



Appeal Decision

Site visit made on 29 October 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2024

Appeal Ref: APP/G1630/W/24/3346713

**Zoons Court Farmhouse, Larkhay Road, Gloucester, Gloucestershire
GL3 3NE**

- 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 Vivian Blick against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/01156/FUL.
 - The development proposed is demolition of existing workshop and the erection of a new outbuilding containing ancillary living accommodation and a home office/ workshop for use in association with Zoons Court Farmhouse. (Incorporating change of use from business to residential).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing workshop and the erection of a new outbuilding containing ancillary living accommodation and a home office/ workshop for use in association with Zoons Court Farmhouse (incorporating change of use from business to residential) at Zoons Court Farmhouse, Larkhay Road, Gloucester, Gloucestershire GL3 3NE in accordance with the terms of the application, Ref 23/01156/FUL subject to the conditions in the attached schedule.

Preliminary Matters

2. A Unilateral Undertaking (UU) has been submitted which includes a mechanism to ensure that the annexe is occupied as accommodation ancillary to the main residence. The Council has been given the opportunity to comment on this UU. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this in my decision. I will return to this matter later in my decision.

Main Issues

3. The main issues are:

-whether the proposal would be inappropriate development in the Green Belt, including the effect on openness of the Green Belt and the purposes of including land within it, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use;
- the effect on the character and appearance of the appeal property; and
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site comprises land which is situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are openness and permanence. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) is consistent with the Framework and seeks to protect land within the Green Belt from inappropriate development.
5. The appeal site comprises Zoons Court Farmhouse, a large detached farmhouse. The site contains a number of outbuildings including a garage, swimming pool and coach house. The site is located within the open countryside and borders a working farm. The proposal seeks to erect an outbuilding containing ancillary living accommodation following the demolition of an existing outbuilding. The building would be single storey in height.
6. Paragraph 154 of the Framework makes it clear that, other than in specified circumstances, new buildings are inappropriate development in the Green Belt. However, Paragraph 154g permits as an exception the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. It is common ground between the main parties that the site constitutes previously developed land and that the proposal, by virtue of its limited scale and comparable height to the structure it would replace, would not have a greater impact on the openness of the Green Belt than the existing development. I concur with that assessment on the basis of the evidence before me and my own observations on site.
7. Nonetheless, the Council consider that the proposal is inappropriate development as it would not contribute to meeting an identified affordable housing need within the area, as required by the second criterion of Paragraph 154g. However, it is necessary to satisfy only one of these criteria. As the requirements of the first criterion of Paragraph 154g would be met it follows that the proposal is one of the exceptions detailed and would not be inappropriate development in the Green Belt and would not have a harmful effect on openness or the function and purpose of the Green Belt.
8. The proposal would not be inappropriate development. It would therefore accord with those aims of Policies RES3, RES4 and GRB4 of the Tewkesbury Borough Local Plan 2011-2031 (LP) and JCS Policy SD5, which, amongst other

things, seek to avoid inappropriate development in the Green Belt. As I do not find that the proposed development would be inappropriate, there is no requirement to question whether very special circumstances are generated in this instance.

Whether or not a separate residential unit

9. The proposed annexe would accommodate a bedroom, bathroom, kitchen/living/dining room, workshop and a study and would have all the facilities for independent day-to-day living. Nonetheless, I understand that the building would be dependent on the main dwelling in relation to power, gas, water, sewerage and that the building would share a vehicular access and garden with the host dwelling.
10. The annexe is a single storey building and is clearly subordinate in scale to the much larger host dwelling. Though it would be sited 27 metres from the main dwelling, access to it would be shared with the host property and it would be located close to the coach house and an area used for parking by the host dwelling. In my view, the relationship between the annexe and the main house with regard to access and site layout, would not lend itself to independent occupation, a factor which further supports the ancillary status of the development.
11. It is proposed that the annexe would be used by visiting family members who, it is stated, would be closely involved in the family arrangements whilst being afforded a degree of independence. The study and workshop would provide working space for the appellant. I am therefore persuaded that, as a matter of fact and degree, the annexe would be physically and functionally related to the main dwelling. I recognise that the workshop and study could be used as additional bedrooms. However, there is no compelling evidence to suggest this would occur or to lead me to question the appellant's statement about the intended use of the space. Indeed, the submission makes it clear that the unit would be an ancillary annexe and there is no indication that the proposal seeks permission for an independent dwelling. Given this the appeal proposal differs from the appeal decision to which my attention has been drawn¹ in which the Inspector concluded that there was no functional or practical link between the proposed annexe and host dwelling.
12. The proposal is accompanied by a UU which includes a mechanism to ensure that the annexe is occupied as accommodation ancillary to the main residence. However, that obligation is not dated and does not provide evidence of the signatory's title to the land. I cannot therefore be satisfied that all persons with an interest in the land are a signatory to the obligation. Given this, the obligation before me is incomplete and its implementation would be uncertain. Nonetheless, the occupancy of the building is capable of being controlled by condition, an approach which is advocated by LP Policy RES10, and any change of use to create a separate dwelling would require a further grant of planning permission.
13. I conclude that the annexe would be ancillary to the main dwelling, and it would not constitute a separate unit of residential accommodation. I therefore

¹ Appeal Ref: APP/G1630/W/18/3211333

find no conflict with JCS Policies SP2 and SD10 or LP Policies RES3 and RES4 which seek to direct new housing towards sustainable locations.

Character and appearance

14. The proposed timber framed annexe would be of a similar height and scale to the existing outbuilding. In view of its siting, scale and simplistic form the proposal maintains the typical domestic, subservient character of an outbuilding within a garden and would have little material effect on the appearance of the host dwelling or the wider site.
15. I therefore conclude that the development would have an acceptable effect on the character and appearance of the appeal property. Thus, I find no conflict with LP Policy RES10 which, amongst other matters, seeks to ensure that new development reflects or complements the design and materials of the existing dwelling and that the scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area. I also find no conflict with those aims of JCS Policies SD4 or SD14 which relate to health and environmental quality and sets out the principles to be incorporated within masterplans and design briefs.

Other Matters

16. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting². Zoons Court Farmhouse is a grade II listed early 18th century farmhouse. The significance of the farmhouse appears to lie in its aesthetic qualities. The farmhouse has undergone a number of extensions and alterations and is sited near to a number of large modern farm buildings which have compromised the setting of the farmhouse. There is no suggestion that the existing outbuilding has any form of historic significance in association with the farmhouse. The proposed annexe building would be subservient in scale and would retain the existing separation with the farmhouse. In the absence of evidence to suggest to the contrary, the proposal would preserve the setting of the listed building.

Conditions

17. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance, without altering their fundamental aims.
18. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. Conditions controlling external finishes and new windows and external doors are necessary in the interests of the character of the host dwelling. A condition requiring that the building can be used for purposes ancillary to the residential use of the main dwelling is necessary to ensure that the building functions as ancillary accommodation only.
19. Conditions relating to biodiversity enhancement and external lighting are necessary in the interests of character and appearance and biodiversity. A

² Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

condition relating to contamination is necessary to ensure that risks from land contamination to future users of the land and neighbouring land are minimised.

Conclusion

20. For the above reasons I conclude that the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 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 approved plans: 2027-LOC, (00)002, (00)003, (00)004 and (00)005.
- 3) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Zoons Court Farmhouse.
- 4) No development above floor plate level shall be carried out until samples of the materials to be used for the roof and walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development above floor plate level shall be carried out until a plan indicating the location of ecological enhancement features set out within the Preliminary Ecological Assessment (PEA) (Willder Ecology, 20 March 2024) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed bird and bat boxes and further details of proposed planting. The enhancements shall be carried out in accordance with the approved details prior to the first use of the annexe hereby permitted and shall thereafter be retained.
- 6) The mitigation measures included within the PEA shall be strictly adhered to. Should any trenches/pits be excavated under the proposed works, these shall be covered by nightfall, or fitted with a means of escape to ensure animals do not become trapped.
- 7) Prior to installation, details (including scaled cross sections) of new windows and external doors shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 8) Prior to the installation of any external lighting, a lighting strategy scheme shall be submitted to the local planning authority and approved in writing. This scheme shall detail the location and specification of the lighting including

contouring plans demonstrating any light spill into adjacent habitats. Any external lighting shall be carried out in accordance with the approved details.

9) If, during the course of development, any contamination is found which has not been identified in the site investigation, measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.