



Appeal Decision

Site visit made on 16 April 2024 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/F1610/D/23/3334550

Swallows Nest, Arlington, Bibury, Cirencester GL7 5ND

- 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 Adrian Wright against the decision of Cotswold District Council.
 - The application Ref is 22/03206/FUL.
 - The development proposed is a 1.5 storey extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by Mr Adrian Wright against Cotswold District Council. This application is the subject of a separate decision.

Preliminary Matters

4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes' (NLs). I have therefore referred to NLs in my recommendation and specifically referred to the Cotswolds AONB as the Cotswolds NL (CNL). Nevertheless, the National Planning Policy Framework (the Framework) still refers to AONBs and their legal designation and policy status remain unchanged and where relevant I have continued to refer to AONBs.
5. On 26 December 2023, s.245 of the Levelling-Up and Regeneration Act 2023 amended the duty in the Countryside and Rights of Way Act 2000, notably in relation to AONBs (now known as National Landscapes) and now requires all relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of AONBs. I have provided the main parties with an opportunity to comment on these changes.
6. A new version of the Framework was published in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the

Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

7. The address I have adopted in the banner heading reflects the postcode records held by Royal Mail.
8. The Council's reason for refusal refers to a pergola. Having regard to the appellant's submissions and the minutes of the planning committee meeting, it is clear that the pergola no longer formed part of the proposal when the application was determined by the Council. I have considered the appeal on this basis.

Main Issues

9. The main issues are the effect of the proposal on the character and appearance of the area, having particular regard to:
 - The setting of designated heritage assets, including the Bibury Conservation Area (BCA) and the Grade II listed buildings known as The Old Post Office, The Long Cottage and The Little Cottage; and
 - The Cotswolds NL.

Reasons for the Recommendation

Heritage Assets – Bibury Conservation Area

10. The Bibury Conservation Area Statement (2000) (BCAS) describes the BCA as having a discreet and secluded setting, with the settlement being unimposing on the landscape. It describes the heart of Arlington as being centred around a secluded green, away from the main road. Traditional cottages, built from local Cotswold stone and featuring historic Cotswold slate roofs, cluster together in an irregular and informal way on varying levels. In the context of this appeal, the BCA's special interest lies primarily in its physical character, defined by the village's informal layout and its harmonious relationship with the surrounding open countryside. These historic development patterns contribute to a settlement that, when viewed from the open countryside, appears to nestle discreetly within the landscape.
11. The appeal building, known as Swallows Nest, is located within the village of Arlington, Bibury and alongside one of the principal roads into the village. Swallows Nest is a one-bedroom dwelling constructed in the 21st century using stone. Despite having previously been converted to residential accommodation, it retains the character of a modest ancillary outbuilding. It is on the opposite side of the road to the Old Post Office and on the edge of the village. The site is sensitively situated within the CNL and borders the BCA. The surrounding area is characterised by traditional cottages, typically built and finished with local materials. To the south of the appeal site lies a large open space criss-crossed by public footpaths. This combination of a rural setting and the use of traditional materials contribute to the overall aesthetic appeal of the locality.
12. The appeal site's positioning within the setting of the BCA and in proximity to open countryside plays a significant role in facilitating a gentle visual transition between the BCA's historic development and its rural surroundings. While the site and adjacent area of open space are not explicitly identified as important

views within the BCAS, there is no doubt that, by virtue of their openness and largely undeveloped appearance, they make a significant contribution to the setting of the BCA. Overall, I consider the appeal site to contribute positively to the significance of the BCA.

13. The proposal involves extending the existing building westwards, nearly doubling its current length. By reason of its excessive scale, the proposed addition would lack subservience to the host building and fail to respect its character. As a result of the proposal, the existing building would no longer appear as a modest structure. Furthermore, the addition of features such as the dormer windows to the south elevation would give the building an overtly domestic appearance, which would exacerbate the identified harm. Consequently, whilst views of the site from the west are largely obscured by vegetation, this expanded structure, combined with its location adjacent to open countryside, would become an unduly prominent feature, harmfully altering the view of the site from both the south into the BCA and from the north looking out of the BCA.
14. Moreover, the proposal would diminish the current sense of space between the village and the open countryside, disrupting the existing views and negatively impacting the relationship between the BCA and the surrounding area. This erosion of space would harm the smooth transition between the settlement and the open countryside, reducing the size of the largely undeveloped gap that currently exists between the historic village and more recent housing development. For these reasons, the proposal would unacceptably harm the setting of the BCA.

Heritage Assets – Nearby Listed Buildings

15. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 stipulates that, when considering whether to grant planning permission for development affecting a listed building or its setting, the decision maker must give special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest it possesses.
16. The site lies within the setting of a number of Grade II listed buildings, including The Old Post Office, The Long Cottage and The Little Cottage. Based on the evidence presented and observations from my site visit, I noted that the special interest of these buildings is largely derived from their use of original materials, architectural detailing and design.
17. Beyond their architectural qualities, these listed buildings also gain significance from their setting within the landscape. Currently, when viewed from the open countryside to the south, these buildings are among the most prominent buildings. Positioned north of the highway, they are set back from the open countryside, creating a gentle boundary between the settlement and the countryside, which reflects the historic development pattern of Arlington.
18. The proposed development would introduce an elongated building south of the highway. This new development would become the dominant structure, and its positioning and size would diminish and, from some viewpoints, affect the ability to view and appreciate the listed buildings, especially when viewed from the open countryside to the south. Consequently, the proposal would harmfully intrude into the setting of these listed buildings, to the detriment of their special interest.

Heritage Balance and conclusion on this main issue

19. Paragraph 205 of the Framework emphasises that great weight should be given to conserving designated heritage assets and their settings. The appeal scheme would cause unacceptable harm to the historic setting of the BCA and the aforementioned listed buildings, resulting in an adverse impact on their significance and special interest, and I give each incidence of harm considerable importance and weight. The harm would be less than substantial. Paragraph 208 of the Framework states this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. I have had regard to the public benefits cited by the appellant in favour of the scheme. The construction work needed to build the development would offer some economic benefits for the local area. While the appellant contends that this would offer a suitable home for a long-standing resident with mobility issues, this benefit would be limited to the occupants of the appeal premises. Furthermore, since the property is already classified as a dwelling, it would not contribute to the overall housing stock in the area, and I have no reasons to believe, based on the available evidence, that the continued use of the building is dependent on the construction of the proposal. In summary, there are no public benefits demonstrated that would outweigh the identified harm.
21. For the reasons given above, the proposal would harm the setting of the BCA and The Old Post Office, The Long Cottage and The Little Cottage, to the detriment of their significance. Consequently, it would not accord with Policies EN1, EN2, EN10 and EN11 of the Cotswold District Local Plan (LP), 2011-31 (adopted August 2018), as well as the Cotswold Design Code and Section 16 of the Framework. Amongst other things, these require development to ensure the protection and enhancement of historic environmental assets and their settings, respect the character and distinctive appearance of the locality and preserve and enhance the special character and appearance of conservation areas.
22. It would also fail to accord with paragraph 135 of the Framework which seeks to emphasise the importance of developments being visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Cotswolds National Landscape

23. Paragraph 182 of the Framework states that Areas of Outstanding Natural Beauty (AONBs) are afforded the highest level of protection concerning landscape and scenic beauty, and great weight should be given to conserving and enhancing these qualities. Additionally, all relevant authorities are now required to seek to further the purpose of AONBs in conserving and enhancing their natural beauty.
24. The Cotswolds National Landscape Management Plan (2023) highlights that villages within the CNL are developed in the Cotswolds vernacular, characterised by architectural quality and integrity. Although the appeal site represents only a small portion of the CNL, both the site itself and the nearby settlement contribute significantly to the region's distinctive character and historic landscape, shaped by the area's natural topography and the settlement's historic development.

25. Beyond the reasons previously mentioned, the proposed development would involve extending a building in a way that would increase its prominence on the edge of the settlement. This extension, due to its size and dimensions, would result in additional bulk detracting from the existing appearance of the area, negatively impacting the setting of the Conservation Area and the nearby listed buildings and undermining their significance as heritage assets. As discussed, these heritage assets contribute to the broader landscape and the scenic beauty of the CNL. Therefore, any harm to these assets would also harm the wider CNL, with the proposal failing to respect the historical elements of the landscape character and the relationship between the settlement and the landscape.
26. Consequently, it would fail to preserve and enhance the scenic and landscape beauty of the CNL and would therefore conflict with Policies EN2, EN4 and EN5 of the LP which together seek development to conserve and enhance the landscape of the AONB, take account of landscape character and respect the character and appearance of the area.

Previous Appeal Decision

27. I have had regard to the previous appeal decision¹ related to a different proposal on this site. The appellant suggests the previous comments imply aspects of the current proposal would be acceptable. However, due to the substantial differences between the two schemes in terms of size and positioning, I do not share this interpretation. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusion and Recommendation

28. For these reasons, I have determined that the appeal proposal would harm the significance of designated heritage assets and the CNL. Although I have considered the personal circumstances of the appellant, they are not enough to outweigh the identified harm. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. In light of these conclusions and having had regard to all other matters raised, I recommend that the appeal be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR

¹ APP/F1610/W/16/3159877.