
Appeal Decision

Site visit made on 17 June 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/F1610/W/25/3359728

Land to the rear of The Yews, Rectory Lane, Great Rissington GL54 2LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Pete Mackenzie against the decision of Cotswold District Council.
 - The application Ref is 24/02661/PLP.
 - The development proposed is erection of a maximum of five residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Practice Guidance (PPG) advises that The Town and Country Planning (Permission in Principle) Order 2017 (as amended) is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle from the technical detail. This consent route has 2 stages: the first 'permission in principle' (PiP) stage establishes whether a site is suitable in principle, and the second 'technical details consent' (TDC) stage, assesses the detailed development proposals. This appeal relates to an application under the first (PiP) stage.
3. An applicant can apply for PiP for residential development by expressing a minimum and maximum number of dwellings. In this case, PiP has been sought for the erection of up to 5 dwellings. The scope of the considerations is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly. The proposal includes some indicative plans. I have had regard to these insofar as they depict how the development could be carried out.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Reasons

Location

Settlement strategy

5. The site comprises an open field with a gated access from Rectory Lane. The Council states that the site lies outside of the village envelope of Great Rissington, a 'non-principal settlement', and thus lies in the open countryside in which Cotswold

District Local Plan (2018) (LP) policy DS4 restricts new open market housing unless it accords with other policies that expressly deal with residential development in such locations. The appellant's central argument is that the site is within the settlement boundary of Great Rissington in which LP policy DS3 permits small-scale residential development provided specified criteria are met.

6. The settlement boundary to Great Rissington is not defined for development plan purposes. Accordingly, the question of whether the development would be located outside the built-up area of the settlement is a matter of planning judgement taking into account what is on the ground. The site comprises an open field which lies outside the clusters and linear patterns of development which characterise the village and is experienced as part of the rural context beyond Great Rissington. Given this, whilst the site is bordered by residential development and the western boundary is roughly in line with the limits of development at Green's Close, the village envelope does not include the appeal site.
7. My attention is drawn to an application¹ in which the Council considered that the site was located within the settlement boundary of Great Rissington. However, there is no evidence that the referenced site, which is surrounded by residential development on all sides, is comparable in character to the appeal site.
8. Given the site's location beyond the settlement boundary LP policy DS4 is applicable. There is no argument put to me that the scheme would comply with the 'other policies' as required by LP policy DS4. In view of the conflict with this policy, the proposal would be contrary to the settlement strategy for the area and thus would not provide a suitable location for housing.

Character and appearance and the setting of designated heritage assets

9. The site borders a grade II listed building, The Yews, and statute requires that I pay special regard to the desirability of preserving a listed building or its setting². I have been provided with the listing description for The Yews which sets out that it is a farmstead of probable early 18th-century origin with a traditional drystone wall. The building appears to derive its significance from the antiquity of parts of its fabric including high-quality masonry finishes and detailing, and from its architectural interest as a well-preserved example of a vernacular building of its type. It appears that the setting of the building has been eroded through flanking modern residential development, the loss of the former agricultural buildings and the associated orchard to the east which would have given legibility to the farmstead context of the asset.
10. There is no indication that there is any historic link between the site and the listed building and consequently it does not appear to derive its significance from any physical connection to the appeal site. In the absence of evidence to the contrary, I am satisfied that the development of the site for residential use would not harm the setting or significance of the listed building.
11. The site borders the Great Rissington Conservation area (CA) to the south and east. The CA covers the historic core of buildings in the village and is characterised by its circuitous layout and its traditional dwelling forms and palette of materials. These characteristics, in combination with undeveloped parcels of land within and

¹ 23/01220/FUL

² Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

adjacent to the CA, give the area a distinctive verdant rural character which is visually connected to its rural hinterland. Whilst there are some examples of non-linear development within the CA, dwellings are predominantly set within linear plots and address the road, reflecting the historic settlement pattern, which, in addition to the quality of its architectural fabric, appears to be part of the CA's significance.

12. The site does not form part of an 'important view' and is not in active agricultural use. Nonetheless, its open, undeveloped nature makes a positive contribution to the verdant rural character of the village and the setting of the CA. The loss of this undeveloped land would be harmful to the verdant rural character of the village and the setting of the CA.
13. Matters of design and layout would form part of a TDC application if PiP were granted. Nonetheless given the form of the site, it is evident that the development of the site would comprise a form of development which would have limited street presence. This 'backland' development form would be at odds with the predominant development form in the area, undermining the pattern of development within the village, resulting in harm to its character and appearance.
14. Considering the above, the proposal would result in harm to the setting of the CA. It is suggested that there would be the opportunity to enhance the existing site access through new stone walling and native hedgerow planting and to restore a lost element of the site's historic landscape character through orchard planting. However, the details of these matters are not before me to give any substantial credence to and in any case would not compensate for the harm arising to the CA from the loss of the field and the uncharacteristic development form.
15. In support of the proposal reference is made to applications³ within or close to a conservation area. Each case must be considered on its individual merits and considerations of character and appearance are inherently site-specific. Based on the information before me it appears that neither of these applications are within the Great Rissington CA or its setting and I have limited information before me regarding the characteristics of these sites or the conservation areas. Additionally, whilst reference is made to an application⁴ in which the Council found that the proposal would not have an adverse impact on the Great Rissington CA, that application related to the erection of a detached outbuilding and there is no suggestion that the domestic garden in which the outbuilding is sited contributed to the particular qualities of the CA. Therefore, I am unable to draw any comparisons between these applications and the appeal proposal.
16. In light of the above, whilst no harm would arise to the setting of the listed building, The Yews, the development of the site for residential use would have a harmful effect on the character and appearance of the surrounding area and would result in less than substantial harm to the CA.

Landscape character

17. The site is located within the Cotswold National Landscape (NL), a national designation which recognises the value and beauty of the landscape. As the site

³ 24/01694/PLP and 24/02694/PLP

⁴ 22/00134/FUL

lies within the NL, I am required to have regard to the purpose of conserving and enhancing its natural beauty⁵.

18. The site is a parcel of land that is devoid of built form and has an open and verdant character. The site's open nature positively contributes to the scenic beauty of the NL and the rural setting of Great Rissington, the character of which contributes positively to the qualities of the NL. The Cotswold Landscape Character Assessment (2016) seeks, amongst other matters, to ensure new development is carefully integrated into the rural character of the farmed slopes, to ensure that new development does not adversely affect settlement character and form and to avoid development that will intrude negatively into the landscape.
19. Whilst noting that the development would be visually contained by existing development and hedgerows, nonetheless, the development of this site would extend built form further into the NL. The introduction of dwellings here would represent an urban incursion which would erode the open views of the surrounding countryside, the distinctive form and character of the settlement and its relationship to the landscape, thereby diminishing the special qualities of the NL.

Land use and amount

20. As a proposal for housing which would be located amongst other residential properties, there is little reason in principle to anticipate a conflict in land use. The site is big enough to accommodate up to 5 dwellings of a size commensurate with those nearby. Therefore, I find the proposed use and amount acceptable.

Conclusions on site suitability

21. Whilst I have identified that there would be no conflict in relation to the land use and amount of development proposed, the site would not be a suitable location for residential development having regard to the conflict with the settlement strategy, the effect on the natural beauty of the NL, the effect on the character and appearance of the area and the setting of the CA. The proposal would result in less than substantial harm to the CA. Under such circumstances, National Planning Policy Framework (the Framework) and LP policy EN10 advise that harm to designated heritage assets should be weighed against the public benefits of the proposal.
22. The Government's objective is to significantly boost the supply of housing, and the proposal would provide up to 5 dwellings. There would be social and economic benefits to local services and facilities during the construction and occupancy phases. These matters weigh in favour of the proposal. Nevertheless, heritage assets are an irreplaceable resource, and I do not consider that collectively the public benefits are sufficient to outweigh the great weight that I must attach to the harm that would be caused to the CA.
23. In light of the above the proposal would not be a suitable location for residential development and would conflict with those aims of LP policies DS4, EN1, EN2, EN4, EN5, EN10 and EN11 which collectively seek to ensure that development promotes the protection of the natural and historic landscape, gives great weight to the conservation and enhancement of the NL, attaches great weight to the conservation of designated heritage assets and their settings, respects the

⁵ Section 85 of the Countryside and Rights of Way Act 2000

character and distinctive appearance of the locality and preserves and where appropriate enhances the special character and appearance of conservation areas.

24. The proposal is also contrary to the aims of the Framework in respect of promoting development that conserves and enhances the historic environment and the landscape and scenic beauty in National Landscapes.

Planning Balance and Conclusion

25. There is a suggestion that the Council is unable to demonstrate a 5-year housing land supply. In such an event, Paragraph 11d of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists designated heritage assets and National Landscapes as such assets of importance.
26. I have found harm in relation to the effect of the development on the NL and the setting of the CA, which, in accordance with Footnote 7 of the Framework, provides a clear reason for refusing the development proposed. Thus, the proposal does not benefit from the presumption in favour of sustainable development outlined at Paragraph 11, and, as a material consideration, the Framework would not indicate that permission should be granted.
27. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR