



Appeal Decision

Site visit made on 25 October 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/F1610/W/24/3342825

Juniper Barn, Upper Oddington, Moreton in Marsh GL56 0XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Tricia Roeser, LPC (Trull) Ltd, against the decision of Cotswold District Council.
 - The application Ref is 23/03736/FUL.
 - The application sought planning permission for erection of a dwelling and associated works without complying with a condition attached to planning permission Ref 20/04549/FUL, dated 9 June 2021.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the following drawing number(s): 2010895.ROE-02 B, 2010895.ROE-03 B, 2010895.ROE-04 B, 2010895.ROE-05 B, 2010895.ROE-06 B, 2010895.ROE-07 B, 2010895.ROE-08 B, 2010895.ROE-09 B, 2010895.ROE-10 B, 2010895.ROE-11 B, 2010895.ROE-12 B, 2010895.ROE-13 B, 2010895.ROE-14 C, 2010895.ROE-15 B, 2010895.ROE-16 B, 2010895.ROE-18 A, 2010895.ROE-19, 19122.102 A.
 - The reason given for the condition is: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am also the Inspector dealing with three further appeals¹ at this site. These each seek to make various alterations to the design of the development previously approved under planning permission 20/04549/FUL. These appeals are subject to a separate decision letter. However, due to the similar contexts of the appeal schemes there are elements of duplication between my decision letters.

Background and Main Issue

3. Planning permission was granted in June 2021 for a detached dwelling at the site under permission reference: 20/04549/FUL (the 2021 permission). Construction of a dwelling at the site is already well underway, however, the works undertaken at the site have deviated from the approved plans.
4. The appellant has therefore sought to alter the scale and design of the approved dwelling, to reflect that which has been constructed, through varying

¹ Appeal References: APP/F1610/W/24/3348581; APP/F1610/W/24/3348583; and APP/F1610/W/24/3348586.

a condition on the 2021 permission that specified the approved plans. The existing permission is therefore a material consideration in this case, but I have come to my decision based on the circumstances of the site and the details of the scheme before me.

5. In light of the above, the main issue is whether the appeal scheme preserves or enhances the character and appearance of the Oddington Conservation Area.

Reasons

6. The appeal site lies within the village of Upper Oddington and is largely located within the Oddington Conservation Area (the CA). From my observations, the significance of the CA is predominantly derived from its rural valley setting, as well as its high-quality built form, that combine to provide an attractive, tranquil, rural character. Despite variations in the scale, height, and the precise design of buildings, there remains a fine sense of cohesion to the built form within the CA. This is due to the consistent use of aesthetic vernacular materials and finishes, in particular Cotswold stone, alongside a lack of overly large or dominant buildings within the CA. The cohesiveness of the built form is fundamental to the character and significance of the CA.
7. My observations mostly tallied with the Oddington Conservation Area Statement (the OCA Statement). Amongst other matters, this highlights the distinctive, traditional Cotswold style of development, provides a cohesive identity. It further identifies that despite variations in density of development and the built form, no one building dominates its scene. Such views are also largely consistent with the previous findings of an Inspector for a historic appeal at the site that has been put to me².
8. The OCA Statement therefore promotes that new buildings within the village should reflect the existing general pattern of buildings, especially in scale and proportion, albeit allowing scope for architectural invention provided it echoes Oddington's architecture. Whilst the OCA Statement has not been updated since its adoption a considerable time ago, I still find that it appropriately reflects the key characteristics and significance of the CA.
9. That being said, the character of the appeal site has changed from that described OCA statement, as residential development has already commenced on the site. Indeed, at the time of my site visit the dwelling on site was nearing completion. As such, the appeal site's prior condition or contribution to the character and appearance of the CA could not be fully appreciated. Nonetheless, although described as an uncultivated field taking the appearance of a wasteland within the OCA Statement, it is still likely that the site did not detract from the character or significance of the CA. This view is formed on the basis that it would still have largely been open and provided some sense of space and rural periphery at the edge of the village, and also due to its inclusion within the CA.
10. The principle of residential development has already been established via previous permissions at the site, while in principle I am satisfied that the development of a dwelling on the site could come forward that would conserve the special qualities of the CA.

² Appeal reference: T/APP/F1610/A/90/154224/P2

11. The appeal scheme continues to involve a single residential dwelling that comprises two, two-storey, barn like structures that each contain habitable accommodation that can support independent living, largely as per the 2021 permission. Whereas that previous permission involved a single storey, partially glazed, walkway link between the barn structures, the appeal scheme instead has been provided with a fully enclosed, first-floor, pitched roof link that includes dormer windows. This has resulted in the two barn structures appearing to take the form of wings to the building, as opposed to the approved design that would appear as separate (albeit linked) buildings. Other alterations include the addition of single pitched roofs to the ground floor cloakrooms to the north of the link and slight changes to fenestration arrangements.
12. The appeal dwelling is substantial in size, with the first-floor link between the two wings of the building adding a horizontal emphasis and leading to the building having an extremely bulky appearance. This is despite the roofline of the link being marginally set down from the ridge height of the roofs to each wing of the building, and also being shielded by the wings from certain angles.
13. Although the appeal building's overall height is not untoward, its considerable scale and proportions result in an imposing and dominant dwelling that does not reflect or respect the scale of neighbouring built form. The use of sympathetic materials and the high-quality of workmanship does little to alleviate the building's excessive mass.
14. The appeal dwelling may not have a substantially larger footprint or level of floorspace compared to that previously approved under the 2021 permission. However, through the inclusion of the first-floor link it still visually appears to be of far greater scale and bulk. Notably, the single storey link between the two wings of the building under the 2021 permission would appear as a much more discrete element and would provide a significant break between the roofs of the two wings of the building compared to the appeal scheme. As indicated that previous permission would read more akin to separate but linked barns, as opposed to one expansive building that dominates its surroundings. I therefore do not consider the appeal scheme to represent an improvement in design to the 2021 permission.
15. The appeal scheme follows the architect's original design intentions, but it remains that the development appears considerably larger than the nearby built form. Even accounting for the site having lower ground levels compared to neighbouring properties, the scale and massing of the appeal dwelling starkly and inappropriately contrasts with surrounding residential development, which is of a smaller and much more intimate scale.
16. Public views of the appeal scheme are somewhat limited due to its relationship with neighbouring development, the nearby topography, as well as vegetation filtering some views. Nevertheless, I observed that the dwelling remains apparent from the public right of way (PROW) along the appeal site's boundary, whereby its substantial bulk could be appreciated against neighbouring dwellings including within the CA. Although the main views of the appeal scheme are from the PROW outside of the CA, it is still viewed in the context of the wider CA.
17. The appellant has also indicated that additional trees and landscaping will be introduced at the site, thereby further reducing the development's visibility. It

is proposed that this would be undertaken in line with a landscaping strategy (approved as part of the original permission) which could be secured by a suitable condition. However, landscaping should not be used to screen otherwise unacceptable development, particularly as the long-term quality or retention of vegetation cannot be guaranteed.

18. There is also an extant planning permission (ref: 22/01091/FUL) for a two-storey ancillary outbuilding at the appeal site, which if built would further reduce views of the appeal scheme. Notwithstanding that the outbuilding again would not be guaranteed to remain in the future, it is still unlikely to entirely shield the development from view. Furthermore, even if the development was not readily visible, this does not negate the need for a suitable high-quality design that respects its surroundings.
19. Consequently, I find that the appeal scheme has a harmful effect on the character and appearance of the CA. In the context of the National Planning Policy Framework (the Framework), the harm that I have identified to the significance of the designated heritage asset would be less than substantial. Nevertheless, any harm to the significance of designated heritage assets requires clear and convincing justification and in accordance with the Framework, I must weigh the harm against the public benefits of the proposal.
20. The appeal dwelling is intended to be used for multi-generational living and it is put to me that the design of this scheme would enable an elderly relative to visit or look after her grandchildren in another part of the dwelling more easily. The two wings of the dwelling, however, are in very close proximity and there is no robust evidence to suggest that in the absence of the first-floor link there would be a particular safety issue, challenge, or hardship for family members to move between the two wings to visit one another. This is especially given that the previously approved scheme included a single storey covered walkway between the wings.
21. The development as built may also provide an element of future proofing against the future needs of the appellant. I am not convinced though that such benefits could not be achieved through other means, including a more sympathetic form of design. The harmful effects of the development would also be likely to endure beyond the personal circumstances of the appellant. In any case though, these above benefits are personal rather than public benefits.
22. There are also socio-economic benefits associated with the construction and delivery of a dwelling at the site, as well as potential ecological benefits associated with proposed landscaping. Nonetheless, I consider that similar such benefits could also be provided through a dwelling that appropriately responds to its context. Based on the submitted evidence, there are no public benefits that outweigh the harm of the appeal scheme.
23. Overall, I find the appeal scheme fails to preserve or enhance the character and appearance of the Oddington Conservation Area. As such, it conflicts with Policies EN1, EN2, EN10, and EN11 of the Cotswold District Local Plan 2011 - 2031 (adopted 2018). Together these policies, amongst other matters, seek to ensure that new development is of a suitable design quality that complements local form, whilst also conserving or enhancing the character, appearance, and significance of designated heritage assets. I also find these policies to be consistent with the aims of the Framework in respect of promoting high-

quality design that is sympathetic to local character and conserves and enhances the historic environment. Meanwhile, no robust reasons have been presented to validate the appellant's claims that the development plan policies are out of date.

24. Accordingly, the appeal scheme also does not adhere to the aims of the Framework, insofar as it relates to the protection of heritage assets.

Other Matters

25. Since the appeal site is within the Cotswold National Landscape³, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000⁴. This requires all relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty when performing their functions. In the context of the Cotswold National Landscape, the appeal scheme has a highly localised effect (as demonstrated within the appellants Landscape and Visual Impact Assessment⁵) and is perceived in connection with nearby residential built form. As such, despite its harm to the character and appearance of the CA, I am satisfied that the landscape and scenic beauty of this nationally designated area would not be adversely affected and thereby conserved.
26. Woodbine Cottage, a Grade II listed building, lies in relatively close proximity to the appeal site. From the evidence before me and my observations on site, the significance of the listed building mainly derives from its age and architectural interest. Despite their proximity, there is a lack of direct visual or historical connectivity between the appeal development and the listed building, with existing postwar housing sited between the appeal dwelling and the heritage asset. I am satisfied that the development therefore does not harm the setting or significance of the listed building.
27. In reaching my decision I have noted the personal circumstances of the appellant and that she may also have previously received poor advice in relation to the development process from professionals working on her behalf. However, such matters do not provide suitable justification to allow the appeal.
28. Potential forthcoming changes to building regulations may seek to further mandate higher accessibility standards for homes. Notwithstanding, that there are no precise details before me as to what such changes may entail, I still consider that suitable access arrangements are likely to be capable of being delivered at the site through a more sympathetic form of development.
29. I note that there is third party support for the appeal scheme, including on the basis that the design of the development is less likely to be sub-divided, or sub-let, as two dwellings in the future. However, there is no robust evidence that such works (which would require planning permission) are likely to be pursued or to take place. In any case, this matter does not justify the harmful effects of the appeal scheme. Nor does a lack of harm in respect of the living conditions of neighbouring residents, or compliance with other development plan policies.

³ Formerly Cotswold Area of Outstanding Natural Beauty.

⁴ As amended by the Levelling Up and Regeneration Act 2023.

⁵ Prepared by MHP Design Ltd (dated 28th October 2020) in connection with application ref: 20/04549/FUL.

Conclusion

30. The development conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, that indicate a decision other than in accordance with the development plan. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR