



Appeal Decision

Site visit made on 25 June 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/P0119/D/25/3361657

Jessamine Cottage, The Folly, Cold Ashton, South Gloucestershire SN14 8JR

- 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 James Lawrence against the decision of South Gloucestershire Council.
 - The application Ref is P24/01799/HH.
 - The development proposed is described on the planning application form as 'Erection of garden building (retrospective) for use as a games room ancillary to main house'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1no. outbuilding to form incidental games room at Jessamine Cottage, The Folly, Cold Aston, South Gloucestershire SN14 8JR in accordance with the terms of the application, Ref P24/01799/HH, and the plans submitted with it.

Preliminary Matters

2. I have taken the description of development, in the banner heading above, from the planning application form. However, in the formal decision, I have used the description of development from the Council's decision notice as it more accurately reflects the proposal before me than the one provided on the planning application form. I have amended the description though by deleting the word 'retrospective' which is not an act of development.
3. I saw at my site visit that the appeal building had been constructed on site.

Main Issue

4. The main issue in this appeal is whether the appeal development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

Reasons

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2006-2027, adopted December 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan, adopted November 2017 (PSP) aim to ensure that the Green Belt is protected from inappropriate

development and requires that development in the Green Belt complies with the provisions of the Framework. In these respects, the CS and PSP policies are consistent with the Framework.

7. The Framework identifies that certain forms of development are not inappropriate in the Green Belt, with Paragraph 154 (g) identifying that limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, would not be inappropriate.
8. The appeal site consists of a residential garden in a rural location which is not 'built-up'. The appeal site therefore constitutes previously developed land, as defined in the glossary to the Framework, and the Council do not dispute this. I therefore turn to whether the appeal building causes substantial harm to the openness of the Green Belt.
9. The construction of a building within the existing garden area has undoubtedly resulted in some loss of openness. The building replaces two back-to-back garages although from the limited evidence before me, the footprint of the appeal building is much larger and therefore I only attribute limited weight to this.
10. Nonetheless, the garden is enclosed by a stone wall along the western boundary and established planting to the east. The single storey building is rectangular in shape with stone walls under a pitch roof. It appears to have been excavated into the slope of the land which reduces its overall height to some extent. Located in the garden to the rear of the house and on lower ground, the building is not visible from the road.
11. The simple design, modest size and scale of the building together with the high degree of screening to the appeal site means that the appeal building does not cause substantial harm to the openness of the Green Belt. Accordingly, the appeal building is not inappropriate development in the Green Belt by virtue of Paragraph 154 (g) of the Framework and no conflict with Policies CS5 and CS34 of the CS and Policy PSP7 of the PSP arises.

Other Matters

12. It is clear from the appellant's submissions that the building is to be used for purposes incidental to the enjoyment of the main dwellinghouse. This is reflected in the formal decision in Paragraph 1 above.
13. The appeal site is located within the Cold Ashton Conservation Area (CA). The significance of the CA is derived from it being a visually attractive, historic settlement in a rural landscape setting. For the reasons set out above, including the degree of screening to the boundaries of the site and the design and scale of the appeal building, the impact of the development on the significance of the CA is a neutral one.
14. The appeal site lies within the Cotswolds National Landscape (NL). The NL is characterised by open views. The enclosed nature of the appeal site and modest scale of the appeal building conserves the natural beauty of the area.

15. The appeal site lies close to the Grade II listed White Hart former public house. However, the scale and location of the appeal building together with the existing intervening development means that the appeal building has a neutral effect on the setting of the listed building.

Conditions

16. As the appeal development is retrospective, I have allowed the appeal on the basis of the submitted plans and a time limit condition is not necessary.

Conclusion

17. The appeal development adheres to the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish

INSPECTOR