
Appeal Decision

Site visit made on 28 November 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

Appeal Ref: APP/C1625/W/22/3303797

The Grove, Church Road, Arlingham, Gloucester GL2 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Thomas Jones against Stroud District Council.
 - The application Ref S.22/0631/FUL, is dated 9 March 2022.
 - The development proposed is the change of use and extension to the existing brick barn to create a farm shop/café facility with new access, car parking, communal orchard and associated landscaping.
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Decision

1. The appeal is dismissed and planning permission for the change of use and extension to the existing brick barn to create a farm shop/café facility with new access, car parking, communal orchard and associated landscaping is refused.

Application for costs

2. An application for costs was made by Mr Thomas Jones against Stroud District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeal. The policies relating to building a strong, competitive economy and the historic environment have remained unchanged within the new version of the Framework, which is a material consideration.
4. The appeal is made owing to the failure by the Council to determine the planning application within the requisite period. The Council has confirmed¹ that had it been able to make the determination, then it would have refused the application for five reasons. The Council's putative reasons for refusal have informed my framing of the main issues in this appeal.
5. The appellant has explained how revised drawings and additional information² were submitted to the Council during the planning application and has

¹ Section 13, Council's Statement of Case

² Drawings referenced 0121-GLA-XX-00-DR-L-001 P09 Landscape General Arrangement Site Plan (Proposed); 0121-GLA-XX-00-DR-L-0050 P04 Site Sections; 0121-GLA-XX-00-DR-L-0010 P04 Existing and Proposed Levels with Existing Trees; 0121-GLA-XX-00-DR-L-0030 P04 Planting Strategy; A106 Rev 1 Elevations Plan (Proposed); A105 Rev 1 Proposed Floor Plans and Sections; A107 Rev 1 3D Perspectives. Future Farming Resilience Fund –

requested that I make my determination against the revised plans and information provided. The Council states that the revised drawings were not formally accepted and therefore, were not the subject of a revised consultation exercise.

6. The additional information provides financial context for the proposal and a structural report in relation to the existing barn. In summary, the revised plans reduce the size of the proposed car parking area, relocate the position of proposed allotments within the site, and reduce the height of the proposed café roof together with some other minor alterations to the elevational design of the building.
7. The Procedural Guide: Planning Appeals – England³ advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage.
8. Having regard to the 'Wheatcroft Principles'⁴, I consider the revisions do not make a substantial difference to the nature or scale of the proposal and therefore is fundamentally like the scheme that underwent consultation. This is because the principal element, the proposed farm shop/café, remains in a similar position and footprint. Moreover, the associated components of the vehicle parking, orchard and access are broadly similar with only the position of the allotments reconfigured. The additional information seeks to augment the original West End Farm Business Plan provided. Therefore, I am satisfied that no one would be unduly prejudiced by my consideration of the revised plans and information, and I have made my determination on that basis.

Main Issues

9. The main issues are:

- The effect of the proposal on the character and appearance of the area, paying particular attention to the significance of the Grade I listed Church of St. Mary, and whether it would preserve or enhance the character or appearance of the Arlingham Conservation Area (CA);
- Whether the appeal site provides a suitable location for the proposal having regard to local and national planning policies relating to the rural economy, and;
- The effect of the proposal on archaeology.

Reasons

Character and appearance, and heritage assets

10. The appeal site lies opposite the Church of St. Mary, which, at Grade I, is categorised as a listed building of the highest significance. Its significance derives from a combination of factors which include its considerable

Business Report dated 30.3.22 prepared by Berrys; Profit and Loss 5 year forecasts and Letter dated 31.5.22 from Goodhind Engineering Consultants.

³ Section 16

⁴ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

architectural and aesthetic qualities as a restored church dating from the 14th century. The list description indicates that restorations were carried out around 1868 by H. James of Gloucester. The church is constructed in roughcast finished stone and has a three-stage ashlar tower. The longstanding physical presence of a church at the site has historic significance as a tangible connection with the past, particularly given the cultural and religious role it represents as a focal point to the local community.

11. Furthermore, the church building stands within a spacious churchyard and is set apart from the core of the village. Consequently, it is seen within open and spacious rural surroundings, within which there is limited built form, leaving fields and natural features as the presiding influence. This is reinforced by the approach to the church along Church Road from the village, which comprises a lane with grass verges. These factors combine to give a dignified and restful character to the church and churchyard. Hence, the spacious, relatively tranquil rural setting is an important component of the way the listed building is experienced.
12. The CA is broadly linear extending across the main body of the village of Arlingham, as well as taking in the more open area to the south around the church. A western off shoot along Passage Road follows a route to the historic crossing of the River Severn. Its significance it derived in part from this distinctive configuration of elements which reflect how the settlement of Arlingham has evolved, connected, and responded to the surrounding natural physical features. There is a palpable contrast between the tighter knit historic core and the open more peripheral area around the church, where views of the surrounding generally flat tracts of land close to the river are more prevalent.
13. I have statutory duties⁵ to have special regard to the desirability of preserving listed buildings and their settings, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
14. The southwestern corner and existing brick barn at the appeal site fall within the CA, with the remainder of the site lying outside but adjacent to it. The appeal site comprises a pastoral field, a football pitch and a small brick structure. The latter is in a somewhat neglected condition and is described as part of a former coach house to Arlingham Court.
15. The historic mapping information provided shows that a large house known as Arlingham Court, of possible manorial origin once stood upon part of the appeal site. That would be consistent with the presence of historic brick and stone walling along some of the boundaries to the site. The property was demolished a long time ago, and there are no obvious standing remains save for the remnant brick barn and boundary treatments.
16. As such, the appeal site predominantly appears as an agricultural pastoral field and low key grassed football pitch. Together with the very limited presence of buildings and presence of some trees, it possesses a strong countryside character owing to its open, verdant and spacious qualities. Situated opposite the church, the appeal site forms part of the rural setting of the listed building and positively reinforces the spacious and tranquil aspects described above.

⁵ Sections 66 & 72, Planning (Listed Buildings and Conservation Areas) Act 1990

17. The remains of the coach house and boundary walls possess some limited historic interest given their association with Arlingham Court which enriches the CA as an indicator of how the settlement has evolved over time. However, it is the largely undeveloped rural qualities of the appeal site that contribute more notably to the setting of the CA by providing part of the proximate setting of the church and allowing views towards the wider landscape.
18. This can be appreciated from Church Road, but also from a public right of way that crosses the south-eastern corner of the appeal site. At my visit, I observed that the appeal site forms part of the foreground when looking towards the church from the footpath.
19. Consequently, the appeal site contributes positively to the verdant rural character and appearance of the area and the settings of both the CA and the church, with the surviving brick barn and boundary walls making a small positive contribution to the CA.
20. The proposal would incorporate the existing barn structure into an extended building to provide a shop, café and toilets. This would have a courtyard area, kitchen garden and ornamental garden. In addition, there would be a communal orchard area, tree planting, allotments and grassed areas. An access lane would lead from Church Road towards the northern part of the site, around the football pitch and leading to a roughly central vehicle parking area measuring⁶ approximately 677m². A secondary route would continue towards the proposed building and access at the southwestern corner.
21. The proposed building would have a footprint measuring⁷ about 151m². Relative to the footprint of the existing modest barn (measuring⁸ approximately 27m²), the proposals would considerably increase the size of the structure in the southwestern corner of the site. The elongation of built form along the western elevation would be clearly visible over the boundary, and owing to its L shaped form would turn the corner into Pound Lane. Hence, there would be notable additional built volume in the southwestern corner of the appeal site which would dilute its spacious rural qualities.
22. Whilst improving the condition and utilising the former coach house would be laudable in principle, I am not persuaded that the proposals before me would ultimately be an appropriate means of doing so. Although the assessment provided⁹ confirms that the existing building could be retained and reused, this would necessitate major repairs and areas of rebuilding. In any event, the extent and design of the proposed new fabric that would sit either side and in front of the surviving structure would make it difficult to discern its historic form. The proposed use would have little in common with its historic use as an ancillary building. Overall, I consider the refurbishment and extension would result in a harmful impact.
23. This would be exacerbated by other aspects of the scheme. Firstly, given the sporadic nature of other built form in the vicinity, the additional volume would not be successfully visually contained by other buildings, and so would be conspicuous from Church Road, Pound Lane, the churchyard and the nearby public footpath.

⁶ Page 12, Appellant's Statement of Case

⁷ Drawing A105 Rev 1

⁸ Page 7, Appellant's Final Comments dated 13.3.23

⁹ Letter dated 31.5.22 Goodhind Engineering Consultants

24. Secondly, the creation of an area of vehicular parking and associated access routes would likely result in the presence and movement of vehicles within the site. Even if sensitive surfacing treatments were used, the appearance of parked cars and associated vehicular activity and noise would have a particularly damaging urbanising effect to the countryside character of the area. Its location centrally within the site, a considerable distance from buildings would make it relatively exposed, which I am not convinced would be fully alleviated by the planting of trees. This element would be seriously harmful and intrusive to the setting of the listed church both in visual and experiential terms.
25. Thirdly, the café would be relatively sizeable, with additional external courtyard space, which together with the orchard and ornamental garden is intended to attract considerable visitors. Therefore, it is likely that movement, sounds, and lighting associated with such visitor activity would be concentrated towards the southern part of the site. This would further intrude into the setting of the listed church. Moreover, this location combined with the extensive glazing along the eastern elevation of the proposed café would likely draw the eye and distract attention when looking towards the church and CA from the footpath to the east.
26. Accordingly, overall, the proposal would have an adverse and unsympathetic impact on the CA, as well as being discernible in views from and to the CA. It would therefore fail to preserve or enhance the character or appearance of the CA as a whole and would run counter to the expectations of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Furthermore, the proposals would undermine qualities important to the setting of the listed church and so would fail to preserve the special interest of the Grade I listed building. Conflict would therefore arise with section 66(1) of the Act.
27. Having regard to the Framework, I find that the proposal would result in less than substantial harm to the significance of the CA and, owing to the adverse impact on its setting, the significance of the Church of St Mary. Paragraph 202 of the Framework states that in these circumstances, the harm to each designated heritage asset should be weighed against the public benefits of the proposal.
28. The principal benefit would be economic in that the proposal would be likely to support the existing organic farming enterprise at West End Farm by providing additional income, thereby boosting the rural economy. Economic benefits would also extend to other suppliers of the shop/café, by the creation of jobs and as a result of the construction process. This attracts considerable favourable weight.
29. The appellant outlines that the broad ethos that underpins the farming enterprise resonates with aspects of the government's general approach to addressing climate crises through sustainable farming practices. Be that as it may, given that this relates to a much wider background context, the description and objectives described are inevitably generic and broad brush. Hence, in relation to the specific scheme before me, this carries limited additional support.
30. Some residents and visitors to the area would no doubt enjoy the proposed facilities provided by the shop/café, gardens, tree planting and allotments

proposed, which is reinforced by some of the representations in support. It may in some instances, reduce the need for nearby residents to travel to other facilities. These factors attract additional limited weight as social and environmental benefits.

31. It is stated that the parking provision proposed would also be made available for church goers and users of the football pitch. However, there is little evidence before me that parking arrangements are presently problematic. Similarly, additional allotments would be provided but there is little to show that this would meet a local demand. Hence, this tempers the positive weight given to these public benefits.
32. As already outlined, I am not convinced that the proposals to refurbish, extend and reuse the former coach house would conserve or enhance it as a non-designated heritage asset. It follows that I have not counted this as a public benefit.
33. Weighed against the public benefits is the harm that would result to the significance of two designated heritage assets. Paragraph 199 of the Framework states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore, the Framework explains that the more important the asset, the greater the weight should be. The harm in this case would include that to the setting of a Grade I church.
34. I find that the sum of the public benefits would not be sufficient to outweigh the cumulative harm to the significance of the CA and listed building. Consequently, the proposals would conflict with national policy that seeks to protect the historic environment.
35. Therefore, I find that the proposal would be harmful to the rural character and appearance of the area and would cause unjustified harm to designated heritage assets. Hence, it would conflict with policies ES10, CP15 and EI5 of the Stroud District Local Plan, November 2015 (LP). Amongst other matters, these policies seek to preserve, protect and enhance the historic environment and ensure that new buildings are appropriate in scale, form, impact, character and siting to a rural countryside location.
36. The Council considers there would be conflict with policy EI10 of the LP, which refers to the provision of new tourism opportunities. Paragraph 5.56 of the LP acknowledges that tourism covers a wide range of activities and types of development but does not define it, nor specify to which specific developments policy EI10 would be applicable. In the absence of this, or substantive evidence to show otherwise, I am not persuaded that the nature and scale of the appeal proposal would be accurately described as tourist development. Consequently, I find no further conflict with this policy of the LP.

Location

37. Paragraphs 84-85 of the Framework set out the government's approach to supporting a prosperous rural economy. Paragraph 84b) states that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.
38. The LP contains policies which seek to guide development in the countryside and the circumstances where farm diversification will be supported. Hence,

although the LP was adopted prior to the Framework, it generally aligns with its broad aims. Paragraph 219 of the Framework confirms due weight should be given to development plan policies according to their degree of consistency with it.

39. Core Policy CP15 of the LP seeks to restrict development outside of identified settlement development limits save for six in principle exceptions. It is not disputed, that for the purposes of the LP, the appeal site lies within the countryside and outside of the settlement boundary for Arlingham village. The appellant asserts that the proposal complies with CP15(1) and CP15(4) of these exceptions.
40. CP15(1) permits development where it is essential to the maintenance or enhancement of a sustainable farming enterprise. The information before me describes the appellant's established organic beef farm, orchard and grassland management. It explains that the proposed farm shop and café would be used to sell products from the farm directly to patrons, thereby improving profitability and income. This is against the backdrop to recent changes in agriculture, including the phasing out of the Basic Payment Scheme.
41. Evidence in support includes the West End Farm Business Plan, a 5 year profit and loss forecast and a Future Farming Resilience Fund - Business Report (BR). These documents broadly describe the farming model at West End Farm which has made marginal profits and a loss in recent years with a reliance on subsidy and non-farming income as part of running the business¹⁰.
42. I accept that this evidence presents a sound case for the need to diversify income streams. However, it fails to clearly articulate how that has translated to the scale and nature of the specific scheme before me. This is for the following reasons.
43. Firstly, the core business includes the production of organic beef, which it is stated would be sold in the shop and café, alongside honey, fruit and vegetables produced at the farm¹¹. However, the likely amounts of these products are not quantified, so it is unclear what proportion of the forecast income would derive from products produced on the farm relative to other goods sold in the shop and cafe.
44. Secondly, there is little explanation of why the proposal to sell directly would necessitate a café, particularly one of the scale proposed relative to the shop floorspace. The forecast income does not differentiate between income from the shop and café, again meaning that it is unclear what income would come from direct sales of farm produce.
45. Thirdly, based on the information before me, I am not assured that other means of increasing income have been robustly explored. It is not clearly explained whether alternative ways of direct sales, such as on-line or for collection, have been investigated, and if so, why they have been discounted.
46. In addition, core policy CP15(1) sets a high threshold test by requiring development to be 'essential' to the maintenance or enhancement of a sustainable farming enterprise. The supporting text¹² to policy EI5 of the LP,

¹⁰ Section 4, BR prepared by Berrys March 2022

¹¹ Section 4.3.6 West End Business Plan

¹² Paragraph 5.42

which specifically relates to farm diversification, explains that a farm diversification proposal should be a secondary activity to the main farm, and therefore, scale will be important. The income projections provided show that by a considerable margin, most income would come from the proposed farm shop/café. This reinforces my concerns that the scale of the proposal would be disproportionate to the overall enterprise and seeks to do more than addressing what would be essential and subservient to the main farm business.

47. The BR¹³ states that it is based on limited investigation and that the suggestions and recommendations made within it should be subject to rigorous and detailed analysis. The provisional recommendation relating to the redevelopment of the former coach house merely states that diversification options should be considered. This falls considerably short of demonstrating why the specific appeal proposal would be essential.
48. Consequently, the evidence provided is insufficient to link the generic contextual need to diversify with the necessity of the specific proposal in the appeal scheme and would not fulfil the requirements of CP15(1) of the LP.
49. CP15(4) of the LP permits development in the countryside where it is demonstrated that the proposal is enabling development, required to maintain a heritage asset of acknowledged importance. The appellant contends the proposal would retain a coach house and walls associated with the former Arlingham Court.
50. However, owing to its poor condition, ancillary nature and absence of innovative design, the historic significance of the surviving barn structure is very low. My view on this is reinforced by broadly similar findings in the appellant's Historic Environment Desk Based Assessment¹⁴. Moreover, it will be seen from my findings on the first main issue that the proposal would fail a key requisite of enabling development, in that it would not be beneficial to the historic environment, rather the opposite. Therefore, although repairs to the boundary walling may be beneficial, I cannot agree that overall, the proposal would fall within the remit of the CP15(4) exception.
51. It is not part of the appellant's case that any of the other exceptions in policy CP15 of the LP are met. In any event, I have already found that the proposal would conflict with CP15(i) which states that proposals should not have an adverse impact on heritage assets and their setting.
52. It is drawn to my attention that the appeal site is close to the settlement boundary of the village. However, the village is a 'Tier 5' settlement in the hierarchy established in the development plan, signifying that it is not well served by a road network or public transport. The weight of evidence indicates that most future customers would be highly likely to rely on the private car as the principal means to travel to the site. This would run counter to the approach in the development plan which seeks to locate development in areas with better connections to transport infrastructure, and limit development in the countryside, to enable a genuine choice as to mode of travel.
53. Accordingly, I am not convinced, having regard to local and national planning policies that the appeal site would provide a suitable location for the scale and nature of the proposals, and for the reasons outlined find it would conflict with

¹³ Paragraph 1.4

¹⁴ Paragraph 4.8

policy CP15 of the LP. Neither is it demonstrated that the scale and nature of the proposal would constitute a use compatible with its rural location. Hence, it would conflict with policy E15 of the LP.

Archaeology

54. Paragraph 194 of the Framework stipulates that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
55. The appeal site includes the remains of Arlingham Court. A desk-based assessment¹⁵ of the likely archaeological interest of the site accompanies the proposal. This provides an informed and thorough analysis of a range of secondary information and archive material and concludes that any undesignated known or potential archaeological remains at the site are unlikely to hold such significance as to warrant preservation in-situ.
56. The Council consider that additional geophysical survey followed by trial trenching is required to fully establish the presence and significance of archaeological remains. The appellant has suggested this could be required as a pre-commencement condition in the event of an approval. Paragraph 55 of the Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable by using planning conditions.
57. The balance of evidence presented makes it improbable that any yet unknown archaeology would need to be retained in situ. Moreover, relative to the size of the appeal site, the extent of built development and associated ground disturbance would be limited. The proposal would incorporate a grassed area, void of trees in the known footprint of the former Arlingham Court.
58. Therefore, in the absence of compelling evidence to show otherwise, I am satisfied that this is a matter that could be addressed by a suitable condition. On that basis, the proposal would adhere to the requirements of paragraph 194 of the Framework.

Other matters

59. In making my determination I have had regard to the representations received. I recognise that my findings are likely to disappoint some of those who would have welcomed the proposed facility and/or who are generally supportive of the appellant's ethos and approach to farming at West End Farm. Nevertheless, these are not factors that outweigh, or lead me to find otherwise on the first two main issues.

Conclusion

60. Earlier in my determination I identified economic, social and environmental public benefits that would be likely to ensue from the proposed development. These are equally relevant to the overall planning balance. Moreover, the appellant and his family would derive greater economic security from the proposal.

¹⁵ Historic Environment Desk-Based Assessment, prepared by Cotswold Archaeology

61. Nevertheless, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In relation to the first two main issues, I have found that conflict with the relevant development plan policies would arise. I do not consider that material considerations sufficient to justify deciding other than in accordance with the development plan have been shown. Therefore, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector