



Appeal Decision

Site visit made on 11 February 2025

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/C1625/W/24/3343654

Land at Middle Hall Farm, Middle Street, Eastington, Stroud, Gloucestershire, GL10 3BA

- 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 Nick Spencer against the decision of Stroud District Council.
 - The application Ref is S.23/1793/FUL.
 - The development proposed is for the retention of a static mobile home for the purposes of an agricultural workers dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a static mobile home for the purposes of an agricultural workers dwelling, at land at Middle Hall Farm, Stroud, GL10 3BA in accordance with the terms of the application, Ref S.23/1793/FUL, and the plans submitted with it – being the Location Plan 01262 001 and Site Plan, Floor Plans and Elevations – 01262 002. This is subject to the following conditions:
 - 1) The occupation of the static mobile home hereby permitted shall be limited to a person solely or mainly working, or last working if currently unemployed, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependant.
 - 2) Within three months of the date of this permission the proposed vehicular access and parking facilities shall be provided in accordance with the submitted plan drawing no. 01262-001, with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in a bound permeable material and those facilities shall be maintained available for those purposes thereafter.

Preliminary Matters

2. The dwelling is already erected, as I observed on site. However, this has not had any bearing on my consideration of the merits of the proposal to retain the development.

Main Issue

3. The main issue is whether the dwelling is situated in a suitable location.

Reasons

4. Core Policy CP15 of the Stroud Local Plan (LP) sets out principles to be complied with for development in the countryside, which this appeal proposal would be a

version of. As a dwelling for an agricultural worker the Council have already agreed that the proposed development would comply with these principles. The Council state that concluded that there is an essential need for a mobile home for an agricultural worker. I have no substantive evidence or reasons to disagree with this position.

5. Core Policy CP15 also requires that where these principles are met, there are several further criteria which need to be complied with. This includes criterion ii, which requires that development does not lead to excessive encroachment or expansion of development away from the original buildings. It is this criterion only which the Council states that the proposed dwelling would not accord with.
6. It is not clear from this policy criteria what 'original buildings' are defined as, but it is my view that this would mean the original buildings which would be associated with the proposed development. In this case it would be the farm complex at Middle Hall Farm.
7. In this case, there is a gap between the farm complex and the dwelling, but this is over agricultural land which is part of the farm. The farm buildings are close enough to be clearly visible and it takes only a short time to walk the distance between the dwelling and main farm buildings. Furthermore, it is accepted that as a worker at the farm, the occupier would unlikely wish to live much closer, so that they can be removed from the noise of livestock for example. There is also some benefit for the occupier to live adjacent to other dwellings, rather than living more remote from the village within the farm building area.
8. For these reasons, the location of the dwelling would not result in an excessive encroachment or expansion of development away from the original buildings. The dwelling would sufficiently relate to the farm. There would be a gap from the main farm complex, but not to an excessive degree that would lead to a harmful encroachment or expansion away from the main farm buildings.
9. The proposal therefore accords with policy CP15 of the LP. The proposal also broadly accords with the policies of the Eastington Neighbourhood Development Plan.

Ecology Issues

10. As set out by the Council, *"the site sits within the core catchment zone for recreational pressure for the Cotswold Beechwoods SAC and the Severn Estuary SAC/SPA, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). There is potential; that, without appropriate mitigation, the proposed new dwelling could result in negative effects to this European site through increased recreational pressure"*.
11. The site is within the catchment zone of the Severn Estuary SAC and SPA. It hosts internationally important populations of several species of waterbirds. Without mitigation, the recreational activity from the additional population generated by the proposal (such as trampling, dog walking, etc) would cause additional disturbance to the birds. The conservation objectives include maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and species.
12. The site is also within the catchment zone of the Cotswold Beechwoods SAC. Its qualifying features are semi-natural dry grasslands and scrubland, and its Beech forests. Recreational activity from the additional population resulting from the proposal, for

example erosion from mountain biking and contamination from dog fouling, would have an adverse effect on its grasslands and forests.

13. The SACs and SPA are protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). For the reasons given above, alone and in combination with other development, a likely significant effect to the SAC and SPA resulting from the proposal cannot be ruled out. Consequently, in accordance with the Habitats Regulations and as competent authority in the context of this appeal, I must undertake an Appropriate Assessment (AA).
14. In respect of the Severn Estuary Site, the Council has produced the Stroud District Council formally adopted the Stroud District Council Severn Estuary Avoidance Mitigation Strategy in December 2017, which has been endorsed by Natural England. The mitigation has been developed in the form of Suitable Alternative Natural Greenspace (SANGs) for visitors, along with access, parking management and education. This would be funded through proportionate developer contributions. For the Cotswold Beechwoods SAC, mitigation includes strategic access management and monitoring (SAMM) and SANGs, also to be funded by financial contributions. Both seek to meet the conservation objectives by reducing recreational pressure.
15. In this case, a S106 agreement secures adequate financial contribution towards these mitigation measures. The Council has confirmed that the contributions and mitigation would be sufficient. In undertaking the AA, the information before me indicates that the mitigation would reduce the impact of the proposal on the integrity of the SACs and SPA to a de minimis level. As such, it would accord with the Habitats Regulations.

Other Matters

16. The proposal is for a single small dwelling and therefore would not result in a discernible increase in traffic over existing levels. Parking provision is shown off street, thereby avoiding an increase in on-street parking.
17. The dwelling is near to existing houses and so would not appear as an isolated dwelling in the countryside. However, its visual impact is limited due to its position adjacent to a high hedge and its low overall roof height.

Conditions

18. The first condition is one that would ensure that any occupant of this dwelling should be employed in agriculture, as this is a key reason for the dwelling being allowed in the location proposed.
19. The Highways Authority required a condition which has been included, which requires the appellant to form and maintain the access and parking to service the dwelling, in the interests of highway safety and parking provision.

Conclusion

20. For the reasons given above the appeal should be allowed.

Mr S Rennie

INSPECTOR