



Appeal Decision

Site visit made on 8 October 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/F1610/W/24/3343408

Ford Hill Farm, Temple Guiting, Cheltenham, Gloucestershire GL54 5XU

- 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 and Mrs Jude against Cotswold Council.
 - The application Ref is 23/02214/FUL.
 - The development proposed is described as 'application to rebuild the existing external fabric retained under planning permission 22/02735/FUL to improve the long-term sustainability of the development (no changes to the design already approved)'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which is more concise than that used in the application form. I am satisfied that no party would be prejudiced as a result.

Background and Main Issue

3. The site consists of an existing detached farmhouse, cartshed and agricultural outbuildings. The appeal relates principally to the farmhouse. It is not listed, but there is no dispute that it constitutes a non-designated heritage asset (NDHA). Consequently, the main issue is the effect of the proposal on the farmhouse as an NDHA, and whether any harm would be outweighed by its benefits.

Reasons

4. Parts of the farmhouse date from the early 18th century and have architectural and historic interest, including the unusual level of detail and ornamentation. The farmhouse has been subject to extensions and alterations, including a 1970s connection to the cartshed. Nevertheless, its oldest parts remain legible, including its elevations with their attractive stone detailing and the broadly square plan form of the original dwelling. Accordingly, relevant to the appeal, the significance of the NDHA is its age, architectural and historic interest, and integrity.
5. Planning permission¹ has previously been granted for significant changes and extensions to the farmhouse. These included the re-building of large parts of its elevations, roof and chimneys. There is no dispute that this permission has been implemented and could be further built out.

¹ LPA reference 22/02735/FUL

6. I have taken the description of the proposal above from the application form. However, the proposed plans, on which I must base my decision, show without differentiation the previously approved works and the rebuilding of elements that were to be retained. On this basis, the works in total are before me, amounting almost to the replacement of the farmhouse, apart from the cartshed and a few internal walls.
7. The proposal would have a negligible effect on the cartshed, agricultural buildings and the group value of the complex. It would result in the farmhouse having a very similar external appearance to that previously approved. Nevertheless, the approved alterations were focused on the modern parts of the building. Under the previous permission, appreciable areas of original retained external walling would remain, particularly within the square-plan part of the farmhouse, albeit subject to significant intervention.
8. The proposal intends to re-use as much of the existing materials as possible. Even so, given the difficulties of working with rubble stone, some re-worked and new material may well prove to be necessary. It would also result in the loss of traditionally laid stonework and the patina accumulated over previous centuries. Furthermore, even taking into account the works already approved, the act of demolishing and rebuilding the remaining elements would further undermine the integrity of the farmhouse, making it effectively a replica, thereby diminishing its architectural and historic interest.
9. Policy EN12 of the Cotswold District Local Plan (CDLP), adopted August 2018, requires proposals for the demolition or total loss of an NDHA to be subject to a balanced assessment, taking into account the significance of the asset and the scale of the harm or loss. For the reasons given above, the scale of the loss would be significant, even if only the elements that were to be retained under the previous permission are considered. As a result, the proposal before me would cause a high degree of harm to the NDHA and its significance. I therefore give this substantial negative weight.
10. The Sustainable Construction Assessment demonstrates that, over a 60-year lifecycle, the proposal would result in significantly fewer carbon dioxide emissions, compared to the previous permission. It would also exceed the Building Regulations standards for new-build construction. I give significant positive weight to the need to support energy efficiency and low carbon heating improvements, as required by Paragraph 164 of the National Planning Policy Framework (the Framework).
11. Even so, I conclude that the proposal would have adverse effects on the farmhouse as an NDHA that would not be outweighed by its benefits. As such, the proposal would be contrary to CDLP Policy EN12. For the same reasons, it would conflict with the similar requirements of Framework Paragraph 209.

Other Matters

12. Section 55 of the Town and Country Planning Act 1990 as amended (the Act) defines development including building operations that are subject to planning control. This includes rebuilding, such as the proposal. As a new dwelling, albeit a replacement, it would go beyond the scope of works not involving development defined under S55(2)(a) of the Act, such as improvement or alteration. This is the case even where there would be no material change to the external appearance of the building.

13. Individual elements of the proposal, such as replacing the chimneys or rebuilding walls may, on their own, be permitted development under Classes A and G of the General Permitted Development Order 2015. However, Class A is limited to the enlargement, improvement, or other alteration of a dwellinghouse. The proposal would therefore also exceed these rights. It follows that the rights available under planning legislation do not provide a fallback sufficient to justify the proposal.

Planning Balance and Conclusion

14. 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