



Appeal Decision

Site visit made on 24 February 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 May 2026

Appeal Ref: APP/C1625/W/25/3376602

Land Adjoining The Deyne, Littleworth, Amberley, Stroud GL5 5AL

- 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 Alexandra White against the decision of Stroud District Council.
 - The application Ref is S.25/0534/FUL.
 - The development proposed is described as: "Low impact development comprising residential yurt, compost toilet, kitchen shed, and other temporary structures (C3 Use Class)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the decision notice. This is different from the planning application form, but it more accurately describes the proposal. However, reference to 'retrospective' in the description of development is not a form of development and so I have amended it accordingly. During my site visit I saw that some of the development has already been carried out, but for the avoidance of doubt, I have determined the appeal based on the submitted plans.
3. The site is located within the catchment zones for the Rodborough Common Special Area of Conservation (SAC), the Severn Estuary SAC and the Cotswolds Beechwood SAC. Developments for new dwellings in these areas are required to either provide a bespoke mitigation strategy or make a financial contribution towards mitigating the effects of increased recreational activity on the designated areas. Refusal reason 6 states that neither a mitigation strategy nor a financial contribution was provided with the planning application. As part of this appeal the appellant has submitted three signed Unilateral Undertakings (UUs) providing financial contributions for each of the SACs. The Council has confirmed that this would overcome refusal reason 6 and, as such, I have not considered this matter any further.
4. The appeal site is also located with the Cotswolds National Landscape. Although not cited in the reasons for refusal, the main parties have addressed this matter in their appeal submissions. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. I have therefore had regard to this statutory duty in determining the appeal.

Main Issues

5. Having regards to the above, the main issues are:
- whether the site is in a suitable location, having regard to the Council's strategy for the location of housing and the site's access to services and facilities;
 - the effect of the proposal on the character and appearance of the area, including its effect on the Cotswolds National Landscape and the setting of the Amberley Conservation Area (CA); and
 - the effect of the proposal on highway safety with particular regard to access and parking.

Reasons

Suitable location

Spatial strategy

6. The Council's strategy for the location of new development is set out in the Stroud District Local Plan 2015 (the LP). The appeal site is located outside of, but adjacent to, the settlement development limits of Amberley which a tier 3 settlement, as detailed in Policy CP3 of the LP. Furthermore, the appeal site is not located within any of the strategic growth and development locations identified in LP Policy CP2, which also states that housing development should take place within settlement development limits. For the purposes of planning policy, the site is therefore located in countryside.
7. Policy CP15 of the LP seeks to control development in the countryside in order to protect its character, heritage and separate settlement identities. To this end, Policy CP15 restricts development proposals in the countryside to certain specified types, none of which apply to this proposal. Whilst I acknowledge that the site is not isolated due to its proximity to other built development, its location outside of the settlement development limits, conflicts with the Council's strategy for the location of housing.
8. The appellant has drawn my attention to draft national decision-making policy S5 in the draft revised National Planning Policy Framework which was published for consultation in December 2025. As this document has not been adopted and is likely to be the subject of modification, it can attract only limited weight, but it is nonetheless a material consideration insofar as it signals the Government's intended direction of travel.
9. The draft policy allows for limited infilling within groups of houses outside of settlements. The appellant suggests that the approach set out in LP Policy CP15 would not accord with this. However, whilst there are houses surrounding the site in the wider area, they are not all in close proximity to the site. I therefore would not characterise the proposal as limited infilling within a group of houses. As such, this consideration does not alter my conclusion regarding the conformity of the site location with the Council's strategy for the location of housing.

Accessibility

10. Within Amberley there is a primary school, public house, shop and café. These facilities would meet some of the day to day needs of future occupiers and could be reached on foot. However, there are no dedicated footpaths or street lighting in the village which means the journey would not be attractive or suitable for all pedestrians.
11. The Local Service Centre of Minchinhampton where there are further services and facilities including a GP surgery, convenience store and other retail, is located within a 10 minute cycle or 30 minute walk of the appeal site. There are no dedicated cycle routes between the appeal site and Minchinhampton. Combined with the lack of streetlighting, I do not find the route to be particularly desirable for cycling, particularly in the winter months. The pedestrian route between the site and Minchinhampton includes crossing Minchinhampton Common and walking along roads with no dedicated footpaths or streetlighting. Combined with the distance, I do not find this would be an attractive or safe route for all pedestrians, particularly those with reduced mobility. Therefore, walking and cycling are unlikely to be realistic alternatives to a motor vehicle for travel to Minchinhampton.
12. There is a bus service between Amberley and Stroud, one of the District's main towns, where there is a range of services and facilities. Whilst the journey time is only 17 minutes, the service only operates once in the morning and once in the afternoon, catering primarily for those attending the town's secondary schools and further education college. Given the limited service, this would not provide convenient access to other services and facilities in Stroud.

Overall

13. Taking all of the above into account, I find that the appeal site would not be in a suitable location having regard to the Councils strategy for the location of housing contained in LP Policies CP2, CP3 and CP15. Permitting the proposal would be harmful in that the strategy for the location of new housing would be undermined and the site location does not offer safe and convenient access to sustainable travel. Given that the proposal is inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be substantial.
14. I have found that the site location provides reasonable access to some services and facilities within Amberley. Nevertheless, the site location does not offer safe, convenient and attractive access by foot and cycle, nor does it offer choices in the mode of transport available to services by means other than motor car. As such, the proposal is contrary to LP Policies CP13 and CP14. Taken together, these policies seek development which is located where there is a choice of sustainable transport modes and where the distance people need to travel to services and facilities is minimised.
15. LP Policy CP1 is also cited in the reasons for refusal. This policy sets out the presumption in favour of sustainable development, rather than anything specific to the appeal proposal and, as such, I find no direct conflict.

Character and appearance

Existing

16. The appeal site comprises agricultural land located beyond the main built-up area of Amberley village. It slopes from east to west and includes a historic stone agricultural building at its eastern edge. Apart from the domestic structures already placed on the site, it is otherwise undeveloped. The land immediately adjoining its boundaries is undeveloped and a Public Right of Way (PRoW) runs along its northern boundary. Although there is some housing in the wider area, typically facing the road and of traditional stone construction, the prevailing character is distinctly rural. In this context, the appeal site makes a positive contribution to the rural character and appearance of the area.

Assessment

17. Although each of the proposed domestic structures is modest in scale when considered individually, their cumulative presence would materially alter the character of the site. Taken together, they would introduce visual clutter and undermine the site's open, undeveloped appearance, to the detriment of the rural character of the area. While the submitted plan identifies a 'living area', the red line boundary extends to a larger area. Consequently, the proposal would effectively result in the change of the entire site area to residential use resulting in the potential for domestication that would erode the site's rural character and appearance.
18. I acknowledge that the proposal is not intended as a conventional form of residential development and that the use of timber could be regarded as broadly comparable with materials traditionally associated with agricultural buildings. Nevertheless, the proposed residential yurt, by reason of its appearance and materials, would be at odds with the established character of nearby residential development. The yurt would be located away from the public highway and it would be dome shaped and finished in a canvas. This contrasts starkly with the surrounding development which generally fronts the highway, has a traditional residential appearance and is predominantly finished in stone. As such, the proposed development would appear as an incongruous and visually discordant feature within its immediate surroundings.
19. Moreover, the location of the proposed residential structures would be distant from the road and from the nearest surrounding houses. Consequently, the proposal would not read as a natural extension of the existing built form of the village. The isolated siting of the residential yurt would instead introduce built form into an area which presently reads as countryside. This would erode the clear distinction between the settlement and its rural setting, causing the site and its surroundings to appear less rural in character and resulting in harm to the wider rural character of the area.
20. The appellant's Landscape and Visual Impact Assessment (Caterina Di Garbo, November 2024) concludes that the proposal would have a temporary negligible to slight adverse effect on the local landscape character by virtue of the dwelling structures. However, this is predicated on the fact that the proposed yurt and other domestic structures would be temporary. The proposal before me does not seek temporary permission, nor is there any mechanism to secure the removal of these structures at a defined point. As such, based on my assessment above,

I find that the proposal would result in a permanent, adverse impact on the local landscape character.

21. Whilst hedgerow planting along the site's boundary could have been secured by condition had the appeal been allowed, this would not materially alter my finding of harm. The harm arises not only from the visibility of the proposed structures, but from their siting, away from the main built form of the village, and the consequent domestication of land that currently reads as countryside. Accordingly, even if additional planting softened views, it would not overcome these harms or the resulting erosion of rural character.
22. I accept that conditions could reasonably be imposed to remove certain Permitted Development rights, for example in respect of extensions, alterations, or incidental structures. However, such conditions would only control acts of development. It would not be reasonable to restrict typical domestic activities and the placement of associated paraphernalia such as tables, chairs, washing lines and play equipment.
23. Whilst public views of the site from the east, south and west are limited, the site is directly and clearly visible from the PRow along the northern boundary. As observed during my site visit, the proposed development would be readily apparent to users of the route and would introduce an overtly domestic presence into an otherwise open and rural setting, resulting in a noticeable and harmful change to the character and appearance of the site.

Cotswolds National Landscape

24. The appeal site is located within Landscape Character Area 5A of the Cotswolds National Landscape. This is characterised by narrow, steep-sided valleys with a sequence of settlements along the valley bottoms. The landscape is predominantly pastoral with scattered areas of arable land. The agricultural character of the appeal site therefore contributes positively to the natural beauty of the National Landscape.
25. The proposed development and resultant domestication of the appeal site, that I have set out above, would detract from the agricultural character of the site and consequently would also detract from the natural beauty of the National Landscape. However, the site is relatively small in the context of the wider National Landscape, so the overall magnitude of harm would be limited.
26. I appreciate that the active land management carried out by the appellant contributes to conserving and enhancing the natural beauty of the National Landscape. Nevertheless, there is no substantive evidence to demonstrate that the introduction of a residential use on the appeal site is necessary to secure those land management benefits.

Setting of CA

27. The Framework requires an assessment of the effect of proposed development on the setting of heritage assets.
28. The Amberley CA boundary adjoins the eastern and southern boundaries of the appeal site. There is no published appraisal or statement of significance for the CA. However, during my site visit I observed that the CA principally comprises the historic core of Amberley village, characterised by traditional stone buildings

set within a rural context, with areas of open land forming an important part of its wider setting.

29. To the east of the CA, that setting includes the open land of Minchinhampton Common. However, the appeal site is located to the north west of the CA where the setting is defined by open agricultural land, including the appeal site and the adjoining field in the appellant's ownership. This contiguous swathe of agricultural land provides a clear visual and spatial separation between the CA and built development at Littleworth to the north and St Chloe to the west, reinforcing the village's distinct identity and rural character.
30. The proposed development of the appeal site would result in the domestication and erosion of part of this agricultural land. Although modest in scale, the proposal would nevertheless diminish the openness and rural qualities that contribute to the CA's setting and would reduce the perception of separation between the historic village and nearby settlements. This change would detract from the agricultural character that forms part of the CA's significance. Consequently, the proposal would cause moderate harm to the significance of the Amberley CA through its effect on its setting.

Public benefits

31. While modest in scale, the proposal would materially erode part of the open agricultural setting that contributes to the CA's rural character and its separation from nearby development. Accordingly, the harm would lie around the middle of the range of less than substantial harm, but nevertheless of great importance and weight.
32. Paragraph 215 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
33. The proposal would deliver a new dwelling; it would also offer other environmental and ecological benefits and deliver some economic uplift in the local economy from the future spending of occupiers. Generally, the provision of housing is a clear public benefit that carries considerable weight, particularly in light of the Council's housing land supply position, set out below. However, the weight I give to this is lessened significantly by the fact that the proposal would only deliver one dwelling and by my conclusions that the site is not in a suitable location for housing. Given the scale of the proposal, the economic and environmental benefits would also be limited. Therefore, these benefits do not outweigh the great weight that I give to the asset's conservation.

Overall

34. Taking all of the above into account, I find that the proposal would cause limited harm to the natural beauty of the National Landscape and it would cause moderate harm to the character and appearance of the area, and the significance of the Amberley CA. As such, the proposal would conflict with LP Policies CP14, ES7, ES10 and ES12 and Policy MP Dev 1 of the Minchinhampton Neighbourhood Development Plan 2019 (MNDP). Taken together, these policies support development which has an appropriate design and appearance, which respects its surroundings and which conserve and

enhance the significance and setting of heritage assets and landscape character.

Highway safety

Access

35. The appeal site currently has vehicle access for agricultural purposes only. No residential vehicular access is proposed as part of the appeal scheme. The introduction of residential use to the site would result in regular, day-to-day vehicle movements associated with occupiers and visitors. In the absence of a suitable residential access, such movements would have the potential to result in unsafe manoeuvres, such as informal vehicle access to the site, resulting in an increased risk of conflict between highway users, to the detriment of highway safety. In the absence of any detailed evidence to the contrary, I cannot be satisfied that the absence of residential vehicular access to the site would not have an adverse impact on the operation of the local road network.
36. I appreciate that vehicle movements would still be generated without residential use on the site as the appellant would attend to manage and maintain the land. However, as noted above, the site does have vehicular access for such agricultural purposes.

Parking

37. The parking standards set out in Table B of Appendix 2 of the LP requires an average of 1.5 parking spaces per dwelling. Appendix 2 also states that allocated parking spaces shall be provided within easy walking distance of the dwelling they intend to serve. In addition, my attention has been drawn to the minimum parking standards set out in the Manual for Gloucestershire Streets Addendum (2021), which requires one car parking space for 1 to 2 bedroom units. Whilst the proposal does not have bedrooms as such, the appellant suggests that one car parking space would be an appropriate standard to apply. This is not disputed by the Council.
38. It is not possible to park on the site currently. It is stated that the appellant currently parks their vehicle on the road, near to the pedestrian entrance when they attend the site. There is no off-street allocated parking included in the appeal proposal and the appellant refers to using off-street parking near to the site.
39. Parking on street is unrestricted, and I saw during my visit that there was high uptake of on street parking in the village near to the appeal site. I also saw that the roads in the village are narrow and so parked vehicles result in a narrowing of the carriageway available for moving vehicles which could result in vehicle conflicts. Whilst my visit can only represent a brief snapshot in time, there is no substantive evidence to suggest what I saw was untypical for the time of day. I also note the comments from interested parties, including from the National Trust which owns land around the appeal site, regarding parking pressures in the area.
40. In addition, whilst the LP does not necessarily require parking to be on-site, there is a requirement for an allocated space. There is nothing to confirm that on-street parking would be available for long-term residential parking. Furthermore, there is nothing submitted to demonstrate that an under-provision of parking would not

have an adverse impact on the local road network or highway safety. Given the narrow width of the existing road, such an under-provision of parking would be highly likely to result in on-street parking pressures to the detriment of the local road network and highway safety.

41. Taking all of the above into account, I cannot be satisfied that the appeal proposal would not have an unacceptable impact on highway safety. As such, it conflicts with LP Policies ES3 and CP13 and MNDP Policies MP Traffic 1 and MP Parking 2. Taken together, these policies require that development is not detrimental to highway safety and provide appropriate off-street unless it can be demonstrated that an under-provision would not have an adverse impact on the operation of the local road network.

Other Matters

42. The proposal would have limited social and economic benefits. One additional house would make little difference to the overall supply of housing and the support that its future occupancy would provide to the local economy would be limited.
43. Other cited benefits of the proposal include habitat rotation and creation and sustainable food and fuel provision as part of what the appellant describes as a 'low-impact development'. I have had regard to the appellant's Ten-Year Land and Ecological Management Plan 2025, and I note the letters of support for the proposal and these benefits. However, because there is nothing before me to demonstrate that residential development on the site is necessary for these benefits to be delivered, these only carry limited weight.
44. My attention has been drawn to an appeal decision¹ relating to a site in Cornwall where the Council has a specific planning policy for 'low-impact developments'. However, there is no specific policy or definition in the LP Policies that have been submitted as part of this appeal. Therefore, I do not find that these considerations justify the proposal in light of the policy conflicts I have identified above.
45. I acknowledge the appellant's longstanding personal and employment ties to the area. Although it is asserted that no alternative affordable accommodation is available in the area, there is little before me to substantiate this. Even so, I recognise that the failure of the appeal could result in homelessness for the appellant and their family, some of whom have identified health concerns.
46. I have had due regard to Articles 1 and 8 of the Human Rights Act 1998 (HRA), Article 3 of the United Nations Convention on the Rights of the Child and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability and age are relevant protected characteristics to which the PSED applies. These rights are engaged in reaching my decision. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
47. I have found that the appeal proposal would cause permanent harm to the character and appearance of the area and the setting of the CA. Furthermore, the site location conflicts with the Council's strategy for the location of housing

¹ Ref APP/D0840/C/21/3279221

and I cannot be certain that the appeal scheme would not have an unacceptable impact upon highway safety, in conflict with development plan policies in these regards. The harm caused by the appeal development outweighs its benefits including in terms of the rights and PSED duties set out above. The harm and policy conflicts in respect of these matters each attract significant weight against the appeal scheme. Therefore, I conclude on balance that the wider community or public interest is not outweighed by the rights and PSED duties set out above.

Planning Balance

48. The proposal conflicts with the Council's strategy for the location of housing contained in LP Policies CP2, CP3 and CP15 and it is not in a location which offers choices in transport to services other than a motor car, contrary to LP Policies CP13 and CP14. Furthermore, the proposal conflicts with LP Policies CP14, ES7, ES1 and ES12 and Policy MP Dev 1 of the MNPD in respect of its impact on the character and appearance of the area, including the National Landscape and the setting of Amberley CA. Finally, the proposal conflicts with LP Policies ES3 and CP13 and MNDP Policies MP Dev1, MP Traffic 1 and MP Parking 2 in respect of highway safety. The proposal therefore conflicts with the development plan when read as a whole.
49. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes, that limit future car use and requires development to avoid unacceptable impacts on highway safety. Furthermore, the countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework.
50. The Framework also recognises that heritage assets are an irreplaceable resource, which should be conserved in a manner appropriate to their significance and requires great weight be given to conserving and enhancing National Landscapes. Therefore, the conflict between the proposal and the aforementioned development plan policies should be given significant weight in this appeal.
51. In circumstances where the Council cannot demonstrate a five-year supply of deliverable housing sites, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out of-date. The 'tilted balance' in paragraph 11 d)(i) of the Framework is therefore engaged. This states that planning 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. Footnote 7 of the Framework confirms the policies referred to are those in the Framework relating to, amongst others, designated heritage assets and National Landscape.
52. The Council's latest published land supply update (dated January 2025) identifies a supply of 3.24 years, which is a considerable shortfall. As described above, the benefits of a single dwelling would be limited, even taking into account the Framework's objective of significantly boosting housing land supply. I have found that the harm to the National Landscape would be limited and therefore would not, on its own, provide a strong reason for refusing the development proposed. Nevertheless, for the reasons set out above, I find that

the application of policies in the Framework that protect designated heritage assets provide a strong reason for refusing the proposal. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

53. I have had due regard to the HRA 1998, the Rights of the Child, the Rights of Persons with Disabilities and the PSED set out under s149 of the Equality Act 2010. However, I conclude that it is proportionate and necessary to dismiss the appeal.
54. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR