



Appeal Decision

Site visit made on 12 March 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2024

Appeal Ref: APP/F1610/W/23/3324143

Windrush Farm, Stanborough Lane, Bourton-on-the-Water GL54 3BY

- 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 P Harkness against the decision of Cotswold District Council.
 - The application Ref 23/00303/FUL, dated 27 January 2023, was refused by notice dated 6 April 2023.
 - The development proposed is conversion and alteration of existing building to form a self-contained two-bedroom dwelling with parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'. However, the legal designation and policy status of these areas are unchanged, so I have proceeded on that basis.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, having particular regard to the landscape and scenic beauty of the Cotswolds National Landscape (the AONB);
 - whether the development would be in a suitable location having regard to local and national policies.

Reasons

Character and appearance

5. The appeal relates to the conversion of a barn located at the northwestern corner of the farmyard associated with Windrush Farm. The barn has a simple

linear form, is of predominantly blockwork construction, and has a pitched, gable ended, corrugated metal sheet roof. The barn is immediately surrounded by yard and a modern steel portal framed barn to the south, by yard and the farmhouse to the east, and by sheep grazed grass fields to the north and west. A smaller, pitched-roofed, timber clad agricultural building adjoins the barn immediately to the northeast.

6. The appeal site is situated approximately 100m south of the A436 and is accessed via a shared drive to the farmyard and farmhouse. A pair of semi-detached dwellings are located to the north of the site adjacent to the shared drive. The current farmhouse to Windrush Farm is a substantial 2-storey barn conversion built of Cotswold stone. The original farmhouse is also a substantial building of Cotswold stone and is located immediately to the east of the current farmhouse. Both the current and original farmhouse represent attractive examples of local vernacular architecture and contribute positively to the landscape character of the area.
7. The site is located within the Cotswolds National Landscape (AONB) and the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. The wider landscape surrounding the site is predominantly characterised by the isolated farmsteads within elevated and open agricultural fields typical of the high wolds landscape character. These characteristics, along with buildings developed in the Cotswold vernacular, are noted within the AONB Management Plan as special qualities of the AONB.
8. There are clear views of the Windrush Farm complex within its surrounding wider agricultural landscape when travelling eastward along the A436. Whilst the modern utilitarian design of the barn does not positively contribute to the landscape character of the area, it does have an appearance typical of many modern agricultural buildings commonly found within rural countryside locations. As such, the simple utilitarian appearance of the barn is readily accepted in the visual and landscape context of the surrounding fields and wider farmstead buildings.
9. The Cotswold District Local Plan (2018)(LP) includes a 'Cotswold Design Code' (the Design Code) that provides guidance both for the development of agricultural buildings and barn conversions. In relation to agricultural buildings, the Design Code advises that buildings should be finished in appropriately subdued colours and that this may include untreated timber or an equivalent grey stain. In relation to barn conversions, the Design Code advises that new openings in exterior walls should be avoided, preserving the often blank character of the walls of many barns.
10. Whilst the proposal would retain the overall form of the barn and generally reuses existing openings, the glazing used on the western elevation would be extensive and of significantly greater scale than the existing opening on that part of the barn. The western elevation is clearly visible from the A436 and installation of this fenestration would domesticate and harmfully jar with the agricultural character of the building and surrounding fields. The proposed vertical timber cladding would, however, represent a more sympathetic and subdued finish than the current blockwork of the barn, helping the building to blend into its surroundings whilst maintaining the building's agricultural

appearance. Overall, the converted barn itself would have a neutral visual and landscape character impact.

11. The main garden area to the dwelling would be created by utilising part of the attractive pastoral fields positioned immediately to the north and west of the building. I note that it is proposed to delineate this space by 1.2m high post and rail stock proof fencing backed by indigenous hedgerow planting. Nevertheless, given the size of the dwelling and the lack of garaging, the likely and reasonable expectations of future occupants would be to create a domestic lawn, introduce ornamental planting, patio area, and a range of domestic paraphernalia such as a garden shed, a washing line and garden furniture. Many of these features could not be, or it would not be reasonable to, control by the removal of permitted development rights.
12. The Design Guide states that, 'the landscaping around the building should aim to avoid obvious domestication. The extent of the residential curtilage should be limited, to minimise the impact of garden uses, and associated planting and paraphernalia. It should be particularly tightly drawn where a close relationship survives between a barn and its open field setting, and in these cases should generally be contained within enclosed courtyard areas.'
13. The proposed residential curtilage would be extensive rather than limited. Whilst the gardens to the semi-detached dwellings to the north would reduce the level of visual intrusiveness resulting from the proposed private rear amenity space, the development is primarily viewed in the context of the surrounding fields and wider farmstead buildings. The effect of the large associated amenity space would be harmfully domesticating, detrimental to the close visual relationship between the barn, its open field setting, and the wider agricultural high wold landscape character.
14. For these reasons, the development would be read as an incongruous residential encroachment into the countryside, detrimental to the visual amenity and landscape character of the site and its surroundings. It would undermine the area's rural appearance and open agricultural landscape character, detrimental to the special qualities of the AONB.
15. The development would not, therefore, conserve or enhance the landscape character and scenic beauty of the AONB. In these regards, it would be contrary to LP Policies EN1, EN2, EN4 and EN5 and guidance contained in Section 15 of the Framework. Taken together these policies require development, amongst other things, to take account of the intrinsic character and beauty of the countryside, visual quality, and local distinctiveness, giving great weight to the character and special qualities of the AONB.

Location

16. The site is located in the open countryside where LP Policy DS4 restricts new-build open market housing unless it is in accordance with other policies that expressly deal with residential development in such locations. The explanatory text to Policy DS4 advises that the LP has policies that potentially allow for certain types of housing development in the open countryside, including Policy EC6 in relation to the conversion of rural buildings.
17. Policy EC6 states that the conversion of rural buildings to alternative uses will be permitted subject to 3 criteria. The Council has provided no cogent

explanation as to how the development would conflict with the 3 criteria of Policy EC6. The barn appears structurally sound and suitable for conversion. The appellant advises that the building has, most recently, been used for non-agricultural (storage) purposes, with the agricultural operations on the wider site utilising, in the main, the buildings to the south of the appeal barn, with residential uses to the east. There is no substantive evidence before me, for example in the form of an objection from Environmental Health Officers, to suggest residential use of the building would not be compatible with existing adjacent agricultural uses. As such, the conversion of the barn would comply with Policy EC6 and, consequently, also with Policy DS4.

18. The Appellant disagrees with the Council's contention that the development would result in an isolated home in the countryside. Whether the proposed development would represent an isolated home in the countryside is a matter for the decision taker based on fact and planning judgement, taking into account the particular circumstances of the case in hand. Moreover, the Braintree¹ (Braintree) and Bramshill² judgements reaffirmed that the term "isolated" relates to the site's location in relation to a settlement and not dwellings. Thus, notwithstanding the presence of dwellings and other buildings nearby the appeal site, the proposed dwelling could still be considered isolated for the purposes of paragraph 84 of the Framework.
19. In considering the word 'isolated', Braintree states that it should be given its ordinary objective meaning of "far away from other places, buildings or people; remote". In this instance, the appeal site is separated from the nearest settlements by substantial areas of open countryside. The proposed dwelling would, therefore, be physically separate and remote from any settlement, village or community, thus representing an isolated dwelling in the open countryside.
20. Paragraph 84 of the Framework states that decisions should avoid the development of isolated homes in the countryside unless one or more of a limited number of circumstances apply, including when (c) the development would re-use redundant or disused buildings and enhance its immediate setting. Whilst there is disagreement between the main parties regarding whether the barn is redundant or disused, the matter is not determinative in my decision given my finding that the development would be read as an incongruous residential encroachment into the countryside, detrimental to the visual amenity and landscape character of the site and its surroundings.
21. I am not persuaded by the appellant's assertion that the assessment inherent in paragraph 84(c) should be so narrow as to ignore how the development is perceived and experienced within the landscape. Even if I was to accept the appellant's view in this matter, the development would not enhance its immediate setting given the incongruous domestication of its surroundings. The proposal is, therefore, contrary to paragraph 84 of the Framework.
22. Whilst not forming part of its original refusal reasons, the Council in its appeal statement has also raised concerns that the site does not represent a sustainable location for new residential development in terms of accessibility. The contents of the appellant's final comments respond to the Council's submissions with regards to accessibility. Regarding this matter, I note that the

¹ Braintree District Council v SSCLG and others [2018] EWCA Civ 610

² City and Country Bramshill Limited v SSCLG and others [2019] EWHC 3437 (Admin)

nearest settlement (Bourton-on-the-Water) with any notable services and facilities is a significant distance away from the site. The route from the appeal site to Bourton-on-the-Water is, for a large part, along the A436 and is without a separate footway, lighting or regular public transport. It would be an unattractive route to be undertaken on foot or by cycle. The lack of suitable walking and cycling routes would result in future residents relying on the private motor car to access regular requirements such as schools, shops, employment and health services. This would significantly reduce the likelihood of sustainable journeys from the dwelling contrary to the aims set out in section 9 of the Framework.

23. Overall, whilst the proposal complies with LP Policies EC6 and Policy DS4, the conflict with Paragraph 84 of the Framework leads me to conclude that the development would not be in a suitable location.

Planning Balance

24. It is not unusual for some tension to be found between different policies in a development plan when applied to a specific proposal. Although there would be compliance with LP Policies EC6 and Policy DS4, I have found significant conflict with policies relating to the AONB, landscape character, and the visual quality of the area. LP Policy EN5 states that, 'in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character, and special qualities, are to be given great weight.' Consequently, the proposals are contrary to the development plan when taken as a whole.
25. The proposal would result in some economic and social benefits, including through the conversion of the barn and as a result of a slight increase in spending and patronage of services in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. However, as the proposal is for only a single dwelling, the benefits identified attract limited weight.
26. There would, however, be environmental and social harms arising from the development of an isolated dwelling in the open countryside where future occupants would have poor accessibility to necessary day-to-day facilities by sustainable transport modes. The Framework also dictates that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. As such, the identified harm to the AONB would outweigh the limited benefits of the scheme.
27. Overall, the proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

28. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR