



Appeal Decision

Site visit made on 29 May 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/G1630/W/24/3336867

The Oxstalls, Teddington, Tewkesbury, Gloucestershire GL20 8NF

- 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 David Powell of Parkhouse Estates Limited against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00270/SUL.
 - The development proposed is replacement of an existing commercial building and construction of an extended vehicle parking area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr David Powell of Parkhouse Estates Limited against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the site would be suitable for the proposal having regard to the spatial strategy of the Development Plan.

Reasons

Character and Appearance

4. The site consists of a steel Dutch barn and an accessway, located in remote open countryside, adjacent to the B4077. The barn was previously in agricultural use and at the time of my visit was vacant. As such, the site has an attractive, rural appearance. The proposal seeks to replace the barn with another building, for use as a workshop, storage and office.
5. The proposed building would have a curved roof form and design intended to reflect the existing Dutch barn. The floorspace of the proposal would be much greater than currently, albeit partly because of a proposed internal mezzanine floor. Nevertheless, the proposal would also have a larger size and a greater scale than the current barn, increasing its prominence and harming the assimilation of the site into the landscape. The proposal would also have

sizable windows and a roller shutter door more reflective of an urban use, rather than an agricultural building.

6. The proposal includes the creation of a hard-surfaced area within the site, to provide parking for vehicles. Whilst the rural landscape may evolve over time, the parking area would have a further urbanising effect on the site. As such, the proposal would fail to respect the distinctive rural character of the area. Although existing and enhanced boundary trees and hedgerows would provide some screening, this cannot be relied upon, particularly in winter months when foliage is reduced. In any case, public views of the proposal and its adverse effects would be obtainable from the adjacent road, including through the entranceway.
7. Planning permission has been granted, through a Prior Approval application¹, for use of the barn for flexible commercial use, utilising rights under Class R of the General Permitted Development Order. However, they only relate to change of use, and separate planning permission would be required for any operational development necessary. The proposal is for a different scheme to that granted under GPDO Class R, being for a larger, reorientated building. Nevertheless, the Prior Approval represents a fallback position and so carries significant weight in the planning balance.
8. The proposal may be preferable to the fallback in respect of environmental standards. The works to the barn to implement the fallback may be extensive, as found in another appeal decision² and could significantly alter the appearance of the barn. However, I have few details of the physical works necessary for the fallback. As such, little evidence is before me to show that the proposal would be preferable in respect of its size, design or extent of hard surfacing. Therefore, the fallback does not justify the proposal in terms of its visual effects on the site and its surroundings.
9. For the above reasons, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted December 2017, and Policy EMP5 of the Tewkesbury Borough Local Plan (TBLP), adopted June 2022. These require development to respond positively to the landscape character of the site and its surroundings. It would similarly conflict with Paragraph 135 of the National Planning Policy Framework (the Framework), with which the JCS and TBLP policies are broadly consistent. Accordingly, I give this conflict substantial negative weight in the planning balance. I will consider the proposal against JCS Policy SD1 below.

Spatial Strategy

10. The JCS and TBLP provide the spatial strategy for the area. JCS policies SP1 and SP2 seek to focus jobs near to the economically active population, such as at main towns, to reduce carbon emissions from car use. Given its remote location, the proposal would not meet these aims. JCS Policy SD1 supports employment uses in the wider countryside, but in circumstances that do not apply to the proposal, such as the conversion of existing buildings. As a result, it would not accord with these policies.

¹ LPA reference 22/01207/PDAFU

² APP/F1610/W/17/3188502

11. TBLP Policy EMP4 permits new employment development where, amongst other things, it would involve the redevelopment of established employment land. The fallback provided by the Prior Approval application referred to above has already granted permission for use of the existing barn for a flexible commercial use. Letters from the Valuation Office Agency confirm that the building has been registered for and is subject to business rates since January 2023.
12. Even so, the building is vacant and somewhat dilapidated, and I have little evidence that it has been used other than for agriculture. Therefore, despite the description of the proposal, in my view it does not constitute established employment land for the purposes of TBLP Policy EMP4. Moreover, even if I had found otherwise, the policy requires the scale and nature of the proposal to respect rural character, as well as compliance with the similar requirements of Policy EMP5. Consequently, considering my findings in respect of the first main issue, the proposal would not accord with Policy EMP4.
13. For the reasons already given, the site would not be suitable for the proposal having regard to the spatial strategy of the Development Plan. It would therefore conflict with JCS Policies SP1, SP2 and SD1, and TBLP Policies EMP4 and EMP5. For the same reasons, the proposal would conflict with the same aims of the Framework to promote travel modes that limit future car use, and to maintain the character of the area. Therefore, I give this conflict substantial negative weight in the planning balance.

Other Considerations

14. The building would be re-located away from an adjacent pond. I understand that the pond was found to contain Great Crested Newts, a protected species. The proposal also includes the provision of new habitats, the retention and enhancement of existing hedgerow and pond habitats, as well as mitigation measures during construction. It would therefore result in the provision of new and enhanced habitats for biodiversity, including newts. As such, I give this significant weight in favour of the proposal.
15. The proposal would provide additional employment, providing economic and social benefits, both during construction and in the long term. However, I have little to quantify the level of such employment. Moreover, the benefits of employment are already reflected in the formulation of the spatial strategy, with which I have found conflict. Consequently, I give moderate positive weight to the economic benefits of the proposal.

Planning Balance and Conclusion

16. 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