
Appeal Decision

Site visit made on 8 July 2025

by **R E Jones BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/F1610/W/25/3358747

Elkstone Studios, Road from Manor Cross Junction to Beechpike A417 Junction, Elkstone, Gloucestershire GL53 9PQ

- 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 Coomb End Estate against the decision of Cotswold District Council.
 - The application Ref is 24/00186/FUL.
 - The development proposed is full planning application for the siting of 6no. shepherd huts for mixed retail and community use (Class E(a)/(b) and/or Class F2(a)).
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Decision

1. The appeal is allowed and planning permission is granted for the siting of 6no. shepherds huts for mixed retail and community use (Class E(a)/(b) and/or Class F2(a)) at Elkstone Studios, Road from Manor Cross Junction to Beechpike A417 Junction, Elkstone, Gloucestershire GL53 9PQ, in accordance with the terms of the application Ref 24/00186/FUL, dated 17 January 2024, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether or not the proposed development is in an acceptable location having regard to development plan policies relating to retail and main town centre uses; and
 - whether other considerations indicate a decision should be made otherwise than in accordance with the development plan.

Reasons

Location of development

3. The appeal site consists of an area of land within the grounds of Elkstone Studios, a development comprising a mix of retail, office, commercial and leisure uses largely operating within former agricultural buildings. The site is located within the open countryside and is near the settlements of Elkstone, Winstone and Syde.
4. The proposed shepherd huts would be grouped in a cluster around a small, landscaped courtyard. Each would be modest in scale and occupied by either retail or community uses within Class E (a)/(b) or Class F2(a)¹. Typical uses within

¹ Class E (a)/(b) and Class F2(a) Town and Country Planning (Use Classes) Order 1987 (as amended)

those classes include the retail sale of goods, shops selling essential goods, such as food, and premises selling food and drink, mostly consumed on the premises.

5. Policy EC7 of the Cotswold District Local Plan (2011-2031), adopted 2018 (the Local Plan) sets out that the provision of “Main Town Centre Uses”² will be provided in town, key, district and local centres. In settlements that are not listed within those categories proposals for small shops and services will be permitted if they would enhance a settlement’s viability and help to meet the needs of, and are conveniently accessible to, the local community. The policy’s supporting text recognises that in rural settlements such facilities are important economic assets and a focus for wider social and community activities.
6. Policy EC8 of the Local Plan indicates that “Out of Centre” sites for main town centre uses will only be considered where there are no suitable sites within town, key, district and local centres or on the edge of centre. For Out of Centre sites, proposals will be permitted, amongst other factors, in locations that are accessible and well connected to the Centre by public transport, walking and cycling, and depending on their impact on the vitality and viability of those other Centres in the District.
7. Policy INF3 of the Local Plan requires, amongst other things, that new development proposals support travel choice through the provision, enhancement and promotion of safe and recognisable connections to existing walking, cycling and public transport networks.
8. The appeal site is not in any of the centres or settlements listed in Policy EC7, nor is it in any other settlement where small shops and services would be permitted by the policy. It is located close to a small number of rural villages, however, the roads leading to and from those settlements are unlit and lacking footways, such that they would discourage journeys to and from the appeal site by foot. Some journeys could be made by bicycle, but the lack of segregated cycle paths and the terrain in the locality would present challenges to most visitors when making journeys by bike to and from the appeal site. Furthermore, there are no regular or frequent bus services connecting the site to outlying communities. Therefore, the proposal would not be accessible or well connected by non-car modes of transport. It is also outside any of the settlements where main town centre uses would be deemed acceptable.
9. Given the above, the proposal does not meet the requirements of Policies EC7, EC8 and INF3 of the Local Plan. As a consequence, it would undermine and therefore harm the strategic aims of the development plan in directing new development to specific centres, settlements and accessible locations.
10. Given that the number of proposed units would be small and the cumulative footprint modest, the effect on the vitality and viability of main town centre uses in settlements where proposals are supported by the above policies would not be substantial. Accordingly, the magnitude of harm in this case would be moderate.
11. In conclusion the proposed development would be in an unacceptable location, having regard to development plan policies relating to retail and main town centre

² Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Glossary, National Planning Policy Framework 2024

uses. It would therefore be contrary to the requirements of Policies EC7, EC8 and INF3 of the Local Plan, referred to above.

Other considerations

12. Elkstone Studios has primarily been developed through the conversion of former agricultural buildings at the site. There are a wide variety of commercial uses operating at the site. These include a bakery, a delicatessen and a café. These establishments are not particularly rare in rural areas such as the Cotswolds, where former agricultural buildings have been diversified into other uses and industries.
13. It was observed during my site inspection that whilst the site would be challenging to walk to from nearby settlements, due to the lack of street lighting and footways, it is nevertheless within walking distance or a short car journey from several outlying villages. Many of these are small and have limited facilities.
14. The National Planning Policy Framework (the Framework) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings³. It also recognises that sites that meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
15. Allied to this and notwithstanding the policy conflict in the main issue, Policies EC1 and EC3 of the Local Plan, permit, amongst other things, proposals that maintain and enhance the vitality of the rural economy and facilitate the retention or growth of a local employment opportunity.
16. The proposed development would expand the range of uses and services at Elkstone Studios and create new commercial floorspace for the adjacent bakery and café premises. The proposal would therefore align with the Framework and Policies EC1/EC3 in supporting the retention and growth of the business, while the provision of 8 new full-time jobs would increase employment opportunities in the locality and have a positive economic effect within the rural area. These are scheme benefits that attract significant weight.
17. The Framework also supports the retention and development of accessible local services and community facilities, such as local shops and meeting places⁴. The proposal would include the provision of Class F2(a) uses which cover community-focused activities and specifically shops selling essential goods. Such facilities would be a short distance from nearby rural settlements and although the appeal site would not be conveniently accessible by foot, cycle or public transport, those proposed uses could be easily accessed by short car journeys.
18. The provision of new retail and community focused facilities located a short distance from nearby settlements would reduce the need to travel further afield to purchase goods from the likes of Cheltenham and Cirencester. They can also act as focal points or meeting places where social interactions, that sustain community cohesion, could take place.
19. Therefore, these benefits also attract significant weight in favour of the proposal.

³ Paragraph 88 (a), National Planning Policy Framework, 2024

⁴ Paragraph 88 (d), National Planning Policy Framework, 2024

Other Matters

20. The appeal site is within the Cotswold National Landscape (NL). It is incumbent upon me to evidence consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the NL. From the adjacent highway running along Elkstone Studio's southern boundary the proposal would be partially screened by tall mature trees. There would nonetheless be some views of the shepherd huts over the roadside boundary wall. Yet from this location the proposal would be seen against the backdrop of built development, rather than being perceived as encroaching unacceptably into the attractive countryside that defines the NL. Therefore, I am satisfied that the proposal would leave the NL's landscape and scenic beauty unharmed.
21. Concerns have been raised by an interested party that the proposal has not been accompanied by an assessment of traffic impacts in the locality following an increase in movements since the development of Elkstone Studios. Although the proposed development would likely lead to increases in vehicle movements to and from the site, these would likely be modest in number over the course of the day given the nature of the uses and scale of the new floorspace proposed. Moreover, I have not been directed to any detailed technical evidence indicating that the proposal would result in unacceptable highway safety impacts or severe residual impacts on the local road network.

Planning Balance

22. I have found that the proposed development would conflict with the development plan's strategic approach to retail development in the district as it would not be located within any of the identified centres, or be accessible or well-connected by non-car modes of transport. The conflict with the development plan in this respect attracts significant weight. However, given the proposal's modest scale, in terms of the number of units and total floorspace, it would be unlikely to harm the vitality and viability of the identified centres to any major degree. Accordingly, the magnitude of harm has been judged as moderate in this case.
23. Weighing in the scheme's favour is the provision of facilities that would, in part, help support nearby rural communities. In addition, the scheme would create further job opportunities in the locality and help to sustain and grow an existing rural business. Those aspects of the proposal are supported by the Framework and the Local Plan, where they seek to encourage economic growth and the needs of communities in rural areas. As a consequence, I have assigned them significant weight in this balance, and taken together, they would positively outweigh the level of harm identified and the weight given to the conflict with the development plan.

Conditions

24. The Council have provided a list of suggested planning conditions. Where necessary these have been amended or omitted for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
25. In addition to the standard time limit condition, I have imposed a condition that lists the approved plans for reasons of precision and to ensure the development is carried out as approved.

- 26. A condition requiring the approval of details of the roof and wall materials used in the development is necessary in the interests of the area's character and appearance.
- 27. It is reasonable and necessary that arrangements for external lighting are agreed prior to occupation of the development to ensure that the agreed lighting scheme safeguards local biodiversity interests.
- 28. The Council's suggested condition restricting existing buildings to specific uses has not been included. The condition refers to buildings that are not identified on the submitted drawings or in the submitted evidence. Accordingly, I have not included it in the attached schedule.

Conclusion

- 29. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For these reasons the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby approved shall be implemented in accordance with the following drawing numbers: 2003-02-001; 2003-02-002; 2003-02-003 and 2003-02-200.
3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Prior to first use of the development hereby permitted, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their territory. All external lighting shall be installed in accordance with the approved details.

*****End of Schedule*****