



Appeal Decision

Site visit made on 11 March 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/C1625/W/24/3356468

The Bungalow, B4060 Greenfield To Bradley Road, Bournstream,

Wotton-Under-Edge, Gloucestershire GL12 7PA

- 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 Zach McAllister against the decision of Stroud District Council.
 - The application Ref is S.24/0080/FUL.
 - The development proposed is described as “redirection of the existing driveway into the field adjacent to the property, allowing an access to the highway to enhance visibility and safety for all road users. This will require a change of use from agricultural to residential for the small portion of the field allocated for the drive.”
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. A revised version of the National Planning Policy Framework (the Framework) was issued in December 2024. The parts of the Framework most pertinent to my assessment remain largely unaltered and so there is no reason to seek comments from the main parties on the revisions.
3. The appellant has submitted an ecology technical note and an ecology and biodiversity appeal statement that was not with the Council at the time it made its decision. In light of this additional information, the Council is satisfied great crested newts are unlikely to be on the appeal site and that appropriate habitat enhancements could be secured through the imposition of a planning condition. Therefore, the additional information has addressed the third refusal reason as set out on the decision notice.
4. As such, the main issues are (i) the effect of the development on the character and appearance of the area including whether it would conserve or enhance the natural, scenic and landscape beauty of the Cotswolds National Landscape (formerly known as Cotswolds Area of Outstanding Natural Beauty), and (ii) whether the location of the development is acceptable having regard to policy CP15 of the Stroud District Local Plan 2015 (the LP).
5. In my consideration of this appeal, I have had regard to section 245 of the Levelling-up and Regeneration Act 2023 and the requirement to seek to further the statutory purpose of conserving and enhancing the natural beauty of National Landscapes (the section 245 duty).

Reasons

Effect on character and appearance of the area.

6. The Bungalow is a dwelling set above the B4060. Adjoining the residence is a grassed field that drops in height down towards the road and forms part of a fairly exposed slope on one side of a shallow valley. The site is in the Cotswolds National Landscape (the NL) and the local area is characterised by attractive, undulating countryside. There are nearby properties with associated accesses but open spaces and vegetation are more visually dominant than man-made features.
7. In views from the road, the upper parts of the field are visible with the buildings at The Bungalow in the background. I also saw unattractive piles of spoil on lower parts of the land. Nonetheless, the open, green and sloped field makes a noticeable positive contribution to the visual qualities of the valley and the NL.
8. The proposed access would lead off the road to the lower part of the field. From the access, a new driveway of Cotswold stone gravel would run straight up the slope towards the front garden area of The Bungalow. The plans indicate trees, hedges and a fence along the sides of the driveway as well as the closure of the existing access onto The Bungalow through new grass and tree planting.
9. The new access would be seen from the B4060 as well as from a parking lay-by on the opposite side of the road. It seems likely that the initial part of the driveway near to the access would drop from road level and so it would be partially hidden from view. However, it is also likely the higher parts of the driveway leading straight up the slope of the field would be visible from the road and lay-by. As this part of the site lies above road level, I am unconvinced new planting would totally screen the drive from public vantage points, particularly when approaching from the direction of North Nibley. The proposal would affect only a small area but nonetheless it would have a significant visual impact due to its proximity to the highway.
10. The introduction of the drive as a man-made feature would erode the site's natural appearance. The proposed trees and hedges would increase the vegetation coverage and so they would be beneficial to the natural aspects of the area. However, the surfacing of the drive would starkly contrast with the greenery provided by the planting and the remainder of the grass field. As such, the development overall would be detrimental to the rural character and appearance of the field and to the scenic views of the valley. The presence of other accesses and driveways in the area fails to justify or address the particular effects of the scheme.
11. For these reasons, I conclude the development would be harmful to the character and appearance of the area and it would also fail to conserve or enhance the natural, scenic and landscape beauty of the NL. In these regards, it would not accord with LP policies ES7, ES12 and CP14. Amongst other things, these policies require development to conserve and enhance the natural environment as well as the beauty of the NL.

Location of development.

12. LP policy CP15 seeks to protect the quality of the countryside by restricting development outside of settlement boundaries to identified exceptions. The appellant claims the Council has misapplied this policy as it does not explicitly

refer to development proposals at existing residences. However, the appeal site is outside any defined settlement and the policy itself does not exclude any particular types of development proposal. Therefore, I am satisfied the policy is relevant to the assessment of this appeal.

13. The development would not only allow access to The Bungalow but also to the rest of the field. However, there is already a gate and access into the field adjacent to the existing drive into The Bungalow. As such, I am unconvinced the proposal is strictly essential for the maintenance or enhancement of a farming enterprise and so it would not fall under the first exception category included in LP policy CP15. The appellant does not contend the proposal would fall within this or any of the other exception categories. Accordingly, I conclude the location of the proposal within the countryside would be contrary to LP policy CP15.

Other considerations and planning balance.

14. The proposal would be contrary to development plan policies for the reasons as set out under the main issues. Therefore, I need to consider whether other factors justify granting planning permission contrary to the development plan.
15. On the opposite side of the road to the appeal site is Old Bournstream House, a grade II* listed building. Due to the separation distance and intervening road, the development would not affect the setting or significance of this heritage asset. Acceptability in these regards is a neutral factor in my assessment.
16. The evidence indicates the development would avoid risk of harm to great crested newts. Also, new tree, hedge and grass planting would increase the biodiversity value of the site. The benefits in these regards attract limited weight given the scale of the proposed landscaping.
17. The appellant claims the access would allow easier handling of livestock on the field and would reduce the risk of mud being transferred from the field onto the highway. However, the existing access already includes an area of hardstanding before the field gate and so I fail to see how the proposal would lead to any meaningful improvements in these regards. Accordingly, I attach limited weight to these factors.
18. The proposed access would be near to a sewerage treatment plant associated with The Bungalow and other nearby properties. The development would allow vehicles associated with the servicing and operation of the plant to park off the highway. I attach limited weight to this as a benefit of the scheme as I would envisage infrequent roadside parking as a result of the treatment plant.
19. When driving off the existing access, visitors to The Bungalow and the adjoining field are able to see a significant length of the road to the left. However, visibility to the right is somewhat curtailed due to a bend in the road and roadside vegetation. The proposed access would be further away from the bend and so it would allow those leaving the site to have improved views of the road to the right. Therefore, it would reduce the risk of drivers unknowingly pulling out in front of on-coming traffic. Also, the relocated access would mean drivers travelling from the direction of Wotton-Under-Edge would have slightly improved views of vehicles slowing down to turn left into the access or of those leaving the site.

20. As such, the proposal would lead to benefits in terms of highway safety. I note the development is supported by a Highways Officer from Gloucestershire County Council for these reasons. However, the development would only serve a single dwelling and as an access to the field. Therefore, benefits in these regards would only relate to a modest level of traffic movements on and off the site. Accordingly, I attach moderate weight to the betterment to highway safety.
21. I find the advantages of the proposal would outweigh the harm caused by the identified conflict with LP policy CP15. However, paragraph 189 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Landscapes. In light of this policy context and the aforementioned section 245 duty, I attach considerable weight to the harm identified in respect of the first main issue. Accordingly, the benefits of the scheme fail to justify allowing the appeal and granting planning permission contrary to the provisions of the LP.
22. In arriving at this view, I have had regard to the appellant's reference to accesses that have been permitted and provided at Bournstream House and Millman's Farm. However, from the information provided it would seem the Bournstream House access was granted prior to the adoption of the LP and so in a different planning policy context. Furthermore, it is unclear from the submissions as to the factors that were considered by the Council in allowing the development associated with the Millman's Farm access. As such, I am unconvinced these other schemes are so similar to the current proposal so as to set a precedent that I am bound to follow in the determination of this appeal.

Conclusion

23. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR