



Appeal Decision

Site visit made on 6 January 2025

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/F1610/W/24/3348373

Northfield Farm, Withington Road, Andoversford, Cheltenham GL54 4LJ

- 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 Rupert Lowe against the decision of Cotswold District Council.
 - The application Ref is 23/03571/FUL.
 - The development proposed is Change of use and conversion of agricultural buildings into 5 dwellings, one with an annex plus associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Reason for Refusal (RfR) No 3 related to the absence of a provision of affordable housing causing conflict with policy H2 of the Cotswold District Local Plan [2018] (LP). During the preparation of appeal documents, the Council's appointed viability consultants assessed the appellant's financial appraisal. It has found that the proposal cannot make a financial contribution towards affordable housing without becoming unviable. As a result, the Council no longer disputes the absence of an affordable housing contribution. I see no reason not to accept these findings. As such, RfR3 no longer raises a matter in dispute and does not require further consideration.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.
4. In November 2023, Areas of Outstanding Natural Beauty (AONB) were renamed as National Landscapes. I have used the new designation, where appropriate in my decision, but quoted the AONB when referring to local policy.
5. A S106 Legal Agreement, in the form of a Unilateral Undertaking¹ (UU), has been submitted. This would provide a financial contribution in mitigation of the adverse impact identified to the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC). I shall return to this matter later in my decision.

¹ Unilateral Undertaking, by Mr Rupert Lowe, 18 December 2024

Main Issues

6. The main issues are:

- The effect of the proposal, including the design of the dwellings, on the character and appearance of the area including the Cotswolds National Landscape,
- The effect of the proposed development on highway safety,
- Whether the proposed scheme would function well from a waste collection perspective, and
- The effect of the proposal on the integrity of the Cotswold Beechwoods SAC.

Reasons

Policy background

7. The LP establishes the Council's approach to the distribution of housing across the district. This seeks, at LP policy DS1, to focus housing within the listed Principal Settlements, with LP policy DS2 identifying that development will be supported within the development boundaries of these settlements. LP policy DS4 seeks to restrict new-build open market housing outside of these identified settlements and Non-Principal Settlements unless the proposal would be in express accordance with other policies of the Plan that deal with residential development in such locations. LP policy EC6 identifies that the conversion of rural buildings will be permitted subject to three criteria, which the Council acknowledge have been addressed by the proposal.
8. The Framework, at paragraph 84, states that isolated homes in the countryside should be avoided unless it would meet one or more of the stated exceptions. At (c), it allows for development that would re-use redundant or disused buildings that would enhance its immediate setting.

Character and appearance

9. The appeal site consists of a group of redundant barns, connected to Withington Road by a long access track. The barns are located in the open countryside, around 1.5 kilometres to the north of the village of Withington. These buildings are loosely arranged either side of the access track, forming an ad hoc courtyard alongside the barns. The buildings consist of a range of sizes and forms, including two stone barns. The remaining barns are steel framed structures with largely corrugated sheet walling and roofs.
10. The buildings are in an open and exposed location within the centre of a field. These are also on a site which is elevated to most surrounding land, on a hilltop location. Vantage points from the courtyard and around the buildings provide wide and distant views of the surrounding countryside, especially to the northwest and southeast. Furthermore, the barns are visible from several vantage points, both local to the barns and from more distant views including along large parts of Withington Road and parts of the public rights of way of Withington Footpaths 21 and 22. Accordingly, the barns convey a strong

agrarian character that stand clustered together as a 'settled' component that make a positive contribution to the surrounding rural landscape.

The design of the converted barns

11. The Council's 'Cotswold Design Code' requires barn conversions to preserve the traditional agricultural appearance of the building and the contribution it makes to the surrounding landscape. It states that barns should not be subject to unnecessary changes and new openings should be avoided and where essential should avoid domestic styles.
12. The proposed scheme seeks to reuse most buildings on site and convert them to five dwellings. One barn is proposed to be demolished, the others would be adapted with new windows and domestic doors added. The stone barn of unit 5 would have limited new openings, and a small rear extension. The proposed works would make effective use of the existing wide barn door openings that would be infilled with glass walls and domestic doorways. Accordingly, unit 5 is proposed to be converted in a manner that would largely respect its original agricultural form.
13. Unit 1 is a tall, steel framed building with metal and asbestos sheet cladding. It has only one large opening which is on its eastern side. The proposal would create a substantial number of new large windows to all elevations and add several large rooflights. The additional windows would include two large glass panels on the north elevation looking out toward the distant countryside. These additions would fundamentally change the appearance of the building and alter its appearance in a manner that would not respect its agricultural character.
14. Units 2 and 3 are single storey buildings. The proposed works would also incorporate a significant number of new windows, especially to the north elevation. These additions are extensive and again erode the original form of the building, but to a lesser extent than Unit 1, due to its low-lying form.
15. Unit 4 is a two-storey scale of barn with a steel frame and a combination of metal sheet and breezeblock walls. It is open sided for around half the elevation overlooking the inner courtyard. The proposed conversion would add an extensive level of openings to the south and east elevations, providing large, glazed panels that would enable views of the countryside to the south.
16. A number of smaller outbuildings are also proposed to be converted with limited new interventions, resulting in largely neutral effects.
17. Overall, the proposed conversion works would be extensive, with clearly domestic features added that would fail to respect the agricultural character of the barns. Therefore, whilst the proposal would include the use of materials suited to the architectural vernacular of such buildings, this would not enable the scheme to integrate well with its setting. The proposal would include an extent of glazing that would prevent future occupiers from appreciating and understanding the original purpose of the barns. The proposal would therefore not accord with the Council's Design Code.

National Landscape

18. The site is within the Cotswolds National Landscape. LP Policy EN5 states that the conservation and enhancement of the natural beauty, its character and

special qualities of the Cotswolds AONB or its setting, will be attributed great weight in determining development proposals. Furthermore, the Framework at paragraph 189, requires great weight to be given to conserving and enhancing the landscape and scenic beauty of a National Landscape.

19. The Cotswolds Management Plan [2013-2018] identifies the character of the National Landscape. This includes its rich mosaic of historical, social geological and ecological features and the high wolds, providing a large, open elevated landscape with common, 'big' skies and long-distance views. Therefore, key features relate to its well-settled and long farmed landscape, with occasional farmsteads and isolated buildings within the open valley sections linked to farmed areas on the adjacent High Wold. The site is within the Council's Landscape Character Type 8: 'High Wold Valley' which is characterised by open pastoral farmland set between wooded slopes. The site, being in an open area and affording distant views in several directions, accords with this character type and makes a positive contribution to the character of the National Landscape.
20. The proposed development proposes the conversion of existing buildings, adapting built form that is already present and forms part of the existing landscape. Furthermore, the scheme includes some demolition, but the rationalisation of built form would be limited and would have no material bearing on views of the cluster of buildings from the surrounding area. As the buildings are already in place the overall visual effect of the scheme would be modest. Nonetheless, the visual effect of the proposed works would materially change the appearance of the barns.
21. The proposed new window openings would be extensive, and as these would include being placed on the rear elevations of the barns, the changes would be overt in local and distant views of the buildings. Furthermore, the attendant domestic activity associated with five dwellings would be relatively extensive and this activity, including night-time illumination impacts, would result in a substantial change to the character of the barns and their setting. This would have an urbanising effect on the site, diminishing the rural context of the landscape and its tranquillity.
22. The extent of glazing would create significant new levels of illumination that would erode the dark sky in the area at night in contrast to a key characteristic of the area. The imposition of conditions to require detail of window recesses, external shutters and non-reflective glass would not materially address the impact identified. As a result, I am unconvinced that nighttime illumination could be adequately mitigated to materially reduce the impact of illumination, through a lighting strategy, due to the proposed configuration and extent of windows and would instead result in a high magnitude of change.
23. Furthermore, the proposed scheme would create enclosed gardens around the barns with some walls. The proposed means of enclosure would be a harsh addition that would emphasise the domestic nature of the scheme. The offered alternative of native hedging would be less intrusive but would still define private areas in a manner that would not maintain the rural character of the site. Also, whilst planting is offered to help soften and better integrate development with the wider landscape setting, such screening should not be required to prevent views of development that is inappropriate in this sensitive

setting. Consequently, the change to native hedging would reduce but not remove the urbanising effects of the proposed development.

24. Also, the use of the proposed gardens and associated domestic activity, with washing lines, play equipment and garden structures etc, would be plainly evident in wide views of the site. It is noted that parts of the gardens would be close to the barns, and these would partially screen some views of domestic paraphernalia from wider views. However, other areas of the gardens would be fully exposed and therefore the appearance of such equipment would further erode the rural character and appearance of the site. Furthermore, a condition imposed to prevent the installation of garden equipment would be unreasonable to be applied to the cluster of barns.
25. The appellant asserts that the site is a neglected set of agricultural buildings that are degraded and offer limited positive landscape characteristics. Whilst the Framework encourages the reuse of buildings and previously developed land, it requires such development to also improve the environment. Although the absence of an approved scheme may result in the further decline of the buildings, I am unconvinced that this would lead to a significant adverse effect on the setting of the site and surrounding visual amenity, as vacant agricultural buildings are not uncommon or inherently visually harmful in a rural setting.
26. Accordingly, the proposed development would result in substantial harm to the Cotswold National Landscape and would diminish the agricultural character of the barns and surrounding landscape. The proposed works to convert the buildings would be excessive and would not approach the design requirements of the site in a sensitive manner.

Enhancement works

27. The proposed development would include a range of environmental and ecological measures that seek to enhance the setting of the barns. These are listed in detail on page 14 of the appellant's Landscape and Visual Matters – Statement of Case and page 4 of the appellant's main Statement of Case. Of particular note is the provision of around 625 linear metres of hedgerow planting, the repair of around 480 metres of drystone walls and for around 490 metres of overhead utilities to be buried (if viable).
28. The proposal would deliver a biodiversity uplift of 77% in habitat units and a 691% uplift in hedgerow units. The Council's ecologist has queried the appellant's baseline data, as it includes land outside of the redlined site, but acknowledges that the scheme is still likely to deliver an overall net gain. Despite the absence of fully accurate biodiversity calculations, I find that the biodiversity benefits would be of significant weight in favour of the proposal.
29. The proposed changes to the vehicular access would be softened by the introduction of a central grass strip and roadside hedging to create a more agricultural appearance. New planting would reinstate historic field boundaries and tree and hedge planting would provide screening between units 5 and 1 and the highway. The effect of these measures, in totality, would assist in the conservation of important traditional features within the landscape. These works could be secured through a condition for a detailed management and maintenance plan that would promote the restoration and enhancement of features within the local landscape. It is recognised that some of these works

are within the immediate setting of the barns and thus would be capable of enhancing them, whilst most enhancement works are more than 150 metres from the buildings and would have a limited bearing on their enhancement. As distant improvement works would have little impact on the setting of the barns, the overall enhancement works are of only modest weight in favour of the proposal.

Summary of character and appearance

30. Although finding that the proposed visual and environmental enhancements would assist in the conservation of traditional features, this benefit must be balanced against the harm found to the character and appearance of the area, including the Cotswolds National Landscape. The proposed planting would emphasise the newly formed gardens around the barns creating defined private gardens. These additions would draw inappropriate attention to the domestic nature of the site, would not retain their agricultural aesthetic and would emphasise their proposed residential character. This feature, and the insensitive design found with the proposed conversions, would not enhance the setting or established character of the agricultural structures. Accordingly, overall, the enhancement works would be insufficient to satisfy the requirements of paragraph 84 of the Framework concerning isolated homes in the countryside.
31. Consequently, the proposal would not complement the character and appearance of the site or its surroundings, including the Cotswold National Landscape to which the Framework requires great weight to be applied to its conservation. Accordingly, the proposal would conflict with LP policies EN1, EN2, EN4 and EN5, the Cotswold Design Code and paragraph 84 of the Framework. These seek, among other matters, for development to not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside), to conserve and enhance the natural beauty of the AONB and to accord with the Cotswold Design Code.

Highway safety

32. Withington is a village that provides some, although limited, services to a local population catchment. Occupiers of the village, and the proposed scheme, would need to travel further to gain access to a broad range of goods and services. Although the Framework seeks to identify and pursue opportunities for development to promote walking, cycling and public transport use, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In rationalising these conflicting objectives, the locational characteristics of the site would prevent it from meeting sustainable travel principles. However, this alone would not warrant refusal as the development proposes the conversion of existing buildings which garners support in principle from the LP and the Framework.
33. The proposed development would be accessed by an existing farm track from Withington Road, which appears to be around 320 metres long and is a single width carriageway. Withington Road is a largely straight section of highway, subject to the national speed limit. Visibility to the south of the access is relatively open and clear, with a boundary wall set back sufficiently to provide a clear view in this direction. Nonetheless, to the north the highway climbs to a hilltop that may hinder clear views in that direction. There is also a telegraph pole around 6 metres from the access, when looking north. However, whilst

this is in the horizontal field of vision from the access it would not materially obstruct views. Accordingly, the access onto Withington Road provides relatively unobstructed views in both directions, but insufficient evidence has been submitted to confirm that sufficient visibility can be provided in both directions.

34. As the proposed access track would not include a dedicated footpath or cycle access, the route would be a shared surface. It is undisputed between parties that the route would receive a higher level of traffic than currently afforded by the lawful use as a farm track. The access track and Withington Road is non-illuminated, and both are absent a dedicated footway. Cycle and pedestrian movement to and from the proposed development may be modest, but such users would have no dedicated route or refuge away from the access track to avoid passing vehicles.
35. Accordingly, the proposal would not create a place that would give priority to pedestrian and cycle movements. Although noted that the scheme would not result in high volumes of traffic it would not minimise the scope for conflicts between cyclists, pedestrians and vehicles in conflict with the requirements of paragraph 117 of the Framework. Furthermore, the proposal would result in an unacceptable impact on highway safety in conflict with the Framework.
36. Consequently, the proposal would fail to minimise, and would lead to, conflict between pedestrians, cyclists and motorists and would make insufficient provision for the safe movement of pedestrians and cyclists due to the absence of illumination both on the access track and the adjacent highway. Accordingly, the proposal would conflict with LP policy INF4 and the Framework. These seek, among other matters, for development to be well integrated with the existing transport network and create safe and secure layouts which minimise conflicts between traffic and cyclists.

Refuse collection

37. As the barns are around 320 metres from the highway, refuse collection would be difficult for the Council's collection team and future occupiers. Being a rural location refuse collection may not be as straight forward as could be achieved in an urban location and a pragmatic approach would be required.
38. The Council's Waste Strategy² is a guidance document that seeks to assist developers and decision makers when considering the waste facilities required for new development. It is therefore a material consideration in assessing planning proposals. This states that residents are required to present their waste at the kerbside in order for it to be collected. It also states that under Building Regulation requirements householders should not have to carry waste further than 30 metres from a dwelling. These requirements could clearly not be achieved for the proposed scheme.
39. The Waste Strategy also notes that in circumstances where properties in rural areas are located along unadopted highways and tracks, residents are usually required to bring their waste to a pre-arranged collection point. The guidance also states that communal bins must be conveniently located for collection vehicles. There is scope to place a communal bin close to the access if deemed necessary, although this would require residents to deposit their bins a

² Requirements for refuse and recycling provision at new development, undated

significant distance from their home. Due to the length of the driveway, it may be impractical, to expect future occupiers to walk or drive their bins to the kerbside of Withington Road for collection.

40. Alternatively, the appellant has demonstrated that a turning area for refuse vehicles could be provided adjacent to the barns. This approach could be explored with the Council's waste collection team as published guidance (Waste, Recycling and Street Cleaning Policy) allows for refuse collection vehicles to travel on private/unadopted roads that are of suitable construction. However, no such agreement appears to be in place and could not be relied on as a solution without such an agreement.
41. Accordingly, it has not been demonstrated that a suitable refuse collection regime could be provided. The proposal would therefore fail to meet the guidance of the Council's Waste Strategy and would not function well.

Cotswold and Beechwoods SAC

42. The application site is within the zone of influence of the Cotswold Beechwoods SAC, which is a European Designated Sites afforded protection under the Habitat and Species Regulations [2017] (the habitat regulations). This requires the competent Authority to be satisfied that a proposal would not lead to likely significant effects upon the protected sites.
43. Recreational pressures from visitors to the site have increased and are now causing substantial damage to the wildlife value of the SAC. Visitor surveys have been undertaken that has demonstrated that most visitors come from within 15.4km of the SAC. In those circumstances, having regard to the Habitats Regulations, planning permission should not be granted unless an Appropriate Assessment (AA) has been undertaken to assess the likely effects.
44. A mitigation strategy³ has been developed between the Council and Natural England to ensure the impact on the integrity of the SAC is mitigated. This requires a financial contribution to be made by the appellant to fund on and off-site mitigation. The appellant has offered a contribution in accordance with the Council's template and follows the Council's guidance in terms of the value of the sum. This would appear to have satisfied the Council's requirements.
45. Nonetheless, potential mitigation, such as offered through a Legal Agreement, cannot be taken into account when determining whether an AA is required. It may be considered if an AA has been undertaken and determined that the development would harm the integrity of the SAC. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of this appeal.

Other Matters

46. It is uncontested between parties that the proposed scheme would comply with LP policy EC6 with respect to the conversion of buildings. Nonetheless, whilst relevant to the consideration of this proposal, complying with this policy is a neutral matter in the planning balance.
47. The appellant refers to the effects of permitted development rights of Class Q, of the General Permitted Development Order (2015) (GPDO) which is

³ Cotswold Beechwoods SAC Recreation Mitigation Strategy, Footprint Ecology, May 2022

recognised as not presenting a potential fallback position due to the National Landscape designation. Nonetheless, it is acknowledged that these Rights, if they could be engaged, do not require consideration of access to sustainable transport. However, this assertion is purely hypothetical in this case and only therefore weighs in favour of the proposal to a limited extent.

48. The scheme includes the provision of electric vehicle charging points. This is welcomed but is also a requirement of Building Regulations and therefore would be required in any event. Accordingly, this benefit would be of limited weight in favour of the scheme.
49. The appellant asserts that the appeal site would qualify under part R of the GPDO for a change of use from agricultural buildings to flexible commercial use. The GPDO identifies that highway impacts would be a matter for consideration in such a case and this is raised as a policy conflict associated with this appeal, raising doubt as to whether Prior Approval would be given for Class R. As such, it has not been adequately demonstrated in the evidence that prior approval for this use presents a reasonable prospect as a fallback position. I therefore afford limited weight to this possible fallback position.

Planning balance and conclusion

50. The Framework seeks to significantly boost the supply of housing and highlights the important contribution small sites can make, whilst supporting development which makes efficient use of previously developed land. The proposal would provide five additional dwellings on a small site. The Framework identifies that small sites are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly. However, five additional houses would make little difference to the overall supply of housing.
51. The proposed development would include biodiversity enhancement measures and be constructed in accordance with part L building regulations, including electric vehicle charging points and an efficient building fabric. As all developments should contribute to these objectives, I attach only modest weight to these benefits.
52. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in Withington. However, given the relatively small scale of the proposal, these benefits would be limited.
53. In contrast, the proposal would result in substantial harm to the character and appearance of the area and highway safety and would not function well from a waste management perspective. Accordingly, the proposal would not accord with the development plan, when taken as a whole, and there are no material considerations of sufficient magnitude to indicate that the appeal should be determined other than in accordance with the development plan. As such, the appeal is dismissed.

Ben Plenty

INSPECTOR