
Appeal Decision

Site visit made on 12 August 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/F1610/W/25/3361712

Abbots Hill, Duntisbourne Abbots, Cirencester, Gloucestershire GL7 7JN

- 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 Jamie Eykyn against the decision of Cotswold District Council.
 - The application Ref is 24/01428/FUL.
 - The development proposed is described as renovation of barn and new side addition with garage to create a one bedroom dwelling as an adjunct to the main house of Abbots Hill.
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Decision

1. The appeal is dismissed.

Cost Application

2. An application for costs was made in writing by Mr Jamie Eykyn against Cotswold District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC).

Reasons

4. The appeal property is within the zone of influence (Zoi) of the Cotswold Beechwoods SAC protected habitats. Evidence indicates that likely significant adverse effects, either alone or in combination with other projects, cannot be ruled out where there is a proposed net gain in dwellings, as a result of recreational pressures. In accordance with the Conservation of Habitats and Species Regulations 2017 (Regulations) an appropriate assessment (AA) is therefore necessary.
5. Although reference has been made to a 'shadow Habitat Regulations Assessment', such an assessment does not appear to be before me. In any event, as the competent authority, I am required to carry out the AA and this should be done in a suitably robust manner.
6. The qualifying features of this protected habitat include semi-natural dry grasslands and scrubland facies: on calcareous substrates, grasslands and scrublands on chalk or limestone as well as the beech forests. The conservation objective is, amongst other things, to maintain these habitats in a favourable condition.
7. Evidence has found that the SAC has a high level of visitors, and that 75% of these visitors live within 15.4km radius of the protected site. The qualifying features of the SAC are vulnerable to this recreational pressure, which is proven to damage vegetation, introduce

contamination through dog fouling and may increase fire risk. The high level of visitor use harmfully effects the condition of this protected habitat.

8. To address this harm, and to ensure that future development can be accommodated without giving rise to significant adverse impacts, the Cotswold Beechwood SAC Recreational Mitigation Strategy has been adopted by relevant authorities. This mitigation, agreed with Natural England, comprises two elements, the first of which is Strategic Access Management and Monitoring (SAMM). This includes initiatives for signage, education and measures to deal with contamination. The second element is the provision of suitable alternative natural green space (SANG) to relieve the harmful pressure on the SAC.
9. This mitigation applies to any future development granted planning permission that results in a net increase in residential units. The contribution to SANG is charged at £480 per new dwelling and it is suggested that this is collected via the Community Infrastructure Levy.
10. The Mitigation Strategy also shows the breakdown of cost for the SAMM, on which basis a cost per new dwelling (of £193.00) has been calculated. It is advised that SAMM contributions should be collected by legal agreement pursuant with s106 of the Town and Country Planning Act 1990 (1990 Act).
11. Proportionate to the scale of development proposed, this mitigation appears fair and reasonable. Also, the evidence as outlined, demonstrates that this financial contribution is necessary to mitigate the harmful effects resulting from creating new homes in this area and to make such development acceptable in this regard. Planning obligations addressing this matter would as such satisfy the test set out in national guidance.
12. The history of the property suggests that the building subject of this appeal provided some living accommodation, but this was many decades ago. It is now described as a barn. Moreover, with large wooden openings, a hay and equipment store and substantially open space at the ground floor with few domestic features, the existing building has a distinct appearance of a rural outbuilding, albeit with a first floor.
13. The appellant draws attention to the proposal being compliant with local policy in principle. Addressing this, the Council references Policy EC6 of the Cotswold District Local Plan (Local Plan), which provides support for the alternative use of existing buildings in rural areas.
14. The evidence suggests that this development would provide accommodation for individuals currently occupying the 'main house'. However, the meaning of 'adjunct' in the description of development appears unclear in this case, and, the supporting evidence does not suggest that, once renovated, this would comprise additional living space that would be part and parcel of the original dwellinghouse. Indeed, the submitted plans show the renovated building in a separate plot to existing dwellings in this area. While I note the appellant's intent to stay living on the site, if this appeal is allowed, I find nothing that would prevent the resultant one bedroom dwelling forming a separate planning unit.
15. Consequently, the proposal would result in a net gain in dwellings in the Zol of the SAC and based on the above evidence, future occupants would likely add to the significant adverse effects, when considered alone and in combination with other projects, on this protected habitat by increasing harmful recreational pressure. Mitigation measures outlined above are therefore necessary in this case.
16. Submitted information indicates that the Council is seeking both financial contributions through a legal agreement either pursuant with s111 of the Local Government Act 1972 or S106 of the 1990 Act. It is appreciated that this was a matter that the appellant was only

made aware of late in the application stage but is nonetheless happy to address. However no legal agreement has been submitted with this appeal. Without a legally sound agreement, there is no certainty that the mitigation measures necessary in this case to make this development acceptable in terms of this planning matter have been secured.

17. Without this mitigation, I am therefore unable to conclude that this proposal would not have a significant adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation. In this regard the proposal would conflict with Policies EN8 and EN9 of the Local Plan. These Policies collectively, amongst other matters, seek to safeguard internationally designated wildlife sites.

Other Matters

18. The appellant's Preliminary Ecology Appraisal (PEA) found evidence of bat activity at the first floor of the property. The PEA went on to advise that follow-up emergence surveys were necessary.
19. The Regulations require a competent authority to have regard to the requirements of the associated Directive so far as it may be affected by the exercise of its functions. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of European protected bat species.
20. I note the difficulty regarding communication with the Council and the potential impact of this on the appellant's ability to carry out follow-up surveys during the optimum period during the planning application process. This aside, follow-up surveys have not been submitted in this appeal, although mitigation measures to be imposed by condition are suggested.
21. However, national guidance cautions where there are likely to be adverse effects on protected flora and fauna, proposals should not usually be decided until surveys are submitted. It is therefore necessary for evidence regarding potential impacts on habitats and species to be provided at the application stage. I find that there is insufficient information to establish whether this proposal would accord with the aims of Policy EN8 of the Local Plan in respect of this matter.
22. As already stated, the proposal would result in an additional dwelling. While this would be a small addition, the contribution would be significant given the Government's objective to significantly boost the supply of homes. As a small unit it would also contribute to the mix of dwellings in the area. These matters attract significant weight in this appeal.
23. The appeal property is in the Duntisbourne Abbots and Leer Conservation Area and the Cotswolds National Landscape. The existing structure is stone built and a traditional form in keeping with the local vernacular. As such it does not appear to be a detracting feature, and I saw that it positively contributes to the interest and special qualities of the designated heritage asset and this important landscape.
24. I note that no concerns have been raised about the visual impact of the proposed development. However, even if I agree with this, I am not persuaded that this proposal, which could, for reasons stated, result in harm to protected habitats and species, is the only means of securing the optimum use of this building and satisfying the statutory duties relevant to conservation areas and National Landscapes. Moreover, it seems to me that the appellant's desired outcome regarding living arrangements could be achieved without the harms identified above. I attach very limited weight to this matter accordingly.
25. The National Planning Policy Framework (the Framework) gives support for development that would re-use redundant buildings in the countryside and future occupants of the new dwelling

would likely contribute to the vibrancy of the settlement. Also, low carbon features could be incorporated in the building by condition. These social, economic and environmental benefits would be small, given the size of the development, but again these benefits attract significant weight.

26. However, paragraph 195 of the Framework states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitat site, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site.
27. As stated above, I find that significant adverse effects on the integrity of the SAC would likely occur in this case. This could be addressed by a financial contribution. However, with no legally binding deed, there is no certainty that the necessary mitigation with regards effects on the SAC is secured. Therefore, even if I accepted that measures addressing potential impact on bats could be imposed by condition, the application of policies of the Framework that protect areas of particular importance provide a strong reason for refusing the development proposed in this case.
28. Evidence in support of the original application indicated that the development was exempt from the biodiversity net gain (BNG) required under a statutory framework introduced by Schedule 7A of the 1990 Act (as amended). However, the appellant has confirmed that the site comprises greater than 25 square metres of onsite habitat that has biodiversity value in this appeal process. The exceedance is relatively small, indicated as being 27.5 square metres, but nonetheless, the requirements for this exemption are set out in Regulation, and the development fails to meet this. I find no flexibility in national guidance regarding this matter. Also, it has not been advanced in this case that the proposal would qualify as any of the other exemptions stated in Regulation.
29. The biodiversity gain condition is pre-commencement: once permission is granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. However, prior to this, where BNG applies, information specified in article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 must be submitted at the application stage. This minimum national information includes, amongst other things, a completed biodiversity metric tool. This has not been submitted in this case.
30. While noting the potential for BNG to be addressed at the site, the proposal does not appear to have satisfied the minimum statutory requirements. This is a matter that would need to be addressed if I was finding differently on this appeal.

Conclusion

31. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR