



Appeal Decision

Site visit made on 22 July 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2024

Appeal Ref: APP/G1630/W/23/3330110

Land associated with The Cottage, Buckland, Worcestershire, WR12 7LY

- 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 & Mrs R & L Cooke against the decision of Tewkesbury Borough Council.
 - The application Ref is 22/00378/FUL.
 - The development proposed is the erection of an agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is apparent that the application plans were amended between their original submission and the Council's decision. I have only had regard to the plans as referred to in the Council's decision notice.
3. Some representations refer to the site being located in the Cotswolds Area of Outstanding Natural Beauty (AONB) but this designation has now been renamed as the Cotswolds National Landscape (CNI).

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the area including the Buckland Conservation Area;
 - Whether there is special agricultural justification for the building.

Reasons

Background

5. The appeal site comprises part of an open grassed field/paddock which lies on the edge of the village of Buckland and forms part of the Buckland Conservation Area as well as the Cotswolds National Landscape. There is a public right of way/footpath which runs along the south-east boundary of the site and there are mature trees along the frontage with some fruit trees around the wider site. It is proposed to erect a two-bay single storey storage building with oak clad elevations and a pitched roof clad with reproduction stone slates and there would be a lean-to log store at one end. Access would be obtained through an existing field gate. The appellants' residential property The Cottage lies on the opposite side of the lane about 50m away from the appeal site. I

also noted a small shipping container painted green and a small tractor parked in front of it in the south-western corner of the site.

Effect on character and appearance

6. The Buckland Conservation Area includes properties along the main street and much of the adjoining open land to the east and west of this lane. The Conservation Officer's comments set out in the delegated report describes the significance of the Conservation Area. S/he says that the character of Buckland village is of a lane with wide verges punctuated with mature trees with traditional Cotswold cottages alongside the north-east side of the lane interspersed with mature gardens bound by dry stone walls.
7. I saw these characteristics at the site visit together with the wider setting of the village in a valley into in the Cotswold escarpment. The open area of the paddock is important to the significance of the Conservation Area as it makes positive contribution to the setting of the village in the CNL.
8. On the face of it the proposed store is small in scale, about the size of a double garage, and it would have external materials generally appropriate to the locality. However, I am concerned about the siting and overall presence of the building in this open area. There would be some screening of the structure to the village street by mature trees, but the structure would be seen below their canopies. Further, the storage building would be very visible in views from the public footpath. The building would appear as an isolated and prominent structure in the field, and this would fragment its special open character and contribution to the setting of the village.
9. The appellant refers to a new building to the west which has been permitted by the Council and I took note of this at my site visit. While this stable building does have some visual impact in the landscape it is sited further away from the core of the village compared to the appeal proposal and there appeared to be more landscape screening around the site. In any event the appeal proposal would add to an incremental array of structures sited around the village rather than complement the special character of the area. I have also taken account to the additional landscaping proposed but this would take some time to take effect. Even if the structure could be partially screened its physical presence would diminish the quality of the open land that contributes to the setting of the village.
10. Overall, on this issue, I find that the proposed storage building would be visually and physically harmful to the character and appearance of the Buckland Conservation Area and would not preserve or enhance it. As such the proposal conflicts with Policy HER1 in terms of its impact on the conservation area and Policy SD8 of the Joint Core Strategy regarding its harmful effect on the CNL.
11. In terms of the guidance in paragraphs 207 & 208 of the National Planning Policy Framework (the Framework) the harm caused to the designated heritage asset would be 'less than substantial' and this has to be weighed against public benefits which I will consider in the balance below.

Agricultural justification

12. The reasoned justification for Policy AGR1 says that development that supports agricultural uses in the borough will generally be supported and the policy sets

out a number of criteria which need to be met to be acceptable. Part (2) relates to their landscape impact particularly in the CNL (AONB) and it will be clear from the first issue that the proposal conflicts with this aspect. Nevertheless, the agricultural justification needs to be considered.

13. The appellants say that the building would house a small tractor with mower and other tools and facilitate the removal of the metal storage container. For proper land management the site needs regular mowing of the grass since the conifer trees were removed in 2016 and I attach moderate weight to this practical need.

Planning balance

14. In assessing the impact of the proposed development on the significance of the designated heritage asset I have given great weight to the asset's conservation. I have found that the siting and prominence of the storage building proposed would have a visually imposing physical impact on the open land which contributes to the character of the conservation area and setting of the village. The proposal would not preserve the significance of this heritage asset.
15. The harm is assessed as 'less than substantial harm' and has to be balanced with public benefits. There would be a general benefit in helping to maintain the appearance of the grassed field and to the indicated removal of the metal storage container. However, it has not been shown that the building proposed is critically essential to the maintenance of the land. I have also taken account of the other improvements that the appellants are said to have carried out on the land and their future intentions to return it to an orchard and improve biodiversity.
16. However, where these are public benefits, they are relatively limited in nature and do not outweigh the local harm that I have found would arise. Moreover, these other considerations put forward do not outweigh the conflict with the development plan, as set out above, and this indicates that the appeal should not be allowed.

Conclusion

17. For the reasons given above the appeal should be dismissed.

David Murray

INSPECTOR