



Appeal Decision

Site visit made on 8 April 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/C1625/W/25/3359891

Springfield House, Littleworth, Amberley, Gloucestershire GL5 5AG

- 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 Robert Beale (Morgan Elliot Planning Ltd) against the decision of Stroud District Council.
 - The application Ref is S.24/0593/FUL.
 - The development proposed is described as “change the use of land from paddock to residential curtilage to allow the formation of a kitchen garden at Springfield House, Amberley”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant’s description of development refers to a change of use to residential curtilage although this is not a use of land. Instead, I have assessed the appeal on the basis of the second part of the description and a proposal for the change of use of land to a kitchen garden associated with Springfield House.
3. The appellant claims the appeal site has been used for domestic purposes for a number of years. However, the description of development is clear in stating the proposal relates to the change of use of the land from a paddock. This forms the basis of my assessment.
4. Since the Council’s decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. The parts of the Framework most relevant to this appeal remain largely unaltered and so there is no need to seek the main parties’ comments on the revisions.

Main Issues

5. 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 hereafter referred to as the NL), and (ii) whether the development would be acceptable in light of core policy CP15 of the Stroud District Local Plan 2015 (the LP).
6. In my consideration of this appeal, I have had regard to section 245 of the Levelling-up and Regeneration Act 2023 (the section 245 duty). This requires me to seek to further the statutory purpose of conserving and enhancing the natural beauty of National Landscapes.

Reasons

Effect on character and appearance of the area and on the NL.

7. The site is an open area of land that falls in height from its eastern boundary towards the western boundary with an open field beyond. Residences and gardens adjoin the field. Also, to the south of the site is the long back garden to Springfield House. Other dwellings and a fenced tennis court lie to the east. Despite the influence of the nearby gardens and houses, the locality has a significant rural feel and appearance, mainly due to the open field, hedges and trees and extensive views of sloping countryside. The appeal site is more similar in appearance to the adjacent field rather than the garden to Springfield House as it contains no ornate planting nor typical domestic features such as plant pots, greenhouses and mowed lawns. With the adjoining field, the site makes a positive contribution to the intrinsic beauty of the countryside.
8. The proposal is for the change of use of land with no mention of any buildings or structures being erected. Moreover, it would be reasonable to impose a condition on any planning permission so as to remove permitted development rights that would allow buildings, structures and hard surfaces to be provided on the site. However, such a condition would only control acts of development and it would be unreasonable to restrict typical garden activities and the placement of associated features such as planters, washing lines and play equipment. Therefore, it is likely the development would change the appearance and nature of the paddock.
9. The appeal site is not seen from public vantage points but it is clearly visible from nearby residential properties as well as from the adjoining field. The activities and features associated with the proposed use would be obvious from these viewpoints, particularly as the site is on a slope. Trees on and near the site may provide a degree of screening, particularly once the sapling trees within the paddock have matured. However, I am unconvinced they would entirely conceal the garden, especially during times of leaf fall. Therefore, the visual effects of the development would be noticed from private land away from the site.
10. The garden would not appear unusual as it would be seen alongside Springfield House's garden and the other nearby residential properties. Even so, the domestic activities and associated features would undermine the rural and pastoral nature of the land. Also, it would represent an obvious encroachment of domestic outdoor space onto land that currently forms part of the countryside. As such, the development would spoil the rural scenic qualities of the site, its surroundings and the wider NL.
11. A biodiversity enhancement plan (BEP) refers to the trees already planted on the appeal site as well as the creation of a buffer strip along the eastern boundary. The cover letter to the planning application also mentions the planting of wildflower meadows. Accordingly, it would seem the development would retain and to a limited degree enhance the natural features on the site. In these regards, it would comply with part 8 of LP core policy CP14. However, the visual effect of such features would not address nor override the detriment to the scenic qualities of the local landscape through the use of the proposed garden and associated features.
12. The appellant refers to planning permissions for new garden areas at other properties within the NL. However, from the information provided I am unconvinced that these are so similar to the appeal development to create a

precedent that I am bound to follow with this appeal. Also, I note the Council officer's report on the planning application leading to this appeal says the development would have no negative impact on landscape character. However, the Council's refusal reasons and its response to the appeal raises such concerns. Therefore, my views on this matter are not inconsistent with the Council's submissions when considered as a whole.

13. For these reasons, I conclude the development would have a harmful effect on the character and appearance of the area and that it would neither conserve nor enhance the natural, scenic and landscape beauty of the NL. In these regards, it would not accord with part 5 of LP core policy CP14 and LP policy ES7. These look for development to be respectful of its surroundings and to prioritise the conservation and enhancement of landscape beauty within the NL area.

LP core policy CP15.

14. LP core policy CP15 states proposals for development outside settlement limits will not be permitted except in specified circumstances. The appellant accepts the appeal site is outside of a settlement and that none of the circumstances set out in the policy apply in this case. Furthermore, one of the stated aims of LP core policy CP15 is to protect the quality of the countryside. I have already found the proposal would be detrimental to the visual qualities of the rural landscape and so it would not accord with this aim. Therefore, I conclude the development would be unacceptable in light of LP core policy CP15.

Other matters.

15. There would be no intervisibility between the garden and the Amberley Conservation Area and so the setting and significance of the heritage asset would be preserved. Acceptability in these regards is a neutral factor in my assessment.
16. The intention is to use the site for a hobby of growing vegetables. There are health benefits to such an activity and it would make a more productive use of the site. Also, the measures set out in the BEP may lead to an increase in the site's biodiversity value, particularly in terms of providing undisturbed ground cover for amphibians and reptiles. I attach positive weight to these advantages.
17. However, paragraph 189 of the Framework dictates 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 significant weight to the identified harm that would be caused by the development. Accordingly, the benefits of the scheme fail to justify allowing the appeal and granting planning permission contrary to the LP.

Conclusion

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

Jonathan Edwards

INSPECTOR