CA) and within the AONB, and
 - whether there would be suitable provision for the collection of refuse and recycling.

Reasons

Character and appearance

5. Broadwell is a rural Cotswold village, set within attractive countryside which is part of the AONB, the special qualities of which include well-managed arable and livestock farms and distinctive settlements, developed in the Cotswold Vernacular. Therefore Broadwell, including its green spaces is an intrinsic part of the AONB.

6. The appeal site comprises part of an agricultural field, which is adjoined by development, but is nevertheless part of the countryside. Much of the central section of the village including the appeal site is within the Broadwell CA. This is characterised by, and derives its significance from, pockets of development interspersed with open green spaces, including the appeal site. These green spaces create a corridor through the CA which links to the open fields beyond, giving the area a distinctive rural character and a sense of the countryside protruding into the village, with the settlement sitting comfortably within its rural setting.
7. The appeal site is accessed from the road to the northwest and is set in an elevated position above the narrow lane adjoining the southern boundary of the appeal site. The lane is bound by hedging and sections of stone wall and slopes downhill to the east, towards the village green. The north-eastern boundary of the site is well treed and adjoins a footpath and stream which are set at a lower level. To the west of the appeal site a small number of properties front the lane and have parking to the rear, accessed via the same road entrance as the appeal site.
8. The proposed driveway and dwelling would result in the loss of part of the open green space resulting in the erosion of this area, and consequently, the contribution it makes to the character and appearance of the CA. The development would be perceived from several vantage points within the CA including from the lane to the south, on approach from the southeast and from the road to the northwest. It would also be visible from the footpath to the northeast and nearby properties.
9. The dwelling would be similar in design and scale to the adjacent properties, and would utilise natural materials, however due to the topography of the area, it would be in a more elevated position in relation to the lane, which drops away to the east. Furthermore, its siting in relation to Bay Tree Cottage is greater than the spacing between others in the adjacent group of dwellings. This would result in the development appearing particularly prominent, incongruous and at odds with surrounding development. Moreover, the driveway, in combination with the adjacent existing driveways and areas of hard standing would have an urbanising effect on the area, resulting in harm to its rural character.
10. Whilst much of the wider site would remain undeveloped, the proposal would nevertheless represent a significant incursion into the open green space, resulting in a harmful impact on the character and appearance of the CA.
11. As required by paragraph 199 of the National Planning Policy Framework (the Framework), great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case the proposal would lead to less than substantial harm to the significance of the CA. Paragraph 202 of the Framework states that if a development would lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
12. There would be economic and social benefits arising from the provision of a dwelling including increased choice of homes, new residents supporting the facilities and services of the village and those of nearby settlements, and local employment and materials supply through the construction phase. Although the Council can demonstrate a 5-year housing land supply, the Framework

aims to significantly boost the supply of homes. Nevertheless, given the limited scale of the development I attach modest weight to these benefits. However, given the great weight that must be given to the conservation of heritage assets, I conclude that the public benefits of the proposal do not outweigh the harm.

13. Existing trees and buildings intercede in long views towards the site from the surrounding countryside, and the proposal would not have a significant impact upon the wider landscape. However, in more localised views, the proposal would result in the erosion of the undeveloped character of the site, diminishing the open green space. It would therefore be harmful to local landscape character and the AONB.
14. Having regard to all of the above, the proposal would have a harmful effect on the character and appearance of the area, with particular regard to the CA and the AONB. It would therefore conflict with policies DS3, EN1, EN2, EN4, EN5, EN10 and EN11 of the Cotswold District Local Plan 2011 – 2031 (Adopted August 2018) (LP) and relevant paragraphs of the Framework which seek to ensure, amongst other things, that development complements the character of the area, and does not result in the loss of open spaces which make a valuable contribution to the character and appearance of CAs. They also seek to ensure that great weight is given to conserving and enhancing the natural beauty of the AONB.
15. Policies EN4 and EN5 were not referenced in the reasons for refusal, however they refer to the impact of proposals on the landscape and the AONB and are therefore determinative to my decision.

Refuse and recycling collection

16. The proposed development includes the provision of a bin store adjacent to the proposed dwelling. Bins would be presented at the kerbside for collection adjacent to the road access to the northwest. This arrangement would require occupants to move refuse and recycling materials and containers a considerable distance along a crushed stone track.
17. I note that the adjacent properties have a long driveway to the rear, however they also have access directly onto the lane to the south. As such the residents of these properties have access to an alternative kerb side collection point which would not necessitate the movement of refuse and recycling materials a considerable distance. Due to the site levels, a similar arrangement would not be possible at the appeal site.
18. Taking account of the distance involved, the proposed arrangements for refuse and recycling collection would be inconvenient and impractical for future occupiers, even if they opted for a smaller wheelie bin or bags and regardless of the frequency of collections. The fact that such an arrangement may not be uncommon in rural areas does not lead me to come to a contrary conclusion.
19. Consequently, the proposal would not provide suitable provision for the collection of refuse and recycling and in this regard the proposal would conflict with paragraph 130 of the Framework which, amongst other things, seeks to ensure that developments function well over their lifetime and create places which are safe, inclusive and accessible with a high standard of amenity for future occupiers.

Other Matters

20. The appeal site is within the setting of several listed buildings (LBs). I therefore have a 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 LBs, their setting, or any features of special architectural interest which the LBs possess.
21. The three nearest LBs are Rectory Farm House, Red Hills Farm House, and The Gables which are all Grade II listed. They all originate from the late 17th Century and derive their significance from their history and architecture which includes dressed limestone walls and slate roofs. The proposed dwelling would be some distance from the LBs and whilst there would be a degree of intervisibility between the sites, trees and/or buildings intercede in these views. Therefore, the proposal would not detract from the features of the LBs or the way in which they would be experienced from public vantage points. Therefore, the proposal would preserve the setting of the LBs and would not cause harm to their special interest or significance. The impact on the setting of the LBs has not been raised as a reason for refusal by the Council and there is no evidence before me which leads me to reach a contrary conclusion.
22. I acknowledge that pre-application discussions took place with the Council which suggested that a dwelling in this area might be acceptable to them. However, I have based my decision on an impartial assessment of the planning merits of the proposal.
23. I have given consideration as to whether any conditions could be imposed to mitigate the harm identified, including those relating to hard and soft landscaping and the appearance of the proposed dwelling. However, no conditions would be capable of reducing the harm of the development sufficiently to result in me reaching a contrary conclusion.

Conclusion

24. The proposal conflicts with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR