



Appeal Decision

Site visit made on 15 November 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

Appeal Ref: APP/F1610/W/23/3322844

The Warehouse, Builders Yard, Longfurlong Lane, Tetbury, Gloucestershire GL8 8TJ

- 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 Turnkey Contracts Ltd against the decision of Cotswold District Council.
 - The application Ref 22/03145/FUL, dated 1 September 2022, was refused by notice dated 24 February 2023.
 - The development proposed is conversion of a commercial warehouse and premises into residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for proposed conversion of a commercial warehouse and premises into residential dwelling at The Warehouse, Builders Yard, Longfurlong Lane, Tetbury, Gloucestershire GL8 8TJ in accordance with the terms of the application, Ref 22/03145/FUL, dated 1 September 2022 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The address given on the application form was incomplete and as such I have used that given on the appeal form in the banner heading above.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) became 'National Landscapes'. As such references in my decision will be to the National Landscape.
4. Since the determination of this application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions in the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

5. The main issue is whether the appeal site is in an appropriate location for a dwelling, having regard to national planning policy.

Reasons

6. The appeal proposal involves the residential conversion of an existing building located on a site outside of the development boundary of Tetbury.

7. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. Criterion c) applies where the development would re-use redundant or disused buildings and enhance its immediate setting.
8. The Council contend that the site is isolated and whilst the proposal would involve the re-use of a redundant or disused building, they consider that it would not enhance its immediate setting.
9. The area to the front of the existing building comprises open land which is currently used for the storage of vehicles and a metal container. To the rear of the building is a small overgrown area. The building itself is utilitarian in appearance with a corrugated roof and metal doors on the east elevation. Although the appeal site is near to other commercial uses, it is situated adjacent to a rural lane and its appearance currently detracts from the character of the area.
10. The proposal would involve the provision of a slate roof, new and replacement windows and doors and the landscaping of the remainder of the plot. The area to the front of the building would no longer be in commercial use and a landscaping scheme would be implemented including the planting of several specimen trees, new hedging and raised beds.
11. The Council refer to a requirement to achieve a substantial landscape enhancement, however Paragraph 84c) of the Framework refers only to the 'immediate setting'. The provision of these landscaped elements would soften the appearance of the building and help to assimilate the site into its surroundings by reflecting the hedging and trees which form part of the landscape character of the surrounding area. Consequently, the proposal would enhance the immediate setting of the building and would therefore comply with para 84c) of the Framework.
12. The appeal site is within the Cotswolds National Landscape, and I therefore 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 National Landscape. The special qualities of the National Landscape include well-managed farms, grasslands and woodlands. The proposal would not result in the encroachment of built form into the surrounding countryside and would secure the planting of additional trees and hedges in place of external storage associated with the existing commercial use. As such I am satisfied that the proposal would result in a minor enhancement of the natural beauty of the National Landscape.
13. The Council contend that the proposal would result in the domestication of the building and site, would do little to enhance the appearance of the site within the National Landscape and that the landscaping would offer only private benefits. However, the alterations to the building are relatively minor and the building would retain the character of a simple, rural building. It is noted that the Council state that the design of the building would be acceptable. Furthermore, the landscaped area would be clearly visible from public vantage points and even if domestically used, would still be an enhancement compared to the existing situation.
14. I conclude that the appeal site is in an appropriate location for a dwelling, having regard to national planning policy, in particular paragraph 84 of the

Framework which seeks to avoid the development of isolated homes in the countryside unless, amongst other things, the development would re-use redundant or disused buildings and enhance its immediate setting.

Other Matters

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
16. The Council considers that the proposal complies with Policies EC6, EN1, EN2, EN4, EN5, EN7, EN8, INF3 and INF4 of the Cotswold District Local Plan 2011 – 2031 (LP) in respect of the conversion of rural buildings, design quality, conservation and enhancement of the historic and natural environment and landscape, including the natural beauty of AONBs (now National Landscapes), living conditions of occupiers and neighbouring properties, adequate garden space for future occupiers of the proposed accommodation, highway safety, biodiversity, trees, woodland and hedgerows. I see no reason to disagree.
17. There are third party concerns that the proposal would result in the loss of employment land. The Council have not indicated that there is a conflict with local plan policy in this regard and based on the evidence before me I have no reason to come to a contrary view. Whilst I appreciate the concerns about the future of the wider site, I have considered the appeal on its own merits.
18. Concerns have also been raised in relation to the compatibility of the proposed residential use of the building, with existing or future commercial uses adjacent to the appeal site. During my site visit I noted commercial activity nearby and recognise that this could have the potential to generate noise. However, were I to allow the appeal, I could impose a condition requiring the submission of a scheme to protect future occupiers from any noise from the existing commercial uses. Subject to such a condition, I am satisfied that the residential use of the building would not be incompatible with the extant uses nearby and would provide acceptable living conditions for future occupiers.
19. I have no firm evidence before me to suggest that the proposal would cause additional problems with the sewage system or that the proposal would necessitate the decontamination of the site.

Conditions

20. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition (1), I have imposed a condition (2) requiring that the development is carried out in accordance with the approved plans in the interests of clarity.
21. Conditions (3), (4) and (5) require submission of details of materials, windows, doors and rooflights and a landscaping scheme to ensure that an acceptable appearance is achieved and to secure enhancements to the setting of the building. Conditions (6) and (7) are required to ensure that protected species are not harmed and to enhance opportunities for biodiversity. These are consistent with the aims of Policy EN8 of the LP. Condition (8) is required to support sustainable modes of transport. Condition (10) is required to protect future occupiers of the development from potential noise from adjoining uses.

22. Conditions removing permitted development (PD) rights have been suggested. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification for doing so. I see no justification for the restriction of PD rights in relation to new extensions, outbuildings or openings. However, given the open nature of the area to the front of the building and the proposed enhancements therein, I consider that there is clear justification for restricting PD rights, via condition (9) in relation to fences, gates and walls, which might otherwise change the character and appearance of the area.
23. The Council suggest a condition requiring details of energy efficiency measures. My attention has not been drawn to any Policy which supports any specific targets in this regard and as Building Regulations would ensure compliance with general energy efficiency requirements, I do not consider this condition to be necessary.

Conclusion

24. The proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, which indicate that the appeal should be determined other than in accordance with it. Therefore, the appeal is allowed.

E Pickernell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16021-01, 16021-02 Rev A, 16021-03 Rev C and the unnumbered 'Proposed Landscaping' plan dated 8 December 2022.
- 3) Prior to the alteration of any external wall or the roof, samples of the proposed walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
- 4) No windows, doors or rooflights shall be installed in the development hereby approved unless in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections.
- 5) Prior to the first occupation a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes, proposed boundary treatments and hard surface materials. The landscaping scheme must be completed by the end of the planting season following the completion of the development, or the first occupation, whichever

is the sooner. Any trees or plants shown in the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced with others of similar size and species by the end of the next planting season.

- 6) Prior to the first occupation of the development hereby permitted, details of the provision of 2 bat and 2 bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the features of the boxes and their heights and locations within the site. The approved boxes shall be installed prior to the first occupation of the dwelling and shall be maintained as such thereafter.
- 7) No external lighting shall be installed on the dwelling, or elsewhere on the site, unless in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be maintained as approved thereafter.
- 8) The dwelling hereby approved shall not be occupied until bicycle storage has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be kept available for this purpose thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification, no fences, gates or walls shall be erected within the application site, other than those permitted as part of the approval.
- 10) The dwelling hereby approved shall not be occupied until a scheme for protecting the occupiers from noise from the adjoining commercial properties has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be retained thereafter.