



Appeal Decision

Site visit made on 6 May 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/C1625/W/25/3361166

Hill Farm, Upton Hill, Upton St Leonards, Gloucestershire GL4 8DA

- 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 Lloyd Coldrick against the decision of Stroud District Council.
 - The application Ref is S.24/1509/FUL.
 - The development proposed is the change of use of a single holiday let unit to a single residential dwelling (C3 Use Class). The change of use of a single holiday let and a beauty salon (Sui Generis) to a single, self-build dwelling (C3 Use Class). Alongside landscaping and other associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of a single holiday let unit to a single residential dwelling (C3 Use Class). The change of use of a single holiday let and a beauty salon (Sui Generis) to a single, self-build dwelling (C3 Use Class). Alongside landscaping and other associated works at Hill Farm, Upton Hill, Upton St Leonards, GL4 8DA in accordance with the terms of the application, Ref S.24/1509/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted a unilateral undertaking (UU) with the appeal. This is to provide the required contribution toward mitigation for the Cotswold Beechwoods Special Area of Conservation. The Council have confirmed that the UU provides the necessary contributions towards the mitigation and therefore removes their concerns in relation to the second reason for refusal. I have taken the UU into account in the determination of the appeal.

Main Issues

3. The main issues are;
 - whether or not the appeal site is an appropriate location for the proposed development having regard to the development plan and national policies relating to development within the countryside; and
 - the effect of the proposed development on the living conditions of future occupiers of the buildings known as Robinswood Cottage and Hill Farm with regards to privacy and outdoor space; and

Reasons

Location

4. Policies CP2 and CP3 of the Stroud District Local Plan (2015) (LP) detail the settlement hierarchy whereby development should be focused sequentially according to a settlement's size and range of services and facilities. LP Policy CP3 states that adherence with the settlement hierarchy reduces the need to travel and promotes sustainable communities. The appeal site falls outside the settlement development limits of Upton St Leonards, a third-tier accessible settlement with limited facilities, and is therefore within the open countryside.
5. LP Core Policy CP15 contains a closed list of developments that could be acceptable within the open countryside, providing they meet several criteria. The proposed development does not meet any of the criteria listed.
6. Upton St Leonards includes some facilities and services, but these are located a considerable distance from the appeal site, while services and facilities that would sustain day to day living are located further away.
7. The appeal properties are largely surrounded by agricultural fields and are accessed via an unlit driveway. Meanwhile, public roads within the vicinity of the appeal site are unlit until you reach a public house and whilst there is a pavement close to the appeal site, albeit unlit, this stops before reaching Upton St Leonards or a bus stop. Whilst the appellant has detailed a regularly used path from the pavement to the bus stop, this is not paved and appears to be a track through grass and trees made due to the absence of a proper pavement. Given the site's surrounding context, the unlit nature of the pavements and unmade path, I find it extremely unlikely that occupiers of the proposed dwellings would walk or cycle to facilities or services.
8. The nearest bus stop is accessed via the unmade path, and I have no specific details of its service timetable to understand whether this would provide an appropriate alternative to private vehicles. Nevertheless, given the distance involved, along routes described above, I do not consider the use of buses would be an attractive or realistic option for occupiers of the appeal site. Additionally, no other modes of public transport are available nearby.
9. Accordingly, occupants of the proposed residential units would be highly reliant on the use of the private car to meet every-day needs, this is the least sustainable transport option.
10. The appeal buildings have previously been found suitable for conversion to tourism accommodation and a salon, but such uses will have different characteristics to the current proposal, as well as differing planning policy context.
11. Both approved use of the site would still be highly reliant on the use of the private car. Indeed, given the rural context, holiday and salon visitors are extremely likely to arrive to the site in private vehicles, and users of the holiday let would also be reliant upon them for day trips, as well as access to wider facilities and services during their stay.
12. Nonetheless, I am not convinced that the approved uses at the site would generate a comparable level of vehicle movements as the appeal proposal. Firstly, as I consider that the holiday lets are unlikely to be occupied as regularly as the permanent dwellings. Additionally, it is more likely that holiday guests within each of the units would be undertaking activities together and therefore travelling with one another and sharing a vehicle. I have not been provided with any evidence

pertaining to the use of the salon, nevertheless the appellant has stated that the salon use ceased two years ago and there is no intention to reutilise the salon.

13. I consider that permanent occupiers of the proposed dwellings are more likely to utilise multiple vehicles, thereby creating more vehicle movements. For example, due to the need of permanent residents within each of the units to commute separately to places of work or undertake other separate activities in different locations. Therefore, whilst both uses of the appeal site would be highly reliant on the use of private vehicles, I consider that the appeal scheme would be likely to generate significantly more journeys.
14. Based on the above policies the site is not a suitable location for new dwellings as it lies outside the settlement boundary of Upton St Leonards, contrary to the Council's spatial strategy.

Living Conditions

15. Hill Farm is a detached former farmhouse with large garden area to its front. To the rear is a conservatory and area of hardstanding. Robinswood Cottage is a small building located to the south of Hill Farm, the proposed garden and parking area would be located to its side. Currently the area of hardstanding between Hill Farm and Robinswood Cottage is open with nothing screening the buildings from each other.
16. Robinswood Cottage would only have private outdoor space to its side, an area of land that is highly visible from Hill Farm and the access road to the other unit and farm buildings.
17. The appellant has submitted a landscape strategy and associated plan which details metal railing along the front of Robinswood Cottage and its associated garden area. Behind the railing it is proposed to plant a hedgerow as well as along the side boundary of the garden. Adjacent to the rear of Hill Farm a metal railing and hedgerow would also be planting, delineating the private area of Hill Farm from the wider farmyard and access.
18. Together these would provide adequate screening from Hill Farm and create a private useable garden space for Robinswood Cottage. The planting of a hedgerow would create a pleasant verdant boundary whilst retaining a sufficient area of private space for the proposed dwelling. Further the plans detail that even with the additional landscaping sufficient space for access and parking would be retained.
19. Whilst full details of the planting and landscaping have not been provided, I am content that subject to the imposition of a condition requiring further details, that the scheme can be provided.
20. In light of this, the proposed development would provide adequate and private outdoor space and not harm the privacy of future occupiers. It would accord with LP Policy CP14 which seeks, amongst other things, to ensure that developments do not have adverse effect on neighbouring occupants and provide appropriate amenity space.

Other Matters

21. The site lies within the catchment zone of the Cotswolds Beechwoods SAC, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (Habitat Regulations). The Cotswold Beechwoods SAC comprises qualifying features including beech forests and semi-natural dry-grassland and scrubland facies on calcareous substrates. Recreational pressures have been found to pose a significant threat to the designated features of the SAC.
22. The proposal would entail new dwellings and additional permanent occupants within the catchment of the Cotswolds Beechwoods SAC which, as set out above, would increase recreational pressures upon them. The Council have a strategic approach to mitigation for the SAC, the Cotswold Beechwoods SAC Recreation Mitigation Strategy (RMS). The RMS gives details of necessary mitigation for the effects of new development and its approach includes strategic access management and monitoring to make the SAC more resilient to increased recreation, as well as suitable alternative natural greenspace away from the SAC. It similarly establishes financial contributions from development to fund those measures. Based on the evidence before me, I have no reason to doubt that the measures set out for the SAC would be successful in mitigating the effects of the proposal.
23. Planning Practice Guidance (PPG) states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations cannot be secured at this stage. However, there is no legal reason why an obligation cannot be entered into at any time. The appellant has provided a UU which the Council have confirmed as acceptable. The UU would ensure that the required financial contributions towards mitigation for the SAC would be paid prior to the commencement of development, to be spent only for the purposes of that mitigation.
24. I am satisfied that the UU would ensure that there would be no adverse effect on the integrity of the SACs. European Sites and requires appropriate mitigation.

Planning Balance

25. The Council can only demonstrate a 3.6-year housing land supply. The provision of dwellings would be of both social and economic benefit. However, these benefits would be limited as the development is for two dwellings. The proposed layout, access and scale of the proposed dwelling would be acceptable and comply with the development plan. This is a neutral factor in the balance.
26. The scheme would conflict with the Council's spatial strategy, but in view of the significant shortfall of housing supply, this can carry only limited weight in the balance. This leads me to conclude that the adverse impacts of the development would not significantly and demonstrably outweigh the benefit of providing two additional dwellings. The presumption in favour of sustainable development therefore applies to this element of the proposal.

Conditions

27. The Council has suggested conditions in the event that the appeal was allowed. I have considered these in the light of the tests set out in the Framework and the advice of the Planning Practice Guidance (PPG).

28. Conditions regarding the time limit and approved plans are necessary in the interest of certainty. In order to ensure appropriate parking and landscaping is provided conditions regarding parking details and a landscaping scheme are necessary.

Conclusion

29. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
- 3) Prior to the first occupation of the development hereby permitted, a defined layout plan with clear indication of parking spaces and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved layout, access and parking shall then be implemented in strict accordance with the approved details prior to first occupation and then remain as such for the lifetime of the development.
- 4) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas, boundary treatments (to include elevations and specified materials), written specifications of species planting (including cultivation and other operations associated with shrub hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers and densities, and management to aid establishment.

The landscaping scheme shall be implemented in strict accordance with the approved details, with all hard landscaping completed prior to first occupation and all planting / seeding completed either prior to occupation or within the first available planting season (whichever is sooner).