



Appeal Decision

Hearing held on 14 January 2025

Site visit made on 14 January 2025

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/F1610/W/24/3350069

Stanmore House, Road from Spratsgate Lane to West of The Byre, Ewen, Gloucestershire GL7 6BU

- 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 JVAT Developments Ltd against the decision of Cotswold District Council.
 - The application reference is 24/00732/FUL.
 - The development proposed is erection of three dwellings, associated parking area, access and landscaping.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by JVAT Developments Ltd against Cotswold District Council. This is the subject of a separate Decision.

Preliminary Matters

3. During the course of the appeal the appellant submitted a 'Bat Survey Ecological Addendum' dated August 2024 which the Council has assessed. On the basis of the report and subject to ecological enhancements which could be controlled by planning conditions, the Council has indicated that its concern in respect of bats, set out in its reason for refusal 3 have been addressed.
4. The appellant also submitted two S111 Agreements dated 24 July 2024 and 22 October 2024 which make a financial contribution towards mitigating the recreational effects of the development on the Cotswold Beechwoods Special Area of Conservation (SAC) and the North Meadow and Clattinger Farm SAC. The appellant has indicated that the S111 in respect of the Cotswold Beechwoods SAC should not be considered as part of this appeal. This matter and the S111s will be considered later in my decision.
5. The National Planning Policy Framework (Framework) was revised in December 2024. The parties were provided with the opportunity to comment on this and comments received have been taken into consideration in this Decision.

Main Issues

6. The main issues in this case are the effect of the proposal on:
- the character and appearance of the area;
 - the Kemble and Ewen Special Landscape Area; and
 - the significance of Mill Farmhouse as a designated heritage asset.

Reasons

Character and Appearance

7. The appeal site is located on the southern side of the road that runs through the village of Ewen and forms, in the main, part of the side and rear garden of Stanmore House, a detached two storey property. The site is open, laid largely to grass and slopes away from the road. Mature landscaping forms the northern boundary of the site and mixed hedgerows and permeable fencing form the other boundaries. Beyond the site to the south are fields with an array of solar panels close to the site's southern boundary.
8. Residential development in Ewen comprises a mix of architectural styles and period, which, despite this, has a uniformity in terms of the external materials used and the largely linear pattern of development, enclosed by low stone walls and vegetation.
9. Exceptions to this linear pattern are small, shallow, clusters of development, including at Thames View, to the rear of 89 Ewen, at The Timbrells to the east of the site, and at the Walled Garden. This is recognised within the General Design Guidelines for Kemble & Ewen (Design Guidelines) where Ewen is described as a 'typical agricultural settlement' and 'shows a form of ribbon development with closed streets stemming from it'.
10. Figure 4 of the Design Guidelines shows that the 'cul de sacs' are located to the north of the road through the village, as opposed to the southern side. Mill Farm, which is on the same side of the road as the appeal site, and in close proximity comprises a small cluster of development. Whilst now in residential use, this farm complex is distinct in its layout and is physically separate from the built-up residential part of the village, comprising a number of buildings which are seemingly served by a 'connected road' as opposed to a 'cul de sac' as shown in Figure 4 of the Design Guidelines.
11. The proposal would result in development to the rear of Stanmore House which would result in a depth of development uncharacteristic of this part of Ewen, with residential development and activity protruding into an otherwise open space, which would be significantly eroded.
12. The new dwellings would not extend beyond the development at Mill Farm, but as set out above this development is distinct from the residential part of the village being a former working farm complex. The development would also not extend beyond dwellings at Tanners or Oak Tree House. However, these dwellings comprise the shallow linear pattern of development along the southern side of the road and are located where they are due to the alignment it. The other clusters of residential development referred to in the appellant's evidence are located on the opposite side of the road to the appeal site and/or

at a distance from it and are thus not contextually related either spatially or visually.

13. House D would have a curved roof. I note the design rationale for it, its location to the rear of Stanmore House and its relationship to the Dutch Barn on the Mill Farm site, however, I consider that the dwelling would have a confused relationship with the new dwellings proposed and residential development on this side of the road. It would also blur the boundaries and character transition between the residential development within the village and the historical agricultural uses beyond, appearing incongruous in this location.
14. Houses C and D would have attached and integral car ports which would result in wide openings on each dwelling. Such design features are not characteristic of the locality and would appear incongruous. Whilst not publicly visible this aspect of the proposal would not result in high quality and beautiful buildings, which is a key aspect of sustainable development set out in the Framework.
15. Houses B and C would be deeper and longer than Stanmore House, and the dwellings adjoining the site at Nos 1-4 Mill Piece. Notwithstanding, I observed on my site visit that the mass and form of dwellings in the locale vary significantly, with those at Tanners and Oak Tree House which are visible from within the appeal site having a deep plan form and cross wing respectively. A mix of dwelling sizes is a characteristic of the area, and the proposal would largely respect this.
16. The new dwellings would have accommodation over 2 floors. Reference is made to them ranging in height from 7 metres (House D) to 8.2 metres (House C), compared to Stanmore House at 7.8 metres. House B which would sit to the side of the host dwelling would be 8 metres. This mixture of dwelling heights would reflect the appearance of the area, and the height of the higher dwelling proposed would not be apparent from the street scene given the sloping nature of the site where it would be located. Moreover, the height differential between the host dwelling and House B would be slight and would not result in an intrusive feature in the street scene.
17. Notwithstanding my findings above in terms of the heights and scale of the new dwellings, I conclude that the proposal would be harmful to the character and appearance of the area for the reasons set out. Although there is limited public invisibility of the rear of the appeal site, there are clear views from neighbouring properties and gardens, and the development as proposed would be likely to diminish the appreciation neighbouring occupiers have of the quality rural environment within which they live. The proposal results in conflict with Cotswold District Local Plan 2011-2031 (CDLP) Policies DS3, EN1, EN2 and the Cotswold Design Code (D.67) which collectively require development to be of a design quality that respects the character and distinctive appearance of the locality. There would also be conflict with the Framework insofar as it requires developments to be sympathetic to local character and history.

Kemble and Ewen Special Landscape Area

18. The Kemble and Ewen Special Landscape Area (SLA) is described as a gentle transitional landscape between the Cotswolds dip slope to the north and the Thames Valley to the south. Landscape qualities include gently undulating low plateau with medium and large arable fields bounded by good hedges; small

pastoral valleys with woodlands; clear open streams; linear woodlands forming enclosure and screening, and the small unspoilt village of Ewen¹. The linear gappy character of Ewen and its Cotswold stone buildings were identified as a further quality in the SLA Review².

19. The appeal site is located within the transitional Cornbrash Lowlands landscape character type within the SLA. Key characteristics are a very gently sloping landform, which is typical of the appeal site; a network of tributary streams of the River Thames, a predominance of arable fields, a dispersed settlement pattern of mainly linear villages (Ewen), occasional, mainly geometric woodland copses and occasional wide views over productive farmland.
20. Whilst much of the landscape qualities of the SLA do not apply to the appeal site, being an undeveloped area of land between frontage development along the road through the village, makes a positive contribution to the linear gappy character of Ewen. Whilst the roadside hedge restricts views of the appeal site, it is clear from the public highway that the land to the side of Stanmore House is open and undeveloped. The site's sloping nature is also characteristic of the landscape character type.
21. The development plan does not preclude development in SLAs. Indeed, Policy EN6 supports development provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity. Policy EN4 of the CDLP has similar objectives expecting development to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements including key views, the setting of settlements, settlement patterns and heritage assets.
22. Although as a single entity House B would maintain the linear gappy character of the village, its close relationship to House C, would result in both buildings being visible together, particularly from the houses opposite, resulting in enclosure of the gap between existing development, thereby not reflecting this landscape quality of the SLA. The gappy linear character of this part of Ewen would be significantly eroded by the proposal as a result.
23. Moreover, my findings in respect of the proposal being harmful to the character and appearance of the area, in terms of the departure from linear development through the siting of Houses C and D to the rear of Stanmore House and House B, would be harmful to the settlement pattern and the 'unspoilt village of Ewen', a further landscape quality of the SLA.
24. As the supporting text to CDLP Policy EN4 requires me to undertake a balancing exercise to establish whether development would have a 'significant detrimental impact' for the purposes of CDLP Policies EN4 and EN6, I will conclude on the effect of the proposal on the Kemble and Ewen SLA later in my decision.

Mill Farmhouse

25. Mill Farmhouse dates from the late 17th century and is constructed of coursed rubble stone with a stone slate roof and stone end stacks with two gables to

¹ White Consultants February 2001

² Cotswold District Special Landscape Areas Review Landscape Context and Physical Changes – White Consultants May 2017

the front. It is a grade II listed building, and its special interest arises in part from the historic and architectural interest as a vernacular farmhouse built of historic materials using traditional construction techniques, simple historic form which, despite alterations remains legible and illustrative of its original design. Significance and special interest is also derived from the building's historic use and social and functional connections, being illustrative of agricultural life and rural settlement.

26. The listed building is proximate to a number of traditional, stone-built outbuildings, historically in agricultural use and functionally related to the farmhouse. These buildings have subsequently been converted into residential use. It was agreed at the Hearing that other than the Dutch Barn which utilises the same access as the buildings at Mill Farm, that these traditional buildings are curtilage listed by virtue of their date and association with the farmhouse.
27. The buildings at Mill Farm, whilst close to the residential part of the village are distinct and physically detached from it, sitting within an open, rural landscape. The open agricultural setting of Mill Farmhouse makes a positive contribution to its significance as do the traditional farm buildings in proximity to it. Likewise, the farmyard and walls within the complex contribute to the historic layout, character and legibility of the farm complex and also contribute to the historic interest and significance of the designated heritage asset.
28. I am required to consider the effect of the proposal on the setting of heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard be given to the desirability of preserving the setting of listed buildings. Whilst no statutory protection is afforded to the setting of other heritage assets, paragraphs 207 and 208 of the Framework require an assessment of the significance of heritage assets that might be affected by a development proposal, including any contribution to their significance made by the setting of those assets. Paragraph 213 of the Framework confirms that the significance of a heritage asset can be harmed or lost through development within its setting.
29. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
30. Setting embraces all of the surroundings from which an asset can be experienced, or that can be experienced from or within the asset. In essence, if the development proposed could be experienced from, or in conjunction with, any of the heritage assets that surround the appeal site, then there would be an impact on their setting. An assessment is then required as to whether that impact would harm the significance of the asset.
31. The historic maps indicate that the appeal site was part of a larger rectangular shaped agricultural field in 1875, separated from Mill Farm by a plantation leading from the road down to the River Thames. In 1901 and 1920 the historical maps show the plantation between the appeal site and Mill Farm with the appeal site being undeveloped. The 1971-80 Ordnance Survey map shows a house on the appeal site, the plantation removed, and the rectangular field boundaries removed. The neighbouring properties at Lilac Cottage and Mill Piece are also shown.

32. The appellant's Built Heritage Statement acknowledges that whilst the historic landholdings of Mill Farm are unknown, it is plausible that there was a historic association between the appeal site and Mill Farm. Given the proximity of Mill Farm to the appeal site and the other closest farm is on the opposite side of the River Thames (Home Farm), I consider that there is a high probability that the appeal site had a historical association with the heritage asset. The presence of a gate and the site being amalgamated into the field to the south as shown on the 1971-80 map demonstrates that there was a clear functional relationship between the appeal site and farm at this time.
33. Moreover, whilst now separated from the agricultural fields to the south, there is a visual relationship from the appeal site to Mill Farmhouse and the farm complex, albeit limited to the roofscape because of intervening landscaping. Accordingly, and acknowledging that the Dutch Barn and the conversion of the curtilage listed buildings have introduced a more manicured landscape to the setting of the listed building and that land ownerships have changed, I find that the appeal site forms part of the open setting of it, making a positive contribution to the appreciation of the farmhouse and farm complex's historic function. In reaching this view I am mindful that the appeal site is not publicly accessible, however, the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting.
34. I acknowledge that this view differs from that of the Council when it granted planning permission for the earlier schemes³ on the site. These schemes were different to that before me and did not include development on the southern part of the appeal site, thus the circumstances in these cases are not directly comparable.
35. The location of the dwellings to the rear of Stanmore House and particularly House D would erode the openness of the appeal site and the contribution that it makes to the setting of Mill Farmhouse. The siting and scale of House D would also reduce views of the listed buildings from within the appeal site. Domestic gardens, associated paraphernalia and vehicle parking would also detract from the openness and the contribution that it makes to the setting of the heritage assets.
36. Furthermore, the quasi-agricultural design of House D, would diminish the significance of the listed building and its historic farm complex, extending agricultural forms into the residential part of the village resulting in a blurring of boundaries between the historical layout of the farm complex and the remainder of the settlement.
37. Given the above, and mindful that the proposal would not affect the primary aspect of Mill Farmhouse, I conclude that it would result in harm to the significance of the designated asset through harmful development within its setting. Accordingly, it would not preserve the special architectural or historic interest of the grade II listed Mill Farmhouse, contrary to section 66(1) of the Act. The proposal conflicts with CDLP Policy EN1 in that it would not protect, conserve and enhance the historic environment.
38. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great

³ Refs 13/01372/FUL dated 28 May 2013 and 19/01846/FUL dated 3 June 2020

weight should be given to the asset's conservation. Paragraph 213 goes on to advise that any harm to the significance of a designated heritage asset should require clear and convincing justification.

39. Given the extent of development, I find that the harm that would be caused to the significance of the listed building as a designated heritage asset would be 'less than substantial'. Framework paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, amongst other matters. CDLP Policy EN4 requires me to undertake a balancing exercise also as does Policy EN10. I will consider this further in the heritage and planning balance later in my decision.

Other Considerations

Fallback Position

40. There is no dispute that the earlier planning permissions for a replacement dwelling and 3 houses on part of the appeal site have been implemented.
41. In terms of the replacement dwelling and extended residential curtilage, the siting of the new dwelling was much closer to the road and the rear of the, to be demolished, Stanmore House than the siting of House D is. As part of this planning permission permitted development rights were removed for buildings within the curtilage of the site. On this basis, the impact of this development on the character and appearance of the area, on the landscape character of the SLA, and on the significance of heritage assets is not comparable.
42. The extant planning permission for 3 houses on part of the site shows a smaller site area, with the southern part of it not forming part of the approved scheme. Moreover 2 of the dwellings would be sited alongside Stanmore House, reflecting the linear pattern of development along the road. Although there would be a dwelling to the rear of the 2 dwellings, it would be located close to the eastern boundary of the site and positioned such that it would not be readily discernible from the road. The land outside of the approved scheme would remain undeveloped.
43. Although I share some of the concerns expressed by the appellant in respect of the extant 3 dwellings, it has planning permission and could be developed if the appellant/landowner wished. The merits or otherwise of this case are not before me. However, this scheme indicates that the Council previously found that a depth of development was acceptable in this location and this weighs in favour of the location of House C in the scheme before me. However, the openness that would remain along the southern part of the appeal site materially differs from that that would occur in the appeal scheme, where areas of garden and a building in the form of House D would erode the openness of this part of the site. Accordingly, this planning permission is not directly comparable either and does not provide justification for the appeal proposal.

Housing Land Supply

44. The Council has indicated that it is able to demonstrate a 5 year supply of deliverable housing sites which is disputed by the appellant. Reference is made to the last review carried out in August 2023 where 6.9 years was identified. The Council however acknowledged that the method for calculating the supply of housing as set out in the Framework has resulted in a significant increase in

numbers required per annum and is actively working on achieving this as part of the Cotswold District Local Plan update.

45. In the event that the Council cannot demonstrate a 5 year supply of deliverable housing sites, the Framework indicates at paragraph 11. d) that the most important policies for determining the application will be out of date, and that planning permission should be granted unless paragraph 11. d) i. or ii. apply. I return to this matter later in the Balance below.

Other Matters

North Meadow and Clattinger Farm SAC

46. The SAC in the Thames Valley represents an exceptional survival of the traditional pattern of management of lowland hay meadows. It contains a very high proportion of the surviving UK population of fritillary *Fritillaria meleagris*, a species highly characteristic of damp lowland meadows in Europe and now rare throughout its range.
47. Its qualifying features are lowland hay meadows and the conservation objectives are to ensure that the integrity of the site is maintained or restored and ensure that it contributes to achieving the favourable conservation status of its qualifying features by maintaining and restoring the extent and distribution of qualifying natural habitats, the structure and function (including typical species) of qualifying natural habitats and supporting processes on which qualifying natural habitats rely.
48. The North Meadow and Clattinger Farm Special Area of Conservation Interim Recreation Mitigation Strategy 2023-2028 (RMS) identifies that that growing numbers of visitors, driven by increases in local population in part, has led to an increase in recreational impacts at North Meadow. The RMS identifies mitigation measures based on a zonal approach. In this regard the appeal site is located within the outer zone of influence (4.2km -9.4km) where mitigation requires strategic access management and monitoring (SAMM).
49. The submitted S111 Agreement has made the required contribution to SAMM and the Council has indicated that its concerns in this regard have been addressed. Had I been minded to allow the appeal as the competent authority I would have undertaken an Appropriate Assessment, however as the proposal is unacceptable for other reasons it is not necessary for me to do this.

Cotswold Beechwoods SAC

50. The appeal site does not lie within a zone of influence of the Cotswold Beechwoods SAC. I note that there is a clause within the S111 in respect of the appellant recovering the payment made. It is open to them to pursue this directly with the Council. I have not considered this matter further.

Benefits

51. The proposal would make a contribution to the delivery of housing within the District at a time that there is concern that the Council may not be able to demonstrate a 5 year supply of deliverable sites, and looking forward needs to deliver considerably more dwellings than previously identified. The new dwellings would also be constructed to high sustainability standards and are in

a sustainable location where the principle of new housing schemes such as this are supported by the development plan.

52. The delivery of new homes on the site would support the Government's objective of significantly boosting the supply of homes and the small-scale nature of the proposal and the appellant's commitment means that they would be delivered quickly. These matters carry considerable weight in favour of the proposal, even having regard to the fact that the site has an extant planning permission for the same number of dwellings.
53. The high sustainability standards that would be incorporated into the dwellings, including SUDS measures would be likely in part be a requirement of the Building Regulations and anything above this would carry moderate weight in favour of the scheme.
54. The new dwellings would be constructed of local materials and there would be some economic benefits associated with this in the locality. The use of such materials is a requirement of the Cotswold Design Code and the benefits that would accrue could be achieved on an alternative site, or indeed as part of the construction of the dwellings that have planning permission on the site. I also acknowledge that the proposal would incorporate landscaping, walling and surfacing materials which are characteristic of the area, however, again, these would be likely required to comply with the development plan. These matters do not weigh in favour of the proposal.
55. Economic benefits including jobs, and the contribution that occupation of the dwellings would make to the local economy carry limited weight, given the quantum of development proposed. The social benefits of the occupiers supporting local services is acknowledged but the support 3 dwellings would provide would be limited and this limits the weight that I can attach to this.
56. Ecological enhancements including landscaping are likely to be a policy requirement, as is cycle parking. An absence of harm to highway safety, living conditions and other matters required by planning policies does not weigh in favour of the proposal. These matters are neutral in my considerations, as is an absence of harm to tranquillity.
57. The contributions made through the S111 Agreement is a benefit of the proposal, but such payment mitigates the impact of the scheme, thereby attracts little weight.

Conclusion on Kemble and Ewen SLA

58. In terms of the effect of the proposal on the SLA, the supporting text to CDLP Policy EN4 sets out that the term 'significant' in the context of Policies EN4 and EN6 is used in a general sense of an impact that matters or is important', and 'The assessment of 'significant detrimental impact' includes a judgement on whether any adverse impact of a proposal would outweigh its benefits'.
59. In respect of the Kemble and Ewen SLA, acknowledging that many of the landscape qualities of the SLA would not be affected by the proposal as set out by the appellant, I have found that the proposal would result in harm to the special character and key landscape qualities of the Kemble and Ewen SLA. The benefits of the proposal do not outweigh this harm because they could equally be achieved by development on the site which respects the qualities of the SLA. As such there would be a significant detrimental impact on the special

character and key landscape qualities of the SLA, in conflict with CDLP Policies EN6 and EN4, the objectives of which are set out above.

Heritage and Planning Balance

60. There is no doubt that there are benefits of the scheme including housing provision on a sustainable, small site that can be delivered quickly which broadly accords with policies of the development plan. However, in my view the design and layout of the development proposed should be of utmost importance. The harm that would be caused to the character and appearance of the area, the special character and key landscape qualities of the SLA and the significance of heritage assets through harmful development in its setting bring the scheme into fundamental conflict with the development plan as a whole, as well as the Act in so far as it relates to listed buildings.
61. Taking all of these matters into account, the public benefits of the proposal including the delivery of housing, and the economic, environmental and social benefits that the proposal would generate would not be sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of Mill Farmhouse as a designated heritage asset. It follows that the proposal fails to comply with the heritage protection policies contained within the Framework and CDLP Policies EN4 which seeks to protect the historic landscape and EN10 because clear and convincing justification of public benefits has not been demonstrated to outweigh the harm identified.
62. In the overall planning balance, although considerable, the benefits of the proposals are not sufficient in this case to outweigh the harm I have identified and the conflict with the development plan as a whole.
63. In this case, even if I accepted that the Council is unable to demonstrate the requisite supply of housing land, the harm identified to the significance of Mill Farmhouse as a designated heritage asset provides a strong reason for refusing the development proposed. The presumption in favour of sustainable development given by paragraph 11 of the Framework does not apply.

Conclusion

64. For the above reasons and having regard to all other matters raised, the proposal conflicts with the development plan as a whole and there are no material considerations which indicate a decision other than in accordance with the development plan.
65. Accordingly, for the reasons given, the appeal should be dismissed.

RC Kirby

INSPECTOR

APPEARANCES:

FOR THE APPELLANT

Mr Paul Fong	Morgan Elliot Planning Limited
Ms Claudia Jones	Morgan Elliot Planning Limited
Mr Jonathan Nettleton	Blake Architects/Gloucestershire Design Panel
Dr Jonathan Turnock	Pegasus Group
Mr Mike Davies	Davies Landscape Design

FOR THE COUNCIL

Mr Perks	Cotswold District Council
Mr Britton	Cotswold District Council
Ms Davis	Cotswold District Council