



Appeal Decision

Site visit made on 11 November 2025

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Appeal Ref: APP/F1610/W/25/3363037

Brook House, Sherborne, CHELTENHAM, GL54 3DR

- 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 & Mrs Will Hine against the decision of Cotswold District Council.
 - The application Ref is 24/00420/FUL.
 - The development proposed is the erection of a single dwellinghouse, detached garage and associated works including the widening of existing point of access.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether the proposal would result in the loss of an important open area; and
 - Whether the development would preserve or enhance the character and appearance of the Sherborne Conservation Area and the setting of the nearby listed buildings.

Reasons

Background

3. The appeal site lies within the village of Sherborne and forms part of the Sherbourne Conservation Area and the Cotswold National Landscape (previously AONB). The site comprises part of the garden of the existing property Brook House and there is a private driveway to the west of the site from where vehicular access is proposed through a widened gap in the existing boundary wall and high conifer hedge. This driveway is a vehicular access to the neighbouring property The Kennels, a listed building, and is also the route of a public right of way (PROW) (footpath14). The adjoining properties of No's 14 and 15 Sherborne to the front of the appeal site have a similar status along with Elm Tree Cottage to the north-east of it. Brook House is not a listed building but is identified as an undesignated heritage asset.
4. It is proposed to erect a new detached dwelling. This would have a single storey form but split levels to follow the general slope of the land. The appellant and the submitted Design, Access and Visual Impact Assessment (DAS) describes the design of the dwelling as contemporary employing a low flat-roof form with

elevations of a mixture of natural Cotswold stone, timber panels and glazed fenestration.

5. I note that planning permission was granted in 2021 for various outbuildings in the garden of Brook House including a tennis court on the appeal site, but these have not been implemented.

Policy context and land supply

6. The relevant part of the development plan is the Cotswold District Local Plan 2011-2031. In terms of principles, Local Plan Policy DS3 indicates that small scale residential development in Non-Principal Settlements will generally be permitted subject to the application of other detailed policies and site specific issues. The Council confirms that the site lies within a Non-Principal Settlement.
7. The Council also acknowledges that at the moment it is unlikely that it can demonstrate a five-year housing land supply in accordance with section 5 of the National Planning Policy Framework (the Framework) although the actual level of supply is not specified. Therefore, paragraph 11(d) of the Framework is engaged in this case.

Effect on character and appearance and heritage assets

8. In assessing the following issues I have paid special regard to the desirability of preserving the setting of the listed buildings mentioned above and preserving or enhancing the character or appearance of the Conservation Area. I have also sought to further the purpose of conserving and enhancing the natural beauty of the Cotswold National Landscape (AONB).
9. The significance of the Conservation Area and context of the listed buildings is described in part in the Heritage Statement (HS) prepared by Jon Lowe and submitted with the application. Much of the local area is associated with Sherbourne House and its estate and Brook House is thought to have been the estate's Dower House. The HS identifies that the Brook House forms a historic group with its Coach House and Stables.

Loss of open area

10. The Council submits that the spatial character of the plot, as part of a large garden, has remained unchanged for a considerable period of time and this contributes to the spatial character of the lane. However, it appears to me that the land around Brook House is much greater than the curtilages of the other neighbouring properties in the area. Moreover, at the site visit, I felt that the appeal site did not form part of the formal garden and related space around Brook House.
11. In visual terms the formal garden is enclosed by the row of standard trees which are aligned along part of the eastern boundary of the actual appeal site. Whereas the appeal site has a less formal character of a grassed area and the submitted photographs show that it was sometimes used for children's play.
12. The appeal site is physically and visually enclosed from the main garden of Brook House and from the lane by the stone boundary wall and conifer hedge above. Views into and out of the site to/from surrounding land are limited.

13. On the historical evidence submitted with the HS and my observations at the visit, I find that the appeal site is visually and physically distinct from the remaining curtilage of Brook House. The site makes only a limited contribution to the Conservation Area in both spatial and historic terms. It is therefore not an important open area or valuable green space which must be protected from development in principle. The proposal does not conflict with Policy DS3 and Policy EN11(c) in terms of the loss of an important open area.

Design and appearance

14. The appellant's DAS sets out the design philosophy for the introduction of the contemporary design proposed. The new dwelling would have split levels of accommodation to take advantage of the gentle slope of the site and elevations of a mixture of natural Cotswold stone, ash wooden panels, timber and aluminium doors and windows with sliding louvre panels, and a light grey aluminium fascia. The flat green roof would be covered with native species, while the roof of the proposed garage would be of Cotswold stone laid in diminishing courses.
15. The Council does not take issue with the principle of some contemporary architecture as original and innovative work is supported in the Council's Design Code provided that it maintains the architectural distinctiveness of the area. The objection is that the building proposed does not integrate well with its surroundings.
16. At the visit I considered the proposal from within the site, the adjoining lane, the PROW (footpath 14) and from the main street in the village. I acknowledge that the low height of the building means that the upper-level roof would be below the ridge of the greenhouse and outbuilding to the side and rear of No. 14. It is therefore unlikely that new dwelling would be seen from the main street.
17. However, the proposal to create an access to the lane at the side of the site would require the opening up of a wider gap in the existing stone wall and high hedge and there are likely to be views through to the new house. I also have a concern that the conifer hedge along this boundary, which as a natural feature, cannot be relied on in the long term to be a visual screen to the site.
18. In terms of the views into the site from the north this boundary of the appeal site is relatively open with a low stone wall and single mature tree. Views from the PROW (footpath 14) would be limited but the new house would be seen from the main house and outbuildings of Elm Tree Cottage.
19. Although the impact of the house would be limited in public views at the moment, there would be views from other land around the site. Moreover, the effect of the development on the character of the Conservation Area is not limited to views from outside the site. The quality and form of the development itself is as important.
20. In design terms I agree with the Council that although the proposed dwelling makes use of natural Cotswold stone in the main elevations, the use of a 'green roof' with a grey aluminium fascia would give the dwelling a sharp and angular horizontal form which would visually dominate the environs of the site. This horizontal form would be accentuated by the double spread of the footprint across the site which, although designed to reflect local gable widths, gives the building a considerable horizontal bulk and mass.

21. The overall form would be a stark and intrusive building with little reflection of the design aspects set out in the Council's Design Code which make up the area's distinctiveness. Moreover the proposal would not be sympathetic to local character as set out in part 135 (c) of the Framework and would not meet the overall aim of achieving well designed places.
22. In the context of the setting of the listed buildings at the Kennels, No's 14 and 15 Sherborne and Elm Tree Cottage, the traditional form of which greatly contribute to the significance of the Conservation Area, I find that the design and form of the dwelling proposed would harm rather than preserve or enhance both the character and appearance of the Conservation Area. In terms of paragraph 215 of the Framework this harm would be less than significant harm and has to be balanced with public benefits.
23. In relation to the development plan I find that the proposal conflicts with Policies EN11, particularly part (a), EN1 and EN2.

Other Matters

24. In addition to the issues discussed above local people also put forward other concerns. Objections are raised to the use of the narrow lane as a vehicular access to the site. However, although this is relatively narrow, there is good visibility along it and the level of traffic associated with a single dwelling is likely to be light. This would not materially interfere with its safety of the lane or the enjoyment of walkers and other users.
25. There is also concern about the loss of a wildlife habitat but there is little evidence of the harm that could be caused and I note there was a permission for the land to be used for a tennis court in any event. Finally, it would not be reasonable to pre-judge if the dwelling proposed would employ air-source heat pumps and any noise disturbance that may arise. The other factors raised are therefore not determinative issues. I also note the letter of representation in support of the proposal.

Planning balance

26. The proposal needs to be appraised in the context that when considering the effect on the significance of the heritage assets great weight must be given to the asset's conservation in accordance with paragraph 212 of the Framework.
27. On the main issues I have found that while the land of the appeal site is not an important open area in the village, the dwelling proposed is of a design, form and bulk which would harm both the character and the appearance of the Conservation Area and not preserve or enhance it.
28. The level of harm would be 'less than significant' as described in paragraph 215 of the Framework. The main public benefit that arises would be the creation of an additional dwelling at a time when the Council cannot demonstrate an adequate supply of sites for new housing. However, the harm to the significance of the heritage asset would be on-going and this outweighs this benefit.
29. In relation to the wider effect on the Cotswold NL the Council concludes that this designated area would not be harmed and I share this view.

30. Overall, in applying the test in paragraph 11(d) I find that the proposal would conflict with policies in the Framework which protect assets of particular importance and this provides strong reasons for refusing the development proposed.
31. I also find that the conflict with the relevant policies in the development plan is not outweighed by any other consideration. This indicates that the appeal should not be allowed.

Conclusion

32. For the reasons given above the appeal should be dismissed.

David Murray

INSPECTOR