



Appeal Decision

Site visit made on 4 November 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/B1605/W/25/3369339

1 Croft Avenue, Charlton Kings, Cheltenham, Gloucestershire GL53 8LF

- 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 John Slater on behalf of Spa Town Rentals against the decision of Cheltenham Borough Council.
- The application Ref is 25/00655/FUL.
- The development proposed is construction of building to provide one single bedroom holiday cottage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupiers of nearby properties, with particular regard to noise, disruption, privacy, and security;
 - the effect on the living conditions of the future occupants of the development, with particular regard to the size of the habitable space and the position of the unit; and
 - the effect of the development on the integrity of the Cotswolds Beechwoods Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden to the host dwelling, 1 Croft Avenue. The host dwelling is an end terrace property within a built-up residential area and within the Principal Urban Area of Cheltenham. The terrace houses all face the road and have similar length and width rear gardens separated from the houses by a narrow footpath. Both end terraces also have a vehicular access to the side and the opposite end of the terrace has a garage at the rear. However, the host dwelling does not have a garden which is overly large or out of keeping with the size of other gardens to the terrace houses.
4. The appeal proposal is for a detached building to be used as holiday accommodation. It would be built in the rear garden behind the host dwelling and fill most of the width of the garden. A single parking space is indicated, accessed

using the existing vehicular access, which would also continue to serve the host dwelling. The proposed new building would be single storey with a flat roof, one bedroom, shower room and open-plan kitchen and living room. One window is proposed to the kitchen/living room and a flat window in the roof would serve the bedroom.

5. The road frontage terrace houses and the consistent shape and length of the rear gardens sets the grain of the area and creates attractive and continuous streetscapes, contributing positively to the character of the area. The appeal proposal would, by being built behind the host dwelling, not front a road or a driveway. It would, therefore, disrupt the prevailing urban grain and would not integrate well with the context and character. It would be incongruous in the area and would fail to make a positive contribution to the street scene.
6. The Cheltenham Local Development Framework - Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009 (the Garden Land SPD) defines garden land development as that within either the front or rear garden of existing properties, or both. The Garden Land SPD does not seek to prevent development on gardens; however, it does seek to ensure that any such developments are appropriate and respect the area. The appeal proposal would not respect the grain of the area and would also result in a form of tandem development that is resisted in the Garden Land SPD.
7. The appellant has drawn my attention to houses on Croft Drive, Croft Mews, and Croft Parade which I viewed at my visit. Both Croft Drive and Croft Mews are set on land behind the gardens of the terrace houses on Croft Avenue. Nevertheless, from the extract of historic maps provided in the appellant's evidence, the land on which these properties were built did not form part of the gardens of the terrace houses. Both are built off separate access points, not serving any other properties. Both developments were built on land to the rear of the gardens and have created a separate, small, group of buildings which form part of the character of the area, but do not inform or disrupt the primary road frontages or urban grain of Croft Avenue or Croft Road.
8. Croft Parade is the terrace houses on the opposite side of Croft Avenue and the houses behind those front onto Little Herbert's Close. I have not been provided with any evidence of back land development in Croft Parade. Overall, the other developments referred to by the appellant are materially different to the appeal proposal and would not justify development within the rear gardens of the terrace houses.
9. The appellant has also referred to other outbuildings within the gardens of properties in the area. Although there are some large outbuildings, most are much smaller sheds and garden rooms. I have not been provided with any compelling evidence of any other buildings that are as large as the appeal proposal, set within a garden of a terrace house, and used as separate accommodation.
10. I acknowledge that the proposal would be a contemporary single-storey and flat roofed building, which would not be visually prominent or intrusive, and would be lower in height than the two-storey terrace dwellings. Moreover, I accept that a flat roofed and timber clad building would not be out of keeping with other outbuildings in the area and I saw that the approved, flat roofed, extension to the host dwelling

was under construction. However, these matters are neutral and do not weigh in favour of the development or outweigh the harm of the proposal.

11. The appellant contends that there is a fallback position of constructing an outbuilding to be occupied as an annexe to the host dwelling. The appellant asserts that this fallback should be considered in assessing the appeal proposal. I have had regard to the relevant caselaw¹. However, the appellant also accepts that to be permitted development the building would have to be reduced in height. Furthermore, I have no compelling evidence that a building of a size similar to that proposed would be reasonably required for purposes incidental to the enjoyment of the dwellinghouse and I have no lawful development certificates for such proposals. This leads me to conclude that I have no compelling evidence that the development of an outbuilding as an annexe would be delivered, and there is no “real prospect” of the fallback position advanced being implemented. I have therefore given this little weight in coming to my conclusions.
12. For the reasons given above, I find that the appeal proposal would result in a form of development that would not be in keeping with the surrounding built form and would have an unacceptable adverse effect on the character and appearance of the area contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) which seeks to ensure that new development responds positively to, and respects the character of, the site and its surroundings, enhances local distinctiveness and addresses the urban structure and grain of the locality in terms of street pattern and layout.
13. For the same reasons, the proposal would also fail to comply with Policies SL1 and D1 of the Cheltenham Plan, adopted July 2020 (the CP) which, taken together, require development to achieve good design and complement and respect neighbouring development and the character of the locality.

Living conditions of neighbouring occupiers

14. The appeal building would be built within the rear garden of the host dwelling. As a single storey building with windows only in the front elevation there would be limited loss of privacy or light to the immediate neighbours, subject to the appellant erecting a taller fence than the low level fence I saw at my visit.
15. Nevertheless, as a separate unit of accommodation, the proposal would have comings and goings associated with the occupants which would be added to the movements currently associated with the host property. Even if an outbuilding were built and occupied as an annexe the occupant of such a building would likely share some movements with the occupiers of the host dwelling. As holiday accommodation the occupants would have separate movements.
16. Even if I were to accept that the level of activity would not be significant it would still be added activity above and beyond what would be expected associated with the host dwelling, even if an annexe were constructed. The additional activity would be noticeably different to the existing situation and noticeably different to an annexe use. This would, therefore, be harmful to the living conditions of the occupiers of neighbouring properties by reason of additional noise and disturbance.

¹ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

17. I have no compelling evidence that the use of the proposed building as a separate unit of accommodation would reduce the security of the neighbouring properties nor add to their fear of crime. The path between the houses and the gardens is not currently secured though I also have no reason to believe that anyone would use this path unless they were a resident or visitor. The additional movements would provide natural surveillance of the area and the path to the rear of the properties and, in my judgement, would likely improve security.
18. The provision of a building and parking space within the appeal site would result in the loss of the off-street parking for the host dwelling which would add to the existing on-street parking. However, as only one car would be displaced, the effect of this would not be severe.
19. For the above reasons, although I find no harm to privacy and security and only limited harm to parking, I find that the appeal proposal would result in adverse harm to the living conditions for the occupiers of nearby properties, with particular regard to noise and disruption. The proposal would, therefore, be contrary to Policy SD14 of the JCS which seeks to ensure that development would not cause unacceptable harm to local amenity. It would also be contrary to Policy SL1 of the CP which requires development to not cause unacceptable harm to living conditions in the locality.
20. For the same reasons, the proposal would also fail to comply with the advice in the Garden Land SPD which, amongst other matters, seeks to resist development that would result in unacceptable harm to the living conditions of neighbouring dwellings.

Living conditions of future occupants

21. The proposed building would fall short of the minimum set out in the Technical Housing Standard – Nationally Described Space Standard (the NDSS) for a two-person, one bedroom, property. Although it meets the minimum for a one-person property the proposal is for a unit with a double bedroom and I have, therefore, assessed it as a two-person unit.
22. Although the appellant contends that as holiday accommodation it would not need to meet the minimum standards, the proposal provides a self-contained unit with the facilities required for day-to-day private domestic existence, and I have therefore treated it as a dwellinghouse for the purposes of considering the living conditions of the future occupants. A dwellinghouse does not lose that characteristic if it is occupied for only part of the year, or at infrequent intervals, or by a series of different persons such as holiday accommodation.
23. Moreover, due to the size and shape of the building it would only have openings on the elevation facing towards the host dwelling which would result in three blank elevations and only a roof window serving the bedroom. Although I accept that a condition could be imposed to require the building to be occupied as holiday accommodation only, this would not mean that it would be appropriate for the development to not provide a comfortable place to stay. The limited window openings and the shortfall of the development below the NDSS would result in a unit of accommodation that would not provide appropriate living standards for the future occupants, even if they were only occupying the unit on a short-term basis. The appeal proposal would, therefore, not provide high quality design.

24. The position, to the rear of the host dwelling, would also result in the future occupants of the property not feeling part of the area or part of any wider development. The building would be the only separate unit of accommodation to the rear of the terrace houses and would result in the accommodation feeling isolated and cramped.
25. For the above reasons, the appeal proposal would not provide acceptable living conditions for the future occupants of the development, with particular regard to the size of the habitable space and the position of the unit. It would, therefore, fail to comply with Policy SD4 of the JCS which seeks to ensure that development creates attractive and comfortable places to live.

Special Area of Conservation

26. The appeal site lies within the zone of influence for the Cotswold Beechwoods Special Area of Conservation (SAC) and the effect of the development on the SAC was included as a reason for refusal. The appeal scheme would result in a net increase in residential accommodation which could result in adverse effects upon the integrity of the SAC through increased recreational use.
27. A signed and dated unilateral undertaking has been provided by the appellant which would secure a financial contribution payable to the Council, prior to the commencement of development.
28. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this further.

Other Matters

29. The Council states that it is not able to demonstrate a five-year supply of deliverable housing sites and the supply figure of 2.52 years detailed in the officer report is a significant shortfall. Paragraph 11(d) of the National Planning Policy Framework (the Framework) therefore applies.
30. However, if the appeal building were to be restricted to holiday accommodation it would not contribute towards boosting the supply of housing, as promoted by the Framework. I acknowledge there would be general social and economic benefits of providing an additional unit of tourist accommodation. Moreover, the appeal site is also within the Principal Urban Area and, therefore, close to services and facilities accessible by foot, cycle, and public transport. However, in providing one additional property these benefits are limited. Nevertheless, these benefits contribute positively and carry moderate weight in favour of the proposal.
31. There would be adverse environmental impacts in terms of the effect on the character and appearance of the area from the introduction of a new, separate unit of accommodation, in the rear garden of the host dwelling. There would also be harmful environmental effects on the living conditions of both the future occupiers of the scheme and the occupants of the neighbouring properties. The development would, therefore, be contrary to the relevant parts of the Framework, which amongst other matters seek to secure well-designed and attractive places,

promote good design, maintain a strong sense of place, and create places with a high standard of living conditions for existing and future users. These environmental impacts are afforded significant weight.

32. Overall, in my judgement, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

33. For the reasons given above, the proposal would be contrary to the development plan, when taken as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR