



Appeal Decision

Hearing Held on 14 November 2017

Site visit made on 14 November 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 11 December 2017

Appeal Ref: APP/C1625/W/17/3177291

Prinknash Abbey, Prinknash, Cranham, Gloucestershire GL4 8EX

- 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 John Nettleton (Edward Blake Limited) against the decision of Stroud District Council.
 - The application Ref S.15/2122/FUL, dated 28 August 2015, was refused by notice dated 7 December 2016.
 - The development proposed is demolition of existing 1970s monastery building and erection of 10 no. residential dwellings and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Subsequent to the event, and in accordance with an agreed timetable, a revised Unilateral Undertaking to secure a financial contribution for affordable housing within the District was received on 21 November 2017. The Council have accepted the wording of the document and I have taken it into account in reaching my decision.

Main Issues

3. There are two main issues in this case:
 - Whether the proposed development would be in a suitable location, having regard to the site's position outside of the settlement development limits;
 - Whether there are other material considerations, particularly in relation to the enhancement of the Cotswold Area of Outstanding Natural Beauty, and to the setting of the Grade I Listed St Peter's Grange, sufficient to outweigh any harm or conflict with policy in relation to the above matter.

Background – the site and surrounding area

4. The appeal site is around 3 hectares in extent, containing a substantial, unused 1970s abbey (the Abbey) and parking forecourt, surrounded by rough ground and vegetation. The site is situated within the wider estate setting of the Prinknash Park, on an escarpment overlooking the Vale of Gloucester, within the Cotswold Area of Outstanding Natural Beauty (the AONB). Prinknash Park is owned by a Benedictine monastic community of men, who, having vacated

the purpose-built Abbey some 10 years ago, now reside within the Grade I Listed Building St Peter's Grange (the listed building), on the south side of the estate.

5. Other development within the Park includes lodges, a walled garden and estate workers' cottages. Accessed from the shared, long driveway is the monk's former pottery building, which now contains a shop and tea room, as well as an auction house. There is also The Bird and Deer Park, comprising part of the land and fishponds of the estate and a small visitor centre and animal welfare building, which is run as a separate enterprise. These operations share a relatively substantial car park at the bottom of the driveway, next to the appeal site. Other than sporadic detached dwellings, and views to settlements at the foot of the Escarpment, the site's wider context is defined by the open countryside.
6. The Abbey building is an imposing concrete-framed structure, which is empty and shows signs of progressive fabric deterioration. The dense vegetal boundary surrounding the site is somewhat overgrown, and the site is relatively well shielded from the surrounding area by vegetation, aided by the terraced landscaping. That said, the Abbey rises in part to seven storeys, which, combined with topographical changes, makes it a prominent feature from certain vantages within the estate, from the listed building, and the wider AONB. The proposed development would involve the demolition of the redundant Abbey and the construction of 10 detached houses and associated garaging and landscaping.

Statutory duties and planning policy

7. There is a statutory duty, under Section 66 of the Listed Buildings Act¹, to have special regard to the desirability of preserving, amongst other things, the setting of a listed building. The AONB is also a statutory designation², the purpose of which is the conservation and enhancement of the natural beauty of the area. Section 85 of CRWA requires regard to be paid to the purpose of conserving and enhancing the natural beauty of the AONB.
8. Policy CP1 of Stroud District Local Plan, November 2015 (the Local Plan) is an overarching policy that takes a positive approach in presumption in favour of sustainable development. Policies CP2 and CP3 of the Local Plan establish a spatial strategy for the District, indicating that housing should be directed to strategic development sites or within settlement development limits. The preamble to Policy CP3 sets out the aim of establishing a settlement hierarchy so as to prioritise growth at sustainable locations, while supporting existing services and facilities available in a settlement. Policy CP4 underpins a spatial vision for the District, and requires all development proposals to accord with the Mini-Vision for the locality. The Mini-Vision for the Cotswold Cluster sets out a number of guiding principles including the conservation and enhancement of the area's heritage assets, and the high quality and distinctive characteristics of the AONB.
9. Sites lying outside defined settlement boundaries are treated as being in the open countryside, where development is restricted unless it is in accordance with Policy CP15. In order to protect the identity of settlements and the quality of the countryside, this policy requires that a development: is essential to the

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

² The Countryside and Rights of Way Act 2000 (CWRA)

maintenance or enhancement of a sustainable farming or forestry enterprise; is essential to promoting public enjoyment of the countryside and supporting the rural economy; is a 'rural exception site'; is enabling development, required in order to maintain a heritage asset; and/or is a replacement dwelling; and/or will involve essential community facilities.

10. Policy CP14 supports development that protects, conserves and enhances the built and natural environment and also the re-use of previously developed land. While Policies ES7 and ES10, seek the enhancement of historic assets and the natural and scenic beauty of the landscape.
11. Proposals are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is one such material consideration. Of particular relevance to the appeal scheme is the core principle that recognises the intrinsic character and beauty of the countryside. Also paragraphs 109, 111 and 115, which require valued landscapes be protected and enhanced; support the re-use of previously developed land, providing it is not of high environmental value; and afford great weight to conserving landscape and scenic beauty in AONBs, which have the highest status of protection. As well as paragraph 137, which treats favourably proposals that make a positive contribution to or better reveal the significance of heritage assets.

Whether the development would be in a suitable location

12. Upton St Leonards is the nearest settlement, some 1.5km away, and the open fields and parkland setting of the Estate establish a clear distinction between the appeal site and the fabric of the village. Notwithstanding the proximity of the small-scale development and enterprises on the Estate itself, the appeal site and surroundings are defined by a rural context. That said, in my judgement, the same enterprises preclude the site from being 'isolated' in respect of paragraph 55 of the Framework. Even so, both national and local policies seek to concentrate development in locations where there is access to a range of services and facilities, and by a range of modes of transport, as well as to protect the identity of settlements and the quality of the open countryside.
13. Upton St Leonards is a third-tier settlement and has a range of shops and facilities, a primary school and other services. A cycle route from the appeal site would give access to Upton St Leonards, and a wider cycle network, avoiding the busy A46 and the steepest stretch of The Portway. Bus stops are located on the A46, close to the site's main access at the top of the driveway, approximately 7 minutes' walk from the proposed new dwellings. Bus services run to Stroud and Cheltenham, with journey times from these main centres of an average of 30 minutes. There are also various employment opportunities in the wider area. Notwithstanding that private car journeys would be inevitable, and likely the preferred mode of transport, these would be relatively short in time and distance given the range of schools, employment opportunities and other services that are accessible within 10 minutes.
14. Purely in terms of accessibility, I consider the proposed development would not be harmfully remote and journeys to reach services and facilities would be possible by modes other than the private car. Nevertheless, the spatial strategy aims to focus development within existing settlements, not just to reduce car journeys and support services and facilities therein. The local

- policies also seek to strictly manage development outside settlement limits in order to take account of the distinctive characteristics and qualities of landscape character and the integrity of the countryside. Such an approach is consistent with paragraph 17 of the Framework, which anticipates account being taken of the intrinsic character and beauty of the countryside.
15. Situated on an area of rising land on the Escarpment, the appeal site is distinctly separate from the settlements that populate the lower slopes and is surrounded by open countryside. Prinknash Park, as a part of the wider Escarpment, is a substantial and prominent landform, distinct in views from its environs. From the lower slopes, the appeal site can be seen as part of the Escarpment as a whole, forming part of the green apron that rises from the lower ground.
 16. Fundamentally, the appeal scheme would introduce built development of an overtly domestic scale and form into the countryside setting of the Park and Escarpment. The proposed development has been described as following a pattern of dispersed housing found typically within villages. However, this does not take the analysis much further, as the site is not within a village but on the Escarpment, where a loose scattering of relatively large dwellings in a well-defined enclave would be atypical. Even with the removal of one house from the scheme and avoiding 'kit' garages, the development would have the character of a suburban, albeit high quality, housing estate. In my opinion, the development would inevitably have a character in its own right, and would introduce urbanising development that would be unrelated to the established settlement edge or the character of surrounding rural context.
 17. Therefore, while the site may be accessible and not isolated, it would meet none of the criteria intended to protect the identity of settlements and the quality of the countryside. As there would clearly be a conflict with the locational strategy for new development within the Local Plan, the development would not be in a suitable location, having regard to the site's position outside the settlement development limits. As such, the proposal would fail to accord with Policies CP2, CP3 and CP15 of the Local Plan, as well as the core principles within the Framework, all of which seek to direct housing within settlement development limits; to prioritise growth in sustainable locations; and recognise the intrinsic character and beauty of the countryside.

Other material considerations – The AONB

18. In respect of its parkland land use and clear distance between identifiable settlements, which are situated at the foot of the Escarpment, the appeal site corresponds with the description of the AONB landscape character assessment. Irrespective of the aesthetic merits of the existing Abbey, the building has been imposed on the landscape and its dominating presence provides a visual ascendancy. However, the building no longer serves a useful purpose and now features, from certain vantages, as a conspicuous anomaly on the landscape. On this basis, I consider that demolition of the Abbey would, in itself, represent some enhancement of the wider AONB landscape. However, in this case, enhancement of the AONB relies not just on the deletion of the deteriorating edifice. Rather, the development proposed should, in itself, constitute enhancement of the AONB landscape in order to justify deviation from the development plan.

19. While the proposal may appear less of an intrusion into the landscape than the existing building, with a substantially reduced overall massing, the total footprint area of the new scheme would be increased slightly. Taking into account the areas of hard surfacing, domestic gardens and footpaths, in total the development would be markedly greater in extent. The proposed gardens are relatively modest for the size of dwellings, and areas of shared 'common areas' of green space and footways would assist in softening the overall layout. Though estate railings, hedges and stone walls may be evocative of traditional boundary treatments, used to define the frontages of individual properties they would compartmentalise the layout, reinforcing its suburban residential character and use.
20. The overall landscape response would provide a high degree of greenery, which would help to conceal the development from the wider context. I do not doubt that views to the proposed dwellings from public vantage points within the AONB would be limited, dependent on the amount of leaf cover. However, limited visibility does not provide a justification for a development that would fundamentally fail to preserve the characteristics of extant land use, nor the settlement pattern within the Cotswold AONB.
21. In reaching my conclusion on this matter, I have borne in mind the representations made by the Cotswold Conservation Board. Notwithstanding that a small-scale residential scheme could be more sensitive compared with the potential impact of other uses. As it stands before me, I consider that the proposal would fail to conserve or enhance the characteristics of the natural environment; a factor that should be attributed great weight in accordance with paragraph 115 of the Framework. Nor would the development fully accord with Policy CP14 or the guiding principles in the Cotswold Mini-Vision within the Local Plan, insofar as they seek to protect, conserve and enhance the built and natural environment, and distinctive characteristics of the AONB. Even though the appeal site has been previously developed, situated within the AONB, the appeal site is also of high environmental value and so paragraph 111 of the Framework does not expressly support it.

Other material considerations - Setting of the listed building

22. The listed building (listed as St Peter's Grange with gateways and courtyard walls to east and west) is an imposing limestone building set on a rising slope towards the south of the Park estate. The Archaeological Desk Based Assessment identifies Prinknash Park as being first recorded in 1096; the building itself dates back to at least the 14th century, when it was used as a hunting lodge for the Abbot of St Peter's Gloucester. The special interest and significance of the listed building clearly lies, in greater part, in the structure itself, including its surviving historic fabric, plan form and features of architectural execution and historic associations. However, its special interest and significance are further underpinned by the inextricable link between the building's former functional relationship with the land as a hunting lodge and the wider estate managed expressly for that recreational purpose. This potent symbiotic relationship between the Park estate and the listed building remains tangible today, and therefore determines that the land forming its landscape context certainly comprises its setting. As such, it makes a substantial contribution to its significance as a highly graded heritage asset.
23. Sited at a slightly elevated level, the listed building looks across the estate to the Abbey, which is clearly visible from the principal, north-facing rooms. To

my mind, the inter-visibility between the Abbey and the listed building reflects a functional, albeit now redundant, association between the two structures. Since standing empty, this functional link has ceased. The removal of the redundant and deteriorating building would therefore represent a visual enhancement to the setting of the listed building. However, it does not necessarily follow that ten dwellings in its place would contribute positively to the setting of the listed building, or better reveal its significance.

24. The setting of a heritage asset can change over time and often includes land that has a visual relationship with the building. Other structures are present, including some constructed more recently. However, these all have an association with the estate, the monastery and therefore the wider institutional or recreational land use, whereas the appeal scheme would not. An argument that the development would be hidden from view does not inevitably leave the setting of the listed building unaltered, given that significance is not dependant on the ability to access settings. To my mind, the proposed development, by introducing suburban built form to Prinknash Park would be anomalous to the historic land use, eroding the rural, recreational landscape setting of the listed building.
25. I therefore find that the proposal would result in some harm to the significance of the listed building, through development within its setting. In so harming, the development would fail to preserve its special architectural and historic interest, contrary to the clear expectations of the Act, to which I am required to have special regard. For the same reasons, the scheme would be in conflict with paragraph 132 of the Framework, which anticipates great weight being afforded to the conservation of heritage assets, which includes their setting. Overall, there would not be benefits to the setting of the listed building sufficient to outweigh any harm or conflict with policy in relation to the first main issue.
26. Though, in terms of the Framework harm to the asset would be less than substantial, less than substantial harm does not always equate to less than substantial planning objection, especially where the statutory duty has not been met. For the purposes of paragraphs 133 and 134, such harm should be weighed against the public benefits, as set out in the planning balance below.

Planning balance

27. The structural design and layout of the existing building, to my mind, precludes the building being re-used or viably converted. I have no doubt that, in the fullness of time, the Abbey would become increasingly dilapidated and its surrounding vegetation unkempt. The appeal proposal would facilitate the removal of the Abbey, resulting in some visual and landscape benefits through demolition of what has become a redundant and discordant feature within the Estate and AONB landscape. There would be benefits in providing 10 open-market houses in a planning context that seeks to significantly boost the supply of housing. There would also be wider economic benefits, especially during the construction phase, and social benefits in delivering a wider choice of housing within the District. Occupants of the proposed dwellings would also feed into the local economy, supporting services and facilities within nearby villages and the vitality of the area.
28. The appellant has submitted a Section 106 Unilateral Undertaking (UU), to secure a financial contribution of £185,289 towards the provision of off-site

affordable housing within the District. Mindful that the Council have accepted a Vacant Building Credit should be applied in respect of the redundant Abbey, such a contribution is to be welcomed and a clear benefit in the context of the housing need in the District. There would also be some benefits in terms of some biodiversity enhancements, as the proposal would secure some environmental improvements and ecological enhancements across the site, including a management plan, interpretation boards and way-marking. For the purposes of paragraph 134 of the Framework, I quite readily accept that all these provisions can be considered as public benefits.

29. However, the proposed biodiversity enhancements are of limited benefit as habitats already exist on the site and the biodiversity approach can reasonably be seen in large part as mitigation for development. There is nothing substantive to indicate that the proposal would be the minimum development necessary to secure enhancements such as a new orchard, diversification of species and opportunities for biodiversity. On the basis of the available evidence, therefore, I am not persuaded that the scale of the development proposed represents the only means by which funding for the landscape enhancements and ongoing management of the site could be secured. I therefore find that only limited weight should be given to this beneficial aspect.
30. It is alluded to that part of the motivation for this development would be to generate monies for the residing Monks at St Peter's Grange, and to facilitate the upkeep of the wider Prinknash Estate. However, the planning application was not predicated on enabling development, nor is there any tangible evidence that establishes a well-defined programme of repairs. In the absence of an appropriate vehicle, such as a Unilateral Undertaking, there is no mechanism to link the appeal scheme to a wider schedule of works. Therefore, I can currently afford very little weight to what may represent tangible benefits.
31. There is much to commend in the quality of the individual house design, including the suggested material palette and measures to reduce energy consumption. However, a lack of harm in terms of the detailed design is a neutral factor that does not weigh in the balance in favour of the proposal or against it. That the appeal site is reasonably located and facilities and services in nearby villages would be realistically accessible by methods other than the private car is accepted. In addition, there are proposed enhancements to bus stops, which would further facilitate access to a network of facilities. The traffic generated by the development would not have an unacceptable impact on the local highway network or on highway safety. However, given that the existing building is empty and has limited prospect of re-use, there would be no material benefit through reducing the number of car journeys onto the Estate. A lack of harm in terms of flood risk, trees, archaeology, living conditions, light pollution, and the viability of The Bird and Deer Park are also neutral factors.
32. On the other hand, though less than substantial, there would be significant and material harm to the setting of the listed building. As well as a degree of harm to the protected landscape. Matters of considerable importance and weight. This leads me to conclude, in the circumstances of this case, the public benefits do not outweigh the harm or satisfy the overarching statutory duties in respect of the listed building and AONB landscape. Furthermore, the development would introduce an uncharacteristic pattern of development in the open

countryside, resulting in conflict with the development plan, another factor attracting great weight.

Other matters

33. The red line boundary for the proposal incorporates a portion of the car park used by The Bird and Deer Park. This is evidently a thriving attraction with ambitions to achieve a growing customer base. I note that the accuracy of the car parking surveys, notably the dates they were undertaken, has been called into question by an interested party. The potential deficiencies of the parking survey notwithstanding, the appeal proposal would nonetheless provide the same net number of car and coach spaces, albeit over a slightly reduced area. I accept that, at peak times, the existing car parking arrangement may fall short, and that incidental spaces are required to accommodate overspill. However, this is the exception rather than the norm. In the absence of a parking strategy, which could aid a more efficient management of car parking and deliveries, I do not find that the proposal would result in any material harmful effect on The Bird and Deer Park as a result of reducing the parking area.
34. Concern has also been raised regarding the potential impact on the viability of the attraction as a result of overlooking and disturbance. To my mind, given the topography, proposed layout and degree of vegetation, only the dwelling proposed in the north westernmost extremity of the site would be visible from The Bird and Deer Park, and this only if customers walked to the very far corner where there is currently no designated pathway. Even if future ambitions to extend pathways and aviaries within the attraction came to fruition, I do not consider there would be any harmful degree of overlooking nor disturbance, to the extent that customers would be put-off and the enterprise materially impacted.

Conclusion

35. The totality of the benefits in favour of the proposal, including gains to housing supply, and social and economic development are modest. On the other hand, the proposal would result in significant environmental harm, to the open countryside, AONB landscape and to the setting of a heritage asset. Therefore, because of the overall conflict with statutory duties, local and national planning policy, I do not consider that there are any material considerations, nor wider public benefits, sufficient to outweigh the harm or to justify a decision other than in accordance with the development plan.
36. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Fong BA (Hons) MRTPI	Hunter Page Planning
James Griffin MA MRTPI	Hunter Page Planning
Nigel Evers MA CMLI	Viridian Landscape Planning Ltd
Mike Glaze EngTech MICE	Cotswold Transport Planning
Jonathan Nettleton B.Arch (Hons) RIBA	Blake Architects
John Nettleton	Edward Blake Ltd
Joanna Nettleton	Edward Blake Ltd
Rt Rev Francis Baird OSB	Prinknash Abbey
Adrian Jones, Estate Manager	Prinknash Abbey
Fr Martin McLaughlin, Bursar	Prinknash Abbey
Stewart William Thomson	Prinknash Abbey

FOR THE LOCAL PLANNING AUTHORITY:

Jamie Cooper, Principal Planner	Stroud District Council
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INTERESTED PERSONS:

Cllr Keith Pearson, Chair	Upton St Leonards Parish Council
Miss Melanie Meigh	Prinknash Bird Park

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Suggested condition relating to the provision of bus stop improvements, a walkway along the drive to the A46 bus stops, and provision of signage for cyclists

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Revised Section 106 Unilateral Undertaking, received 20 November 2017
- 2 Electronic copy of suggested condition as above, received 20 November 2017