



Appeal Decision

Hearing held on 5-6 February 2025

Site visit made on 6 February 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/C1625/W/24/3354249

Renishaw PLC, Old Town, Wotton-under-Edge, Gloucestershire GL12 7DW

- 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 Renishaw PLC against the decision of Stroud District Council.
 - The application Ref is S.24/0567/FUL.
 - The development proposed is Conversion of a former schoolhouse to deliver two dwellings and conversion of office/storage building to deliver two dwellings, and the development of 11 dwellings along with landscaping, drainage and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the Hearing both parties had made an application for costs against each other. However, at the Hearing both parties agreed not to pursue their respective applications.
3. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024 and replaces the previous version published in December 2023. During the Hearing both parties were able to bring my attention to any relevant revised policies.
4. The proposal relates to a listed building within a conservation area. In considering whether to grant planning permission I have statutory duties to have special regard to the desirability of preserving a [listed] building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area under sections 66(1) and 72(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. An associated listed building consent (LBC) application¹ has also been submitted to the Council for works to the Grade II listed building (building C on the proposed plans). At the Hearing I heard that the LBC decision is still pending but that the proposed internal and external works gave the Council no cause for concern. For the avoidance of doubt, the scope of this decision relates only to the s78 appeal and does not include consideration of the proposed internal works to the Grade II listed building.

¹ Local Planning Authority ref: S.24/0568/LBC

6. Following clarification at the Hearing, it was confirmed that reference to aluminium replacement windows on the listed building was an error and that they would be timber. The Council would be satisfied with a condition requiring timber window sections, should the appeal be allowed. It was agreed that the window section drawing² was redundant and could be excluded from the suite of plans.
7. It was confirmed that the examination for the emerging Stroud District Local Plan (the emerging local plan) had now resumed. Policies DHC1 and HC1 have not yet been heard, whereas Policies DCP1, CP2 and DHC6 have been although the Council was not aware of any objections or feedback. The Council gives the emerging policies no weight, whereas the appellant gives them medium weight. In light of the stage of preparation of the plan, I give the policies limited weight.
8. Before the Hearing draft planning obligations³ were submitted. A section 106 planning obligation (the s106) addresses Biodiversity Net Gain and the Unilateral Undertaking (the UU) addresses the affordable housing provision. At the Hearing the main parties confirmed their satisfaction with the terms of both legal agreements. A date for the submission of the signed and dated planning obligations was agreed. These have now been submitted.

Main Issues

9. The Council originally refused the application for 14 reasons. However, as part of their appeal the appellant submitted additional information to address some of the refusal reasons. The Council confirmed in their Statement of Case that the additional information had overcome refusal reasons 8 (Archaeology), 9 (Ecology and protected species) and 10 (Drainage). Therefore, these no longer form reasons for refusal. Refusal reason 14 replicates the public benefit balance that should be undertaken when there is harm to a designated heritage asset, as set out in the Framework. The Council agreed this does not need to form a specific reason for refusal.
10. Shortly before the Hearing, the appellant submitted a Statement of Common Ground in collaboration with Gloucestershire County Council as the Local Highway Authority to address the access and parking reasons for refusal. The Council has confirmed this now overcomes refusal reasons 11 and 13 relating to access and parking.
11. Refusal reason 7 relates to the non-submission of a legal agreement to secure affordable housing. The signed and dated UU would secure the provision of 30% policy-compliant affordable housing and thus overcomes this objection.
12. I see no reason to disagree with any of the above conclusions. In that context the number of refusal reasons has been reduced and the main issues in this appeal are now:
 - a) Whether the proposal would comply with local and national policies that seek to protect identified employment sites;
 - b) Whether the proposal (in particular new Block A) would preserve the setting of the Grade II listed building known as 'The Cottages'⁴ and other nearby listed

² Drawing P4001 Rev PO2

³ Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

⁴ National Heritage List for England: list entry number 1373889

buildings; the effect of the proposal on the significance of the non-designated heritage asset (the former Sunday School building) and; whether the proposal would preserve or enhance the character or appearance of the Wotton-under-Edge Conservation Area;

- c) The effect of the proposal on the Cotswold National Landscape; and
- d) Whether the proposal would provide acceptable living conditions for future occupiers of building B with regard to light, privacy and outlook.

Reasons

13. The appeal site comprises land adjacent to the appellant's existing industrial site and building off Old Town in the centre of Wotton-under-Edge. It is accessed off Old Town via an existing private drive that leads to areas of parking on rough ground. Pedestrians can cross the site and enter Long Street through an alleyway between buildings. The site is irregular in shape and widens out from the narrow access. The parties agree that the site is brownfield land, or previously developed land (PDL) as it is defined in the Framework glossary.
14. The site also includes two buildings. The former Sunday School building (shown as building B on the proposed plans) is a non-listed building that the parties have treated as a non-designated heritage asset, and so shall I. This building and the listed Cottages (shown as building C on the proposed plans) would both be converted into two residential units each. Adjacent to the former Sunday School building is an area of lawn enclosed by walling – this would be the site of a proposed new building (Block A) of contemporary design for 11 flats.
15. The remainder of the site would provide access and a landscaped car parking area for residents of the proposed residential units, and parking spaces for a number of existing residents of other nearby properties who have an on-going right to park on the site. A bicycle shed would also be erected for use by future residents of the scheme. A pedestrian route through the site from Old Town to Long Street would be retained.

a) *Employment land*

16. The Cottages and a small area of land to their rear form part of the wider existing Renishaw plc site and buildings, which is identified as a key employment site EK37 (Renishaw Old Town) in Policy EI1 of the Stroud District Local Plan November 2015 (the Local Plan). The Cottages form part of office/business/storage space associated with the Renishaw Old Town site and hence their inclusion in the protected employment allocation. However, they are no longer in use by the appellant.
17. The policy states that the identified sites will be retained for B Class uses and that redevelopment for alternative uses or changes of use from employment use will not be permitted. The proposal to convert The Cottages into 2 residential dwellings would therefore see the loss of protected employment land and hence would be contrary to Local Plan Policy EI1.

b) Heritage Matters

Special interest and significance of the heritage assets

18. **The Grade II listed Cottages** date from the 19th century. The building is of squared rubble stone with a slate roof. It is a single block, although there is evidence it was once longer, and two storeys to eaves with rooms and dormers in the attic⁵ with a central gable and flanking Cotswold gables. From the evidence and my observations, the special interest and significance of the listed building, insofar as it relates to this appeal, are largely derived from its historic interest as an example of vernacular 19th century domestic architecture and as a rare surviving building in an area much cleared and altered in the 20th century. Its age, simple form, character, legibility as a row of dwellings, and traditional construction materials make important contributions in these regards.
19. The special interest and significance of a heritage asset can also be derived in part from its setting, which the Framework Glossary defines as the surroundings in which a heritage asset is experienced. There was consensus between the parties that the surroundings have much changed and been degraded over time. Submitted map regressions show The Cottages were built set back from Old Town. Whilst they backed onto the rear of burgage plots on Long Street, they were historically associated with a parcel of open pastureland immediately to their front and which extended to Old Town, as shown on the Tithe Map extract of 1842. This land is no longer open or agricultural in character, having been occupied by the industrial building (built years ago for a different business) and which almost entirely obscures any views of The Cottages from Old Town.
20. The existing route of the private access drive from Old Town reflects the historic approach to The Cottages, which is clearly shown on the map extracts, and which remains today. It provides views of The Cottages as one progresses along it and contributes to the setting and understanding of their significance. To the south of The Cottages, what were once garden areas are now areas of ad hoc car parking on rough ground. Any garden area to the west of The Cottages is now occupied by a large early 20th century industrial building. Nonetheless, I find the open nature of this immediate setting affords an appreciation of The Cottages and where evidence of their phased development is visible.
21. From the evidence before me and my observations, I concur with the parties that the part of the site intended for Block A forms part of the wider setting of The Cottages but contributes little to the special interest and significance of the listed building.
22. **The former Sunday School building** is a non-designated heritage asset. Dating from the late 19th century, it is built of rubble stone with some brick quoins and segmental window arches and comprises a two storey building with a single storey annexe on its western end. Map regression shows it as a building set some distance behind the former Congregational Chapel on Old Town. Built on glebe land, it was however most likely to have served the congregation of the Parish Church of St Mary's a little further away than the Chapel. Its significance, insofar as it relates to this appeal, is largely derived from its historic interests as an example of vernacular 19th century architecture for a community building as part

⁵ The listing description refers to 3 storeys.

of the social evolution of Wotton, with the building's age and surviving historic fabric making contributions in these regards.

23. A 1763 map of the Berkeley Castle Estate⁶ shows an open area of land (that includes land intended for Block A) extending from Old Town and running south along the access track. It appears as kitchen garden subdivided with paths. The 1st edition Ordnance Survey map of 1881 shows the Sunday School building and a path along the side of the Chapel off Old Town leading towards it. There appears to be two demarcated areas immediately to the front (north) and side (west) of the Sunday School building. The 2nd edition (1902) and 3rd edition (1920) map extracts show the same path appearing more definitively demarcated and the aforementioned spaces more defined around the Sunday School.
24. The 1881 map shows the land intended for Block A as an open area, but with fewer paths than on the 1763 map, with some annotation of trees. The same parcel of land continues to be shown open, but without the paths, on both the 1902 and 1920 map extracts. This indicates that the parcel of land, with the access track running alongside it, has been open land for a considerable period of time.
25. On site one can see the alignment of the path that once led from the Sunday School, alongside the Chapel onto Old Town, but this now stops at the boundary wall that now forms the garden of what is now a dwelling converted from the Chapel. Some of the open land to the north has also been incorporated as garden and garage for the converted Chapel and there is a modern public toilet block on the corner by the site access.
26. However, the remainder of the land to the west of the Sunday School building (for Block A) remains open and laid to grass with some trees. The western and southern enclosing boundary walls, although modern, follow the approximate line of those shown on the early maps.
27. From the submitted evidence and what I heard and saw during the Hearing, I am inclined to the view that the land intended for Block A did not form part of the original intended grounds or play area for the Sunday School, and that any benefits the Sunday School may have enjoyed from use of the open surrounding land beyond its own more constrained curtilage would likely have been a result of happenstance. There would appear to be no historic or functional relationship between the land and the Sunday School, apart from some geographical proximity and there is no visible resemblance of the historic kitchen garden which once existed.
28. The former Sunday School building was not designed or orientated to be viewed from the open land to the west. However, this land nonetheless provides a simple landscaped and tranquil space that forms the immediate setting in which the former Sunday School building is experienced and its heritage merit appreciated, even if the space is gated and not publicly accessible any longer. The land earmarked for proposed Block A thus positively contributes to the significance of the non-designated heritage asset.
29. The appeal site is located within the **Wotton-under-Edge Conservation Area** (the WuECA). Wotton-under-Edge is an historic market town. The settlement of Wotton was first focussed on Old Town, the medieval St Mary's Church and the Manor

⁶ The parties viewed this map at the Hearing on Dr Turnock's laptop as it is unable to be reproduced for copyright reasons.

House to the northern edge of the town and the appeal site. As Wotton prospered from the wool trade and cloth industries, the town grew. However, as the Berkeley family retained control of areas around the Manor and church, the town expanded southwards into the 'new town', with new streets built on an early grid-iron pattern with a higher density of built form with properties fronting the streets and burgage plots to their rear. The large areas for the existing Renishaw building and the open land to the west of the Sunday School building still remain. The properties fronting Long Street and Church Street broadly enclose the appeal site, with some burgage plots adjoining the appeal site's southern boundary. The change between the more open areas to the north and the more densely designed new town to the south is legible today.

30. The Conservation Area Statement shows the appeal site lies within Sub area 1, which is described as urban, centring around the planned town of the medieval ages with higher density and the grid-iron street pattern of properties and burgage plots. However, Sub area 2 is the earlier settlement centred on the church and the Manor and, due in part to the single landownerships, the pattern and density of buildings here is more irregular than is found in the town centre and there is a greater sense of openness, which is afforded by a variety of public and private spaces. The aforementioned map extracts reveal this, showing the open space in front of the listed Cottages and the former kitchen garden land to the side of the Chapel and Sunday School. Despite its location within Sub area 1, the parcel of open land intended for Block A is more redolent of the openness described in Sub area 2.
31. From the evidence before me and what I saw during my site visit, I consider the character and appearance of the WuECA, and thus its special interest and significance, are in part derived from the architectural richness and variety of its surviving historic buildings, many of which are listed, and street patterns and the relationship of its buildings and spaces that reflect the economic and social development of the town and the marked change between the relationship of buildings and spaces of the old and new town.
32. The listed Cottages and former Sunday School building are integral components of the historic fabric of the town and conservation area. Thus they positively contribute to its character and appearance as a whole and thereby to its significance.
33. The parcel of land intended for Block A is currently open and undeveloped, and has historically been so. Its open character and appearance are also important components of the conservation area, reflecting former patterns of landownership as part of the manorial lands of Old Town and the Church, and the later expansion of Wotton southwards to the 'new' town' and its burgage plots. Hence, I find the land intended for Block A positively contributes to the open character and appearance of the conservation area as a whole in reflecting Wotton's evolution, and hence to its significance as a heritage asset.
34. In its reason for refusal the Council mentioned that **other listed buildings** would be affected but mentioned none specifically. At my request the Council listed a substantial number of listed buildings in the vicinity of the appeal site along Old Town, Church Street and Long Street that would be affected. However, at the Hearing the Council considered that whilst many of these buildings were visible

from the site, only Nos. 13, 15, 17 and 19 Long Street would be affected as their rear burgage plots backed onto the appeal site.

35. Whilst the individual listed buildings have their own specific historic and architectural interest, I saw that their significance is also derived in part from their group value as part of the overall townscape and surviving historic fabric of buildings and street pattern of Wotton, reflecting its growth over time. In the context of this appeal, the setting of the various buildings is primarily associated with their visibility as part of the commercial street setting and wider street scape. The appeal site affords views of the backs of these properties and some of the burgage plots associated with them, revealing a jumble of buildings, roofscapes and spaces. The existing open aspect of the appeal site thus allows an appreciation of these buildings as part of the wider townscape.

Effect of the proposal on the heritage assets

36. It is common ground between the main parties that the proposed works for the refurbishment and restoration of the listed Cottages and the former Sunday School building are not contentious and would not affect the significance of each building. Based on the submitted evidence and my observations I have no reason to find otherwise.
37. The proposed upgrading, resurfacing and landscaping of the parking areas in the southern part of the site would bring about an overall visual and physical improvement to the immediate setting of the listed Cottages and the space around them. This would allow a greater appreciation of the building's heritage merit and enhance its presence as a rare survival of an historic building in a currently degraded part of Wotton.
38. The proposed resurfacing and landscaping of the car parking areas would not encroach on the already degraded burgage plots to the rear of some of the properties fronting Long Street. Indeed the works would improve the surroundings in which the listed buildings on Long Street would be experienced, and thus preserve their settings.
39. The proposed refurbishment of the listed Cottages and former Sunday School building would bring two historic buildings, which are an integral part of the WuECA, back into active use and hence enhance the fabric and heritage merit of the conservation area as a whole. The proposed resurfacing and landscaping works would also visually and physically improve the site. As the site is an integral part of the conservation area, it follows that these improvements would also enhance the character and appearance of the WuECA as a whole. The upgrading works would also improve the pedestrian experience for those walking through the site between Long Street and Old Town as well as improve the outlook for local residents whose properties look out over the site.
40. However, the Council's concern rests principally with proposed Block A. It would occupy open land beside the former Sunday School that is important to its significance. Despite no strong evidenced historical or functional relationship between the space and the former Sunday School building, there would nonetheless be a loss of land that has historically lain open and undeveloped for over 200 years and from which the former Sunday School building is best appreciated and its legibility as part of Wotton's community understood. Hence the

erection of Block A would erode the setting, and hence significance, of this non-designated heritage asset.

41. Furthermore, the height to the roof ridge of the tallest part of the Block A would be about 16m tall and would be sited about 10.5m distance away⁷ from the nearest part of the Sunday School building. The 'L' shaped form of Block A would also mean the single storey limb to the north of the building would be in very close proximity to the former Sunday School building. Hence, the height of Block A coupled with its proximity would crowd and dominate the former Sunday School building and compete with it. This would further diminish the setting of the former Sunday School building and harm its significance.
42. With regards impact on the WuECA the physical presence of Block A would reduce the openness of a site, which has historically been open, harmfully eroding the contribution the appeal site makes to the character and appearance of the WuECA as a whole.
43. Block A would take up most of the parcel of land, built close to the boundaries, including with the garden of the converted Chapel, and the access track, leaving little space for the building with effectively only a path around the outer edges. With its tall blocky form and its relatively small area of communal outdoor space sandwiched between it and the former Sunday School building, the proposal would appear contrived and shoehorned into the site. This would create a cramped form of development that would amount to over development of the parcel of land. Block A and the parking areas read as discrete components on different parts of the wider appeal site such that they do not combine as a cohesive related whole. Hence, I do not share the view put forward by the appellant that Block A is not over development when seen as part of the total area of the appeal site.
44. The design of the building has sought to take references from the variety of building types, sizes, heights and forms in Wotton, and is intended as a contemporary reflection that would also use traditional materials in a modern way. The building would be cranked very slightly along the main western elevation along the track and at this point would step down to two storey. At this junction there would be a parapet between the two roofs, but this is not repeated at either end of the building such that it would be an isolated feature creating an unresolved and uncomfortable roof form. Despite the nominal cranked elevation, this does little to break up the bulk and length of the building into a successful terrace. The two storey element would have windows about the same size, if not larger, than the 2½ storey element and vertically the upper floor windows compete with the lower ones. Hence the detailing does not respond to usual fenestration language, and the smaller part of the building would be top heavy and out of scale.
45. Consequently, the building reads as a combination of parts put together, rather than as a cohesive whole, and the two parts of the building either side of the crank would sit awkwardly against each other. Even though there are buildings of different heights in the vicinity of the site, including tall buildings such as the Old Mill opposite the site entrance and Old Town House adjacent to the Sunday School, they are read as separate buildings in their own right but share a similar traditional architectural language. Here Block A would bear little resemblance in form and scale to surrounding buildings or to the grain of buildings in the historic

⁷ These distances were measured off the plans at the Hearing as there were no annotated measurements

market town, nor does it successfully address the Renishaw industrial building opposite. Even if views of Block A would be limited from outside the site, this does not mean the development is not capable of causing harm. The development would still be seen by those living there and by those walking through the site.

46. Whilst I have no reason to believe Block A would not be of a high quality build I find, through a combination of factors that include scale, bulk, form, massing and design, that Block A would be too big for its plot and of an unsuitable design such that it would be an incongruous addition to the townscape. There is no reason why contemporary designed buildings cannot fit in with more traditional surroundings. However, this particular building fails to do so here. It would thus fail to preserve or enhance the character or appearance of the WuECA as whole, and therefore would harm the significance of this designated heritage asset.
47. To conclude on heritage matters, I find proposed Block A would cause harm to the significance of the conservation area as a whole, and to the significance of the former Sunday School building, a non-designated heritage asset. The proposal would thus fail to satisfy the requirements of the Act and the relevant provisions of the Framework. It would also conflict with Local Plan Policies HC1, ES10, CP8 and CP14. Collectively these seek, amongst other things, to protect, conserve or enhance the district's historic environment, including the heritage significance of its market towns that includes Wotton-under-Edge. The policies also seek to ensure that the scale, layout and design of small scale housing in settlements is well-designed and compatible and appropriate to the site and the character and appearance of that part of the settlement.
48. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. With reference to paragraphs 214 and 215, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the proposed development and in line with the Framework, I find the harm to the significance of the conservation area would be 'less than substantial'. Less than substantial harm does not equate to less than substantial planning objections, but any harm carries considerable importance and weight. It is held in settled caselaw that the Framework's division of harm into categories of 'substantial' or 'less than substantial' is adequate to carry out the weighted balancing exercise to determine whether a proposal is acceptable.
49. Where development will lead to less than substantial harm, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal. I shall undertake this as part of the Heritage and Planning Balance later in the decision. Where development affects a non-designated heritage asset, a balanced judgment is required having regard to the scale of any harm and the significance of the heritage asset.

c) Cotswold National Landscape

50. The appeal site lies within the Cotswolds National Landscape (formerly the Cotswolds Area of Outstanding Natural Beauty), which is a nationally protected landscape. The statutory purposes of National Landscapes are to preserve and enhance their natural beauty. The Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions to now "seek to further"

the statutory purposes of Protected Landscapes. Framework paragraph 189 states that great weight should be given to conserving and enhancing their landscape and scenic beauty, which have the highest status of protection in relation to these issues.

51. Local Plan Policy ES7 states that priority will be given to the conservation and enhancement of the natural beauty of the landscape whilst taking account of the biodiversity interest and historic and cultural heritage. It goes on to say that development will only be permitted if the location, materials, scale and use are sympathetic and complement the landscape character, and natural features that contribute to the landscape character and setting of developments are retained and managed appropriately in the future. It further states that proposals within [the AONB] will be expected to have regard to it and any Cotswolds Conservation Board Management Plans and any other relevant documents and assessments.
52. The Cotswolds Conservation Board were consulted on the application and advised that in addition to Local Plan and Framework conflict, the proposal would conflict with guidance in its policies of the Cotswolds AONB Management Plan and Landscape Strategy and Guidelines by reason of its scale, massing and design and so would harm the character and appearance of the WuECA and fail to conserve and enhance the natural beauty of the Cotswolds National Landscape.
53. I have already found proposed Block A would harm the conservation area. However, the National Landscape is primarily a landscape designation and in this case washes over Wotton and other settlements. Wotton falls within Landscape Character Type 3B (Stinchcombe and North Nibley), which is characterised by rolling hills and valleys. Wotton sits at a valley mouth above the vale that stretches across to the River Severn. As the Conservation Area Statement explains, Wotton's name describes it as being "under the edge" of the Cotswolds Hills. This was clearly evident as I walked around Wotton and saw the Cotswolds Hills were a backdrop to the town, for example when progressing north along Bear Street and Church Street.
54. From the viewpoint on Wotton Hill that overlooks the town I saw how Wotton nestled in the landscape, with expansive views out towards the River Severn. The large rectangular monolithic block of the existing Renishaw building was conspicuous by its excessive scale and massing, in contrast to the prevailing tighter and smaller grain of the surrounding town. The appeal site was just about discernible and the proposal would not be significantly visible as to interfere with the expansive views. I saw that the proposal would not affect the overall shape and form of Wotton, would not see Wotton expand beyond its current form, and would not read as a disruptive element in the wider landscape.
55. From the evidence before me and my observations on site, I am satisfied that the landscape and scenic beauty of the Cotswolds National Landscape would not be adversely affected, but would be conserved. Accordingly, the proposal would not conflict with Local Plan Policy ES7 or the Framework.

d) Living Conditions of future occupiers

56. The parties have confirmed that there is a typographical error in refusal reason 12 and that it is building B (the former Sunday School) that would be affected, not building C.

57. Local Plan Policy ES3 is a general policy that seeks to maintain quality of life and apply a number of environmental criteria such that development that would result in unacceptable levels of certain amenity factors, such as noise, loss of daylight or sunlight, loss of privacy or would have an overbearing effect, will not be granted.

Privacy

58. The Council's Residential Design Guide⁸ provides standards regarding the distance between buildings and windows to ensure privacy for the occupiers. Where dwellings with clear windows face each other there should be a minimum distance of 25 metres.
59. Clear windows of proposed Block A would face directly towards clear windows in building B. As already stated, it was confirmed at the Hearing that the closest part of Block A would be about 10.5m away from building B and its ground floor bedroom window. This is less than half the recommended separation distance and hence would contravene the Design guidance.
60. The offending windows in Block A would serve the three storey, fully glazed, communal stairwell and a lobby landing. The use of the stairwell would be intermittent and views out would be more fleeting as residents and visitors ascend/descend the stairs. However, taking account of the height of Block A and that it would sit on ground some 600mm⁹ higher than building B, there would be a significant perception of being overlooked.
61. Views towards the bedroom window of building B from kitchen/living rooms and bedroom windows in Block A located either side of the stairwell would be more oblique, and over a slightly larger distance would not cause undue loss of privacy. However, the kitchen/living room of the single storey ground floor flat of Block A would be in very close proximity to the second window of the bedroom of building B. This proximity would reduce the effect of any oblique views. As such the bedroom of the ground floor flat in building B would be overlooked from several directions.
62. The appellant was willing to obscure glaze the windows to the stairwell. This would remove the potential for overlooking and could be conditioned if I were minded to allow the appeal. However, this indicates to me the issue is symptomatic of an inappropriate design.
63. In addition, block A has been designed to enclose a communal outside private amenity for use by residents of the 11 flats in Block A and those in the two dwellings in building B. This space would also be the pedestrian access route for residents/visitors of the two residential units in building B to access their front doors. Occupiers of the two-storey unit in building B would pass in front of both bedroom windows, which have low cills that would afford easy views in. Furthermore, those using the communal outside space would be able to look in. Thus privacy to future occupiers of the ground floor flat in building B would not be preserved.
64. I acknowledge that all future residents would be moving into a pre-designed situation aware of what looks onto what. Nor is it uncommon for dwellings, particularly in urban areas, to have pavements passing directly adjacent to

⁸ Residential Design Guide – Supplementary Planning Guidance November 2000

⁹ Confirmed by Mr Wint (Architect) following the Hearing at my request.

habitable rooms. However, this is not justification for creating poor living conditions and just because a room has a second window does not obviate privacy considerations for the main affected window. Furthermore, residents should not need to put blinds or other privacy screens up at windows to preserve their privacy to overcome design shortcomings because buildings are built too close and with windows facing. Nor is it generally acceptable to obscure windows in habitable rooms even if they are secondary windows, as this would reduce outlook for occupiers of these rooms and in this case both windows are large openings. I therefore find that the proposed Block A would not provide acceptable levels of privacy for the future occupiers of building B they could reasonably expect to enjoy.

Light/overshadowing

65. The appellant has provided a daylight assessment to assess the impact of Block A on light levels, using the summer and winter solstice. Looking at the existing situation the west elevation of building B and the open space outside it are in full sunlight at noon and at 4pm in the summer. In the winter there would be sunlight at noon, but not after 4pm.
66. With proposed Block A in situ, the end of building B would only get sunlight at noon in the summer. At all other times the end of the building B and its only bedroom would be in shade. The communal outside space would also be in shade from 4pm onwards in the summer, with partial shade at noon both in the summer and winter. All other windows in building B would be in shade anyway because all its other windows face north. But for a main habitable room to be in shade as well as the outside space would compound poor levels of light for occupiers of building B. I therefore find the presence of Block A would significantly alter levels of natural daylight and sunlight and adversely affect the living conditions of future occupiers of building B to an unacceptable degree.

Overbearing

67. Policy ES3 defines overbearing as a term used to describe “the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect”.
68. Proposed Block A would be sited on ground level some 660mm higher than building B. The difference in ground levels coupled with the bulk, massing and height of the Block A (about 16m), the close proximity of the buildings to each other, and its enveloping courtyard design would result in Block A having a domineering and overbearing effect on occupiers of building B and also users of the communal courtyard. This would result in the creation of an oppressive living environment that would harm their living conditions
69. To conclude on living conditions, I find that proposed Block A would create loss of privacy and sunlight and would have an overbearing effect on future occupiers of building B, particularly the ground floor flat. In coming to this conclusion I am mindful of the Framework’s increased emphasis on the effective use of land for housing, achieving appropriate densities and the need to take a flexible approach in applying policies or guidance relating to daylight and sunlight. If light was the only amenity factor affected, then maybe a flexible approach could be applied. However, there would be harm to a number of amenity factors in combination and as a result I find the cumulative effect would result in Block A causing

unacceptable levels of amenity for the future occupiers of building B, such that their living conditions would be harmed. Accordingly, the proposal (Block A) would be contrary to Local Plan Policy ES3, whose aims are outlined above.

Heritage and Planning Balance

70. Block A would harm the significance of both the Wotton-under-Edge Conservation Area and a non-designated heritage asset. Whilst there would be 'less than substantial harm' to the designated heritage asset, I afford considerable importance and great weight to the harm. The design and siting of Block A would also create unacceptable levels of amenity that would harm the living conditions of future occupiers. These are serious planning objections.
71. As there is less than substantial harm to the designated heritage asset, Framework paragraph 215 requires me to assess whether the harm would be outweighed by public benefits.
72. Public benefits, as described in the national Planning Policy Guidance, can be anything that delivers economic, social or environmental objectives. Benefits do not have to be visible or publicly accessible and can include, for example, works to a listed private dwelling that secure its future as a designated heritage asset.
73. Public benefits would accrue from restoring two heritage assets and bringing them back into active use, including returning the listed Cottages to its historic residential use. There would also be benefits to the WuECA and the heritage assets on Long Street from the resurfacing and landscaping works to the car park areas at the southern end of the site. These would attract great weight for conserving heritage assets.
74. There would be some modest short-term economic benefits during the construction and refurbishment phases, and longer-term spending by future occupiers, at least some of which would be spent in the local area.
75. There would be social benefits from the provision of housing units, 30% of which would be policy-compliant affordable housing secured by a planning obligation. The Council can only demonstrate it has a 4.33 year supply of deliverable housing land, so the provision of 15 houses would go some way to meeting that need and attracts significant weight. The appellant intends the housing for Renishaw employees to ensure they can live and work close by. However there is no mechanism to secure the housing in this way, so I must treat it as market housing.
76. The scheme would deliver moderate environmental benefits in the form of new shrub and tree planting with a biodiversity net gain equating to about 10% for habitat areas and about 326% for linear hedgerow habitats. The submitted S106 would secure the submission of a Habitat Management and Monitoring Plan and the agreement of the works to be undertaken. The site is also located in a sustainable town centre location that has the potential to reduce car journeys and reduce carbon emissions.
77. The scheme would involve redevelopment of PDL, or brownfield land, for a small to medium scale housing development within a settlement to which the Framework gives substantial weight. However, it could be argued that the land on which the new Block A would be erected is not brownfield land as the evidence shows it has remained open and undeveloped for a couple of centuries. Even if I consider the

whole site to be brownfield and give substantial weight to its redevelopment, this and the other weighty public benefits would not, either alone or cumulatively, outweigh the harm that would be caused to the significance of heritage and non-heritage assets, being mindful that the Framework advises that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. This therefore reduces the weight I give to the development of PDL.

78. Similarly, in undertaking the balance under paragraph 216 of the Framework I am firmly of the view that the benefits I outline above would not outweigh the harm I have found to the significance of the former Sunday School, a non-designated heritage asset.
79. There would be a loss of a small area of protected employment land contrary to Local Plan Policy EI1, in that The Cottages would be converted to residential use. It is clear that the purpose of the policy is to provide an adequate supply of employment land to create economic prosperity and maintain economic growth, and that protecting against the loss of existing employment land will help do this. There is no dispute between the parties that there is an ample supply of employment land throughout the district and it was acknowledged that the loss of The Cottages would not jeopardise the district's overall employment land supply position.
80. From the evidence and my observations on site looking at the relationship of The Cottages to the rest of the employment site EK37, their removal from the designation would not render the rest of the employment site unusable in size, shape, form or accessibility. Nor would the change of use of The Cottages result in the loss of a substantial employment presence in the centre of Wotton, as the remainder of the site would remain as a protected employment site. Indeed the same protected employment designation is proposed in the emerging local plan too. At the Hearing I heard how the appellant started the business in Wotton and is a big employer in the area, including with a newer site nearby at New Mills, and has no current intentions to sell the site.
81. The Council considers The Cottages could provide small start-up businesses in the centre of Wotton. The appellant has not undertaken any marketing of The Cottages for other Class B uses because they do not want to sell the site, but instead re-purpose them for their own use namely, as accommodation for its staff. On the site visit I saw that The cottages comprised a series of small rooms, as the building still broadly retains its residential layout and a number of historic features. The type of employment uses would be limited and constrained by the existing historic fabric of the building and its layout, and any significant change would likely be resisted on heritage grounds. I was not presented with any substantial evidence to suggest there is a waiting list or significant demand for such small-scale business start-up premises of this type in Wotton or the district, desirable as it may be.
82. I therefore conclude that the loss of a small area of protected employment land in the form of The Cottages, and taking into account the peculiarities of the site, would not result in a shortfall of employment land supply. In this instance, I am satisfied the proposal would not undermine the Council's strategy to generate prosperity and economic growth for Wotton and the district.
83. I am mindful of the Framework's requirement to make more efficient use of land and that this may increase housing densities and that in doing so take a flexible

approach to guidance to daylight and sunlight. However, I have found there would be harm to the living conditions of future occupiers of building B by reason of a number of amenity matters, namely privacy, light and overbearing effect that would have an enduring adverse effect.

84. Lack of harm to the Cotswolds National Landscape and the lack of harm from the loss of a small area of employment land carry neutral weight in the planning balance. Any CIL¹⁰ contributions cannot be regarded as a benefit as they are a mechanism to off-set the impacts of new development on an area.
85. Framework paragraph 11d) is engaged due to the lack of a 5-year housing land supply. However, in accordance with paragraph 11(d)(i) and footnote 7 the application of policies relating to designated heritage assets in the Framework provide a strong reason to refuse permission.
86. I have found the proposal would conflict with the development plan as a whole. The material considerations and public benefits I outline above are not sufficient to outweigh this conflict.

Conclusion

87. For the reasons set out above, the appeal should be dismissed.

K Stephens
INSPECTOR

¹⁰ Community Infrastructure Levy Regulations 2010

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gemma Davis	Principal Planning Officer
Kate Russell	Conservation Officer
Martin Evans	One Legal for the Council
Gary Spencer	One Legal for the Council

FOR THE APPELLANT:

Paul Fong	Managing Director Morgan Elliot Planning Ltd
Claudia Jones	Associate Director Morgan Elliot Planning Ltd
Dr Jonathan Turnock	Heritage witness (Pegasus Group)
David Wint	Architect (Roberts Limbrick Ltd)
Mike Glaze	Highways witness (Rappor Consultants Ltd)
Nicholas Harman	Landscape witness

INTERESTED PERSONS:

Martin Clarke	Wootton Civic Society
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Documents submitted at the Hearing

1. Policies from emerging Local Plan, as requested
2. Set of full scale plans, as requested

Documents submitted by agreement after the Hearing

1. Section 106 agreement signed and dated 19 February 2025.
2. Unilateral Undertaking signed and dated 19 February 2025 by the appellant.
3. Email confirmation of ground levels, as requested.