



Appeal Decision

Site visit made on 16 October 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/F1610/W/24/3338989

Land to the South East of Ashland House, Somerford Keynes GL7 6DS

- 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 CTC (Gloucester) Ltd against the decision of Cotswold District Council.
 - The application Ref is 20/04079/FUL.
 - The development proposed is the erection of 4 dwellings, new road access, footpath, and associated landscaping including public open space and an attenuation/soakaway pond (re-submission of 19/04270/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application amended plans were received which reduced the number of dwellings proposed from five to four. I have therefore used the description of development given on the decision notice in the banner heading above as it more accurately reflects the proposal. I have considered the appeal on the basis of the revised plans.
3. The appeal site is within the Zone of Influence (ZOI) of the North Meadow and Clattinger Farm Special Area of Conservation. I return to this matter later in my decision.
4. A signed planning obligation made under section 106 of the Town and Country Planning Act 1990 was submitted as part of the appeal. This has obligations relating to an offer to transfer the freehold of 'amenity land' to the Parish Council and of 'mitigation land' to adjacent property owners. I return to this matter later in my decision.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for dwellings, having particular regard to local planning policies; and
 - the effect of the proposed development on the character and appearance of the area including whether it would preserve the setting of the Grade II listed building known as Yew Tree Farmhouse.

Reasons

Whether suitable location

6. The appeal site comprises an area of land to the rear of properties which front the main road through the village, Mill Lane, and Water Lane towards the southeast of Somerford Keynes. It is proposed to construct 4 dwellings towards the north of the appeal site, accessed from the south of Ashland House.
7. The spatial strategy for residential development outside of non-principal settlements in the area is set out in Policies DS3 and DS4 of the Cotswold District Local Plan 2011 – 2031 (Adopted August 2018) (CDLP). Policy DS3 relates to small-scale residential development in non-principal settlements and Policy DS4 relates to open market housing outside principal and non-principal settlements. For the purposes of the development plan, Somerford Keynes is a non-principal settlement. The CDLP does not define settlement boundaries.
8. The Somerford Keynes and Shorncote Neighbourhood Development Plan 2015 – 2031 (Made May 2021) (NDP) seeks to define the limit of linear development outwards of Somerford Keynes. This indicates that the limit of linear development is to the east of the appeal site along Water Lane and to the south of the appeal site on the south side of Spine Road West. However, the appeal site does not constitute part of the linear development and as such this is not conclusive as to whether the appeal site is in the settlement.
9. The proposed dwellings would be located to the rear of existing properties which generally address the street. Whilst the building line is not consistent, they are arranged in a single row with no development beyond the line formed by their rear boundaries. The proposed dwellings would therefore be located beyond the existing linear development.
10. The appeal site comprises an open green space which is part of a patchwork of fields which surround the village. Consequently, it is experienced as part of the countryside with a sense of being outside of the settlement, despite the presence of the village lake to the south.
11. Policy DS4 of the CDLP states that new-build open market housing will not be permitted outside of settlements unless it is in accordance with other policies that expressly deal with residential development in such locations. There are no policies that positively favour residential development in this location. Consequently, the proposal would conflict with the spatial strategy for the area.
12. I note that a proposed dwelling to the rear of Croft House, some distance north of the appeal site, was permitted by the Council in 2021. Based on the evidence, this dwelling would be located within the curtilage of an existing property, as opposed to in the open countryside and would be in the location of an existing tennis court as opposed to open grassland. Therefore, I find the appeal scheme to be materially different from the Croft House scheme.
13. I conclude that the appeal site is not a suitable location for dwellings, having particular regard to local planning policies. As such the proposal conflicts with Policy DS4 of the CDLP as referred to above.

Character and appearance

14. The settlement comprises buildings which are primarily grouped around the main roads through the village. There are some examples of dwellings set behind frontage development in the village, however the majority of the buildings in the context of the appeal site conform to the linear pattern of development identified in the NDP as being a key local design feature.
15. The appeal site comprises an open field to the rear of existing properties. Along with other green spaces and lakes which surround the village, the appeal site contributes to its attractive and distinctive landscape setting and its semi-rural character. Consequently, the appeal site makes a positive contribution to the character and appearance of the area.
16. Whilst much of the site would remain free of development, the proposal would introduce 4 dwellings along with associated outbuildings and areas of hardstanding, in an area where no development currently exists. This would have an urbanising effect on the area which would partially erode the landscape setting of the village, resulting in harm to the character and appearance of the area.
17. Furthermore, due to its location to the rear of existing buildings the proposal would be at odds with the distinctive linear pattern of development in the area. In this respect the proposal would conflict with the existing character of the settlement and would appear incongruous in this context.
18. Although the proposed dwellings would be located in an internal corner, formed by existing development, the proposal would have the effect of creating a sense of depth to development in the area which would erode the linear character of the settlement.
19. I acknowledge that there are several examples of development within the village which projects to the rear of frontage development. However, the presence of these does not justify allowing the character and appearance of the area to be further harmfully eroded, especially as the appeal site is in the southern part of the village where the linear layout is more intact.
20. The appeal site is located in the setting of Yew Tree Farmhouse, a Grade II listed building (LB). I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the LB, its setting, or any features of special architectural or historic interest which the LB possesses.
21. Yew Tree Farmhouse dates from the late 17 or early 18 century. It derives its significance from its history as a farmhouse within the village and also its vernacular architecture including its rubble stone walls, and distinctive fenestration.
22. The Heritage Statement of Case contends that historically the appeal site was functionally linked to the LB. However, the functional link between the two sites has since been severed and development which has occurred to both the east and south of the LB means that direct access between the two sites is no longer possible.
23. Nevertheless, the appeal site contributes to an understanding of the history of the LB and forms part of its rural hinterland, contributing positively to its

significance. Although the setting of the LB has already been somewhat eroded by adjacent development, the proposal would result in the erection of 4 dwellings towards the north of the appeal site, thereby removing part of the agricultural land which forms part of the setting of the LB. The southern parts of the appeal site would remain open, however the relationship between the LB and adjacent agricultural land would be further eroded as a result of the appeal scheme. The intervisibility between the LB and the proposed dwelling would be somewhat obscured by intervening vegetation, although the effect of this would vary over time and throughout the year. Overall, I find that the proposal would have a moderately harmful effect on the significance of the LB as a result of harmful development within its setting.

24. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case the proposal would fail to preserve the significance of the LB as a result of harmful development within its setting. Consequently, the proposal would result in less than substantial harm to the significance of this heritage asset. In such circumstances, paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal.
25. The submitted obligation makes provision for an offer to transfer the freehold of a large portion of the appeal site to the Parish Council in the event that the appeal is allowed. Were the offer to be accepted the land would be used as amenity land for the benefit of residents of the parish in perpetuity. Whilst the provision of a large area of amenity land would be a benefit of the proposal, there is no indication that the Parish Council have expressed any interest in acquiring the freehold of the land. Indeed, the evidence suggests that at the time of the application the Parish Council were not inclined to accept the offer of land, there is no evidence before me that this position has changed. Consequently, there is no certainty that this benefit would accrue should the appeal be allowed and as such I attach little weight to it.
26. The obligation also makes provision for an offer to transfer the freehold of the areas to the north and west of the appeal site to the occupiers of the adjacent dwellings. Even if the offer were to be accepted, this would be a private benefit of the scheme to which I attach little weight.
27. The Framework seeks to significantly boost the supply of homes. Therefore, the provision of 4 new dwellings, 3 of which would have 3 bedrooms or less is a benefit of the proposal. However, the Council can demonstrate a housing land supply in excess of 5 years, and therefore I ascribe modest weight to this benefit.
28. The proposal would result in other benefits including the provision of landscaping including the planting of an orchard and ecological enhancements. It would provide energy efficient homes, in a location with access to a small number of services and facilities, including a bus stop. Minor economic benefits would accrue during both the construction and occupation phases. Future residents may assist in sustaining the services and facilities of Somerford Keynes and other settlements nearby. Together I ascribe these benefits moderate weight.

29. However, given the conflict with the development plan and the great weight that must be given to the conservation of heritage assets, I conclude that the public benefits of the proposal do not outweigh the harm.
30. I conclude that the proposal would have a harmful effect on the character and appearance of the area and would not preserve the setting of the Grade II LB known as Yew Tree Farmhouse. The proposal would therefore be in conflict with Policies EN1, EN4 and EN10 of the CDLP and Policy SKPOL1 of the NDP. Collectively these policies seek to ensure that new development promotes the protection, conservation and enhancement of the historic environment, takes account of landscape character and local distinctiveness including the setting of settlements, settlement patterns and heritage assets. They also require that great weight is given to the conservation of designated heritage assets.

Other Matters

31. The appeal site is within the ZOI of the North Meadow and Clattinger Farm Special Area of Conservation. However, as I am dismissing the appeal for other reasons, I do not need to further consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017.

Conclusion

32. The proposal conflicts with the development plan when read as a whole and the material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR