
Appeal Decision

Site visit made on 15 October 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/F1610/W/25/3369472

Land off Station Road, South Cerney, Cirencester GL7 5UB

- 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 Mrs E Chubb (Stone Developments Wiltshire Ltd) against the decision of Cotswold District Council.
 - The application Ref is 25/01558/PLP.
 - The development proposed is 3No dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to an application under the 'permission in principle' (PiP) procedure, which first establishes whether a site is suitable in principle for residential development. The second 'technical details consent' (TDC) stage would then be required to assess detailed development proposals.
3. Applications for PiP for residential development must include a minimum and maximum number of dwellings. In this case, PiP has been sought for the erection of up to 3 dwellings. The scope of the considerations is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location and the resultant effects on the South Cerney Conservation Area (CA) and the settings of several listed buildings.

Reasons

5. The appeal site comprises a parcel of land to the north of Station Road which is described by both main parties as a paddock and includes a small stone building and remnants of a stock pen. There are existing dwellings to both sides and farm buildings to the east, while to the north there is an area of open green space bound from the appeal site by dry stone walls.
6. The appeal site is located in the South Cerney CA and is adjacent several listed buildings. As such, I have had regard to sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). These provisions place a statutory duty on the decision maker to preserve or enhance the character or appearance of a conservation area and for development which affects a listed building or its setting, to have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses. This includes proposals relating to permission in principle.

Significance of Heritage Assets

7. Paragraph 207 of the National Planning Policy Framework (the Framework) advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As the appellant points out, the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. I do not have any description of the significance of the nearby listed buildings or the CA before me. This is particularly disappointing given the Grade I listed status of the Church of All Hallows¹ which is of exceptional interest as the highest grade of listing in England.
8. I have had regard to the South Cerney Conservation Area Statement (the CA Statement) (December 2002) as well as my own observations on the site visit. The character and appearance, and thereby significance, of the CA is derived in part from features such as its linear form, including many cottages built up to the road with meadows behind. Although there is newer development, the older buildings are particularly positive contributors to the character of the area as a whole. Moreover, CA Statement cites the open space around Boxbush Farm, adjacent the appeal site, as the most important in the village and includes the wide verge along Station Road. Dwellings on the north side of the road are generally set in large plots with generous setbacks from said road which along with the grass verges and treelined street give the immediate area a pleasant, open and verdant character.
9. The CA Statement also divides the CA into 5 character areas, of which the appeal site is located in the area titled 'From Boxbush Cottage on Station Road to Pike Cottage on High Street'. Although I note the appellant's contention that the appeal site is not within character area 5, the map appended to the CA Statement demonstrates otherwise.
10. Positive features of this sub-area include the presence of numerous traditional buildings of historic significance but of most relevance is the area around and including Boxbush Farm, with its ancillary outbuildings and fields. Looking north from Station Road, distant views are possible through gaps between farm buildings, and over fences, gates and stone walls to open fields, and the church and tree-lined Bow Wow beyond. The survival of such a substantial farm and swathe of agricultural land a short distance from the village centre is important. The value of this land is described as crucial in the CA Statement.
11. The CA Statement goes on to say that on the opposite side of the road the long row of cottages, many of which are listed, date from the sixteenth century, and therefore among the earliest domestic buildings in the village. The row is described as remarkable in its survival. Its strong architectural presence is the result of its length, and the series of gabled dormer windows. It totally encloses the southern side of the street and, together with the Boxbush Farm grouping, creates a spatial quality which is further enhanced by the grass verge, several hawthorn trees and the ditches.

¹ List Entry Number: 1340977

12. I understand that the appeal site was not designated as an area of important green open space or landscape value in the CA Statement. The inset map shows the site excluded from the larger green area to the north and northeast, which is identified for this purpose. While this may have been because of the outline permission granted² for housing at the time, the lack of designation in the CA Statement or the NP does not mean the site does not have value or is not a positive feature in the area. On the contrary, given the appeal site's location on the edge of the important area of open space, relationship with other heritage assets, and its inherent rural character, it contributes considerably to the character and appearance and thereby significance of the CA.
13. Taken together, the CA derives its significance mostly from its layout, rural character, green spaces and quality and age of its buildings, particularly in the older sections such as along Station Road.
14. The Grade I listed Church of All Hallows is located to the north of the appeal site across the open space off Church Lane. The church is described as being built on Norman foundations with a rubble stone tower and other facing walls largely of coursed stone with a stone slate roof. Its special interest and significance is generally drawn from its historic and architectural interests. This includes its age, connection to the community historically with ongoing ecclesiastical use, and its traditional construction and materials.
15. Although its tower is not especially tall, it is visible from numerous vantage points throughout the village, most relevantly to this appeal from gaps between built form along Station Road. I observed this was also possible from the appeal site. I disagree that the setting of the church is limited to the graveyard and immediate area around the building. Regardless of visibility, its setting includes much of the village and the rural environs as a whole and despite the distance of the appeal site, the open areas allow the historic function of the church to be better understood as the centre of a rural parish which would have been purposely prominent in the area to attract worshippers. Overall, the setting of the listed church contributes considerably to the special interest and significance of the designated heritage asset.
16. No's 3-7 Station Road and Oakbeams (No.8) are all Grade II listed individually³ and have obvious group value given their physical and historic connections. The row evidently was once continuous with the cottages beginning at the Plough Cottage (No.10), but the middle cottages were removed and replaced with the later detached dwellings of No's 6-9.
17. No's 3, 4 and 5 Station Road date from either the late 16th or early 17th centuries and comprise a row of rubble stone facing cottages with stone slate roofs and front gables. No.6 is a detached two-storey dwelling of later, early 19th century origin of simple form and built from coursed rubble stone with sliding sash windows to either side of the front door. No.7 is also of later origin from the late 18th century with similar rubble stone construction and form as No.6, albeit it is smaller in scale without a door to the principal elevation. No.8 is known as Oakbeams and dates from 1787 from the plaque on the front elevation. It is built from the same materials as others on this row but is taller than the adjoining No.7 with similar polite form and detailing.

² Application reference: 02/02192/OUT

³ List Entry Numbers: 1090031; 1341005; 1090032; 1090033; 1341006; 1090034.

18. The significance of No's 3-8 is largely derived from their historic and architectural interests. This is drawn from their age, simple form and detailing, and their traditional materials and construction. Moreover, in the case of No's 3, 4 and 5, they are identified in the CA Statement as the oldest domestic buildings in the village. This adds further significance due to their association with the development of the village and ties to its early history which, along with the church, would have included much less and sporadic built form, adding to the historic interest of the different assets.
19. My attention is drawn to the existing stone building on the appeal site which the Council advises should be considered a Non-Designated Heritage Asset (NDHA). The Planning Practice Guidance (PPG) advises that the decisions to identify NDHAs are based on sound evidence. It goes on to advise that clear and up to date information on non-designated heritage assets are accessible to the public to provide greater clarity and certainty for developers and decision-makers and this includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets⁴.
20. The building on the site is not identified through the CA Statement, the Cotswold District Local Plan 2011 – 2031 (adopted August 2018) (LP) or the South Cerney Neighbourhood Plan 2021 – 2031 (adopted December 2021) (NP). I have also not been presented with a local list of such assets. However, policy EN12 of the LP does specify the criteria for deciding whether a building should be considered as a NDHA. This can include for its age, historic interest or association and aesthetic merits. Moreover, the PPG also advises that in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.
21. I have little information before me on the building in question. However, from my observations on the site visit, due to its method of construction, materials and simple form it is clearly of some age. It has retained its agrarian character and is an attractive feature in the local area. It is therefore of significant historic interest; has group value associated with adjacent agricultural practices; and has aesthetic merit. As such, it can be considered as a NDHA, for the reasons above.
22. Overall, given the appeal site's location it clearly has functional and historic links to the area of open green space to the north. Moreover, its positioning between the listed church and row of listed cottages, and its open, verdant and rural character, including the stone building, all contribute considerably to the setting of the listed buildings, the character and appearance of the CA and thereby the significance of all of these designated heritage assets.

Effects of the Proposal

23. This is not the TDC stage and as such, it stands to reason that there are no firm details on the form, layout or general appearance of the dwellings. Nonetheless, there erection of 3 dwellings, access road and inevitable domestication of the site though border treatments and ancillary development would increase the built form on the appeal site. This would be of greater density than seen in neighbouring plots and would erode and be harmful to the verdant rural and open character and appearance of this part of the village and CA.

⁴ Paragraph: 040 Reference ID: 18a-040-20190723

24. Furthermore, the proposed development would be visible from the important route through the village along Station Road from where it would appear as an overdeveloped and somewhat cramped plot, at odds with the open character of this part of the village and the dwellings adjacent. Consequently, the proposed development of 3 dwellings in principle in this location would diminish the rural character of the site and would harm the character and appearance and thereby significance of the CA.
25. The loss of rural character would also mean harm to the setting of the listed buildings due to the contribution of the appeal site. Moreover, the significance derived from their inherent group values and interrelationships formed over hundreds of years of the village would also be eroded and harmed. The removal from the site of the former barn would mean the loss of a NDHA which makes a significant positive contribution to the character and appearance of the CA and within the settings of the listed buildings as given above.
26. I have had regard to the photographs provided by the appellant. The church may not be readily visible from some parts of Station Road or indeed other areas of the village. However, listed buildings are safeguarded for their inherent special interest, and visibility is but one consideration of the impacts of a development proposal on the significance of a designated heritage asset. A lack of visibility from public vantage points therefore does not equate to an absence of harm. Moreover, it is unclear as to how they have reached this conclusion when the special interest and/or significance of any of the given heritage assets has not been established.
27. To conclude on this matter, the proposal would be harmful to the character and appearance of the CA and setting of adjacent listed buildings due to the location of the dwellings. This would be contrary to the provisions of sections 72(1) and 66(1) of the Act as well as policies EN1, EN2, EN4, EN10, EN11 and EN12 of the LP and policy SC11 of the NP. Among other things, these state that proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm.
28. The proposal would also be contrary to paragraph 212 of the Framework which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Heritage Balance

29. I have found harm to the CA and settings of several listed buildings as well as the harm from the loss of the NDHA. I note that there is no dispute that any harm would be less than substantial. Paragraph 215 of the Framework advises that where this occurs, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
30. I am informed that the Council cannot currently demonstrate a 5-year supply of deliverable housing land. This figure is put at 1.8 years and does not appear to be in dispute. This is a considerable shortfall and as such, I am taken to paragraph 11(d) of the Framework which advises that in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites permission should be granted unless the application of policies in the Framework

that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 clarifies that assets of particular importance includes designated heritage assets. Given the harm I have found to the CA and settings of several listed buildings, including the Grade I listed church, this provides a strong reason for refusing the proposal. I must give the harm to designated heritage assets great weight in any event.

31. The provision of 3 dwellings would make a contribution to the housing shortfall. This could be built out quickly as a small site and is worthy of some limited weight in favour of the scheme. The financial benefits accrued during the construction of the project and increased number of residents using local services and facilities are also worthy of some limited positive weight in favour of the scheme. Notwithstanding footnote 7 of paragraph 11(d), the public benefits of the proposal would not outweigh the harm I have identified.
32. I understand that planning applications for housing have been approved on several occasions. This includes in 1997, which was renewed in 1999 and 2002, although none of these were implemented. I am advised of case law which establishes that such a planning history must be afforded substantial weight, although it is unclear which judgement specifically establishes this. Moreover, the 2002 grant of outline permission⁵ which I have been provided was determined under the Town and Country Planning Act 1990, not the Planning (Listed Buildings and Conservation Areas) Act 1990. In any event, those decisions were made under a different consent regime and well before the advent of the Framework. I am also duty bound to consider the scheme on its own merits. As such this does not convince me the proposal is acceptable.
33. My attention is drawn to an appeal⁶ which related to permission in principle for 2no dwellings. This would have had its own site-specific circumstances and its relevance to the case before me is unclear, other than the consent regime. As such it is worthy of very little weight as a material consideration.
34. I am also informed of biodiversity net gain achieved through the proposed development. A 10% gain would be required regardless, and whether the actual gain would exceed 10% is unclear at this stage given TDC would still be required.
35. I am also directed to paragraph 73(d) of the Framework which I am informed advises that great weight should be given to the benefits of using sites within existing settlements. It is emphasised that this is not just a case of giving 'weight' to the benefits of sites within existing settlements, but it is a case of giving 'great weight' to these benefits. However, it is clear from my reading of this paragraph that the word 'suitable' has been omitted from the appellant's example. I would emphasise that it has not been demonstrated that the site is suitable for residential development given my findings above.
36. Based on the foregoing, the public benefits of the proposal do not outweigh the harm, for which I must attach great weight to the conservation of heritage assets. The proposal thereby conflicts with paragraph 215 of the Framework.

⁵ Application reference: CT.7719/B

⁶ APP/Y3940/W/24/3345527

Conclusion

37. The proposal would result in harm to the character and appearance and thereby significance of the CA, as well as the special interest and significance of several listed buildings and a NDHA. As a result, the proposal would conflict with the Act and development plan when read as a whole. It would also conflict with the Framework, as the public benefits of the scheme are not sufficient to outweigh the harm. Overall, I conclude that there are no other considerations of sufficient weight which would outweigh the harm. As such, the appeal is dismissed.

C McDonagh

INSPECTOR