



Appeal Decisions

Site visit made on 8 May 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal A Ref: APP/C1625/W/23/3335574

Hengaston Farm, Bristol Road, Cam, Gloucestershire, GL11 5JE

- 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 Warren Davidson Developments Ltd against the decision of Stroud District Council.
- The application Ref is S.23/1147/FUL.
- The development proposed is described as "external alterations to existing barns 1, 2 and 4 to facilitate the changes of use to 3 dwellinghouses."

Appeal B Ref: APP/C1625/W/23/3335576

Hengaston Farm, Bristol Road, Cam, Gloucestershire, GL11 5JE

- 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 Warren Davidson Developments Ltd against the decision of Stroud District Council.
- The application Ref is S.23/1477/FUL.
- The development proposed is described as "erection of a dual pitched roof to existing barn to facilitate the change of use to a dwellinghouse."

Decision

1. Appeal A is allowed and planning permission is granted for external alterations to existing barns to facilitate the changes of use to 3 dwellinghouses at Hengaston Farm Bristol Road, Cam, Gloucestershire, GL11 5JE in accordance with the terms of the application, Ref S.23/1477/FUL, subject to the conditions in the attached schedule.
2. Appeal B is allowed and planning permission is granted for the erection of dual-pitched roof to existing barn to facilitate the change of use to a dwellinghouse. at Hengaston Farm Bristol Road, Cam, Gloucestershire, GL11 5JE in accordance with the terms of the application, Ref S.23/1147/FUL, subject to the conditions in the attached schedule.

Applications for costs

3. An application for costs is made by Warren Davidson Developments Ltd against the Stroud District Council. This application is the subject of a separate decision.

Main Issues

4. The main issues are;

- Whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities (Appeal A and B);
- The effect of the proposed development on highway safety (Appeal A); and
- The effect of the proposed development on the character and appearance of the host building and area (Appeal B).

Reasons

Location

5. Policy HC1 of the Stroud District Local Plan (2015) (LP) only allows for new housing within defined settlement limits or on the edge of settlements. LP Policy CP15 relates to development in the countryside as allows development subject to a number of criteria, including, where it is essential for a farming or forestry enterprise, housing that is affordable or meets an identified local need or replacement dwellings.
6. The appeal sites are located outside any defined development boundaries and seek planning permission for the conversion of four barns to four open market dwellings. As a consequence, the proposals would not fall under any of the exceptions listed within LP Policy CP15.
7. The nearest settlement to the appeal sites is Lower Cam and Dursley, which have a wide range of services. To access services and facilities in these settlements, the occupants of the proposed dwellings would have to travel along the A38 to its junction with Berkeley Road and follow this along Tait's Hill. Whilst there is a pavement for a stretch of the A38, there is no pavement along Berkeley Road or Tait's Hill. The speed limit on these roads reaches 50 mph and there is no street lighting.
8. Whilst there may be bus services in the area, I have not been provided with any timetables so cannot be certain that the stops are in an accessible location or that routes or timings would be viable for the day to day needs of future residents. Considering the distance from the settlements and their services, the fast, unpaved, and unlit nature of Berkeley Road and Tait's Hill, the use of the road for pedestrians and cyclists would therefore be unattractive.
9. For the reasons above, essential services and facilities, and public transport, would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities.
10. As such, this site is not a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services and facilities. The proposal fails to accord with LP Policies HC1, CP13 and CP15. Together these policies seek to limit development in the open countryside and provide for a variety of forms of transport as alternatives to the car to allow more sustainable choices. For similar reasons, the proposal would also fail to accord with the sustainability objectives of the National Planning Policy Framework (the Framework).

Highway Safety

11. The proposed conversion of three barns under Appeal A would use an existing access from the A38. The access would measure approximately 9.42 metres at the highway edge, reducing approximately 5.1 metres along its length. The access would be approximately 11 metres from the parking and turning area associated with the proposed development.
12. Whilst I have not been provided with any quantitative evidence as to the current levels of usage of the lane, the appellant suggests that the existing access is used by deliveries, employee movement and slow-moving agricultural traffic. As the access provides access to the farmhouse and associated buildings, it is likely that these movements would have been fairly typical of an agricultural enterprise.
13. The likely increase in vehicular movements using the access associated with three dwellings would be low, and the vehicles used would likely be able to navigate the access better than slow moving agricultural vehicles. Despite its narrower width, the alignment of the track is such that vehicles using it would have good forward visibility and would likely see any opposing vehicles, or other users, well in advance of meeting them. Also, given the short nature of the track, vehicle speeds are likely to be low, further reducing any potential safety risks.
14. Whilst only a snapshot in time, it was clear from my site visit that the A38 is a busy road. Nevertheless, at this point, the road is fairly straight and offers relatively good visibility of traffic travelling along it. Given the anticipated low level of vehicular movements associated with three dwellings, the opportunity for conflict between motorised vehicles and other users remains low.
15. I have been provided with limited evidence to prove that, in this case, the effect could be considered severe, or the risks unacceptable. I am sympathetic to concerns that the increased use of the access could lead to an unacceptable safety risk, but on the basis of the evidence before me and on my own observations, the proposal would not represent such a risk. It follows, therefore, that the proposed access arrangements would not have an unacceptable effect on the safety.
16. Consequently, I find no conflict with LP Policy CP13 which seeks, amongst other things to ensure that developments are not detrimental to road safety. In this regard, I also find no conflict with the Paragraph 115 of the Framework.

Character and Appearance

17. Hengaston Farm is located within a fairly flat landscape of open fields bound by mature hedgerows and landscaping. The open fields and landscaping combined with the sporadic agricultural buildings and houses gives the area a rural character. The barn in Appeal B is largely hidden within a cluster of agricultural buildings and behind mature boundary landscaping. Public views of the site are limited to glimpses of the buildings along the site access and views from rights of way to the east and south of the site.
18. As part of the proposed development the roof ridge would be raised with the addition of windows on both side elevations. Whilst this would increase the height of the buildings, this would allow use to be made of the roof space and result in a roof that would better resemble the nearby agricultural buildings in

terms of pitch. Additionally, in glimpses from the surrounding area it would be viewed as part of a group of barn conversions that vary in scale and design, as exists currently at the site, and would not appear as dominant or incongruous.

19. Whilst the introduction of the windows at first floor would have a minor domestic appearance, overall, the building would have the appearance of a barn conversion, retaining the large openings, scale and layout of the existing barn and would utilise materials commonly seen in agricultural buildings.
20. I therefore conclude that the proposed development is well designed and would respect the character and appearance of host building and area. It would therefore comply with LP policies CP4, CP14 and ES12 which requires, among other matters, the layout and design of new development to create well designed, socially integrated, high quality successful places.

Other Matters

21. Prior approval under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) was previously granted¹ for the conversion of the barns on the site to four dwellings (1 small and 3 large). The scheme would cause similar effects on the character and appearance of the area, albeit that the roof of barn 3 would be lower.
22. It is the Council's view that the prior approval cannot be considered as a fall back as it cannot be implemented in accordance with the requirements of the GPDO. This is due to the Council calculating the floor space to be too large for a development under Class Q. The appellant disputed these measurements.
23. From reviewing the evidence, the discrepancy appears to arise from the Council measuring the floor space from the existing plans and the appellant measuring the floor space from the proposed plans, which includes thicker wall due to the introduction of insulation and plasterboard.
24. At the time of the prior approval and the Council's determination of the application the GPDO defined floor space as '*the total floor space in a building or buildings.*' Class Q went on to state '*the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order*'. Class Q of the GPDO refers to the floor space of a dwellinghouse, not of the existing agricultural building. As this is written in the past tense and refers to a dwellinghouse I take this to mean the floor space of a completed dwelling. As such, the measurements provided by the appellant in terms of the floor space of the dwellinghouse would appear to be correct. Subject to all compliance with other restrictions the barns could therefore be constructed under Class Q of the GPDO and would therefore represent a more than theoretical fall back. I, therefore, give this material consideration modest weight.
25. In the context of the development plan, I have found that the location of the proposed developments would be contrary to the development strategy and LP policies HC1, CP13 and CP15 which relate to location and access to services and facilities. Whilst the conflict with these policies amounts to harm, the development of four dwellings in this location could be undertaken under Class Q, which the appellant has sought and gained prior approval for. Therefore, in

¹ S.22/2721/P3Q

the context of the appeal, this reduces the weight to be afforded to this policy conflict. Accordingly, I afford modest weight to this harm.

26. The proposal would not harm the character and appearance of the area and would not harm highway or pedestrian safety. These are neutral considerations.
27. Therefore, the impacts of the proposed developments in respect of the location of the site and its accessibility would not be different to that which can be constructed under Class Q. As such, despite the conflict with the development plan, material considerations indicate permission should be granted for both proposed developments.

The site falls within the Severn Estuary Special Area of Conservation (SAC) and Special Protection Area (SPA) catchment zone. Both the appellant and the Council have confirmed that a Section 106 contribution towards Stroud District's Council's avoidance mitigation strategy has been paid as part of the Class Q prior approval. As there would be no increase in dwellings as part of the proposed development in relation to the prior approval, there would be no increase in pressures on the SAC/SPA in regard to the fallback position. As such, taking account of the fallback position there would be no likely significant effect on the SAC/SPA.

Conditions

28. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider the time limit and plans conditions necessary in the interest of clarity. The appellant has disputed the third condition relating to the submission of information relating to contaminated land as this work has already been undertaken and submitted to the Council in relation to the Class Q prior approval. This has been submitted with the appeal and it is therefore unnecessary to add the full condition. It is however necessary to add a condition relating to contaminated land that may be identified during construction works. I consider a condition relating to access details in Appeal A is necessary as the current plans are not detailed and in order to ensure that the access is constructed, and visibility retained. Conditions relating to external lighting and biodiversity enhancements are necessary in order to safeguard protected species.

Conclusion

29. For the above reasons, and having had regard to all other matters raised, the appeals should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall be begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Drawing No 1620 - P – 040, Proposed Block Plan – Drawing No 1620 - P – 051, Proposed Site Plan Drawing No 1620 – P – 050, Proposed Plot 01 Plans + Elevations Drawing No 1620 – P – 200, Proposed Plot 02 Plans + Elevations Drawing No 1620 – P – 201, Proposed Plot 04 Plans Drawing No 1620 – P – 203, Proposed Plot 04 Elevations Drawing No 1620 – P – 204, Proposed Ecology Plan Drawing No 1620 – P – 060, Biodiversity Enhancements Drawing No 1540-01 Rev A, Proposed Parking Plan Drawing No 1620 – P – 061
- 3) No part of the development hereby permitted shall be occupied until:
 - a) Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
 - b) A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 4) Before the commencement of the development hereby permitted details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. The access shall be completed prior to the first use of the development in accordance with the approved details and retained for as long as the development remains in existence.
- 5) Prior to the installation of lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
 - a) identify the areas/features on site that are particularly sensitive for foraging bats,
 - b) show how and where external and internal lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent local bat species using their commuter route or foraging grounds on and close to the sit,
 - c) Show that external or internal lighting will not impact any roosting enhancements or provisions on site.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

- 6) Within 3 months of commencement, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of a minimum of two bat boxes, small pond creation and native species planting shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development.

Appeal B

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 1620 – P – 040, Proposed Block Plan Drawing No 1620 – P – 051, Proposed Plot 03 Plans Drawing No 1620 – P – 301, Proposed Plot 03 Elevations Drawing No 1620 – P – 302
- 3) No part of the development hereby permitted shall be occupied until:
 - a) Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
 - b) A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
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