



Appeal Decision

Site visit made on 24 June 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/C1625/W/24/3355545

Little Acre, Pound Lane, Hardwicke, Gloucestershire GL2 4RJ

- 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 A Clarke against the decision of Stroud District Council.
 - The application Ref is S.24/0933/FUL.
 - The development proposed is the erection of a bungalow and outbuilding (C3 Use Class).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have referred to the emerging Local Plan Review (eLPR). Although this has not been submitted the online 2021 version has been reviewed as part of this decision.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside;
 - the effect of the proposal on the desirability of preserving the setting as it relates to the special interest of the nearby Grade I listed building, known as “Church of St Nicholas” (Ref: 1340591).
 - the effect of the proposal on the character and appearance of the area including trees and hedgerows;
 - the effect of the proposal on 2 Special Areas of Conservation; and
 - the effect of the proposal on protected species.

Reasons

Location

4. The appeal site forms part of the garden of donor dwelling ‘Little Acre’. Other than the shared boundaries with the donor dwelling and the Church of St Nicholas, it would be surrounded fields. Around the church there is a cluster of other houses and some commercial units which create a small hamlet within the countryside. The main parties agree that the appeal site falls beyond any defined settlement development limit, and there is nothing before me to conclude otherwise.

5. The appeal site is not within the strategic site allocations set out in Stroud District Local Plan (LP) Policy CP2, and as it is outside of any settlement it would not comply with the settlement hierarchy in LP Policy CP3. Nevertheless, LP Policy CP15 sets out when development beyond the defined settlement development limits could be acceptable.
6. However, the proposal is not essential for a farming or forestry enterprise, nor does it promote public enjoyment of the countryside or support the rural economy. It is not enabling development to maintain a heritage asset, nor a replacement dwelling or an essential community facility. The appeal site has also not been identified as a rural exception site. Therefore, it would fail to comply with LP Policy CP15.
7. Hardwicke Parish Council Neighbourhood Development Plan (NP) Policy GEN1 generally follows LP Policy CP15. However, it provides one additional exception for dwellings of exceptional quality or innovative design. This aligns with Paragraph 84 of the National Planning Policy Framework (the Framework). Nevertheless, there is nothing submitted to substantiate the proposal as such a dwelling.
8. The appellant considers the appeal site to be located at the edge of a settlement, due to a strategic residential allocation that has been identified within the eLPR. However, the examination of the eLPR is currently paused and it is understood the allocation policies having not yet been fully tested. Therefore, the eLPR carries very limited weight and at this stage its policies do not outweigh the adopted LP and NP.
9. It is recognised that the Framework promotes housing in sustainable locations, and that the appellant considers the appeal site to be close to services and transport links. The hamlet only has a church, and access to Hardwicke and the wider area is via narrow rural roads with no pavements or lighting, or footpaths across fields. These routes are not easy to traverse in poor weather or low light and are not suitable for those with limited mobility. Accordingly, without the use of private vehicles, future occupants would not be able to easily access the wider area public transport network or the services in Hardwicke. The appeal site has poor accessibility and so cannot be considered a sustainable location.
10. That the appeal site is currently part of a residential garden is noted but this does not alter the findings in relation to the site's location.
11. Consequently, the appeal site would be an unsuitable location for the proposed development with regard to LP Policies CP2, CP3 and CP15 and NP Policy GEN1. It would also not comply with LP Policy CP1, which requires a general strategic compliance with development plan policies.

Church of St Nicholas (the LB)

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I have special regard to the desirability of preserving the setting of listed buildings.
13. As the LB is Grade I it is in the top 2% of listed buildings and so a highly significant heritage asset. This is due to its age, dating back to the 13th century, and relevance as a place of worship for the rural community that it serves. Although its surroundings have changed over time, the importance of it being connected to the wider countryside beyond the churchyard is important to its significance.

14. The proposal would create a physical barrier between the LB and the fields to the east, further enclosing it spatially and reducing the relationship between the LB and the wider countryside. That the proposal would likely be screened by the trees and hedges along the churchyard boundary may mean it is not visible from ground level. However, this does not negate views from higher up in the church tower nor the spatial impact of the proposal. In effect where it permitted, the LB would be almost fully surrounded by development thus urbanising its setting and almost entirely removing any physical connection it has with the wider countryside.
15. Therefore, as the setting of the LB is part of its inherent historic interest, the proposal would cause less than substantial harm to this heritage asset. Where a proposal would lead to less than substantial harm Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. The appellant considers that the public benefits to be that the proposal would provide a sustainable, high-quality home in a location where housing is needed. However, there is nothing evidencing the housing need the proposal would meet nor any mechanism to ensure it would fulfil that need. It is accepted that the proposal would contribute to the Council's 5-year housing supply, but this would attract only limited weight due to it providing only a singular dwelling.
17. However, Paragraph 212 of the Framework confirms 'great weight' should be given to the conservation of heritage assets. As such the public benefits of the proposal do not outweigh the harm identified.
18. The proposal would therefore fail to preserve the setting as it relates to the special interest of the LB. It would conflict the Act, the Framework and LP Policies CP14, ES10 and ES12, in as far as they seek to preserve, protect, and enhance the districts heritage.

Character and appearance

19. The houses in the hamlet are generally set back from the road behind mature planting within reasonably large plots. They are mainly individually designed and appear well separated giving the area an open, rural character and a verdant appearance.
20. It is noted that the donor dwelling is located behind a second house which faces the road, and the appeal site would be further back again. Therefore, the proposal would reduce the size of the garden of the donor dwelling and constitute a third house in a row. This would create an intensity of development at the edge of the hamlet which would be more akin to a suburban setting, especially when viewed across the fields to the side of the appeal site access.
21. Although the donor dwelling can be glimpsed from across the fields to the rear of the site, due to its distance from the field boundary and its orientation this is not intrusive. The proposal would introduce a significant amount of development between the donor dwelling and field boundary. It would be positioned so the widest elevations face this boundary, whereas currently the narrower elevation of the donor dwelling faces this direction. In combination with the proximity to the rear boundary this would therefore be significantly more visually intrusive and would have a further urbanising effect to the detriment of the areas character and appearance.

22. It is acknowledged that the proposed hedge to the rear of the site could provide some additional screening of the proposal. However, it would take a significant amount of time to mature, and if deciduous would only provide screening for parts of the year. It is also recognised that when taken in isolation the proposed dwelling appears well designed. Nevertheless, this would not overcome the detrimental impact the proposal as a whole would have on character and appearance.
23. The proposal would require development to be undertaken close to existing trees and hedgerows and the submission is lacking its assessment of this. However, considering the amount and type of development proposed within proximity of those trees and hedgerows, this could be dealt with by condition. The proposal could therefore comply with the elements of LP Policy CP14, LP Policy ES8, and NP Policy ENV2 that seek to protect existing trees and hedgerows. Nevertheless, this would constitute a lack of harm, and so would not outweigh the harm identified.
24. The proposed development would therefore have a significantly harmful effect on the character and appearance of the area. It would fail to comply with LP Policies CP14 and ES12, and NP Policies GEN3 and HOU2 insofar as they seek new development to respect and integrate with its surroundings and take account of the local context.

Special Areas of Conservation (SAC)

25. The appeal site falls within the 15.4km mitigation zone of the Cotswold Beechwoods Special Area of Conservation (SAC), and within the 21.6km mitigation zone of the Severn Estuary SAC. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment to ensure that the development would not adversely affect the integrity of the such protected sites.
26. The SACs qualify for such protection as both provide valuable habitats for rare flora and fauna. The additional dwelling proposed, whilst minimal on its own, would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the SACs, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SACs. Given the susceptibility and vulnerability of the qualifying features of the SACs to such use, it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.
27. No scheme of mitigation has been submitted for consideration and although the Council state a financial obligation may be appropriate, no mechanism to secure such an obligation has been submitted. The appellant considers a condition maybe appropriate. However, without specific details of the mitigation measures proposed nor how those measures would be actioned, there is insufficient certainty or clarity to ensure the reasonable use of a condition.
28. Therefore, it cannot be concluded that the proposal would not have a harmful effect on the SAC, so would fail to comply with LP Policy ES6 insofar as it seeks to protect sites of European importance.

Protected species

29. The appellant's application was submitted with a Preliminary Ecological Appraisal (PEA) which has undertaken an assessment of the appeal site in terms of potential

protected species. It is noted the PEA has been restricted to the appeal site parameters with limited consideration of its wider surroundings.

30. Nevertheless, in relation to the identified protected species that maybe impacted by the proposal the PEA offers reasonable recommendations to ensure the impact on those species is limited. As such should the recommendations and enhancements of the PEA be implemented the proposal would, in all probability, not harm protected species. Although it is recognised how these recommendations and enhancements would be implemented, particularly in regard of great crested newts, would need to be conditioned. The proposal could therefore comply with LP Policy ES6, and NP Policy ENV1 and ENV3 insofar as they seek to conserve protected species as part of local biodiversity.
31. The Council also referred to LP Policy CP14 section 8 in relation to this issue. This relates to natural features and not protected species, so is not determinative.

Other Matters

32. The proposal would not harm living conditions, highway safety or drainage, and within the main issues a lack of harm has also been identified in relation to trees, hedgerows, and protected species. However, by definition, a lack of harm cannot weigh for or against the proposal.
33. The planning application associated to this appeal was submitted post 2 April 2024 therefore the Biodiversity Net Gain Regulations must be applied. However, as the proposal has been identified as a self-build development¹ it would be exempt.

Balance and Conclusion

34. As the Council cannot demonstrate a 5-year housing land supply, Paragraph 11(d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of heritage policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
35. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

¹ as defined under Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)