



Appeal Decision

Site visit made on 19 August 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th August 2025

Appeal Ref: APP/G1630/W/25/3364973

Land at Hill Farm Barns, Oxenton, Cheltenham GL52 9SE

- 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 Hitchman against the decision of Tewkesbury Borough Council.
 - The application Ref is 25/00152/PIP.
 - The development proposed is described as “permission in principle for residential development”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Permission in Principle (PiP) and represents the first of a two-stage process. Planning Practice Guidance advises that the permission in principle consent is an alternative way of obtaining planning permission for housing-led development. A planning permission is only created once both stages have been completed. The first stage, PiP, establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed.
3. The scope of the considerations for a PiP are limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if the PiP is granted. I have determined the appeal accordingly and with regard that conditions cannot be applied to a PiP decision.

Main Issues

4. Although not expressed in the description of development, the submitted evidence considers the residential development proposed to be for up to 5 dwellings.
5. Therefore, the main issues, with specific regard to location, the proposed land use, and the amount of development, are:
 - the effect of the proposal on the character and appearance of the area with specific regard to the Cotswolds National Landscape;
 - whether the appeal site is a suitable location for the proposed development having regard to relevant local policies relating to development in the rural area; and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- whether the proposed development would preserve the setting of heritage assets.

Reasons

Character and appearance

6. The appeal site and Oxenton is within the Cotswold National Landscape (NL). NLs are designated for the purposes of conserving and enhancing natural beauty, and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to further these purposes in this decision.
7. Oxenton is a small hamlet located along a dead-end road. Predominantly residential, the core of the hamlet is concentrated around the village hall and church. Properties towards the edges of Oxenton are more spread out, often on larger plots. This creates a transitional area between the hamlet's core, and its open and bucolic surroundings. The appeal site is located beyond the last 2 houses on the road, which in their form and spacing reflect the transitional character at the edge of the Oxenton. Beyond these 2 houses, the appeal site is surrounded by fields. It has a number of agricultural buildings on it and does not appear well used as it is very overgrown.
8. The hamlet's layout and rural setting positively contributes to the settled unwooded vale landscape this part of the NL is characterised by. This is clearly visible from the public rights of way which cut across the raised land to the east of the hamlet. Therefore, any development around Oxenton has the potential to impact on the special qualities of the NL.
9. The proposed development is for up to 5 dwellings, and although design, form and scale would be dealt with at the TDC stage, it is necessary to consider the maximum number of dwellings proposed at this stage.
10. 5 dwellings would require a significant amount of development including access, parking areas and gardens. This would require the full redevelopment of the appeal site with each property being considerably closer together than the adjacent properties. Due to the location of the appeal site, beyond the existing buildings at the end of the road, a 'U' shape layout would be required around a central access area to fit 5 dwellings on the site. As such the proposal would create an insular and somewhat suburban form of development within a transitional space between open countryside and rural hamlet. It would not, therefore, respect the setting of Oxenton and would constitute an awkward extension to this modest hamlet causing harm to its character and appearance. The impact would also mean the proposal would fail to conserve or enhance the natural beauty of the NL, due to the visibility of Oxenton and the appeal site.
11. It is acknowledged that the Council consider that the site is physically large enough to accommodate up to 5 dwellings, but this does not overcome the harm identified.
12. The upper range of the development proposed in this location could significantly and permanently harm the character and appearance of the area and the NL. The proposal would not therefore comply with The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) Policies SD4, SD6 and SD7, and Tewkesbury Borough Local Plan (LP) Policy RES5, insofar as they seek new

development to respect a settlement's form and landscape setting as well as conserve and enhance the landscape and scenic beauty of the NL.

Suitability of the location

13. As Oxenton is not classified within the settlement hierarchy² it would be considered in the rural area. JCS Policy SP2 seeks to guide the distribution of new development to meet need where it rises with an urban focused economic vision relating to regeneration. Although the JCS acknowledges the constraints to provision such a focus has, it is clear that Policy SP2 provides for appropriate none allocated sites in rural areas to be used for residential development by the application of JCS Policy SD10.
14. JCS Policy SD10 seeks to focus new housing development in the towns, rural service centres and service villages but provides exceptionally for dwellings elsewhere when they comply with district or neighbourhood policies.
15. In this instance the LP has policies RES3 and RES4 to guide housing development in the rural area including those at rural settlements. As the appeal site is adjacent to Oxenton these policies could be applied. However, the proposal fails to comply with the relevant criteria in these policies. This is because, as identified in the first main issue, the amount of development proposed would not complement the form of the settlement nor be well related to the existing buildings within that settlement.
16. The appeal site would therefore not be a suitable location for the proposal having regard to relevant local policies relating to development in the rural area, specifically JCS Policies SP2 and SD10, and LP Policies RES3 and RES4.

Heritage assets

17. 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 a listed building, as a heritage asset. Although there are numerous listed buildings in Oxenton the Council consider only the setting of Rose Cottage (reference: 1155402) and Crane Hill (reference: 1340168) to be affected by the proposal, and there is nothing before me or observed during the site visit to conclude otherwise.
18. They are the last properties on the road before the appeal site and Crane Hill shares a boundary with it. Both date back to the 17th Century and are good examples of vernacular rural cottages with some 20th Century alterations. Rose Cottage is orientated towards the road whereas Crane Hill faces the appeal site thus emphasising its connection with the surrounding countryside. Therefore, their significance appears to me to lie in their age, style, their edge of hamlet setting and in particular with Crane Hill, its association with the surrounding fields.
19. It is acknowledged that the appellant considers the appeal site to be visually separated from the 2 listed buildings by the vegetated boundaries of the site. Nevertheless, specifically in relation to Crane Hill, the appeal site forms part of the rural and open setting to the front of the property and development would be visible over and through the boundaries.

² Table SP2c: Settlement hierarchy on page 26 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy

20. The proposal could introduce a significant level of built form where there is currently little, which would reduce the open aspect to the front of Crane Hill as well as sever the visual and spatial link between that property and the wider countryside, to the detriment of the building's significance.
21. Rose Cottage's setting is not so reliant on the appeal site as it is set back behind Crane Hill and orientated towards the road. Therefore, its setting is related more to the hamlet and road rather than the wider countryside. As such the development of the appeal site itself is unlikely to harm the setting of Rose Cottage. However, the proposal would increase the use of the road directly to the front of Rose Cottage, which currently only provides access to Crane Hill and the appeal site. An intensification of the road use could harm this setting especially if the upper range of the proposed development is achieved.
22. Accordingly, the proposal in terms of location and amount of development would fail to preserve the setting of Crane Hill and to a lesser extent the setting of Rose Cottage, contrary to section 66(1), JCS Policy SD8 and LP Policy HER8 insofar as they seek to conserve the historic environment.

Other Matters

23. It is noted that previously the Council granted permission via prior approval for commercial use of the barns on the appeal site. However, the appellant has confirmed the permission was not implemented and it has now lapsed. Although the appellant considers that should a new prior approval application be submitted, consent would be achieved. However, as this has not been done, as a fallback position this attracts limited weight which does not outweigh the harm identified in the main issues.
24. Interested parties have concerns relating to public transport, sewage, drainage, highway safety and land contamination. Notwithstanding these would likely be dealt within under a TDC, as I am dismissing the appeal for other reasons, I have not pursued these matters further.
25. That the appellant considers positive pre-applications discussions were undertaken prior to the Council's dismissal is noted. Nevertheless, a Council is not bound to accept the recommendations given within pre-application advice by its officers.

Heritage and Planning Balance

26. Less than substantial harm has been identified in relation to the listed buildings. This would be of a higher order for Crane Hill than Rose Cottage. Nevertheless, Paragraph 215 of the National Planning Policy Framework (the Framework) states that in the case of less than substantial harm this weight should be weighed against the public benefits of the proposal.
27. The Council has confirmed it cannot provide a 5-year housing land supply. Therefore, in accordance with the Framework, which seeks to boost significantly the supply of housing whilst recognising the importance small sites have in meeting house requirements, the provision of up to 5 dwellings would be a benefit. It is also acknowledged the proposal could provide economic benefits during construction and with new residents using local services, and social benefits in the form of new residents moving into a small rural village. Through the TDC process, there is potential ecological and environmental benefits, including carbon neutral

construction as proposed, could also be secured. In combination these public benefits attract moderate weight, and this is due to the scale of that proposed.

28. However, harm to the setting of 2 Grade II listed buildings, would attract great weight, in accordance with Paragraph 212 of the Framework and I do not find the public benefits to outweigh this.
29. As the Council cannot provide an adequate housing land supply, Paragraph 11d) of the Framework would be relevant. However, as I have found that the proposal fails to achieve the heritage balance as set out within Paragraph 215, in accordance with Paragraph 11d)i), the application of policies in the Framework have provided a clear reason for refusing the development proposed. As such, I have not gone onto consider the evidence in relation to the lack of housing supply and the weighting which should be given to individual development plan policies.

Conclusion

30. Therefore, for the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR