



Appeal Decision

Site visit made on 18 March 2025

By G Powys Jones MSc FRTPi

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/F1610/W/24/3352297

Ebrington Hill Farm, Ebrington, Chipping Campden, GL55 6LY

- 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 K Masterton against the decision of Cotswold District Council.
 - The application Ref is 24/01345/FUL.
 - The development proposed is external alterations to appearance of dwellinghouse approved under 23/02375/FUL.
-

Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. Reference has been made to a previous planning permission affecting the building subject of appeal. This related to the '*conversion of barn to a residential dwellinghouse and associated works*'¹. The permission remains extant and is a weighty material consideration in this appeal.
3. The description of the development used in the application form subject of the current proposal is '*External alterations to appearance of dwellinghouse approved under 23/02375/FUL.*' The appellant suggests that the amended description used by the Council in its decision letter was not agreed.
4. The application relates to the same site as before, as defined by the plans. The appellant, in effect, seeks to carry out the development previously permitted but by making variations to the approved plans. No explanation has been provided as to why the section 73² procedure was not invoked to vary the plans listed under the provisions of condition 2 imposed on the previous permission.
5. Be that as it may, judging from the application form and supporting documentation, what the applicant has in mind is perfectly clear, and I shall therefore use the same terminology as the appellant in the banner heading description. The Council opposes the principle of the change of use in this location having regard to settlement policy and issues of accessibility. Although I understand the thrust of the point made, I do not adopt the same stance as the Council, since the principle of the change of use is clearly established by the previous extant permission.
6. I shall therefore proceed on the basis of the appellant's submission.

¹ Ref 23/03375FUL, dated 18 December 2023

² Of the Town & Country Planning Act 1990 (as amended)

Main issue

7. The main issue is the effect of the proposed changes on the character and appearance of the host property and the surrounding area.

Reasons

8. The appeal site lies in the heart of the countryside, within the designated Cotswolds National Landscape (Area of Outstanding Natural Beauty). It is on elevated land, just less than a mile to the north of Ebrington. The appeal property is a large, relatively modern barn, currently unused. Just to the south-west is a complex of buildings of a more traditional appearance, being the original farmhouse and its converted outbuildings. The site is reached from the highway along a lengthy private drive.
9. I found the landscape characteristics of the area to closely match the description used by the National Cotswolds Landscape Board in its Landscape Character Assessment of the Cotswolds (CLCA). The area is characterised by distinctive rolling hills, rising above the valleys below, and forming prominent landscape features visible from distance. The landscape is largely comprised of and characterised by an attractive patchwork of open fields, hedgerows, woodland, coppices and isolated buildings. Although short range views into the site are not obvious, views into the site and surrounding land are obtained from elevated points within the surrounding beautiful panorama.
10. The principle of converting the barn to a dwelling is already established, and I have been provided with a set of the approved plans. It is evident that the scheme was seen by the Council as according with the provisions of section (a) of DLP³ Policy EC6 in that the conversion would not involve substantial alteration, at least to the main elevations. The explanatory text to the policy provides that the reason for this requirement is that a conversion should not be a pretext for what would be tantamount to the erection of a new building in the countryside.
11. The applicant now proposes changes to the elevational treatment, and to the external areas. Large, glazed openings, interspersed with smaller windows would be introduced notably on the south-west and south-east facing elevations. A large, glazed opening to accommodate a relocated main entrance to the dwelling would be inserted in the western elevation, although a sliding timber door is also proposed here. The external areas would be altered, the most notable elements of change being the part removal of a substantial earth bund and vegetation which currently screens the building from the west, and excavations to accommodate car parking and circulation to the rear of the building. The roof would see substantial changes.
12. To my mind, the significant and substantial changes proposed would transform the appearance of the original barn. Such would be the degree of change that the finished product, including the proposed roof treatment and the use of new cladding materials, would to my mind more resemble a large, new contemporarily designed dwelling than a conversion. For this reason alone, I find the proposal to be at odds with one of the principal tenets of local policy regarding the conversion of rural buildings to other uses.

³ The Cotswold District Local Plan

13. DLP policy EN2 requires that proposals should be of a design quality that respects the character and distinctive appearance of the locality. This policy is linked to the Cotswold Design Code, which is not entirely inimical to modern, contemporary design in certain circumstances. However, the Code also contains a section on barn conversions, and I see very little of the guidance outlined in the relevant key considerations being followed in the proposed design or external works and landscaping, although the appellant offers to amend the landscape proposals.
14. I share the appellant's view that the existing barn is not an attractive building, it is distinctly utilitarian in appearance. It's main saving grace, however, is its plainness, Unlike the proposed scheme, it doesn't currently draw attention to itself, and it is relatively well screened on three sides on account of past earthworks, excavations and by vegetation, including maturing trees.
15. On the other hand, the proposed scheme, if built, would completely alter the balance in that the building would stand out conspicuously having become far more exposed in its attractive landscape setting, affecting and harming the essential character of the countryside, a nationally protected landscape. The design quite simply does not, in my view, respect either the character or distinctive appearance of the locality.
16. I do not therefore share the appellant's view that the impact on the AONB would be consistent with the approved scheme. Whilst I note the attempts made to reduce or limit light spill, I am not persuaded that they would be wholly successful, so that even at night, darkness, an intrinsic characteristic of the countryside, would be materially affected.
17. The appellant says that the purpose of submitting the amended design is to improve the quality of the consented scheme both in terms of materials and design quality. The principal test of the scheme before me, however, is whether it accords with relevant development plan policy, having regard to that already approved. I find that it does not.
18. Accordingly, as set out above, a material conflict arises with the relevant provisions of DLP policies EN2 & EC6 since the scheme would serve to harm the character and appearance of the surrounding countryside, part of a protected National Landscape wherein national policy⁴ provides that great weight should be given to conserving its scenic beauty. I shall follow that advice in this case.

Other matters

19. A procedural concern arose from considerations as to whether, in the absence of an executed section 106 obligation, whether this should be appropriately treated as a self-build scheme. In the Council's view, this has implications for bio-diversity gain requirements. Had I shared the Council's view on this matter, an appropriate condition could have been imposed on any permission granted. However, given my conclusion on the main issue, I find that further consideration of this matter is unnecessary.
20. I have considered all other references to the *Framework*. Reference has been made to other CLP policies, but I consider those to which I have referred to be the most relevant having regard to the facts of the case. No other matter raised in the

⁴ National Planning Policy Framework

representations is of such strength or significance as to outweigh those considerations that led to my conclusions.

21. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR