

Item No 03:-

15/01556/OUT (CD.5903/F)

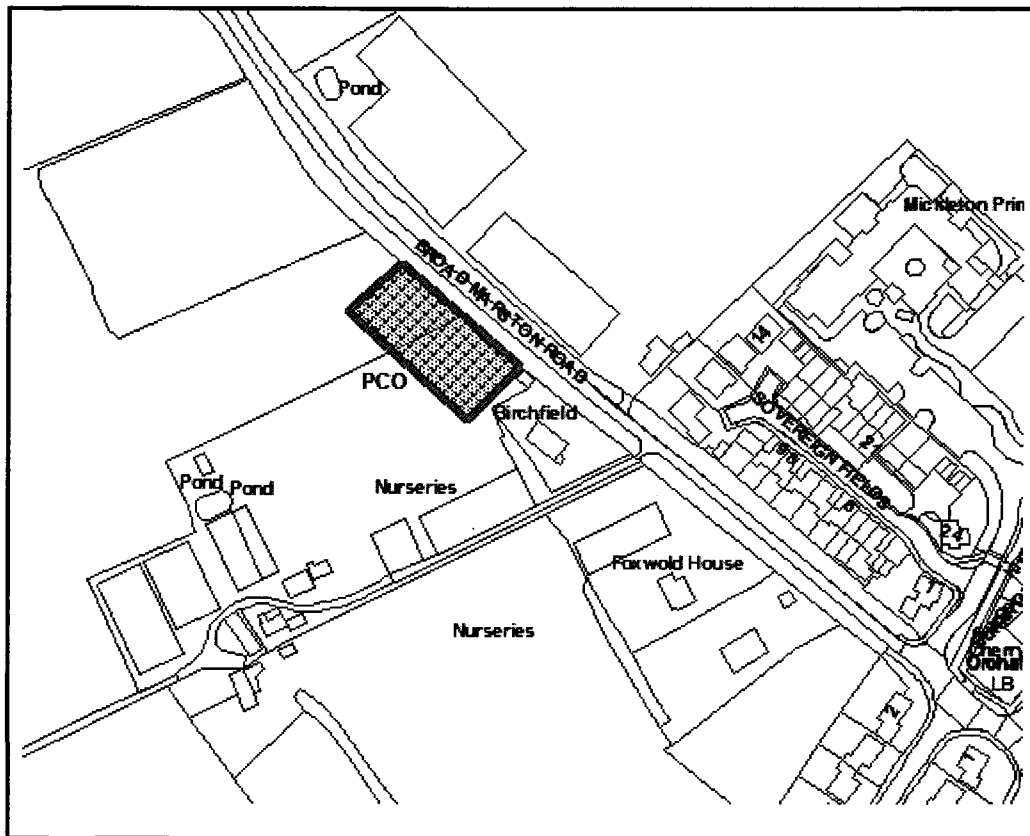
**Birchfield
Broad Marston Road
Mickleton
Chipping Campden
Gloucestershire
GL55 6SF**

Item No 03:-

**Outline Planning all matters reserved for one dwelling
at Birchfield
Broad Marston Road Mickleton**

Outline Application 15/01556/OUT (CD.5903/F)	
Applicant:	Mr & Mrs M Stowe
Agent:	Berry And Young
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lynden Stowe Councillor Mark Annett
Committee Date:	10th June 2015

Site Plan



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RECOMMENDATION: PERMIT

Main Issues:

- (a) Residential Development Outside a Development Boundary
- (b) Sustainability of Location and Emerging Local Plan
- (c) Impact on Character and Appearance of the Locality
- (d) Access

Reasons for Referral:

The applicant is a relative of a District Councillor.

1. Site Description:

The application site is located approximately 25m from the northern edge of the village of Mickleton. It measures approximately 625 sq metres in size. The front (east) of the site borders Broad Marston Road which is a single lane carriageway extending from Mickleton to the village of Broad Marston located approximately 3.3km to the north. Opposite the site and to the east of Broad Marston Road is a dilapidated agricultural building. The south eastern boundary of the site adjoins a similar sized parcel of agricultural land which was recently the subject of a planning application for a single dwelling (14/04961/OUT). Planning Committee resolved to grant planning permission for the dwelling at the meeting held on the 14th January 2015.

To the south west of the site are glasshouses and horticultural buildings. The north and north west of the site appear as agricultural fields. The application site and land immediately to the west of the site are currently occupied by a plantation of conifer trees. The nearest residential property is a 1970s bungalow located approximately 25m to the south east of the application site.

The site is located outside the Cotswolds Area of Outstanding Natural Beauty.

The site lies immediately to the west of fields that has been subject to two recent applications for development. The first proposal for 'Residential development (up to 90 dwellings), access, parking, public open space, landscaping and associated infrastructure' (14/02365/OUT) was refused by Planning Committee in October 2014. The applicant has lodged an appeal. A second application which made amendments to the first scheme was refused by Planning Committee at their meeting held on the 8th April (15/00222/OUT). The application was refused on the loss of agricultural land and the cumulative impact of the proposal on the village when combined with other recent approvals (80 dwellings at Meon Nurseries (13/03539/OUT) and 70 dwellings at Arbour Close (13/04237/OUT)).

2. Relevant Planning History:

CD.5903 Outline application for the erection of a farmhouse Granted 1978
 CD.5903/Ap Erection of a farmhouse Approved 1978
 CD.5903/B Retention of shed for sale of market garden produce Granted 1996
 14/05126/FUL Removal of Condition i (occupation limited to persons employed in agriculture) of permission CD.5903 Granted 2015
 14/04961/OUT Application for outline planning permission for one dwelling (all matters reserved) Granted 2015
 15/00383/OUT Outline Planning all matters reserved for one dwelling adjacent to Birchfield Withdrawn 2015

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Development outside Development Boundaries
 LPR38 Accessibility to & within New Development
 LPR39 Parking Provision
 LPR42 Cotswold Design Code

LPR45 Landscaping in New Development
LPR46 Privacy & Gardens in Residential Development

4. Observations of Consultees:

None

5. View of Town/Parish Council:

None received

6. Other Representations:

One letter of objection received.

i) 'I think we do not need more development in this village and certainly not down this narrow Road. We also have the problem with another bigger development possible .We have more than our quota of houses in the village'

7. Applicant's Supporting Information:

Supporting Statement

8. Officer's Assessment:

Proposed Development:

This application is seeking to establish the principle of development on the site and is in Outline form. All matters (Access, Landscaping, Layout, Scale and Appearance) have been reserved for later detailed approval. The current layout is purely indicative and intended to demonstrate how the site could accommodate the proposed level of development.

The application site measures approximately 625 sq metres in size. The indicative plans show a dwelling measuring approximately 12m wide by 7m deep. The applicant states that 'the proposed dwelling is expected to be a 2 storey house or dormer bungalow.'

Vehicular access to the proposed dwelling is shown as being from the south eastern corner of the site onto Broad Marston Road. The access is shown as being shared with the scheme recently approved on the adjacent site.

(a) Residential Development Outside a Development Boundary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2001-2011.

The application site is located outside a Development Boundary as designated in the aforementioned Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the current Local Plan. Criterion (a) of Policy 19 has a general presumption against the erection of new build open market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. The provision of the open market dwelling proposed in this instance would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, the Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the

National Planning Policy Framework (NPPF). Paragraph 2 of the NPPF states that the Framework 'is a material consideration in planning decisions.'

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

Paragraph 47 of the NPPF states that Councils should identify a supply of deliverable sites sufficient to provide five years worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

In such instances the Council has to have regard to Paragraph 14 of the NPPF which states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless;

' + any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.'

The Council's land supply position has been subject to scrutiny in recent months. In September 2014 the Planning Inspectorate issued a decision in relation to the erection of up to 120 dwellings on land to the south of Cirencester Road, Fairford (APP/F1610/A/14/2213318, CDC Ref 13/03097/OUT). In the decision the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' He also considered that the Council had not undertaken a calculation of Objectively Assessed Needs (OAN) for the District. The Council could not therefore demonstrate that it had the requisite land supply. Paragraph 47 of the NPPF states 'that local plans are required to meet the full, objectively assessed needs for market and affordable housing for that area, so far as is consistent with other policies of the NPPF'.

Following the Fairford appeal decision the Council's Forward Planning Section produced an OAN and undertook a review of its land supply figures. The new figures, which were published in January 2015, indicate that the Council has a 6.6 year supply of housing land. This figure is inclusive of the 20% buffer.

Since the issuing of the Council's housing land availability figures in December a further appeal decision has been received in respect of the erection of up to 146 dwellings on Land at Oddington Road, Stow-on-the-Wold (APP/F1610/A/13/2203411 - CDC ref 13/01856/OUT). In the appeal decision issued on the 27th March 2015 the Secretary of State for the Department of Communities and Local Government agreed with the recommendation of the Planning Inspector that the Council could not demonstrate the requisite 5 year supply of housing land. However, it must be noted that the Public Inquiry held in respect of the aforementioned appeal took place in November 2014 prior to the issuing of the Council's latest figures. The evidence presented to the Public Inquiry has therefore been superseded by the Council's latest assessment of housing land supply which includes a calculation based on OAN.

The Council's position is that it can now demonstrate the requisite 5 year (plus 20%) supply of deliverable housing land. As such, the Local Plan Policies that cover the supply of housing, such as Policy 19, are no longer considered to be out of date having regard to Paragraph 49 of the NPPF.

Notwithstanding the above, it must be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus 20%) figure is a minimum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. If such sites are not released the Council's housing land supply will soon fall back into deficit. At a recent appeal for up to 15 dwellings in Honeybourne in Worcestershire (APP/H1840/A/13/2205247) the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.' In relation to an appeal relating to a proposal for 100 dwellings in Launceston in Cornwall dating from the 8th April 2014 (APP/D0840/A13/2209757) the Inspector stated (Para 51) ' Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of NPPF.'

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an on-going supply of housing land there will remain a continuing need to release suitable sites outside Development Boundaries for residential development. If the Council does not continue to release such sites the land supply will be in deficit and the criteria set out in Paragraph 14 of the NPPF will apply. It is considered that the need to release suitable sites for residential development represents a significant material consideration that must be taken into fully into account during the decision making process.

The 'in principle' objection to new open market housing outside existing Development Boundaries set out in Policy 19 must also be weighed against the guidance in Paragraph 215 of the NPPF which states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight they can be given)'. There will be instances where new open market housing outside existing Development Boundaries can constitute sustainable development as required by the NPPF. The blanket ban on new open market housing outside such boundaries is therefore considered not to carry full weight when assessed against Paragraph 215. Notwithstanding this, the other criteria in Policy 19 which seek to prevent development that; causes significant harm to existing patterns of development, leads to a material increase in car-borne commuting, adversely affects the vitality and viability of settlements and results in development that significantly compromises the principles of sustainable development are considered to broadly accord with the objectives of the NPPF. They are considered to carry more weight when assessed against the guidance in Paragraph 215.

Notwithstanding the current land supply figures and the wording of Policy 19 it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. Of particular relevance in this case is the requirement to balance the social need to provide new housing against the potential environmental impact of the proposed scheme. These issues will be looked at in more detail in the following sections.

(b) Sustainability of Location and Emerging Local Plan

Mickleton is not designated as a Principal Settlement in the current Local Plan. However, emerging Local Plan document 'Local Plan Reg 18 Consultation: Development Strategy and Site Allocations January 2015' identifies the village as one of 17 settlements that has sufficient facilities and services to accommodate new residential development in the period up until 2031. The village has a primary school, convenience store, post office, butchers, car repair garage, two public houses and a hotel. The Local Plan Consultation Paper May 2013 states that the settlement ranks 13th in the District in terms of its social and economic sustainability. It considers that Mickleton along with Chipping Campden, Willersey and Blockley form part of a cluster of settlements that serve the northernmost part of the District. Collectively the aforementioned settlements are considered to have the necessary services, facilities and employment opportunities to provide for the local population. Taken together the settlements are also considered to be able to accommodate sufficient housing to make a reasonable contribution to the overall District requirement of 7600 dwellings without compromising the strong environmental constraints present in the locality. Paragraph 55 of the NPPF states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.'

This is reinforced in the Government's Planning Practice Guidance which states;

'It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.'

It goes on to say; 'all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'

It is evident that the ability of Mickleton to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Development Strategy and Site Allocations Paper recognises that the village is able to offer a range of services and amenities which can meet many of the day to day needs of the community. Moreover, it also supports a reasonable growth in the village's population to help 'address local affordable housing needs; sustain existing facilities; and maintain Mickleton's role as a local service centre.' Mickleton has therefore been recognised as a sustainable location for new residential development.

The current application site is located on the northern edge of the settlement. In terms of distance the proposed entrance to the site is located approximately 225m from the village's primary school and 525m from the main convenience foodstore in the centre of the village. Bus stops are also located in the centre of the village and are within walking distance of the proposed development.

Overall, it is considered that the site is located in close proximity to the existing settlement and to be within reasonable cycling and walking distance of village facilities and amenities and public transport links. It is therefore considered that the site does represent a sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

(c) Impact on Character and Appearance of the Locality

The site occupies a roadside position in close proximity to an existing post war dwelling. The land to the south and east of the site has historically been occupied by horticultural and agricultural

buildings. To the west of the site is a row of tall conifers that separate the applicant's land from the wider countryside.

The application site and surrounding landscape are relatively flat. Public views of the site are limited to Broad Marston Road. When heading north out of the village along the aforementioned highway the site is partly screened by existing vegetation and development to the south of the site. When heading south along Broad Marston Road the site is seen against a backdrop of horticultural buildings and the Sovereign Fields residential development. The applicant has removed roadside vegetation along the eastern boundary of the site thereby opening up views of the site from Broad Marston Road where it runs past the application site.

The application site measures approximately 25m by 25m in size. It is similar in size to that occupied by the nearest residential property at Birchfield and the same as that recently approved on the adjacent site. The application site is therefore considered to be relatively modest in size. As a consequence this will limit the size of development that could potentially be erected on the site in the future. The site is located in an area where there has been a history of development. Evidence of this development remains to the east of the site. A number of horticultural buildings also lie to the south of the site. It is noted that the proposal will extend built development to the north of the existing settlement. However, the immediate locality has a partly developed character and the site is seen in context with existing village development. The proposal is considered to represent a modest extension of the settlement and to still remain within the context of existing built development. The proposal will not therefore result in the loss of a significant amount of agricultural land or result in a significant encroachment of development into the open countryside leading to an unacceptable form of ribbon development. Officers would have concerns about a further encroachment of development to the north of the current site. However, the limited size of this proposal and its relationship to existing buildings means that the release of the site is considered acceptable in this instance. It is considered that an appropriately designed and sized dwelling could be accommodated on the site without having an adverse impact on the character, appearance and local distinctiveness of the area. The proposal therefore accords with Local Plan Policy 42.

(d) Access

The issue of Access has been reserved for later detailed approval. However, the applicant has shown an indicative access point on their submitted plans. The access is shown as being from the south eastern part of the site and as opening onto Broad Marston Road. It is shown as being joined onto the indicative access shown on the plans recently approved for the dwelling on the adjacent site to the south. The indicated access point would lie a few metres to the north of a 30mph speed limit sign. The entrance would therefore be positioned just inside an area subject to the national speed limit.

Visibility of approximately 150m in either direction from a point 2.4m back from the carriageway edge is available from the site entrance. It is considered that the proximity of the entrance to the 30mph zone (within which visibility of 2.4m by 54m is required) combined with the narrowness of the road and the quality of the road surface help to limit vehicle speeds to a level where the 150m visibility splays are acceptable. It is therefore considered that sufficient visibility is available for the proposed development. It is considered that the proposal is acceptable in highway terms and accords with Local Plan Policy 38.

9. Conclusion:

Overall, it is considered that the scheme will make a small but positive contribution to the Council's on-going need to provide a continuing supply of housing land. The site also lies adjacent to a settlement which has been identified in emerging Local Plan papers as a potential location for future housing. It is therefore considered to represent a sustainable location for the proposed development in terms of accessibility. The proposed site lies in close proximity to existing development and is seen in context with the existing settlement. It is modest in size and does not represent a significant encroachment of development into the open countryside. It is

considered that the proposed development could be undertaken without having an adverse impact on the character or appearance of the locality. On balance it is considered that the benefits of the proposal outweigh the limited other impacts arising from the development and as such a departure from the Development Plan can be justified in this instance having regard to guidance in the NPPF.

10. Proposed conditions:

In pursuance of their powers under the above Act, and having regard to the Town and Country Planning (Development Management Procedure) (England) Order 2015, the development was considered to be contrary to the following : Cotswold District Local Plan Policy 19. However, the following material considerations were of sufficient merit to justify the permitting of the development:

The proposed scheme will address the Council's need to provide a continuing supply of housing land and is located adjacent to a sustainable settlement. These benefits are considered to outweigh the other limited impacts arising from the scheme. The proposal accords with the principles of sustainable development as set out in the National Planning Policy Framework.

The Council therefore **PERMITS** the above development in accordance with the details given on the application form and submitted plans, which are subject to the following **conditions**:

Application for the approval of the reserved matters shall be made to the Local Planning Authority by three years from the date of this decision notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

The development shall be started by 2 years from the date that the last of the reserved matters is approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)

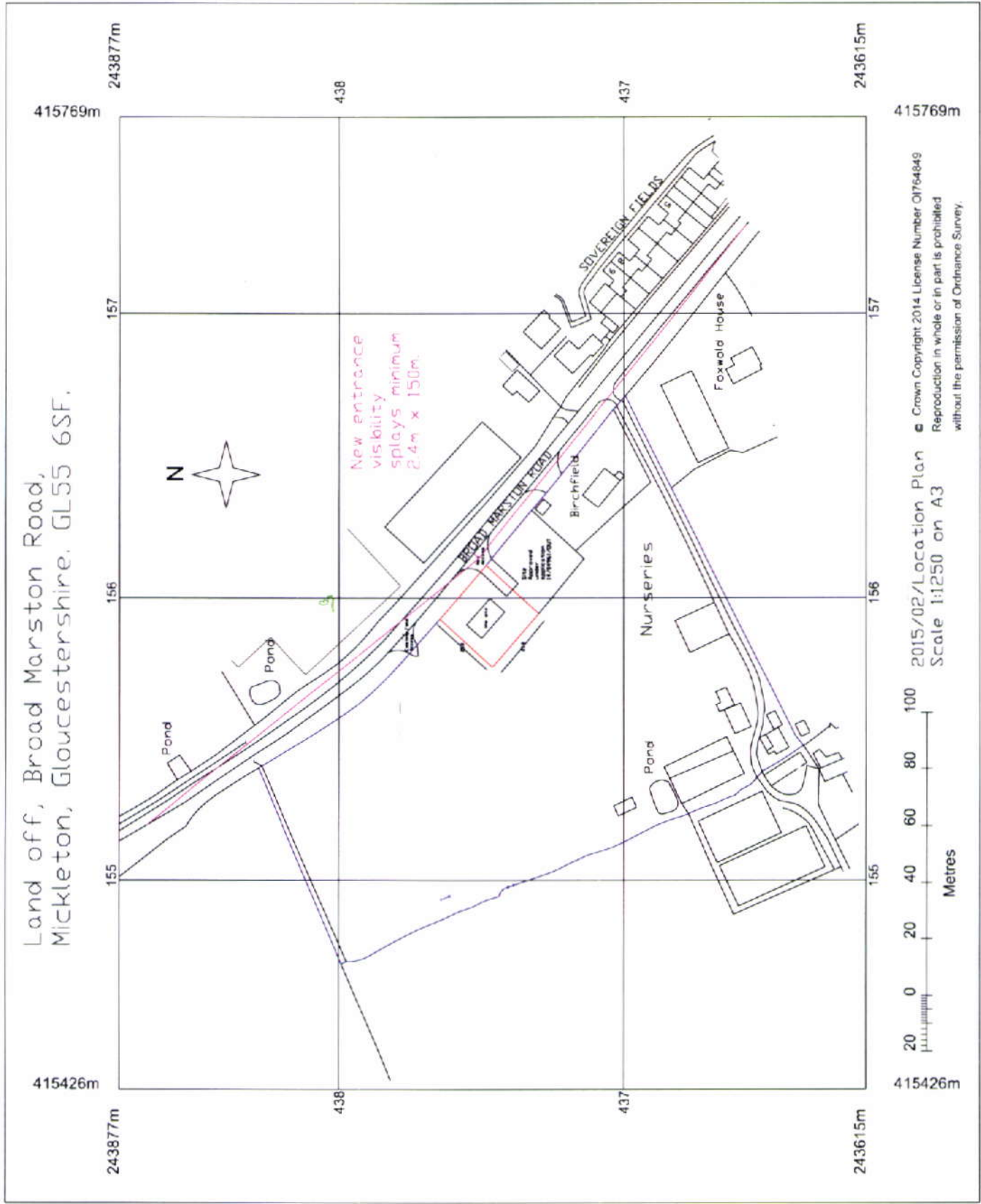
The development shall not be started before approval of the details relating to Access, Appearance, Layout, Landscaping and Scale have been given in writing by the Local Planning Authority.

Reason: These are "reserved matters" and were listed in the application for later approval. This is only an outline planning permission and these matters require further consideration by the Local Planning Authority. This condition is imposed to comply with the requirements of the Town and Country Planning Act 1990 as amended.

This decision relates to the application site outlined in red on the drawing 2015/02/Location Plan

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Land off, Broad Marston Road,
Mickleton, Gloucestershire. GL55 6SF.



2015/02/Location Plan
Scale 1:1250 on A3

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20 0 20 40 60 80 100
Metres



Above: View South along Broad Marston Road (site on right)

Below: View North along Broad Marston Road (site on left)

