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## Appeal Decision

Hearing Held on 29 August 2018

Site visits made on 28 & 29 August 2018

**by Nick Fagan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18<sup>th</sup> September 2018**

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**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 Edward Blake Ltd 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 the demolition of the existing 1970s monastery building and erection of 10 no. residential dwellings and associated works.
  - This decision supersedes that issued on 11 December 2017. That decision on the appeal was quashed by order of the High Court.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Statement of Common Ground (SoCG) states that there is agreement between the Council (LPA) and the appellant that there would be no harm to the Cotswolds Area of Outstanding Natural Beauty (AONB) landscape, the Grade 1 Listed St Peter's Grange (the LB) or any other historic heritage. There has been no change to the SoCG in this regard since the original Hearing.
3. Nonetheless, I consider the effect of the proposed development on these assets to be main issues, as I made clear at the start of the Hearing. These matters were considered at length during the Hearing, and all parties have had full opportunity to comment on these issues.
4. The LPA confirmed that it is not defending its second refusal reason because the issue of mitigating any effects of the development on the Cotswold Beechwoods Special Area of Conservation has been resolved separately with the appellant.
5. There is agreement that the gross floor space of the 1970s monastery building exceeds that of the proposed new dwellings and that consequently, under the Vacant Building Credit, there is no requirement to provide any affordable housing (AH).
6. However, the Abbey (the owner) and developer (the appellant) acknowledge the priority need for AH in the District and have submitted a signed and now dated S106 Unilateral Undertaking to provide a contribution of £185,289 for AH within the District prior to occupation of the tenth dwelling. I acknowledge this

contribution but have not taken it into account in arriving at my decision because it does not meet the tests for planning obligations set out in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*. It also fails to comply with the relevant Ministerial Statement, which obviates the need for such contributions on schemes of 10 or less dwellings. Hence there is no planning requirement for it.

### **Main Issues**

7. Consequently the main issues are:

- (a) Whether the proposed development would be in a suitable location, given its siting within the countryside outside settlement limits;
- (b) Its effect on the AONB's landscape; and
- (c) Its effect on the LB including its setting.

### **Reasons**

#### *Background – the site and surrounding area*

8. The approximately 3 hectare site contains the monastery building (the building) constructed between 1968 and 1972 for the Benedictine monks who have occupied the Prinknash Estate since 1928. The site lies within the wider estate setting of Prinknash Park on an escarpment overlooking Gloucester and the Severn Vale within the AONB.
9. The monks initially occupied the main building on the Estate, the Grade I listed St Peter's Grange, which is situated about ½km away across a small subsidiary valley on higher ground. The expansion of the monastic Order in the years before the War led to the planning of the new monastery in the late 1930s and eventually to its construction from 1968 onwards. Although the new building was designed to house at least 60 men the decline in novitiates meant that it was never fully occupied and it was decided, due to the cost of heating and maintaining the building, to vacate it and move back to the LB ten years ago. The building has been vacant ever since. It has been marketed including for conversion but to no avail. It is agreed that it would be very expensive to convert to other uses in part because of its concrete frame structure.
10. Other development on the Estate includes lodges, a walled garden and workers' cottages. The long and steep curving driveway off the A46 gives access to all the buildings and a large car park which provides parking for the commercial activities within the Park. This consists of the monk's former pottery building, which now contains the abbey shop, tea rooms and Simon Chorley Auctions. Below this is the Bird and Deer Park run by Melanie Meigh, which comprises part of the land and fishponds of the Estate as well as a visitor centre and animal welfare building.
11. The building is a substantial imposing structure rising in part to seven storeys. It is clad in predominantly honey-coloured stone originating in the vicinity of Guiting Power, in another part of the Cotswolds. As such it does not match the colour of the local stone including the lighter stone on the LB. The ground levels on the site have been considerably altered in the construction of the monastery and I consequently agree with the appellant that the whole of the

site can be considered to be previously developed land (PDL), albeit that much of it is not occupied by built development.

12. The building is generally well shielded from the surrounding area by mature trees and overgrown vegetation but because of its height it can be seen from certain viewpoints within the Estate and the wider AONB. The proposal is to completely demolish the building and construct 10 detached homes on the site, 3 four-bedroom and 7 five-bedroom houses.

#### *Locational Issues*

13. The site lies in the open countryside about 1.5km from Upton St Leonards, the nearest settlement, which lies on the south eastern edge of Gloucester. There are a number of other dwellings on the Estate all owned by the Order including St Mary's Lodge to the south of the access onto the A46, a pair of rendered semi-detached houses (St Theresa's and St Benedict's Cottage) at the top of the drive, St Joseph's Lodge, a post-war bungalow halfway down the drive, the gardener's cottage next to the walled garden and two additional lodges next to the incense workshop and store in the valley below the LB. Further away from the site are the Grade II listed Upper Lodge and the Gate Lodge, respectively on the south eastern edge of the Estate next to the A46 and on the western edge off the Portway, the steep and narrow road that links the A46 to Upton St Leonards. There is also of course the existing monastery in the LB, which houses the monks.
14. There was considerable discussion at the Hearing about whether this group of dwellings comprises a settlement and whether it is isolated. This discussion was framed in relation to the recent High Court (HC) and Court of Appeal (CoA) judgements in the *Braintree* case included as appendices to Hunter Page's additional statement for the appellant at redetermination.<sup>1</sup> Those judgements focussed in particular on former NPPF paragraph 55. The discussion at the Hearing focussed on the revised NPPF's paragraphs 78 and 79 which have replaced it, essentially by splitting it into two paragraphs whilst keeping the majority of the wording the same.
15. Former NPPF paragraph 55 and new NPPF paragraph 79 both make clear that the development of isolated homes in the countryside should be avoided. The above judgements determined that 'isolated' in this context should be given its ordinary objective meaning of "far away from other places, buildings or people; remote" as per the Oxford Concise English Dictionary. I agree that is what it means.
16. I consider that the proposed development would not be isolated because it would not be harmfully remote and journeys to reach services and facilities would be possible by modes other than the private car, as documented by the appellant. Simply as a matter of fact it would be sited close to many of the dwellings on the Estate as described above and so it cannot be described as isolated.
17. But that is not the end of the matter even in terms of the above judgements. The appellant highlighted paragraph 32 of the CoA judgement in particular where Lord Justice Lindblom pointed out that there is no definition of a "community", "settlement" or "village" in the NPPF and that a cluster or group

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<sup>1</sup> *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin)* and *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610*

of dwellings may constitute such, although whether it will in any particular case is a matter of fact and planning judgement for the decision-maker. The appellant considers that the above group of dwellings comprise a settlement in this sense.

18. I do not because of the way in which NPPF paragraph 78 is expressed. It states: "*Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*" (My emphases). Whilst a settlement does not need any facilities to be a village it must, to my mind, possess a recognisable village form. The monastery and group of lodges on the Prinknash Estate does not possess such a form and cannot realistically be described as a village. It is merely a disparate group of Estate workers' dwellings some of which are remote from the appeal site. Since the development would not be located in a "village" it is not supported by NPPF paragraph 78, despite the fact that it would not be "isolated" in terms of paragraph 79.
19. The judgements must also be read in their totality. Paragraph 29 of the CoA judgement states that settlements should be the location for additional housing in rural areas. In terms of its ordinary meaning any group of residential buildings could be a settlement since they are evidence of settled human habitation. But the way in which NPPF paragraph 78 is expressed suggests that such settlements should be villages.
20. The specific context of the *Braintree* case is also significantly different from this case. There the proposal was to build two dwellings which were clearly on the edge, albeit outside the defined settlement boundary, of the village of Blackmore End.<sup>2</sup> That is not the case here. The site is 1.5km from Upton St Leonards, the nearest village.
21. It is also situated on an area of rising land on the escarpment, distinctly separate from Upton and the other settlements that populate the lower slopes and is surrounded by open countryside. The proposed development would introduce a suburban housing estate, albeit one which would be well designed of itself, onto the Cotswold escarpment outside a village context. As such it would have an alien and inappropriate urbanising effect on the high quality rural landscape.
22. I acknowledge the appellant's point that parts of the village of Cranham, as I was able to see during the accompanied site visit, exhibit a loose-knit form where individual or small groups of houses are disbursed on a hilly common. But Cranham is a village containing many dwellings and a pub. The estate buildings at Prinknash Park do not comprise a village, so the comparison is invalid. The possession of a tea shop and gift shop does not make this group of buildings a "village".
23. I also have reservations regarding the site's accessibility by modes other than the private car despite accepting that it is not isolated. The bus stops near the site entrance on the A46 are only approximately 7 minutes' walk from the entrance to the site. But I walked this on a pleasant summer's afternoon. That is likely to be the very minimum time that this walk would take and that would be from the entrance to the site next to the car park. From the houses

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<sup>2</sup> Ibid CoA judgement #3

- deeper into the site it would undoubtedly take longer. In inclement weather it would take considerably longer, particularly if there was snow or ice on the steep drive, which could also make such a walk hazardous especially for older residents.
24. I also consider it unlikely that the bus service would be used very much, despite the appellant's proposed improvements to the surface of the footways to them, due to the steepness of the drive and the cost of the houses, which would be likely to be purchased by wealthy people who would invariably own and regularly use a choice of cars. Stagecoach Bus Route 66 runs between Cheltenham and Stroud but I note that there is no direct bus route from the site to Gloucester, which is the largest nearby town and the likely destination of future residents for day-to-day facilities and services including employment.
25. I have similar reservations concerning the cycle and walking routes into Upton. Whilst such routes would be away from the Portway that does not mean they would be used on a regular basis. I consider it far more likely that the residents of the proposed large and expensive houses would make the vast majority of their journeys to shops, schools, employment and other services and facilities by private car trips. Those trips may be relatively short and may well combine journeys to a variety of facilities. But because the site is fairly close to Gloucester it would still be the case that the proposed development would be likely to generate out-migration commuting trips from the District, which the Council in its adopted Local Plan (the SDLP) is trying to combat by seeking to locate such residential development within settlement boundaries.
26. So whilst I agree that there are alternatives to travel by private car I conclude that they are unlikely to be regularly used by the majority of residents of the proposed development. As such the proposed development would not be in a suitable location and would be contrary to the spatial strategy of the SDLP, which seeks to prioritise growth in sustainable locations and to direct new housing within settlement boundaries. As such it would be contrary to SDLP Policies SO5, CP1, CP2, CP3, CP14 and CP15 as explained below.
27. Policy or Strategic Objective SO5 seeks to mitigate global warming by, amongst other things, promoting the use of appropriately located brownfield land and supporting a pattern of development that facilitates the use of sustainable modes of transport and Policy CP14 has similar requirements. Although the site is PDL and provides access to sustainable modes of transport, in reality these modes are unlikely to be regularly used. In my view the Plan is silent on the redevelopment of PDL sites in the countryside because they may not all be in suitable locations, as this site is not.
28. It is located outside a defined settlement development limit and outside a village in the open countryside and would therefore be contrary to Policies CP2 and CP3, which respectively state that housing development will take place within such limits and names the settlements. The appellant's argument that CP2 allows 'limited development' outside such limits does not, in my opinion, include the development of 10 large houses in open countryside. I note in this context that the example given by the appellant at the Hearing of a conversion of an old coach house into a dwelling is not in my view at all comparable to the proposed development, which is major development according to the definition in the new NPPF.

29. In any case, the wording of CP2 makes clear that such limited development should only take place in accordance with other policies of the Plan and in this context it would conflict with not only the other above Policies but also with Policy CP15 as acknowledged by the appellant. CP15 states that proposals outside settlement limits will not be permitted except where a number of exceptions are set out, none of which are applicable here.

*Effect on the AONB*

30. The appellant argues essentially that the building is an eyesore in the AONB because its height, massing and design make it look like an out of place 1970s office building. Consequently, it argues, its removal and replacement by a series of two storey houses faced in local stone, which would hardly be seen due to landscape screening, would be an enhancement to the AONB. The LPA argues that the proposal would have a neutral impact on the AONB.
31. The building is an alien feature on the escarpment within the AONB landscape. It is fairly prominent from certain public viewpoints within the wider area including from VPs CP2, CP3 and CP5.<sup>3</sup> It is undoubtedly the case that the proposed dwellings would be much less visible than the seven storey existing building, which projects above the canopies of the surrounding trees.
32. It is unlikely that this building would be allowed to be built on the site today. But it has been there for nearly fifty years and as such is familiar to those people likely to see it regularly and within the wider landscape. Views of it from within the Estate are surprisingly limited although it is seen from certain viewpoints on the King's Walk, the permissive footpath running below the A46, and from parts of the grounds and the upper floor windows of the LB. The topography of the escarpment and the dense tree cover around the building serve to prevent many prominent views of it from within Prinknash Park and the AONB generally.
33. So whilst the building is an alien structure within the AONB its impact is minimal and it has in any case become established over nearly half a century. Neither the appellant nor Council consider the proposed ten houses to be major development within the AONB. But whether or not that is so, they would clearly constitute a significant amount of development exhibiting a suburban form and layout that is itself alien to this part of the AONB. For these reasons the impact of the proposed development on the AONB would be at best neutral and at worst unacceptable. In reaching this conclusion I have taken into account the comments of the Cotswolds Conservation Board<sup>4</sup> and The Garden Trust<sup>5</sup> on the application scheme.
34. There has been no attempt by the appellant to justify why this amount of development is required in such a sensitive location beyond asserting that it would enhance the AONB. I acknowledge and accept that the appellant's detailed Landscape and Ecological Management Plan (LEMP) would be implemented by a relevant condition and that this would improve the maintenance of trees and vegetation on the site as well as the planting of new landscape features. But there is no mechanism within the LEMP for securing the improvement or ongoing maintenance of the wider Estate within the AONB

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<sup>3</sup> As set out in the appellant's Landscape and Visual Statement of Case, particularly Appendices including Dwg No 2703/3

<sup>4</sup> SoCG Appendix 6

<sup>5</sup> Ibid Appendix 7

and it is time-limited to a period of ten years commencing from the beginning of the construction period. So I have no certainty that the proposal's significant amount of suburban residential development would actually deliver long term benefits to Prinknash Park and the AONB.

35. There is no objection from anyone to the demolition of the building and I cannot see any benefit, to the AONB landscape or otherwise, from allowing it to fall into ruination, which it is likely to do in present circumstances. I appreciate that the demolition of the building would come at a substantial cost.
36. However, I consider the development of new homes within this sensitive location, irrespective of whether they could be seen from the surrounding landscape, is justified only to the extent that they are necessary to fund the demolition of the building and restore and maintain the site and its wider AONB setting and of course to ensure that such development is economically viable. That has not been demonstrated by the appellant.
37. For these reasons the proposed development would not in my opinion enhance this valued AONB landscape, as it is required to do by NPPF paragraphs 170 a) and b) and 172. There is a statutory requirement that regard shall be paid to the purpose of conserving and enhancing the natural beauty of the AONB.<sup>6</sup>
38. The site lies within the Cotswold cluster 'mini-vision' as set out in the SDLP. One of the top priorities in the cluster is to conserve and enhance the countryside and its fifth guiding principle is to conserve and enhance the high quality and distinctive characteristics of the Cotswold AONB. Policy CP14 (subsection 9) requires development to contribute to a sense of place in which it integrates with its surroundings. Policy ES7 has similar requirements for development within the AONB. As set out above, this suburban housing estate, even though its individual dwellings are well designed with good landscaping, would not integrate well with its pastoral surroundings. The new dwellings would not therefore accord with these policy requirements.

#### *Effect on Heritage Assets*

39. SDLP Policy CP14 also requires development to respect heritage and Policy ES10 requires proposals to address any impact on heritage assets including their setting. There is a statutory requirement to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess.<sup>7</sup>
40. The appellant maintains that the setting of the LB, St Peter's Grange, would be enhanced by the proposed development because the 1970s building is harmful to it. There is inter-visibility across the valley between the LB and the building, which can clearly be seen in views from the terraced garden of the LB as well as from its north facing upper floor windows. I accept that it forms part of the LB's setting within the Park. But it is approximately ½km distant and, as set out above, the building has become familiar within this view, albeit it cannot be said to enhance the LBs setting. Consequently its impact on this setting is not substantial for these reasons and there is also a clear historic link between the use of the two buildings by the monks. Consequently I consider its impact on the LB's setting to be neutral. Its impact on the significance of the Grade I LB is therefore also, at worst, neutral.

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<sup>6</sup> S85 Countryside and Rights of Way Act 2000

<sup>7</sup> S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

41. The same cannot necessarily be said for the proposed ten new houses. They would also be approximately ½km away from the LB and would be unlikely to be seen from it due to the tree screen and their lower heights. But the setting of the LB is not confined to inter-visibility. The alien nature of the dwellings within its setting, unrelated to the other structures within the estate which are or were used by the monks or by those associated with the management of the Estate would be anomalous to the setting of the LB. Whilst the building seems to have been primarily listed for its age, historic progression and fabric its setting is an important element that contributes to its significance. For these reasons I consider that the proposed new dwellings would result in some, clearly 'less than substantial', harm to its significance. In reaching this conclusion I have taken into account Historic England's consultation response<sup>8</sup> to the application.
42. As set out above, whilst there is no in principle objection to the demolition of the 1970's monastery, the amount of new residential development within the setting of this Grade I LB has not been justified by the appellant. For the above reasons the proposed development would be contrary to SDLP Policies CP14 and ES10, as well as to NPPF paragraphs 193, 194 and 196.

### **Other Matters**

43. Miss Meigh and a number of others have objected to the proposal on the grounds that it will reduce the overall area of the car park all of which is needed to accommodate existing and likely increased visitors to the Estate including to the Bird Park. The red line of the site does include part of the car park and there would be a small loss in its footprint area. But the appellant intends to remodel it providing car parking spaces that meet current size standards (2.4m by 4.8m) as well as dedicated coach parking in a more efficient layout with the same number of spaces. I also note that there is no objection to the new layout in terms of the number or layout of parking spaces or the circulation of vehicles within it from the Local Highway Authority. For these reasons I am satisfied that the new car park's size and layout would not impact detrimentally on any of the Estate's users, including the Bird Park.

### **Conclusion**

44. For the reasons given above the proposed development would be contrary to policies in the development plan. Given that the Council can demonstrate a five year supply of deliverable housing sites and there are no other material factors that weigh in favour of the proposal, I conclude that the appeal should be dismissed.

*Nick Fagan*

INSPECTOR

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<sup>8</sup> SoCG Appendix 8



