



Appeal Decision

Site visit made on 6 March 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/F1610/W/23/3328009

Mulberry Cottage Station Road, Blockley, Gloucestershire GL56 9JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Connolly of Rewind Developments against the decision of Cotswold District Council.
 - The application Ref is 23/01721/FUL.
 - The development proposed is the erection of new dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 which was updated on 20 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 on 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.
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 (NL).

Main Issues

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

Reasons

5. The appeal site comprises an existing outbuilding and adjacent land, accessed via a rural lane, leading off Station Road (the B4479). There are a small number of dwellings in the vicinity of the appeal site however it is located in the open countryside outside of any defined settlement.
6. Policy DS4 of the Cotswold District Local Plan 2011 – 2031 (Adopted August 2018) (LP) states that in such locations new-build open market housing will not be permitted unless it is in accordance with other policies that expressly deal with residential development in such locations. None of these policies are applicable to the proposal.

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. None of the circumstances listed are applicable to the appeal proposal.
8. I conclude that the appeal site is not an appropriate location for a dwelling, having regard to local and national planning policy. It would conflict with Policy DS4 of the LP and paragraph 84 of the Framework which collectively seek to avoid development of new-build open market housing outside of settlements.

Other Matters

9. There are two extant consents for development at the appeal site. The first of these (22/01266/FUL) is for the erection of a dwelling with photographic studio. The second (23/00645/FUL) is for the conversion of the existing building to a residential dwelling.
10. I have been provided with details of both schemes and I am satisfied that there is every likelihood that either development would take place if the appeal were to be dismissed and they therefore represent realistic fall-back positions.
11. The appellant contends that the approved live/work unit, would fundamentally be a residential dwelling because the work floorspace would be greater than that of the living space. Nevertheless, the description of development and plans included both elements and a condition attached to the consent in question would control the construction, use and occupation of these. Consequently, the proposal before me is materially different to the approved scheme.
12. The approved schemes are forms of development which are supported by policies of the development plan, namely the provision of a live/work unit, and the conversion of a rural building. As such the implementation of either of these consents would not result in the conflict with the development plan which I have identified in relation to the appeal scheme. Therefore, the proposal would be more harmful than either of the fall-back positions and consequently, I attach limited weight to these.
13. The appellant contends that the proposal would provide a betterment in terms of aesthetics, sustainable construction, energy efficiency, enhanced landscaping and biodiversity enhancements. However, I have been provided with limited evidence that the proposal significantly exceeds the standards which would ordinarily be required for such proposals. Furthermore, I am not convinced that the appeal scheme would result in significant enhancements in terms of design and landscaping over and above either of the approved schemes. As such I attach limited weight to these benefits.
14. The appeal site is within the Cotswolds National Landscape and 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 National Landscape. The special qualities of the National Landscape include well-managed farms, grasslands and woodlands. The appeal site is reasonably well contained, and the proposal would not result in a significant encroachment of built form into the surrounding countryside. I am therefore satisfied that the proposal would conserve the natural beauty of the National Landscape.

Conclusion

15. The proposal conflicts with the development plan as a whole and there are no material considerations which carry sufficient weight to indicate that a decision should be made otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

E Pickernell

INSPECTOR