



Appeal Decision

Site visit made on 25 October 2024

by Lewis Conde BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2024

Appeal Ref: APP/F1610/W/24/3343289

Land South East of the Old Rectory, Old Rectory Gardens, Longborough, Moreton-in-Marsh, Gloucestershire, GL56 0QF

- 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 Andrew Farrell against the decision of Cotswold District Council.
 - The application Ref is 23/02796/FUL.
 - The development proposed is a lightweight single storey eco dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development in the banner heading above has largely been taken from the Council's decision notice, as opposed to the original planning application form, as this more accurately reflects the location of the proposed development along with the proposed works. However, I have amended the site address, most notably to instead refer to the 'Old Rectory' as opposed to the Rectory, whilst I have continued to use the postcode supplied on the planning application forms.

Main Issues

3. The main issues are the effect of the proposal on the setting and significance of the Old Rectory (a Grade II Listed Building), and linked to that, whether the proposal would preserve or enhance the character and appearance of the Longborough Conservation Area, including in respect of its effect on trees.

Reasons

4. The appeal site is an open, undeveloped parcel of land containing trees and vegetation situated off Old Rectory Gardens. It lies nearby to the south, of the Grade II listed Old Rectory, towards the edge of the village of Longborough and within the Longborough Conservation Area (LCA).
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) advises

that 'significance derives not only from the asset's physical presence but also from its setting'.

6. In terms of the LCA, Section 72(1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The Old Rectory (list entry no. 1341144) is a circa 18 Century former detached vicarage, that has been subject to 19th and 20th century alterations, including its subdivision into four private residence. The building though retains a charming, traditional appearance, constructed of coursed squared and dressed limestone, under a stone slate roof.
8. From the evidence before me, including the appellant's Heritage Appeal Statement¹, and my own observations, I find that its age, its historic associations with the area as the former rectory, as well as likely archaeological interest all contribute to its significance. Whilst the property has been subject to some unsympathetic alterations, which result in its former use not being highly apparent, it remains that its significance is also largely derived from its architectural interest. Indeed, the listing description focuses on its architectural merits, whilst recognising that the building has been converted and providing detail of many of the related alterations that have previously been carried out.
9. Additionally, development has taken place within the former grounds of the Old Rectory to its north and west, including through the addition of late 20th Century residential dwellings. Still, the dwellings that have been built generally have a subtlety in design, utilise sympathetic materials and are mostly set behind or significantly away from the listed building, such that they are not visually intrusive. Consequently, the Old Rectory remains a key focal point along the access road, whereby its architectural interest is displayed, even if its former use and extent of grounds are not particularly tangible.
10. The appeal site shares a close relationship to the listed building. It is also set near a curvature in the road almost mid-way along Old Rectory Gardens, on the approach to the listed building. As such, when advancing along this road, both the first glimpses of the heritage asset and a key view of its architecturally pleasing front elevation are revealed and seen in connection with the appeal site. Due to the highly verdant nature of the appeal site, it also adds to the rural character of the area, offering some soft relief to the surrounding built form, including the listed building. The appeal site therefore forms an important aspect of the setting of the listed building, allowing it to be experienced and its significance appreciated. This is despite the appeal site's functional link as front garden space to the historic property no longer being particularly appreciable.
11. In respect of the LCA, there is no conservation area appraisal before me. Still from my observations on site and available evidence, I find its significance is largely derived from the village's rural setting and high-quality of built form including a collection of several listed buildings. Despite variations in the precise design and appearance of buildings, there remains a fine sense of cohesion to the built form within the LCA. This is due to it largely comprising of traditional dwellings, that utilise local materials (particularly stone) in a

¹ Prepared by Vitruvius Heritage Ltd (April 2024)

vernacular style. The cohesiveness of the built form is fundamental to the character, appearance, and significance of the LCA. Buildings are also laid out in an organic manner, whilst the frequent presence of mature vegetation, grass verges and small pockets of open land add to the village's rural character. Together these factors combine to provide the LCA with an attractive, tranquil, rural character.

12. Although not on the main thoroughfare through Longborough, the appeal scheme would be highly prominent along Old Rectory Gardens. The design of the proposed dwelling would heavily contrast with neighbouring residential development. Despite the proposed design being unashamedly contemporary, I find its appearance would be rather jarring compared to the existing surrounding built development. This is due to a combination of the proposal's elongated form and the configuration and mix of its geometric elements/roof forms. Together the combination of the proposal's striking form, and its prominent position on a key approach to the Old Rectory, would ensure the development would be a dominant and intrusive feature that would visually compete and distract from the listed building. This is despite the proposed dwelling's limited height and scale, as well as the proposed use of broadly sympathetic materials. The proposal would therefore detract from the setting and significance of the listed building.
13. As a building of recognised architectural and historical importance, the Old Rectory positively contributes to the character and appearance of the village and thus the significance of the LCA. I therefore take the view that, by detracting from the setting of the listed building, the appeal proposal would also harm the character and appearance of the LCA. In reaching this finding, I appreciate that wider views of the development within Longborough would be severely limited due to a mix of topography, mature vegetation, and existing built form. Nonetheless, the proposal would remain a visually intrusive feature within both its streetscene and the setting of the listed building.
14. Turning to trees, the proposal would involve the removal of three low quality (Category C trees) to facilitate the development. The respective trees are not of notable amenity value, whilst the appellant's submitted Arboricultural Report² identifies that replacement trees would be planted, which could be appropriately secured via a landscaping condition(s) on the grant of a permission.
15. The proposals would also involve development activity within the root protection areas (RPA) of several other trees. However, the proposed dwelling's use of a suspended foundation slab structure should enable disruption to root systems to be minimised. Additionally, from the evidence before me all services would be capable of being provided through a short service trench between the dwelling and the highway. The route of the trench would be capable of avoiding RPAs, and would be within an area that has seemingly previously been disturbed through provision of underground services.
16. The submitted Arboricultural Report further sets out tree protection measures to be utilised through the construction process, to minimise disruption to the trees to be retained. This includes the use of construction exclusion zones, hand digging only on parts of the site, along with an arboricultural expert

² Arboricultural Report Impact Assessment and Method Statement, prepared by Wooton Tree Consultancy.

being on site at relevant times during the construction. I am satisfied that subject to such measures the health of the trees to be retained should not be significantly jeopardised. Therefore, subject to the inclusion of relevant conditions in respect of tree protection measures, the build process, and dwelling design, I find that the proposal would not lead to further harm to the character and appearance of the area through the loss of trees. In this respect, the appeal scheme would not conflict with Policy EN7 of the Cotswold District Local Plan 2011 -2031 (adopted 2018) (the Local Plan), which amongst other matters seeks to protect trees of high landscape and amenity value. Nonetheless, it remains that the proposed dwelling would cause harm to heritage assets as identified above.

17. In the context of 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.
18. The proposal would result in a small social benefit through the provision of an extra housing unit, adding to the local housing mix, in a broadly sustainable location. It is often the case, that small schemes can also be delivered promptly to address need, whilst Paragraph 70 of the Framework recognises the important contribution that small and medium sites can have in meeting an area's housing land supply requirement. Even so, and notwithstanding the Framework's ambitions to significantly boost the supply of housing, the provision of one additional unit would make only a limited but beneficial contribution to the supply of housing in the area. Socio-economic benefits would also arise from the construction and occupation of a new house, albeit due to the scale of the proposal these would again be limited.
19. Similarly, the proposal would involve a low carbon/energy efficient dwelling that exceeds current building regulation standards, but still the environmental benefits associated with a single dwelling would remain limited.
20. I find that together the scheme's benefits would therefore be limited, whilst the Framework advises that great weight should be given to the conservation of heritage assets. As such, in this instance, I do not consider the public benefits to outweigh the harm to the designated heritage assets.
21. Consequently, I find that the appeal proposal would fail to sustain or enhance the setting and significance of the Old Rectory, while it would also fail to preserve or enhance the character and appearance of the LCA. Accordingly, the appeal scheme conflicts with the design and historic environment aims of Policies EN1, EN2, EN10, EN11, and DS3(c) of the Local Plan. When read together these policies require development to be of a high quality of design that complements the form and character of its surroundings, whilst conserving and where possible enhancing the historic environment. The appeal scheme also does not adhere to the aims of the Framework, insofar as it relates to the protection of heritage assets.
22. The Council's decision notice also refers to Local Plan Policy ENV4. However, from my reading of the policy, it's purpose is in respect of protecting the landscape (including historic landscapes) as opposed to specific heritage assets. Therefore, and noting that the Council officer's report has indicated that the proposal would not be harmful to the wider landscape (notably the

Cotswold National Landscape), I do not find this policy to be of relevance to the stated reason for refusal.

Other Matters

23. Main parties dispute whether the Council is able to demonstrate a five-year housing land supply, with the appellant suggesting it has a substantial shortfall. Even if the appellant's assertions about the Council's housing land supply are accurate, I have found the harm to designated heritage assets would outweigh the public benefits of the scheme. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11(d)(a). The presumption in favour of sustainable development therefore does not apply.
24. 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 and would be perceived in connection with nearby residential built form. As such, despite the identified harm to the designated heritage assets, I am satisfied that the proposals would conserve the landscape and scenic beauty of this nationally designated area.
25. Reference has been made to a planning permission at land at Upper Town House (ref: 21/02068/FUL) also within Longborough, whereby the Council approved residential development shortly before issuing its decision on the appellant's application. I have limited details of that previous permission. However, from the information before me it related to a scheme of six dwellings in another part of the village that is outside of the Conservation Area. Its context is therefore fundamentally different to the scheme before me.
26. I note the appellant's frustrations with the manner in which the Council dealt with the original application, including a lack of opportunity to address concerns that officers held as well as a lack of clarity in its reasoning. Whilst I also note the appellant's views in respect of the Council not addressing queries/matters raised through the appeal submission. Nonetheless, I have determined the appeal scheme on its own merits.
27. Although the proposed dwelling is relatively small in scale, it involves an open market dwelling, as opposed to affordable housing⁵. As such, it would not specifically address an affordable housing need, nor can there be any guarantees that it would enable local young persons/families to access the housing ladder in their local area.
28. There is no robust reason for me to consider that the site would be used for alternative purposes, with potentially harmful effects on neighbouring residents, should the proposed development not proceed.

³ Formerly Cotswold Area of Outstanding Natural Beauty.

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

⁵ As defined under both Annex 2 of the Framework or within the Local Plan.

29. Compliance with other development plan policies or wider aims of the Framework, for example in relation to the living condition of neighbouring residents, highway safety, or the sustainability credentials of the proposal, do not justify the harmful effects of the proposed development.
30. Finally, although the proposal may have attracted some support from third parties, this is also not suitable justification to allow otherwise unacceptable development.

Conclusion

31. 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