Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025.

Appeal A Ref: APP/F1610/W/25/3362790
Nothill, Cowley, Cheltenham, Gloucestershire GL53 9NJ

- 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 Ms Leigh Jameson against the decision of Cotswold District Council.
- The application Ref is 24/01591/FUL.
- The development proposed is the conversion of an existing barn into a residential annexe.

Appeal Ref: APP/F1610/W/25/3367280
Nothill, Cowley, Cheltenham, Gloucestershire GL53 9NJ

- 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 Ms Leigh Jameson against the decision of Cotswold District Council.
- The application Ref is 25/01025/FUL.
- The development proposed is a self-build conversion of a barn to residential annexe.

Decisions

Appeal A Ref: APP/F1610/W/25/3362790

1. The appeal is dismissed.

Appeal B Ref: APP/F1610/W/25/3367280

2. The appeal is allowed and planning permission is granted for conversion of a barn to residential annexe at Nothill, Cowley, Cheltenham, Gloucestershire GL53 9NJ in accordance with the terms of the application, Ref 25/01025/FUL, subject to the conditions in the attached schedule.

Applications for costs

3. An application for costs was made by Ms Leigh James against Cotswold District Council in relation to Appeal A and Appeal B. These applications are the subject of a separate Decision.

Preliminary Matters

4. The appeal site consists of 3 single storey rectilinear buildings arranged in a tight U-shape around an area of hardstanding with an access track leading to the road. The westerly most building has been converted into a residential dwelling with a garden to the rear, and the northerly is used as a stable. The southerly is formally a barn but has previously been used for residential purposes. The Council confirm this use is not lawful and an Enforcement Notice issued in 2004 remains in effect.

5. For clarity both Appeal A and Appeal B refer to very similar schemes and the main parties have duplicated much of their evidence for both. As such in this decision I have referred to them jointly unless specified otherwise.

6. Both Appeals have been submitted with a specific Landscape and Visual Impact Assessment (LVIA) undertaken by ACLA in March 2025. Although different versions, they are extremely closely aligned in content and conclusion, with only minor changes relating to the reason for submission and the proposal being considered. Therefore, I have referred to them jointly as the LVIAs.

Main Issues

7. The main issues are the effect of the proposed developments on the character and appearance of the Cotswold National Landscape, and in relation to Appeal A the effect of the proposed development on the character and appearance of the host building, and the Cotswold Beechwoods Special Area of Conservation.

Reasons

Cotswold National Landscape – Appeal A and Appeal B

8. The appeal site is accessed from the unnamed road which runs through the linear village of Cowley. The form and layout of the appeal site is characteristic of a range of agricultural buildings, and the use of 2 of the buildings as a barn and stables largely retain that appearance with the majority of domestic paraphernalia concentrated around the existing dwelling. It is located at the edge of Cowley following the sloping topography up away from the road, beyond 2 residential properties, Spring Barn, and Greenhatch Farm. It is surrounded by fields and swaths of woodland.

9. The whole area is within the Cotswold National Landscape (NL)[1]. NLs are designated for the purposes of conserving and enhancing natural beauty[2], and Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 places a duty upon me to further these purposes in this decision.

10. This part of the NL is characterised by rolling limestone ridges dominated by large open fields with a scattering of small villages which often follow the edge or bottom of a valley. Cowley is one such village with the appeal site having a transitional position towards the village edge, with the rolling countryside and limestone ridge beyond.

11. Both Appeals A and B seek to convert the inside of the barn into a guest bedroom, store, bathroom, and gym. They would remove the existing door and window from the rear elevation, and rooflights from the roof. The main difference between the 2 schemes is related to the front elevation, which faces into the appeal site. Both Appeals would replace the existing solid door with a partially glazed one and remove the non-original 2 sash windows. Across the breadth of the front elevation Appeal A would install 3 sets of paired casement windows and a singular window, whereas Appeal B would install 3 smaller square casement windows.

12. Due to the undulation of the land around the site, and the tree and hedge lined roads close to the site, public views are limited. I find that from the wider landscape

[1] Previously known as the Cotswold Area of Outstanding Natural Beauty or AONB
[2] Section 85(1) of the Countryside and Rights of Way Act 2000

the appeal site is only glimpsed with the stable building being the most obvious. The only partial view of the barn is its rear elevation and roof from the public right of way at the top of the ridge behind it. These observations align with the appellants LVIAs in terms of the visibility of the site.

13. The Council is concerned about domestic paraphernalia reducing the agricultural appearance of the site and rely on the previously dismissed appeals from 2004 and 2017[3]to support this position. Notably both the previous appeals dealt with schemes that also sought to alter the use of the land surrounding the barn for residential purposes. This is not the case for Appeal A or Appeal B which seek only to alter the barn itself and create, specifically, a residential annex. I therefore find the 2 schemes before me and the circumstances surrounding them are different to the 2004 and 2017 appeals.

14. Both Appeals would reinstate the blank rear elevation and solid roof of the barn. As these parts of the building are only partially visible from the wider area, both Appeals would conserve and potentially modestly enhance the scenic beauty of the NL. This is because both Appeals would better reflect the simple and functional nature of the barn, limit openings to the most screened elevation and remove currently existing domestic features from the most visible parts of the building.

15. As the Appeals seek to provide a residential annex to an existing dwelling including internal storage space, on the balance of probabilities the quantity of domestic paraphernalia and parking is unlikely to significantly increase above existing levels. Nevertheless, due to the proximity of the 3 buildings on the appeal site and steep embankment to the rear of the barn, such paraphernalia would largely be retained to around the existing dwelling and garden and parking retained between the buildings, as is currently evident. Therefore, both Appeals would not contribute to an unacceptable level of domestic paraphernalia and so would maintain the agricultural character and appearance of the appeal site.

16. Both Appeals propose a hedge along an existing fence line to the rear of the barn. Hedges are features not considered incongruous in such a rural setting so would not harm the character and appearance of the NL. Nevertheless, in both Appeals the hedge could be controlled by a landscaping condition.

17. For the reasons given above I find that Appeal A and Appeal B would not harm the character and appearance of the NL. Both Appeals would comply with LP Policies EN2, EN4 and EN5 insofar as they seek new development to respect the character and distinctive appearance of the locality, take account of the landscape, and conserve and enhance the natural beauty of the NL.

Host building – Appeal A only

18. Although, as set out above, Appeal A would reinstate the solid rear elevation of the host building. However, it would also include 7 windows in the front elevation. Their design, positioning and form would have a domesticating effect on the host building and its agricultural vernacular. This fails to respect the character of the host building and so fails to comply with LP Policy EN2 insofar as it seeks new development to respect the character and distinctive appearance of the locality.

[3] APP/F1610/C/04/1137915 & 1137919 and APP/F1610/W/17/3168132

Cotswold Beechwoods Special Area of Conservation (SAC) – Appeal A only

19. The appeal site falls within the zone of influence of the 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 SAC.

20. The SAC qualifies for protection as it consists of ancient beech woodlands and supporting habitats which are important to sustain rare flora and fauna. The additional accommodation the proposal would create, whilst minimal on its own, could contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the SAC, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SAC. Taken account of the susceptibility and vulnerability of the qualifying features of the SAC to such uses and the ongoing pressure new development is creating; it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.

21. However, the Council has adopted a Mitigation Strategy for the SAC which sets out how financial contributions secured by obligation can be used to mitigate harm to the SAC. That the appellant has paid, and the Council accepted, the necessary financial contributions in relation to Appeal B provides evidence that the main parties agree such a financial contribution would be necessary to make the development acceptable in planning terms.

22. To secure the relevant financial contribution for Appeal A, the appellant has submitted a completed unilateral undertaking which has taken account of the drafting errors identified by the Council. Therefore, the effect of Appeal A on the SAC could be sufficiently mitigated against to prevent harm. Accordingly Appeal A would comply with LP Policies EN1, EN8 and EN9 insofar as they seek to protect the natural environment and international designated sites such as the SAC.

Other Matters

23. Both planning applications were submitted post 2 April 2024 therefore the Biodiversity Net Gain Regulations must be applied. The main parties agree that Appeal A falls under the self-build exemption and Appeal B falls within the scope of the de minimis exemption. There is nothing before me to conclude otherwise.

Conditions

24. In addition to the standard time limit condition (1), I have imposed conditions 2 and 3 requiring the development to be carried out in accordance with the approved plans and used for the approved purpose as this provides certainty.

25. To ensure the proposal integrates acceptably within the character and appearance of the area, and to prevent any further domestication of the appeal site so preserve the natural beauty of the NL, conditions 4, 5, 7, 10, and 11 have been imposed. 3 of the proposed conditions have been combined into condition 7.

26. To secure habitat enhancements and protect ecology in accordance with the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010, conditions 6 and 9 has been imposed. To comply with LP Policy INF3 which, amongst other things, requires new development to

incorporate charging for plug-in and other ultra-low emission vehicles, condition 8 has been included.

Conclusions

27. With regard to Appeal A, whilst I have found for the appellant in relation to the first and third main issues, I do not find that this would outweigh the harm that I have found regarding the second main issue. Consequently, Appeal A would conflict with the development plan as a whole, and there are no material considerations worthy of sufficient weight, which would indicate a decision otherwise. Appeal A is therefore dismissed.

28. However, Appeal B would comply with the development plan when read as a whole and with no sufficiently weighted material consideration to the contrary Appeal B is therefore allowed.

R J Redford

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL B

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 967-02-C; 967-04 and 967-05.

3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Nothill.

4) The windows and doors hereby permitted shall be of timber construction and shall be permanently retained as such thereafter.

5) Notwithstanding condition 4, the external materials of the development hereby permitted shall match those used in the existing building.

6) The development hereby permitted shall not be occupied until 4 bird nest boxes and 2 bat boxes have been installed in accordance with details that have first been submitted to and agreed in writing by the local planning authority. These boxes shall then be maintained in accordance with those details.

7) The development hereby permitted shall not be occupied until a landscaping scheme has been submitted and agreed in writing by the local planning authority. The plan shall include but is not limited to:

- Details of existing trees which will be retained and their protection during construction;
- Details of any hard or soft landscaping including hedging planting and materials;
- Details of any walls, fences or enclosures required during construction;
- A scheme of implementation; and
- A scheme of maintenance for the 5 years after completion.

The landscaping scheme shall then be implemented in accordance with the scheme of implementation and maintained in accordance with the scheme of maintenance.

8) The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed in compliance with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The charging point shall then be maintained for the lifetime of the development unless replaced with a similar or higher specification model in terms of performance.

9) No external lighting shall be installed until details have first been submitted to and agreed in writing by the local planning authority. That lighting shall then be maintained in accordance with those details.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, structures, hardstanding, buildings, fences, gates, or walls shall be erected within the appeal site.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed in the host building.

END OF SCHEDULE