



Appeal Decisions

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 A Ref: APP/F1610/W/24/3348581

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 against the decision of Cotswold District Council.
 - The application Ref is 24/01249/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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Appeal B Ref: APP/F1610/W/24/3348583

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

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 - 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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Appeal C Ref: APP/F1610/W/24/3348586

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 against the decision of Cotswold District Council.
 - The application Ref is 24/01251/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.
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 - 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. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is dismissed.

Preliminary Matters

4. As set out above there are three appeals that this decision letter deals with at the site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with each scheme together except where otherwise indicated.
5. I am also the Inspector dealing with another appeal¹ at this site, which also relates to an application under Section 73A of the Town and Country Planning Act ('S.73A') in relation to condition 2 of planning permission 20/04549/FUL. That appeal seeks to alter the approved design of development to regularise works that have already been carried out at the site. That appeal is subject to a separate decision letter, but due to the similarities in context there are elements of duplication between my decision letters.

Background and Main Issue

6. Planning permission was granted in June 2021 for a detached dwelling at the site under permission reference: 20/04549/FUL (the 2021 permission). The approved design incorporated two, two storey barn like structures that each contained habitable accommodation that could support independent living. The approved design involved the barn structures being linked via a single storey, partially glazed walkway.

¹ Appeal Ref: APP/F1610/W/24/3342825

7. Construction of a dwelling at the site is already well underway, however, the works undertaken at the site have deviated from the approved plans, most notably through the construction of a first-floor link between the two barn like structures. As such, a S.73A application was submitted to the Council to regularise the works. That application was refused by the Council and is subject to the separate appeal decision referred to above.
8. The appellant submitted a further three S.73A applications to the Council that sought to vary the design of the 2021 permission. Each of these also involved a single dwelling that continues to consist of two, two-storey, barn like structures with a first-floor link, but the precise designs differ from what has been constructed at the site. The Council also refused each of these applications which are now the subject of the appeals before me.
9. Appeal A, notably, would involve a dwelling with a first-floor link that includes casement windows. This would change the style of windows and increase the area of glazing within the link compared to the development that has taken place at the site. This appeal scheme would also include a groundfloor archway opening between the two wings of the building to create a permanent opening through the building.
10. Appeal B, notably, would involve a dwelling with a first-floor link that contains larger fixed, floor-ceiling glazing panels to both sides of the link. This appeal scheme would also include a groundfloor archway opening between the two wings of the building to create a permanent opening through the building.
11. Appeal C, notably, would involve a dwelling with a first-floor link that incorporates fixed, floor-ceiling glazing panels across the full width of both sides of the link. It would also involve a large ground floor opening between the two wings of the building than proposed under Appeals A and B.
12. The existing 2021 permission is 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 schemes before me.
13. The main issue in each of the appeals is whether the proposed development would preserve or enhance the character and appearance of the Oddington Conservation Area.

Reasons

14. The appeal site lies within the village of Upper Oddington and largely 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.
15. 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.

16. The OCA Statement therefore promotes that new buildings within the village should reflect the 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.
17. 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 a 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.
18. 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.
19. The dwelling that has been constructed at the site is substantial in scale. The maintenance of a proposed first-floor link within each of the proposed developments would provide the building with an extremely large and bulky appearance. The various styles and extents of glazing proposed would result in different levels of transparency through the first-floor link, but it would still be apparent. Together with the proposed ground floor openings to the building's two wings, I do not consider the designs of the first-floor link put forward would significantly diminish the vast scale and bulk of the dwelling.
20. Although the proposals' overall heights are not untoward, the scale and proportions of each of the proposed dwellings would still result in an imposing and dominant building that would not reflect or respect the scale of neighbouring built form. Even accounting for the site having lower ground levels compared to neighbouring properties, the scale and massing of the appeal schemes would starkly and inappropriately contrast with surrounding residential development, which is of a smaller and much more intimate scale. The use of sympathetic materials and high-quality of workmanship would not alleviate the excessive mass of the proposals.
21. The appeal schemes may not involve a substantially larger footprint or level of floorspace compared to that previously approved under the 2021 permission. However, through the inclusion of first-floor links they would still visually appear 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

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

between the roofs of the two wings of the building. This would effectively make the permitted scheme read akin to two separate but linked barns. The proposed developments would not provide such degree of visual separation between the wings of the building, despite the various design solutions advanced by the appellant. Therefore, the appeal proposals would each read as one expansive building that would dominate its surroundings. I therefore do not consider the appeal schemes to represent an improvement in design on the 2021 permission.

22. Public views of the proposals would be 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 that has been constructed on site remains apparent from the public right of way (PROW) along the appeal site's boundary, where it appeared excessively large. The substantial bulk of each of the proposed developments would therefore still be capable of being viewed from public vantage points, where it would be appreciated against neighbouring dwellings including within the CA. Although the main views of the appeal schemes would be from the PROW outside of the CA, they would still be viewed in the context of the wider CA.
23. The appellant has also indicated that additional trees and landscaping will be introduced at the site, thereby further reducing visibility of the proposed developments. It is suggested that this would be undertaken in line with a landscaping strategy (approved as part of the 2021 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.
24. 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 be capable of further reducing views of the appeal proposals. Notwithstanding that the outbuilding again would not be guaranteed to remain in the future, it is still unlikely to entirely shield the proposed developments from view. Furthermore, even if the proposed developments were not readily visible, this does not negate the need for them to be of a suitably high-quality design that respect their surroundings.
25. Consequently, I find that the proposed developments would have 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.
26. The proposed dwelling is intended to be used for multi-generational living. It is put to me that the inclusion of the first-floor link in each of the proposed schemes would provide better living conditions for the occupiers of the dwelling and 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 dwellinghouse included a single storey covered walkway between the wings.

27. The designs of the proposed developments may also include elements of future proofing against the potential 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.
28. Socio-economic benefits would be derived from the construction and delivery of the proposals at the site, as well as potential ecological benefits associated with proposed landscaping. The appellant has also indicated that the proposed dwellings would have better energy efficiency credentials compared to a previous permitted dwelling at the site, albeit the precise improvements in performance have not been quantified through the appeal submissions. Nonetheless, I consider that similar such benefits could also be provided through a dwelling that appropriately responds to its context. Accordingly, I find that there are no public benefits that outweigh the harm of the proposed developments.
29. Each of the appeal schemes therefore would fail to preserve or enhance the character and appearance of the Oddington Conservation Area. As such, the proposals conflict 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.
30. Accordingly, the appeal schemes also would not adhere to the aims of the Framework, insofar as it relates to the protection of heritage assets.

Other Matters

31. 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 proposals would have a highly localised effect (as demonstrated within the appellants Landscape and Visual Impact Assessment⁵) and would be perceived in connection with nearby residential built form. As such, despite the identified harm to the character and

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.

appearance of the CA, I am satisfied that the proposals would conserve the landscape and scenic beauty of this nationally designated area.

32. 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 proposals and the listed building, while existing postwar housing has been development between the appeal site and the heritage asset. I am satisfied that the appeal schemes therefore would not cause harm to the setting or significance of the listed building.
33. 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.
34. 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.
35. I note that there is third party support for the appeal proposals, 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.
36. I am aware of the appellant's frustrations with the manner that the Council handled her planning applications. However, this does not alter my findings on the merits of the various appeal proposals.

Conclusion

37. The proposed developments conflict 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 appeals are dismissed.

Lewis Condé

INSPECTOR