



Appeal Decision

Site visit made on 16 April 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/F1610/W/23/3324386

Land south of Dudley Farm, Ampney Crucis, Cirencester GL7 5SG

- 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 Ms F Huck against the decision of Cotswold District Council.
 - The application Ref is 22/04296/FUL, dated 6 December 2022, was refused by notice dated 3 February 2023.
 - The development proposed is erection of 2 no. dwellings and detached garage/garage annexe together with landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans which propose an alternative design for the dwellings. Having regard to the Holborn Studios judgement¹ which follows on from Wheatcroft² and in the interests of fairness, I have therefore determined the appeal on the basis of the plans and information that were before the Council when it made its decision and on which all parties were consulted.
3. The appellant has submitted a signed Unilateral Undertaking (UU) agreeing to a financial contribution towards the cost of measures to mitigate the likely effect of the development upon the North Meadow and Clattinger Farm Special Area of Conservation (SAC). I have addressed this in my reasoning below.

Main Issues

4. The main issues are:
 - Whether the proposed development would be consistent with local policies relating to the location of new housing development;
 - The effect of the proposed development upon the character and appearance of the area including the effect of the proposal upon the setting of the Ampney Crucis Conservation Area (CA) and the setting of nearby Grade II listed buildings; and
 - The effect of the proposal on the SAC.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

Reasons

Appropriate location

5. Policies DS3 and DS4 of the Cotswold District Local Plan (2018) (LP) set out how development outside of non-Principal Settlements should occur. Policy DS3 permits small scale development within non-Principal Settlements, subject to a number of criteria. Policy DS4, on the other hand, does not permit new-build open market housing outside such settlements unless permitted by other LP policies.
6. Ampney Crucis is a non-Principal Settlement and the Council state that the appeal site sits outside of the settlement. As there is no settlement boundary determination of whether the site falls within the village is a matter of planning judgement.
7. Ampney Crucis is a rural village located within open countryside predominantly arranged in a dispersed linear manner. Dudley Farm – a small residential cul-de-sac neighbours the site to the north and located on the opposite side of the road is existing residential development which extends for a short distance along the road, but otherwise housing is more sporadic.
8. The appeal site is essentially undeveloped countryside. It is located outside of the built-up area of the village some distance from it and forms part of a wider agrarian landscape. With limited development to the north and none along its eastern boundary or to the south the site is not substantially enclosed by built form. A dwelling in this location would result in the consolidation of the existing sporadic cluster of dwellings beyond the main built-up area of Ampney Crucis rather than a development within it.
9. The appellant has made reference to permissions for new housing in the village and in a nearby settlement which they suggest are relevant to this appeal. Based on the available evidence they are not directly comparable to the appeal scheme and, in any event, every application and appeal must be considered on their own merits. I therefore find that the examples of other developments do not alter or outweigh my conclusion on this main issue.
10. In my judgement the site lies outside of the built-up area of Ampney Crucis and therefore should be considered in the context of LP Policy DS4 rather than DS3. As the site lies in open countryside and would be for open market housing it would not be a suitable location for housing having regard to the development plan conflicting with LP Policy DS4.

Effect on heritage assets

11. Dudley Barn is Grade II listed dating back to the late eighteenth century mainly constructed from rubble stone with slate roofs. Originally constructed as a large barn it has now been converted into a dwelling, however, externally it retains most of its original construction and openings. Although its setting has changed through the construction of new dwellings around it, its significance is largely derived from its historical and architectural interest as an example of a traditional agricultural building.
12. Dudley Farmhouse is Grade II listed dating from the early to mid-seventeenth century constructed from rubble stone with distinctive steep pitched gables. Formerly two cottages it now forms a single dwelling. Its significance is largely

- derived from its architectural and historical interest associated with the surrounding agrarian landscape.
13. Located opposite the appeal site is Grade II listed Birch Farmhouse mainly constructed in rubble stone with stone slate roofs. It derives its significance from its historical and architectural interest as a fine example of a country house reflecting changing architectural fashions over the centuries. Its associated barn and stables, also Grade II listed, reflect the simple form and function of their agricultural origins.
 14. As a whole the buildings form a fine group in a traditional Cotswold vernacular reflecting the historic evolution of the village and its agricultural origins. Their setting is in part derived from the surrounding agrarian landscape that is largely devoid of development.
 15. The extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. The listed buildings, close to the site, have altered relationships with the surrounding landscape and neighbouring buildings and whilst the site is undeveloped and rural in character it has a very limited relationship with the listed buildings including in spatial, functional and visual terms. For these reasons and having regard to the appellant's Heritage Statement and Impact Assessment the proposal would have a neutral effect on nearby listed buildings.
 16. The appeal site is located outside of but opposite the Ampney Crucis CA and thus within its setting. Whilst there is no specific appraisal for the CA its designation appears based upon its historic development of modestly scaled buildings following and positioned close to the historic road layout. Notable green spaces extend through the village and surround the built form contributing to its rural agrarian character. Whilst there are examples of modern infill developments it is largely defined by traditional Cotswold vernacular and architectural quality. The visual and spatial relationship with the surrounding countryside is an important aspect which contributes to the distinctiveness of the area.
 17. The proposed development would lead to two large detached dwellings, double garages and associated infrastructure into a field devoid of development. Even at low density the appeal scheme would introduce a modern, urbanising form of development into an open agrarian setting to the south of Dudley Farm, extending the built form outwards and increasing the effect of the built form on the surrounding landscape. I acknowledge that attention has been paid to the overall design to reflect Cotswold vernacular. Nonetheless, the sense of openness and the rural character of the area would be significantly diminished by the proposed development.
 18. The dwellings would be sizable and given the height and scale proposed they would be very apparent from the roadside and to varying degrees from viewpoints within the surrounding landscape. The existing dry-stone wall would do little to screen it and whilst soft landscaping is proposed I have no details before me of the form this would take, so cannot assess its effectiveness as a screen or its suitability in this landscape. The introduction of two dwellings and associated structures would detract from the open, rural character and appearance of the area resulting in an obtrusive and discordant feature eroding the rural landscape and unduly altering the setting of the CA, as a

consequence, harming its character and appearance. Given the above, I find that the proposal would fail to preserve the significance of the CA.

19. I acknowledge that Dudley Farm makes up the immediate setting of the appeal site. However, in my view, its compact and dense built form and protrusion into the landscape is somewhat at odds with the prevailing linear pattern of development and verdant character of the area. I find that the presence of Dudley Farm does not justify the harm that I have identified.
20. The National Planning Policy Framework (the Framework) advises, at paragraph 205, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
21. In this particular instance I find that the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. The proposed development would deliver a number of public benefits in so far as it would contribute to the area's housing supply by providing two dwellings. However, given the local planning authority are meeting its responsibilities in terms of overall housing supply I afford this moderate weight. In addition, future occupiers of the dwellings may contribute to the existing community of the village, helping to support services and facilities. The scheme would also deliver economic benefits in terms of the construction of the development, albeit this would be largely limited to the construction phase. However, these social and economic benefits are not substantial and do not outweigh the harm caused to the heritage assets to which I give considerable weight.
23. Subsequently, the proposed development would adversely affect the character and appearance of the area and would cause harm to the setting of the Ampney Crucis Conservation Area. As such, it would be contrary to LP Policies EN1, EN2, EN10 and EN11 which, amongst other things, seek the protection, conservation and enhancement of the historic environment and their settings in proportion with the significance of the asset and design quality that respects the character and distinctive appearance of the locality.

Impact on North Meadow and Clattinger Farm SAC

24. The appeal site lies within the outer zone from the North Meadow. The SAC is a European site and is principally an area of lowland heath meadow. The SAC contains a high proportion of surviving UK population of snake's head fritillary plant.
25. As the appeal site is in close proximity to the SAC, and residential development is of a type that is likely to result in recreational visits to the protected habitat resulting in trampling, eutrophication, litter, interference with hay production and grazing and picking of flowers it is necessary for me, as the competent authority for the purposes of the Habitat Regulations³, to conduct an

³ Conservation of Species and Habitats Regulations 2017 (as amended)

Appropriate Assessment in relation to the effect of the development on the integrity of the SAC.

26. Cotswold District Council, Swindon Borough Council and Wiltshire Council has agreed Strategic Access Management and Monitoring (SAMM) with Natural England which requires a mitigation payment per residential dwelling from all new development within the outer zone.
27. The appellant has submitted a signed UU which commits them to a financial contribution towards measures outlined in the SAMM. I am satisfied that the contribution would sufficiently mitigate the development's impact. As such, whilst the development would have a likely significant effect on the integrity of the SAC it would be adequately mitigated through monies in the UU.
28. As such, the proposal accords with LP Policies EN8 and EN9 which, amongst other things, seek to protect the integrity of international habitat sites. It would also accord with paragraphs 180, 186, 187 and 188 of the Framework which, amongst other things, seek to conserve and enhance the natural environment including habitat sites.

Other Matters

29. I acknowledge that the site is located within an accessible location close to day-to-day services and the proposal would not unduly effect highway safety or increase the risk of flooding. However, these factors either individually or cumulatively do not outweigh the harm that I have identified.

Conclusion

30. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR