

**Item No 02:-**

**16/01347/FUL (CD.6316/V)**

**Wycomb Cottage  
Syreford  
Whittington  
Cheltenham  
Gloucestershire  
GL54 5SJ**

## Item No 02:-

**Removal of Condition 2 of CD.6316/C (90.00218) to allow  
occupation of annex as separate dwelling  
at Wycomb Cottage Syreford Whittington Gloucestershire GL54 5SJ**

<b>Full Application 16/01347/FUL (CD.6316/V)</b>	
<b>Applicant:</b>	Mr & Mrs Gordon Pinchen
<b>Agent:</b>	SF Planning Limited
<b>Case Officer:</b>	Alison Williams
<b>Ward Member(s):</b>	Councillor Robin Hughes
<b>Committee Date:</b>	13th July 2016
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Principle of removal of condition
- (b) Impact on amenity
- (c) Impact on highway

**Reasons for Referral:**

Cllr. Robin Hughes has requested that the application is reported to the Planning and Licensing Committee for determination for the following reasons: "I have made a site visit which you were happy for me to do alone. As you know the property is completely detached from any other and stands within its own grounds, which includes off road parking for at least two vehicles. I think that the sustainability argument is debatable and believe that this more affordable type of smaller cottage would be very much in demand on the open market in this rural location.

The restriction was applied to this property in 1992 when consent was first given for a granny annex and it is now a more comprehensive property. I am sorry to cause you additional work but I would be very grateful if you could bring this before the 'Planning and Licensing Committee', please, to be debated".

**1. Site Description:**

Wycomb Cottage is a two storey cottage located within the small settlement of Syreford. It has a detached 1 and a half storey annex building located to the south adjacent to the parking area. Planning permission was originally granted for the change of use of the detached garage to an annex subject to a condition restricting it to being used as ancillary to the main house (Wycomb Cottage). The annex is located adjacent to the vehicular access and parking area to Wycomb Cottage and within the residential curtilage of Wycomb Cottage.

**2. Relevant Planning History:**

CD.6316/A - Alterations and extension to provide enlarged garage/recreation room to be used in connection with existing dwelling. Provision of a W.C. - Permitted 8th December 1986

CD.6316/B - Conversion of store over existing garage to provide a granny flat - Refused 1st April 1989

CD.6316/C - Retrospective change of use of garage to granny flat, retention of 8 velux windows and raising of roof - Permitted subject to a condition restricting the occupation as ancillary to Wycomb Cottage due to the presumption against residential development in the open countryside 3rd June 1992

CD.6316/U - 08/01678/FUL - Extension and alteration to annex - Permitted 11th July 2008

16/01617/FUL -subdivision of property to create 2 dwellings - pending consideration

### **3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR19 Develop outside Development Boundaries  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR46 Privacy & Gardens in Residential Deve

### **4. Observations of Consultees:**

None

### **5. View of Town/Parish Council:**

No comments received

### **6. Other Representations:**

One letter stating no objection was received from a resident of Whittington.

### **7. Applicant's Supporting Information:**

Supporting Statement

### **8. Officer's Assessment:**

#### **(a) Impact of removal of the condition and creation of open market dwelling and sustainability**

Planning permission was originally granted for the retrospective conversion of the detached garage to ancillary accommodation subject to a condition ensuring this. The application prior to this sought to convert the garage to a 'granny flat' however this was refused. This was due to an open market dwelling being contrary to policy which restricted development in the open countryside, an adverse impact on the AONB, fragmentation of the site resulting in detrimental impact on the character of the area, would create an undesirable extension of the village in the form of ribbon development and creation of an isolated dwelling.

While the Cotswold District Local Plan has been adopted since that decision the principle objection to new dwellings in Syreford and other unsustainable settlements remains.

The NPPF seeks to boost significantly the supply of housing and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies three dimensions to sustainable development - economic, social and environmental - whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability.

There would clearly be a limited social benefits associated with the proposal through the provision of a new home. However there would be no economic benefit.

A recent appeal decision (19th February 2016) supports consideration of the suitability of such routes to offer a viable alternative to the private car with consideration given to if the footpath is paved, lit, is the cycling route on a main road etc. Such as the Duntisbourne Appeal (APP/F1610/W/15/3135647). To use the public right of way within proximity to this site it is not lit and is through a wooded footpath which would not be conducive to a regular alternative to the private car. There is a bus stop within Syreford, however this only operates once a day on a Tuesday and Saturday (No.804). Given the rural location of the site and its distance from any facilities for day to day living it is clear that future occupants would be reliant on the use of the private motor car to undertake the majority of trips. The site is therefore considered not to represent a sustainable location for new residential development in terms of its accessibility to facilities and services.

There is no reason to doubt that any future occupants would play a role in the community. There are no services in Syreford to support. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would be minimal.

The benefits of the proposal are an additional dwelling where the NPPF priority to '...boost significantly the supply of housing...', and the support it gives to the local economy, which must carry significant weight. However, the benefit of one additional dwelling would not outweigh the harm of the unsustainable location of the site and would not represent sustainable development in the context of the NPPF.

The removal of the condition restricting the use of the converted garage from ancillary to Wycomb Cottage would effectively create an open market dwelling and as such the impacts of this need to be considered against local and national planning policy.

The agent argues that for all intents and purposes the ancillary accommodation is laid out as a separate dwelling and as such the impacts of the removal of the condition would not result in any harm. In addition they consider that Policy 19 allows for the subdivision of properties in the open countryside without consideration of sustainability. The subdivision argument is considered in the other application 16/01347/FUL.

While the proposals would not require any alterations to the existing building the needs of the occupants would be different. Wycomb Cottage and its ancillary accommodation are currently occupied as one unit of accommodation. The removal of the condition would allow an additional household to occupy the building.

This issue was set out in an appeal at Fox Farm, Condicote (APP/F1610/A/07/2054351/WF). The inspector sets out in paragraph 5 of this appeal that "the traffic generation would be different from use as ancillary to the main house rather than conversion/subdivision to create an additional dwelling". This appeal while in 2007 is still particularly relevant, it was issued not long after Policy 19 first came into force and at that point had full weight. The inspector therefore correctly interpreted and appraised the proposals in relation to policy 19. In that the subdivision of a property through the change of use of ancillary accommodation had to consider the sustainability of the site. This approach is very much in line with the thrust of the NPPF which seeks to direct development to the most sustainable locations and as such needs to be considered in this application.

It is also clear that the subtext of Policy 19 was not to allow a roundabout way of creating new dwellings in the open countryside by properties extending or converting for ancillary accommodation to then be subdivided without consideration of the sustainability of the site in relation to new housing. Hence the inspectors correct interpretation of Policy 19 in the 2007 appeal requiring the consideration of sustainability.

Syreford is a small cluster of housing located in an isolated position. There are no facilities within the settlement or within walking or cycling distance. The proposals as a result would result in the creation of an isolated dwelling in unsustainable location. As such the future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF.

In addition Cotswold District Council can demonstrate a 5 year housing land supply therefore the limited benefit of one dwelling would not outweigh the harm of the lack of sustainability and isolation of the dwelling.

**(b) Impact on neighbouring properties**

Due to the positioning of the building the impact on neighbouring amenity would not result. The submitted site plan shows that a garden would be provided to serve the needs of future occupants.

**(c) Impact on the highway**

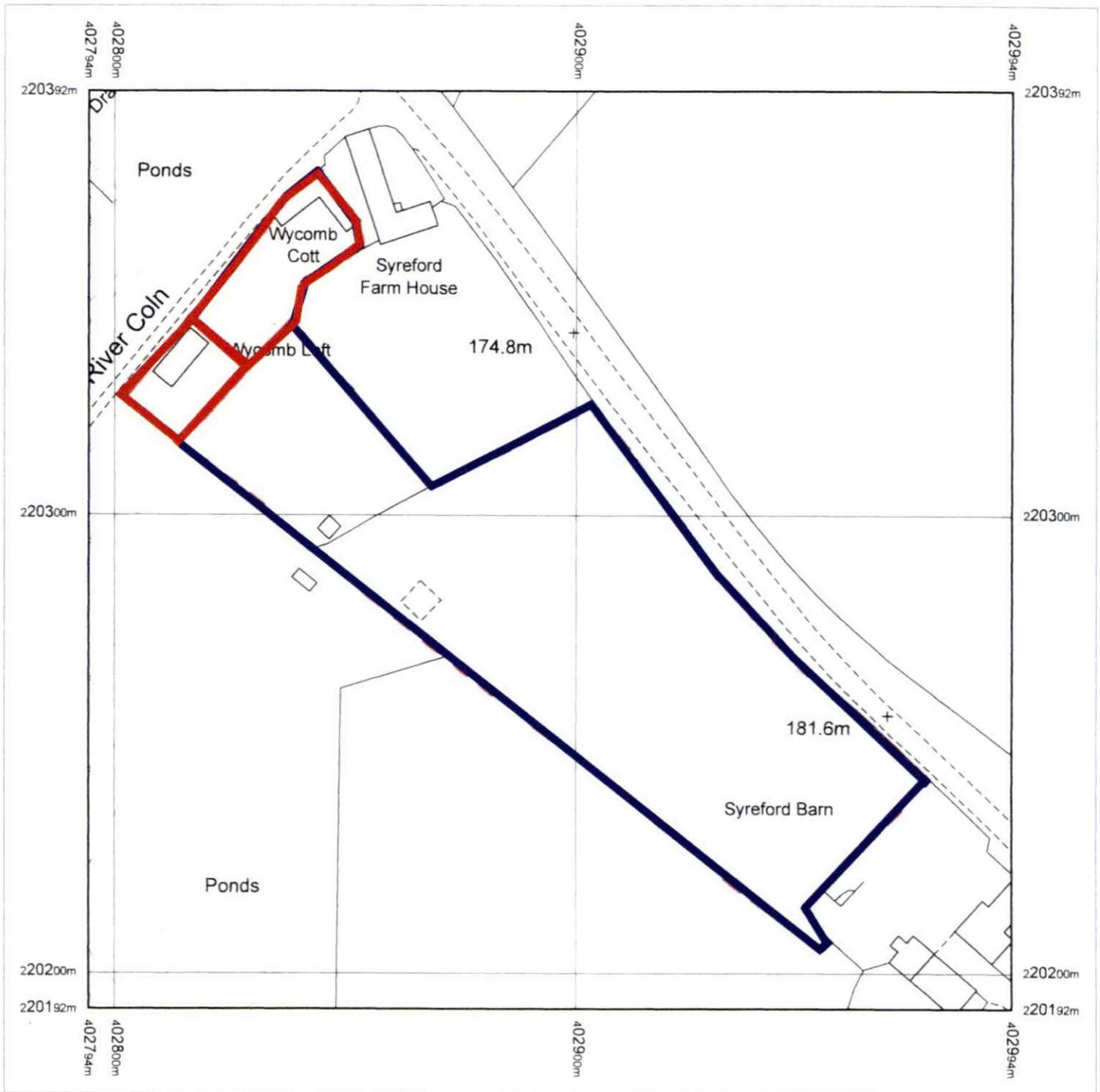
Being originally a garage the building is served by an access. The agent has indicated on the plans off street car parking provision. As such the impact on the highways would not be adverse. However given the isolated and unsustainable location the future occupants would be reliant on the private car to access any sort of amenities which is contrary to Paragraphs 17 and 55 of the NPPF.

**9. Conclusion:**

The removal of condition would result in an unsustainable form of development and the creation of an isolated dwelling where future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF and Policy 19 of the Cotswold District Local Plan.

**10. Reason for Refusal:**

The proposed removal of condition would result in the creation of a dwelling in an isolated and unsustainable location resulting in occupants being reliant upon the private motor car to access any services or facilities contrary to Paragraphs 17 and 55 of the NPPF and Policy 19 of the Cotswold District Local Plan.



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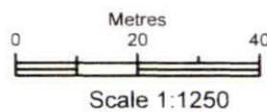
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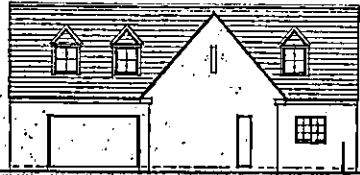
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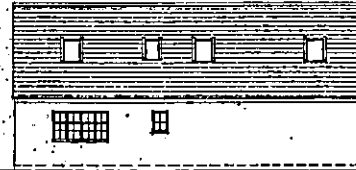
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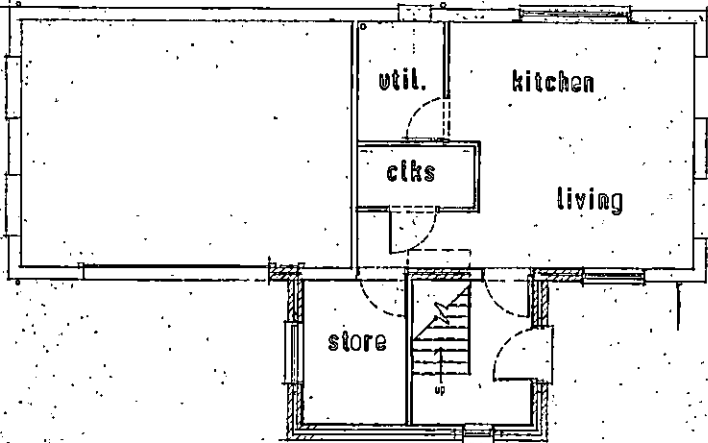
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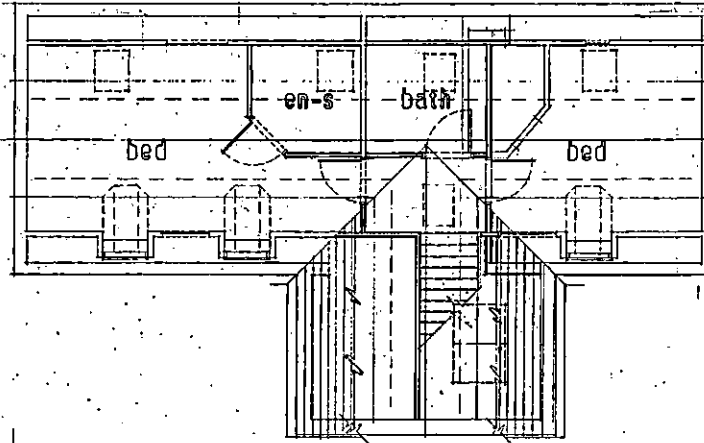
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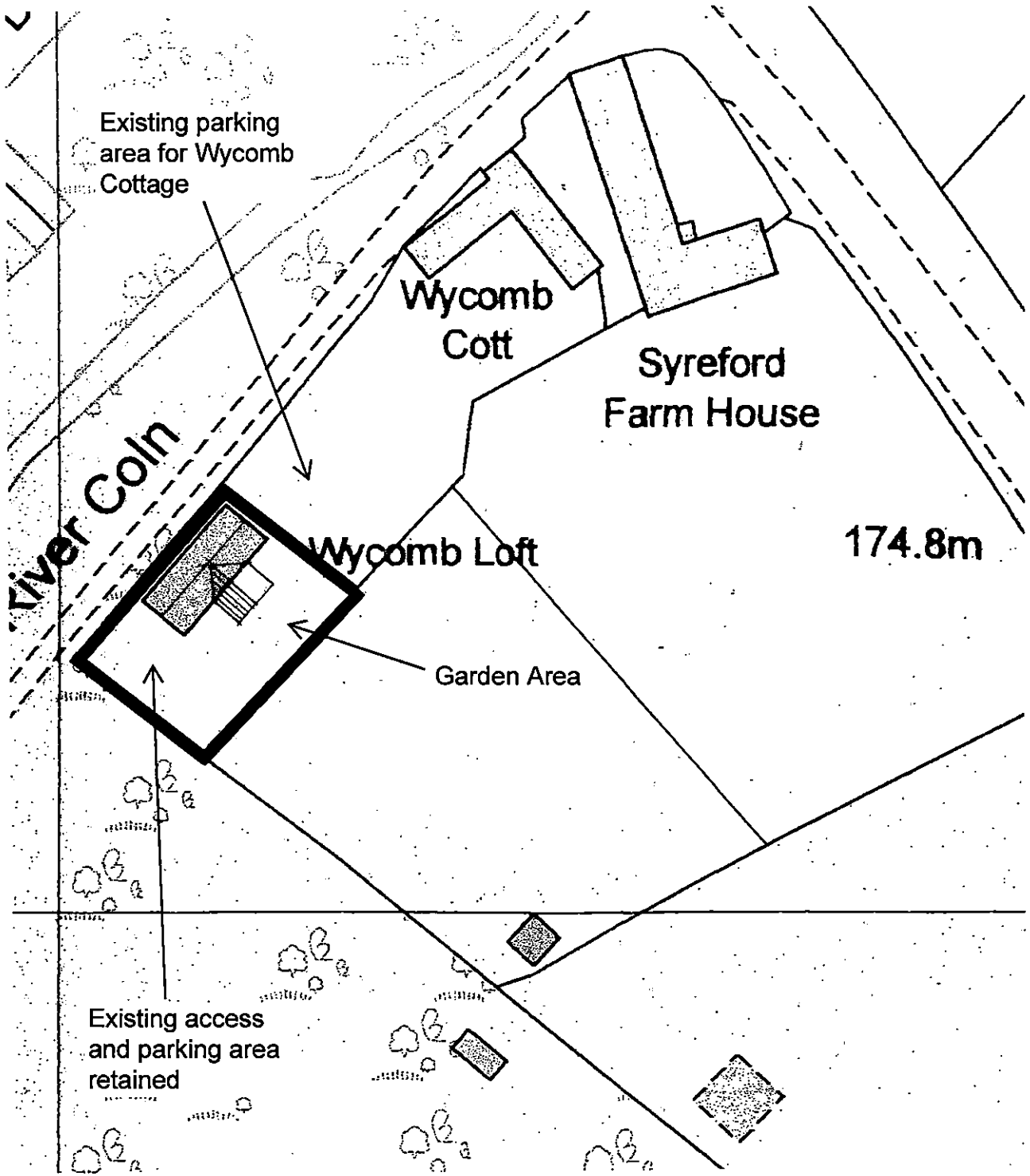


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16/01617/FL + 16/01347/FL



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# Appeal Decision

Site visit made on 17 December 2007

by **Anthony J Davison BA(Hons)**  
**LLB(Hons) MSc MBA DipLD FRTPI RIBA**  
 an Inspector appointed by the Secretary of State  
 for Communities and Local Government

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Decision date:  
 2 January 2008

## Appeal Reference: APP/F1610/A/07/2054351/WF Fox Farm Cottages, Condicote, GL54 1EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bruce Harding Esq against the decision of Cotswold District Council.
- The application Reference 07/01121/FUL, dated 25 April 2007, was refused by notice dated 10 August 2007.
- The development proposed is the creation of a self contained dwelling through change of use of existing ancillary building.

### Decision

1. I dismiss the appeal.

### Procedural Matter

2. The application that is the subject of the appeal was originally for the removal of a condition attached to a planning permission. The nature of the application changed prior to its determination by the Council and I have dealt with the appeal on the basis of the Appellants amended description dated 29 June 2007.

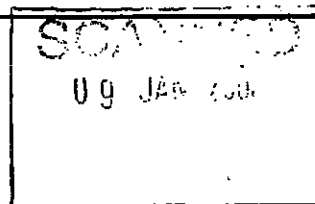
### Main issues

3. The main issues in the appeal are, firstly, whether the development constitutes a sustainable form of development and, secondly, the effect on living conditions in the appeal building and neighbouring residential property.

### Reasons

#### *Sustainability*

4. Fox Farm Cottages are in a remote rural location on the B4077 some 5km from Stow-in-the-Wold. The village of Condicote is a short walk away but there are virtually no facilities there and only a very infrequent bus service. The nearest schools and shops are about 4.5km away in Longborough. I agree with the Council's view that, given the inherent dangers of cycling on derestricted and unlit rural roads it is unlikely that the bicycle would provide a realistic alternative to the car. Occupants of the proposed dwelling would therefore have to rely heavily on the use of the private car to gain access to schools, shops, employment and other services.



5. Although the Appellant points out that there were once three cottages on the site and that the appeal proposal would restore that situation, the fact remains that he is proposing to create a new dwelling in the countryside and it is necessary to consider that proposal in the light of current policies. As a result of the appeal proposal there would be two separate households on a site where there is only one at present and I do not accept that the amount of traffic generated is likely to be similar in the two situations. Furthermore, while modern technology does make it possible to obtain some goods and services without having to travel this is not enough to outweigh the basic unsuitability of this remote site for residential development.
6. I have taken account of the Appellant's claim that the proposed dwelling would contribute towards the provision of affordable housing. However, there is no evidence of any particular need for such housing in this location, which is a long way from shops, services and employment sources.
7. Although the Council's decision notice makes reference to Policy T1 of the *Gloucestershire Structure Plan Second Review*, that Plan was approved in 1999 and there is nothing to indicate whether the policy is still in force, having regard to paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. Nevertheless, it is clear that what is proposed is an unsustainable form of development that would conflict with national planning policy as set out in Planning Policy Statement 3, *Housing* (2006), Planning Policy Statement 7, *Sustainable Development in Rural Areas* (2004) and Planning Policy Guidance Note 13, *Transport* (2001).

#### *Living Conditions*

8. The Appellant claims that there is enough room on the site for both houses to have an adequate amount of amenity space and goes on to say that it may be appropriate to provide boundary markings to differentiate between the two. However, it is not clear from the application plans what form the boundary might take or how amenity space and facilities for vehicle parking and manoeuvring would be allocated.
9. I agree with the Council that these aspects can not be properly assessed on the basis of the information included in the application. My conclusion has to be that the Appellant has failed to demonstrate that his proposal would be a satisfactory form of development that would comply with Policy 28 of the 2006 *Cotswold District Local Plan Review*.

#### *Overall Conclusion*

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

*Anthony J Davison*

Inspector



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## Appeal Decision

Site visit made on 8 February 2016

by **Richard Duggan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2016

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**Appeal Ref: APP/F1610/W/15/3135647**

**Dutch Barn, Middle Duntisbourne, Cirencester GL7 7AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Whitaker against the decision of Cotswold District Council.
  - The application Ref 14/04512/FUL, dated 25 September 2014, was refused by notice dated 25 August 2015.
  - The development proposed is described as 'conversion to two holiday units'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider the main issues in this case to be whether the development would represent a sustainable form of development; and whether the development would affect the character and appearance of the area with specific regard to its location within the Cotswolds Area of Outstanding Natural Beauty (CAONB).

### Reasons

#### *Sustainable form of development*

3. The National Planning Policy Framework (the Framework) explains that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development<sup>1</sup>. Reference is also made to the conversion of existing buildings and the construction of well designed new buildings and support for sustainable rural tourism.
4. The Adopted Cotswold District Local Plan (LP) sets out to deliver high quality sustainable development through Policy 19 which specifically deals with development outside defined settlement boundaries. Policy 28 of the LP deals with the conversion of rural buildings and requires buildings to be structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or rebuilding which would be tantamount to the erection of a new building.
5. In my view, some consideration of the amount of building work likely to be required is relevant in determining the practicality of the development and in

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<sup>1</sup> Paragraph 28 NPPF

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assessing its compliance with the Framework and LP policies in terms of sustainability.

6. I am not convinced by what I saw that the existing structural framework is substantial enough to be capable of conversion without needing a high degree of demolition and reconstruction, which would amount to a new building with very little of the original left. I have had regard to the structural survey which has been carried out. However, the extent of the proposed works goes well beyond the 'conversion', or the re-use of the existing barn to a holiday let use. Indeed, the effective reconstruction of the building to form the accommodation would, in my opinion, amount to the formation of a new building in the countryside.
7. The site is in an isolated location in the countryside and lies approximately 4 miles north of Cirencester on the edge of a hamlet called Middle Dustinbourne which contains no local facilities. Access to Cirencester and to the nearest villages to the south is along narrow, mainly single track lanes. Although there is a bus service passing the appeal site I consider that the locality is remote from Cirencester where a wider range of services is found, and that the site is in an unsustainable location for holiday accommodation where the occupants would be mostly reliant on private motor vehicles for transport. Although the Appellant has drawn my attention to local public houses and restaurants which are within 3 miles of the appeal site, this does not alter my views on the accessibility of the site to local facilities.
8. Critically, the aim of the development plan and the Framework is to achieve sustainable development. In this instance, although the proposal would fulfil an economic role, it would amount to a new building being erected in open countryside contrary to LP Policy 28. It would also be an isolated form of development and would not meet the social dimension of sustainable development in that the holiday lets would not have the advantage of accessible local services.
9. Therefore, I conclude that the proposed development would be contrary to the Framework as it would constitute an unsustainable form of development in this isolated location. It would also conflict with saved Policies 19 and 28 of the LP in this regard.

#### *Character and appearance*

10. The site is located within the CAONB and within the High Wold Dip-Slope Landscape Character Area as defined in the CAONB Landscape Character Assessment. The Framework acknowledges that such landscapes have the highest status of protection in relation to landscape and scenic beauty. Paragraphs 109 and 115 confirm the importance of protecting and enhancing valued landscapes, and that in AONBs this aim should be given great weight. In considering applications account should be taken of the need for the development, the availability of alternatives, and the effects on the environment and landscape.
11. The appeal building comprises a 'Dutch' style barn which has a steel framework and is clad on three sides by corrugated metal sheeting. The barn is located on the edge of an open arable field with no defined curtilage surrounding it, and there are no other barns or agricultural buildings close-by. At the time of my site visit, the building in general appeared to be dilapidated and was being

used for storage. Dutch barns, whilst lacking the historic and aesthetic attributes of more traditional agricultural buildings, are nonetheless a common feature of many farming landscapes.

12. To my mind, the conversion would be sympathetic to the character of the barn and its surroundings. The submitted plans show the new openings to be small, sensitively sited and kept to a minimum, and I do not consider the amount of glazing on the western elevation to be excessive. Walking or travelling by car along the road, the barn comes in and out of view. Seen from distance, either from the higher part of Middle Duntisbourne, from the public right of way or from various viewpoints in the surrounding countryside, I do not consider that the works to the barn or the materials being used would have a detrimental impact on the landscape. I acknowledge that the conversion would be obvious from when standing on the adjacent road, but in my view this would be no more intrusive than the existing barn left as it is.
13. Those staying within the holiday units would park on the northern side of the building. It would be possible to see the parking area and gravel driveway from the adjacent highway. However, passers-by and those using the public right of way would only have fleeting glimpses of parked cars as they would be largely screened from view by existing vegetation and the topography of the land.
14. Conditions could be attached to control minor forms of development at the site, but I acknowledge that this would not prevent the introduction of such things as washing lines or garden furniture. Nonetheless, given the modest size of the proposed curtilage, the screening offered by the building itself and the undulating nature of the surrounding land, I do not consider that such paraphernalia would have unacceptable impact on the character of the surrounding countryside.
15. For the reasons explained above, I conclude that the development would not have a harmful impact on the character and appearance of the area, and would not cause any significant harm to the aim of protecting and enhancing the CAONBs landscape or natural beauty. As a consequence, I find that the proposed development would not conflict with the requirements of the Framework or saved policies 28 and 42 of the LP insofar as they relate to protecting the character and appearance of the landscape.

#### *Other matters*

16. The appeal site abuts but sits outside the Duntisbourne Rouse/Middle Duntisbourne Conservation Area (CA). I have already concluded that the proposed development would not have a harmful impact on the character and appearance of the landscape. Therefore, I consider it would preserve the character and appearance of the CA.
17. My attention has been drawn to local precedent and similar developments in the area. However, I do not have the full details of these schemes and so cannot be sure that they represent a direct comparison to the appeal proposal. In any event, each case has to be determined on its own particular circumstances, particularly where issues of character and appearance are involved.

**Conclusion**

18. I have concluded that the development would not have an adverse impact on the character and appearance of the area with specific regard to its location within the CAONB. However, this does not negate or outweigh my concerns that the proposal would constitute an unsustainable and isolated form of development.
19. From the consideration of all other points raised, there is nothing of sufficient materiality to change the balance of my decision to dismiss the appeal.
20. For the reasons given above I conclude that the appeal should be dismissed.

*Richard Duggan*

INSPECTOR