

Appeal Decision

Site visit made on 30 July 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2024

Appeal Ref: APP/C1625/W/23/3333115

**Maidenhill House, Horsemarling Lane, Standish, Stonehouse,
Gloucestershire GL10 3BZ**

- 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 G Winchle against the decision of Stroud District Council.
 - The application Ref is S.23/1044/FUL.
 - The development proposed is change of use from a domestic dwelling to sui generis holiday let.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr G Winchle against Stroud District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant refers to, but has not submitted, a unilateral undertaking (UU) which purports to provide financial contributions to mitigate harm caused as a result of the development to the integrity of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area and Ramsar Site, and the Cotswolds Beechwoods SAC. As I am dismissing the appeal, it was not necessary to request the UU from the appellant.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework.
5. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes (NL). There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the Cotswolds AONB with the Cotswolds NL (CNL) in my decision to reflect this change.

Main Issues

6. The main issues are:

- whether the proposal would accord with the strategy of the development plan for the location of tourist accommodation in the countryside;
- the effect of the proposed development on the character and appearance of the area, having regard to the CNL; and
- the effect of the development on the living conditions of the occupiers of the neighbouring residential property, the Coach House, having regard to privacy and noise.

Reasons

Location

7. The appeal site, Maidenhill House, is a large residential property in the open countryside between Stroud and Stonehouse. The dwelling is set within large grounds on land elevated amongst the surrounding landscape. The property includes a separate swimming pool building. Also located at the property is a separate residential dwelling, the Coach House.
8. Core Policy CP15 of the Stroud District Local Plan (2015) (LP) sets out that proposals outside identified settlement development limits will not be permitted except where, amongst other scenarios, it is essential to be located there in order to promote public enjoyment of the countryside and support the rural economy through employment, sport, leisure and tourism.
9. Delivery Policy EI10 of the LP seeks to encourage the local tourist industry to flourish but at the same time it wishes to protect the special environmental qualities that attract visitors in the first place. The objective is to locate tourist accommodation within identified settlements to maximise any tourism benefits to local people. The policy looks to achieve this through a sequential approach that guides development to more accessible locations that have access to goods and services.
10. Whilst the evidence indicates that there is a need for additional tourist accommodation in the local area, it has not been sufficiently demonstrated that there is an essential need for it to be located in the open countryside. It has also not been demonstrated that there are no opportunities to accommodate new tourist accommodation within an existing settlement. Its location within the CNL alone is not sufficient justification to comply with the aims of Policy CP15.
11. Additionally, the appeal site is located a substantial distance from the nearest identified settlement development limit. To access the facilities in the nearby settlement would involve walking a significant distance either along an unlit country lane, Horsemaring Lane, or via public footpaths through fields. The location of the site and the above-mentioned options to access facilities that would be needed by tourists would not represent easy or convenient alternatives to using a private motor vehicle. Particularly during poor weather and hours of darkness. The appellant has drawn my

attention to the future upgrading of Horsemarling Lane as part of the development of the former Standish Hospital site. However, I have limited details on what those upgrades involve nor have I timescale before me to provide assurance on the delivery of those upgrades.

12. A salient factor in this consideration is that the building is currently used as a residential dwelling and there would be existing vehicle trips associated with this use. Whilst there is likely to be more people staying in the proposed holiday let than the building being used by a single family as a dwelling, the holiday accommodation would potentially be seasonal. On balance, the number of private motor vehicle movements may not materially exceed the same movement types associated with the existing use of the site. As such, while the proposal would not represent an accessible location for tourist accommodation, there may not be a significant material change from the existing situation. Despite this, the conflict with Policy CP15 remains as it has not been demonstrated that there is an essential need for it to be located in the open countryside or that the proposal would encourage visitors to make use of local facilities.
13. In addition, Delivery Policy EI10 also requires, in part, that the tourist accommodation would be provided in conjunction with a particular countryside attraction. However, there is little to suggest that the proposal would be provided specifically in association with any countryside attraction or would itself amount to an attraction.
14. For these reasons, the proposal would not accord with the strategy of the development plan for tourist accommodation in the countryside. Consequently, the proposal would conflict with Policies CP1, CP3, CP15, and EI10 of the LP, which collectively seek, in part, to facilitate and promote sustainable patterns of development that benefits local people and protects the separate identity of settlements and the special environmental qualities of the countryside.

Character and appearance

15. Given that the site is within the CNL, the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in protected landscapes.
16. The site is in an escarpment landscape that runs from Cooper's Hill to Uley. Despite the proximity to the urban areas of Stroud and Stonehouse, the area around the site has a distinct rural character. The rolling landscape that the site is located within cuts between the two aforementioned urban areas and forms an important visual break in those built environments.
17. The concern for the Council is the inclusion of an area of land adjacent to the buildings and garden of Maidenhill House and the effect this would have on the character and appearance of the area. The appellant argues that the land in question, which includes a former manege, is part of the residential curtilage.
18. The map extract from the Council's Planning Register shows a red line around the buildings and the area in question, and a separate red line around the buildings only. However, this information does not demonstrate

that the area is part of the residential curtilage as it is not clear which planning applications those red lines relate to.

19. The appellant also refers to the 1993 planning permission for the conversion of the Coach House to a dwelling. However, I have very limited information on this planning permission.
20. I also note that the Inspector for an appeal relating to the Coach House¹ considered that the proposed replacement dwelling in that case *would be within the overall existing curtilage*. However, I do not have the details before me that show where that replacement dwelling was proposed to be located and it is not evidenced that the Inspector's comments substantiate the appellant's assertion.
21. As such, it has not been sufficiently demonstrated that the area in question forms part of the existing residential curtilage.
22. Whilst an appropriately worded planning condition could restrict operational development within the area, a condition would not be able to control the installation of domestic paraphernalia that falls outside the definition of operational development. The area is relatively well screened by existing trees, but the domestication of a large area of land that has not been demonstrated as being part of the residential curtilage would cause material harm to the character of the rural landscape and the CNL.
23. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area, having regard to the CNL. Consequently, the proposal would conflict with Policies CP14, CP15 and ES7 of the LP, which collectively seek, in part, to prevent encroachment into the countryside, respect the surroundings of sites and give priority to the conservation and enhancement of the natural and scenic beauty of the protected landscape.

Living conditions

24. The occupants of the proposed holiday let would have access to the swimming pool building and to areas of the garden that are in close proximity to the Coach House, which would remain a separate residential property.
25. However, there is no substantive evidence to indicate that visitors to the proposed holiday let accommodation would be more likely to be coming and going late at night than permanent residents who occupy the appeal property at present, or that visitors would be noisy or inconsiderate of neighbouring residents. As such, the provision of a holiday let would not result in unacceptable living conditions for neighbouring residents with regards to noise.
26. In terms of privacy, a single ground floor window in the Coach House faces on to the patio area between the appeal building and the associated swimming pool building. There are also two upper floor windows that are at a similar ground level to a part of the garden that is on raised ground. Despite the presence of these windows and the potential for someone to look

¹ Appeal reference APP/C1625/W/19/3221708

into them, I am not convinced that the proposed holiday let use would result in an increase in comings and goings past the windows. As such, there would not be a material increase in overlooking experienced by the occupiers of the Coach House.

27. For these reasons, the proposed development would not have a materially harmful effect on the living conditions of the occupiers of the neighbouring residential property, the Coach House, having regard to privacy and noise. Consequently, the proposal would comply with Policies CP14 and ES3 of the LP, insofar as they seek to avoid an unacceptable adverse effect on the amenities of neighbouring occupants resulting from noise and loss of privacy.

Other Matter

28. The site lies within the catchment areas for the Severn Estuary and Cotswolds Beechwoods SACs. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, Regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Planning Balance

29. The appellant contends that the development plan, which was adopted in 2015 and has a plan period until 2031, is out of date, but has not substantiated this claim. I understand that the examination of the draft Local Plan has been paused and the Council expects that to resume later this year. Paragraph 225 of the Framework states that due weight should be given to the development policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
30. The Stonehouse Neighbourhood Development Plan 2016 – 2031 does not have a planning policy that relates specifically to the appeal proposal, but it is only a part of the development plan and there are clearly other relevant policies which apply to this development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 prescribes that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
31. I have previously concluded that the proposal would not accord with the strategy of the development plan for tourist accommodation in the countryside and that it would result in unacceptable harm to the character and appearance of the area and the CNL. The development plan policies I have identified conflict with are consistent with the Framework, insofar as it sets out that planning decisions should ensure that rural tourism and leisure development are sustainable and respect the character of the countryside. Paragraph 11(d) of the Framework is therefore not triggered and significant weight is applied to the conflict with the development plan.

32. The use of the building as a holiday let would contribute to the local economy by guests using the local services and facilities, and tourist attractions. Additionally, the proposal would make use of an existing building rather than erecting a new holiday let. However, the building already has a suitable use, and the occupiers of the existing dwelling would also contribute to the local economy. Having regard to these factors and that the proposal is relatively small scale, the benefits are afforded limited weight and would be outweighed by the identified conflict with the development plan and the previously identified associated harm.

Conclusion

33. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

K Reeves

INSPECTOR