



Appeal Decision

Site visit made on 9 November 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/C1625/W/23/3317940

Land adjacent to Hall Farm, Stone, Berkeley, Gloucestershire GL13 9LB

- 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 David Booth against the decision of Stroud District Council.
 - The application Ref S.22/1219/FUL, dated 1 June 2022, was refused by notice dated 1 December 2022.
 - The development proposed is erection of 1 no. dwelling (re-submission of S.22/0178/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the planning application form. I am satisfied that no parties would be prejudiced by my using this description.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including on the significance of Hall Farmhouse, a Grade II Listed building, and its setting, and
 - the living conditions of the occupiers of The Old Vicarage¹, having regard to privacy.

Reasons

Character and Appearance

4. The site consists of a small field on the edge the village of Stone, accessed from a road, Court Meadow, at a bend. The site lies between Hall Farmhouse, including its agricultural buildings and stone boundary walls; and a dwelling at The Old Vicarage, beyond which is the Grade II* listed Church of All Saints. The site fronts onto areas of green open space and lies within the settlement boundary of the village in the Stroud District Local Plan (SDLP), adopted November 2015.
5. Hall Farmhouse is a large dwelling dating from the early C17. Although perhaps no longer part of a working farm, the farmhouse together with its boundary walls, buildings and surrounding land contributes positively to the rural, agricultural and bucolic appearance of the area, providing a link to the

¹ Also referred to as Old Vicarage.

countryside beyond. Consequently, relevant to this appeal, the significance of Hall Farmhouse is its age and attractive rural and historic appearance as a large farmhouse.

6. There are other dwellings, some modern, on the opposite side of Court Meadow. However, these form part of the more built-up core of the settlement, rather than the countryside edge. Visually, they are distinct from the appeal site, divided from it by the road. By providing a largely undeveloped rural gap between the built form of Hall Farmhouse, its outbuildings and walls, and those of The Old Vicarage, the appeal site contributes positively to the appearance of the area. This is despite the presence of a transformer unit within the site. As such, the site has a beneficial effect on the setting of Hall Farmhouse.
7. There are trees and hedgerows on the site boundary that provide screening. Even so, by introducing additional built form of appreciable size and height, the proposal would significantly erode the existing space and rural gap. Its garden and car parking would also suburbanise and domesticate the site. Consequently, the proposal would intrude into and diminish the space between the group of buildings and the sense of transition between the village core and the countryside. As such, it would harm to the character and appearance of the area.
8. The proposed dwelling would be faced in natural stone on some elevations, using local materials. The design is intended to reflect nearby agricultural buildings, but also the modern dwellings opposite. Its gable end also aims to echo that of The Old Vicarage, a traditional building. Consequently however, its resultant proportions, layout and fenestration give a confused and anomalous design and one that fails to be positively either contemporary or traditional. The use of flat roof dormers would also appear untypical and out of place. As such, its design and form would add to the harmful impact of the proposal on the visual amenity of the area.
9. The proposal would be lower in height and some distance away from Hall Farmhouse itself. Even so, they would be seen together, for example in public views obtainable from Court Meadow and from nearby dwellings. The adverse visual effects that I have identified would therefore similarly harm the setting of Hall Farmhouse and its significance. I give this harm significant weight.
10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the listed buildings and their settings, and any features of special architectural or historic interest. The Council does not object to the effect of the proposal on the Church of All Saints, and I agree. However, for the reasons I have given, the proposal would have a negative effect on the significance of Hall Farmhouse as a designated heritage asset, resulting in less than substantial harm in the words of the National Planning Policy Framework (the Framework).
11. SDLP Policy ES10 seeks to preserve the historic environment and requires that clear and convincing justification is required to override harm to it. The Framework requires that harm should be weighed against the public benefits of the proposal. The proposal would remove the existing transformer unit. This is a utilitarian structure, although its slimline form and partially wooden material limits its adverse effects. As such, I give only limited weight to its removal.

12. The proposal would make a positive contribution to the supply of housing, on a site that can be delivered quickly. Future occupiers of the proposal would make a positive social and economic contribution to the village, as would its construction economically. The proposal would also have ecological benefits, such as additional planting. However, as a single dwelling, these benefits would be small, and so I give them limited weight.
13. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area, including the setting of the listed building, which would not be justified because of its public benefits. It would therefore conflict with SDLP Policy ES10. Similarly, it would also conflict with SDLP policies HC1, CP8 and CP14 which require an appropriate design, layout and appearance, respect for heritage, and retention of a sense of transition between the open countryside and the settlement core. For the same reasons, the proposal would conflict with the aim of the Framework to conserve and enhance the historic environment.

Living Conditions

14. The proposal would have three first floor bedroom windows facing towards habitable room windows of The Old Vicarage as well as its patio and private garden amenity areas. The distance between the opposing windows would be less than the minimum required for clear-glazed windows, as set out in the Council's Residential Design Guide Supplementary Planning Guidance (SPG), dated November 2000.
15. The SPG was prepared to supplement an earlier Local Plan and so I give it only limited weight. Nevertheless, without adequate mitigation, the close proximity of the proposed windows to the garden and windows of The Old Vicarage would cause undue overlooking to its occupiers, harming their privacy.
16. A planning condition could be used to require the proposed bedroom windows to be obscure glazed and fixed shut, thus providing privacy to those within The Old Vicarage. However, proposed Bedroom 3 would then have little if any source of natural light or outlook. As a result, its occupiers would not have adequate living conditions. Therefore, such a planning condition would not be reasonable and nor would it overcome the loss of privacy to the garden.
17. Trees and a hedgerow form part of the boundary treatments between the appeal site and The Old Vicarage. Whilst future occupiers may choose not to remove them, as natural features their long-term height and effectiveness as a screen cannot be guaranteed. This vegetation cannot therefore be relied upon to provide adequate screening to overcome my concerns. Accordingly, the proposal would harm the living conditions of the occupiers of The Old Vicarage having regard to privacy, contrary to SDLP policies CP14 and ES3. These policies require no unacceptable adverse effect on the amenities of neighbouring occupiers, including loss of privacy.

Other Matters

18. The Council's fourth reason for refusal refers to the location of the site within the catchment of the Severn Estuary Special Area of Conservation (SAC). This is protected pursuant to the Conservation of Habitats Regulations 2017 as amended. The UU seeks to mitigate the effects of the proposal on the SAC by means of a financial contribution. Had I found no harm in respect of the other

issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SAC. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

19. At pre-application stage, the Council did not rule out development of the site in principle, on different boundaries. However, it did encourage the undertaking of a Heritage Assessment to establish the effect of the proposal on the setting of the listed buildings. In any case, concerns about the Council's handling of that request for advice are not a matter for me, and I have considered the proposal on its own merits.

Planning Balance and Conclusion

20. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR