

**Item No 06:-**

**15/04341/FUL (CD.8891/C)**

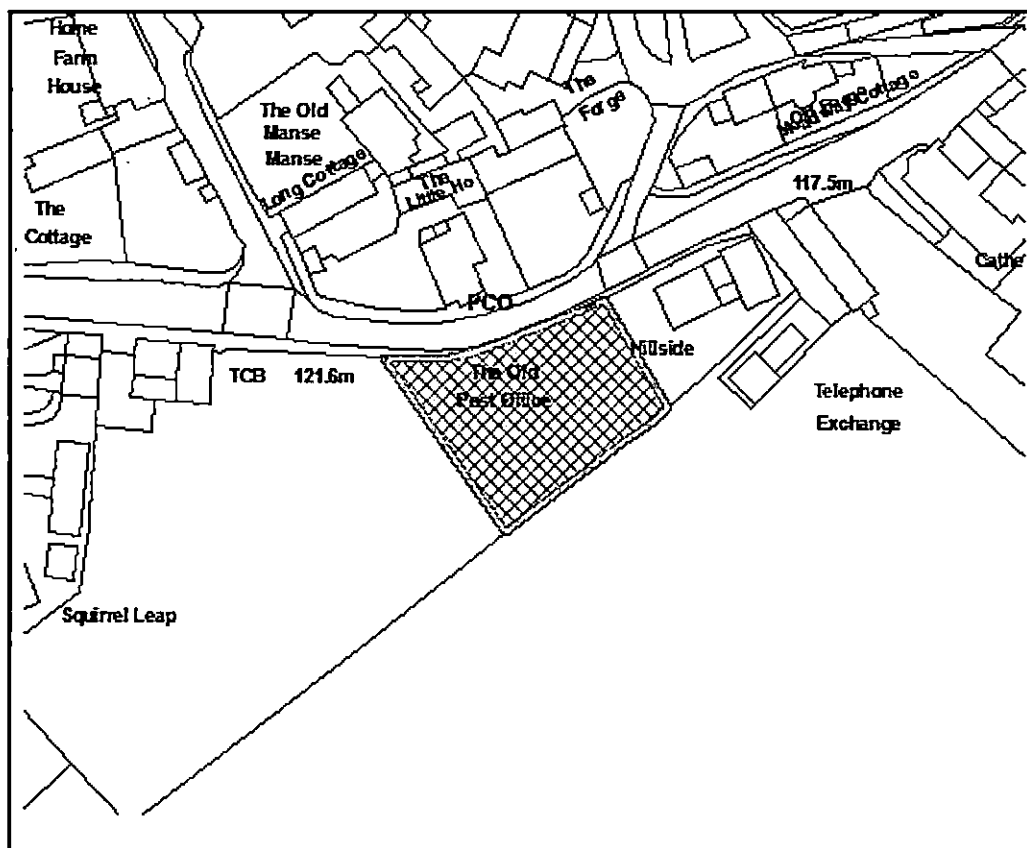
**Land Opposite The Old Post Office  
Arlington  
Bibury  
Gloucestershire  
GL7 5ND**

## Item No 06:-

**Erection of one Dwelling at  
Land Opposite The Old Post Office  
Arlington Bibury**

<b>Full Application 15/04341/FUL (CD.8891/C)</b>	
Applicant:	Mr & Mrs Wright
Agent:	SF Planning Limited
Case Officer:	Claire Baker
Ward Member(s):	Councillor Ray Theodoulou
Committee Date:	13th April 2016

**Site Plan**



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**RECOMMENDATION: REFUSE**

**Main Issues:**

- (a) The principle of development and sustainability of the location
- (b) The 5-Year Land Supply
- (c) Impact on the Bibury Conservation Area and the setting of listed buildings
- (d) Impact on the Area of Outstanding Natural Beauty
- (e) Highway matters
- (f) Impact on the amenity of neighbouring properties

**Reasons for Referral:**

The application has been referred at the request of the Ward Member who wishes the Committee to assess whether the revised proposal is acceptable.

**1. Site Description:**

The application site is land opposite The Old Post Office that is now part of its residential curtilage. There is an existing garage and vehicular access but the greater part of the site is open and there are views to the open countryside beyond. The site is within the Cotswolds Area of Outstanding Natural Beauty and adjacent to the Bibury Conservation Area. There are several listed buildings in the vicinity including The Old Post Office itself.

**2. Relevant Planning History:**

04/01390/FUL Erection of double garage and use of land as domestic curtilage. Permitted 4 September 2004.

14/05466/FUL Erection of one dwelling. Refused 9 April 2015.

**3. Planning Policies:**

LPR15 Conservation Areas  
 LPR19 Development outside Development Boundaries  
 LPR38 Accessibility to & within New Development  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR46 Privacy & Gardens in Residential Development  
 NPPF National Planning Policy Framework

**4. Observations of Consultees:**

Gloucestershire County Highways No objection subject to condition.

Environmental Health Officer: No objection subject to condition.

Conservation Officer: Comments incorporated into the Officer report.

Landscape Officer: Comments incorporated into the Officer report.

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

Neither support nor object.

## 6. Other Representations:

106

### 20 letters of objection raising the following issues:

- (i) at the time of the previous refusal by the Council's Planning Committee it was rightly concluded that it is not possible to accommodate a dwelling of any kind on this site without causing erosion of the still clearly-visible and legible edge of the historic settlement in this location;
- (ii) such development would harm the setting and significance of the conservation area and cluster of nearby Grade II listed dwellings;
- (iii) the site contributes to the open character of this part of the village and creates a link to the AONB valley beyond;
- (iv) the revised dwelling would be much closer to the historic Hillside House and would mean building over existing turning facilities required by County Highways at the time of the previous application;
- (v) the provision of two parking spaces would not be sufficient for two dwellings;
- (vi) the requirement for the occupiers of The Old Post Office to have 24 hours access to the new development's gated drive still exists;
- (vii) it would impact on the privacy of Hillside House;
- (viii) the development is infilling and garden grabbing in the AONB and conservation area which is undesirable and sets a dangerous precedent;
- (ix) a single development is unlikely to materially enhance the vitality of the local community or provide clear social, economic or environmental benefits;
- (x) Its impact on the Council's five-year supply of deliverable housing sites and the likely effect on the local school and businesses will be negligible;
- (xi) any minor advantages are outweighed by the negative aspects of planning creep;
- (xii) the size of this proposed new build house is considerably bigger, larger and taller than the current footprint occupied by the garage;
- (xiii) the site access is located on a dangerous blind bend;
- (xiv) the development would mean that the Grade 1 listed Old Post Office would be left without a garden and car parking space and therefore would have little appeal to buyers;
- (xv) the proposal is not likely to bring additional people to the village or pupils for the school;
- (xvi) other residential development within the village does not set a precedent;
- (xvii) the view of The Old Post Office and neighbouring listed buildings would be lost by all who walk across the field;
- (xviii) the new house would be built too close to the boundary with Hillside, towering of its garden and blocking the occupiers view and it would mean that Hillside would be enclosed on all sides and the light to the garden would be restricted.

### 8 letters of support:

- (i) this new, smaller design, with its' new location, addresses all the previous objections;
- (ii) the design is attractive, entirely in keeping with its' surroundings and will be an asset to Arlington;
- (iii) the applicants have created beautiful garden on the site and no doubt the new development would be beautiful;
- (iv) the alternative for the applicants is for them to move out of the village as their current house is too old and difficult to maintain;
- (v) the development would not impact on the neighbouring property;
- (vi) other parts of the village are being developed;
- (vii) the new location protects the historic gap and views;
- (viii) the proposed house will meet the needs of my parents as they get older and will be easier to maintain than their current house;
- (ix) the existing house is unsafe due to uneven flooring;
- (x) this is not a greenfield site as there is an existing garage.

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

Design and Access Statement  
Heritage Statement

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

Planning permission was previously refused to extend the existing garage to create a new two and half storey dwelling in the vernacular style using traditional materials to match the existing garage. The decision notice is attached to this report.

At the time of the previous application, Officers did not enter into any negotiations regarding an amended scheme as it was felt that the principle of any development at the site would be unacceptable. Notwithstanding this, the applicants have submitted the current application which seeks to address previous concerns by way of an alternative design and location for the proposed dwelling.

### **(a) Principle of development and sustainability of the location**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001 - 2011 and is referred to herein as the 'Local Plan'.

As shown on the Proposals Map to the Local Plan, the application site is located outside of an adopted development boundary. The correct local policy to apply in terms of the principle of the proposed development is therefore Local Plan Policy 19 (Development Outside Development Boundaries).

Local Plan Policy 19 is positively written in that it supports development appropriate to a rural area provided that the proposals relate well to existing development, meets the criteria set out in other relevant local plan policies and results in development that does not significantly compromise the principles of sustainable development. However, Local Plan Policy 19 does explicitly exclude the development of new-build open market housing outside of adopted development boundaries.

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

Paragraph 14 of the NPPF states that in decision taking the presumption in favour of sustainable development means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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 this Framework indicate development should be restricted. (Guidance in this respect is provided by footnote 9)

With regard to footnote 9 (page 4 of the NPPF), the site is within the Cotswolds Area of Natural Beauty, immediately adjacent to Bibury Conservation Area and affects the setting of several listed

buildings. There are therefore specific policies in the NPPF that indicate that development should be restricted. A recent High Court Decision in March this year between Forest of Dean District Council, the Secretary of State for Communities and Local Government and Gladman Development Ltd confirmed that the first consideration should be given to the impact on heritage assets and the Area of Outstanding Natural Beauty and if it is considered that there is harm, planning permission should be refused unless public benefits outweigh that harm

The NPPF 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."

To this end, the assessment of the application will have full regard to economic, social and environmental considerations. Since the Local Plan is 'out-of-date' in terms of its housing strategy it is the case that all housing applications that engage local plan policy will be determined by applying the modified balancing test in paragraph 14 of the NPPF, unless the circumstances as described by Footnote 9 are applicable.

As the NPPF does not replace the adopted Development Plan it is necessary to consider in the planning balance, the weight to be accorded to any conflict with the adopted development plan. In accordance with Paragraph 215 due weight should be accorded to local plan policies according to their degree of consistency with the Framework. In respect of Local Plan Policy 19 the Mickleton Inspector concluded that:

'15. It follows that the appeal scheme must contravene the requirements of policy 19. But, the policy is time-expired, conforms to a superseded strategy, fails to reflect the advice in the Framework (NPPF) in severely restricting rather than significantly boosting the supply of housing and conflicts with the emerging strategy now identifying Mickleton as one of 17 settlements in the District (other than Cirencester) suitable to accommodate additional dwellings. Moreover, adhering to the provisions of policy 19 in relation to the appeal proposal cannot be consistent with the recent permissions allowing 80 dwellings at Canada Lane and 70 homes at Arbour Close. In those circumstances, policy 19 can only be regarded as out-of-date. And, of course, the emerging Local Plan has not yet reached a stage where its mooted policies might reasonably serve as 'replacements'.

16. The 'legal' suggestion that policy 19 (or some of it) remains 'up-to-date' because elements chime with the Core Principles or other advice in the Framework is, I think, flawed. First, the policy criteria must logically be applied in the context of the policy, rather than as independent requirements unfettered by the carefully scripted scope of the policy itself. Second, the content of those criteria (requiring schemes for open market housing to relate well to existing patterns of development, to add little to car-borne commuting and to be 'sustainable', for example) has relevance not because it relies on the remnants of policy 19, but because it chimes with, and is endorsed by, the guidance in the Framework. Third, I disagree that the policy must imply open market housing to be appropriate to a rural area in order to engage with such development at all. The policy, as written, does engage with open market housing. But it insists that for such development to be 'appropriate to a rural area' it must be created by the replacement, sub-division or conversion of existing buildings; everything else is intended to be encumbered by some form of occupancy condition or to be offered as affordable housing.

17. Given that policy 19, the only policy cited as relevant, is 'out-of-date', the Development Plan can have little direct bearing on the determination of this appeal. Instead, as paragraph 14 of the Framework indicates, the proposal must be considered in the context of the presumption in favour

of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Those are the tests that I apply here.'

It is therefore the Council's position that little weight can be accorded to Local Plan Policy 19 in the specific circumstances of this case.

The application site is located within the settlement of Bibury. In terms of services and facilities the village is able to offer a primary school, shops, two hotels and a public house. It is also located on a bus route. A limited range of services and facilities can be found in the settlement. The application is located within walking/cycling distance of these facilities and as such it does not constitute an isolated location in the context of Paragraph 55 of the NPPF. The erection of a single dwelling in the settlement is considered not to represent a level or form of development that would significantly increase carborne commuting to or from the settlement or significantly compromise the principles of sustainable development set out in the NPPF.

### **(b) Five Year Housing Land Supply**

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 May 2015 an updated five year housing land supply report was published as part of the Council's annual monitoring. The May 2015 report identifies that the Council is able to demonstrate a five year housing land supply between 7.74 and 8.85 years dependent on the buffer applied. This latest position has been tested at appeal and attention is drawn to the aforementioned Mickleton appeal decision (Ref: APP/F1610/A/14/2228762). In this decision the Planning Inspector confirmed that he preferred 'the estimate, at 380dpa, put forward by the Council as the 'objective assessment of housing need' (paragraph 30) and found that it is 'inappropriate to apply the 20% buffer' (paragraph 33); concluding that:

'With a 5% buffer the agreed supply of housing would be sufficient to satisfy the 'objectively assessed housing need' of 380dpa over almost the next 9 years and the 500dpa requirement suggested by the appellants over a little more than the next 5 years. Hence, I consider that a 5-year supply of deliverable housing land is demonstrated.'

This position has been corroborated by the more recent appeal decision at Land South of Collin Lane, Willersey (CDC Ref: 14/04854/OUT and PINS Ref: APP/F1610/W/15/3121622) published on 23rd February 2016.

The Council's positive land supply position is a material consideration in the determination of this application. However, it is accepted by the District Council that the fact that a 5 year housing land supply can be demonstrated is not, in itself, a reason to prevent granting planning permission for housing in light of the NPPF requirement to boost significantly the supply of housing. It is however, relevant to consider the weight to be accorded to the provision of housing in the planning balance.

### **(c) Impact on the Bibury Conservation Area and the setting of listed buildings**

The application site lies within close proximity to, and within the setting of several listed buildings, including: the Old Post Office; the Long Cottage; and the Little Cottage. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in

accordance with Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990. The site also lies without, but immediately adjacent on two sides to the Bibury Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm should be weighed against the public benefits of those works.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

The Planning Practice Guide (PPG) states that: "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting." (Historic Environment section, paragraph 13). Historic England's Conservation Principles identifies a number of values that contribute to significance, including: "Historical value", which illustrates aspects of the past, including legibly illustrated previous forms of a place; and "Aesthetic value", derives from the ways in which people draw sensory or intellectual stimulation from a place, and includes both consciously designed places, and places that have developed fortuitously, such as the organic form of an urban or rural landscape.

Policy 15 of the Cotswold District Local Plan states that development within or affecting a conservation area must preserve or enhance the character or appearance of the area as a whole, or any part of that area. Uses that create additional traffic, noise or other nuisance, which would adversely affect the character of the area, would not be permitted. But development may be permitted if it can be demonstrated that the proposals can help an area to remain alive and prosperous, without compromising its character or appearance. It states that development will be permitted unless: it involves the demolition of a building, wall or other structure that makes a positive contribution; new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials); or there would be the loss of open spaces that make a valuable contribution. Finally, it states that although minor householder development is likely to be acceptable proposals that cumulatively adversely affect an area may not be permitted, that reinstatement or enhancement of historic features (such as boundary walls) will be sought, and that new dwellings or other substantial structures (especially those covering more than one plot) are unlikely to be acceptable. Policy 42 of the Local Plan requires that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

The application site lies immediately outside the conservation area, and forms the easternmost section of an area of land, extending as far as, and including the Cricket Club, which separates the historic development from the modern development around the site of the former quarry. The character of this area is of an edge-of-settlement space, with a variety of modest structures of ancillary character, from the historic structures associated with the former saw pit, to the mid-20th century telephone exchange, and vegetation, from scrub to fruit trees, over which the council



would have no control. Apart from the modern development to the west, the first building of overtly domestic character is Hillside. Whilst the application site does not lie within the conservation area, it cannot be assumed that the site was not considered worthy of inclusion. The boundary of this part of the conservation area precisely follows the edge of the settlement as it is depicted in the early OS maps. The application site was open land immediately beyond this historic boundary, and like the adjacent areas of open land, was not included. Nevertheless, because of the immediate proximity of the site to the historic settlement, any development within it has the potential to impact upon views into and out of the conservation area. The conservation area also comprises a designated heritage asset, and as such, has a setting: the surroundings in which the asset is experienced. Consequently it is clear that the site comprises the setting of the designated conservation area. Setting can contribute to the significance of a heritage asset; indeed the P.P.G. specifically states that: "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting."

The fact that the site remains substantially open and undeveloped, with the exception of the modern, but comparatively modest garage, and forms the eastern end of the undeveloped, buffer area between the historic settlement, and the modern development to the west, is tangible and visible evidence of the historic boundary and extent of the settlement. As such it has 'Historical value' and significance. Furthermore, the juxtaposition, albeit more the result of fortuitous historic evolution, rather than planned design, and the relationship of the edge of the historic settlement to the open countryside is highly apparent, particularly from the raised pavements, buildings and green of Arlington, immediately to the north of the site, is of 'aesthetic value' and significance. Both these values contribute to the site's significance as part of the setting of the conservation area. The existing garage, whilst itself an unfortunate addition, is modest enough that it does not significantly impinge upon the openness of the site; furthermore, its character is decidedly that of an ancillary outbuilding, of the type that often exist on the edge of historic settlements, and indeed do exist (albeit rather more modest in scale) slightly to the west of this site. The frontage of the site is defined by a dry-stone wall, with a large evergreen hedge behind. The presence of a dry-stone wall does not compromise the openness of the site; dry-stone walls are characteristic features of the district, not just within settlements, but as agricultural field, road and lane boundaries, and are positive features that enhance the character of the conservation area, the area of outstanding natural beauty, and the district generally. The large evergreen hedge, by contrast, does admittedly compromise the openness of the site; however this is not something over which the Council currently has any control. Furthermore, such evergreen hedges are distinctly domestic features, and the placing of this on the edge of a settlement is incongruous to its context; thus relying on it, and conditioning its retention to screen a new dwelling, would be inappropriate, and would only serve to consolidate the harmful infilling of the site. The current scheme has shifted the position of the proposed dwelling slightly to the east of the previous application. It is acknowledged that this would impact less on the views directly through the current entrance gate. However, relying upon the screening of the aforementioned hedge to hide the building does not materially mitigate its impact, as either the hedge could be removed exposing the proposed building, or it could be conditioned to be maintained in perpetuity, either way the openness of the site would be permanently eroded.

The proposed structure would be highly visible heading west, out of Bibury, from whence Hillside legibly forms the end of the historic settlement (on the south side of the road), and coming east into Bibury, where the edge-of-settlement character of the area runs up to Hillside, which fronts the road, presenting only a gable, to the approach, creating a visually gentle, permeable transition from the open county-side to the edge-of-settlement, to the historic settlement itself. To the north, the ground rises considerably, giving extensive views across the site to the opposite side of the valley; creating a direct visual connection between the historic settlement and the open countryside. Whilst the existing garage does impinge upon this, its modest size and ancillary character somewhat mitigates this impact.

The proposed development would extend the area of overtly domestic character beyond the historic boundary into the more open, edge-of-settlement area, replacing the soft, permeable settlement edge with an obliquely-placed 16 metre long elevation of a weak pastiche vernacular;

diminishing the legibility of the historic boundary and its fundamental relationship with its more rural context, thereby harming the historical value, setting and significance of the conservation area. It would erode the sense of openness in both views into, and out of the conservation area, both from the Cirencester road, and from the raised paths, buildings and green to the north, thereby harming the aesthetic value, setting and significance of the conservation area. Consequently the proposal would erode the legibility of the boundary of the historic settlement, and the permeable way that it juxtaposes with the open shallow valley to the west. It would form a visually dominant feature, both in the approach to the conservation area, and in views from the conservation area to the open countryside. Consequently the proposal would harm the character and appearance of the conservation area, and would fail to sustain the significance or setting of the designated heritage asset. The creation of a single dwelling would create little, if any, public benefit, and would not outweigh the harm to the designated heritage asset.

The level of harm would be less than substantial; nevertheless paragraph 134 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". Furthermore paragraph 132 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."

The creation of a single dwelling would create little, if any, public benefit, and would not outweigh the harm to the designated heritage asset, thereby conflicting with Paragraph 134, particularly in the light of the great weight that should be given to conservation of heritage assets.

#### **(d) Impact on the Area of Outstanding Natural Beauty**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

The site itself comprises an existing 1.5m storey garage and associated garden. The boundary is very open with a low stone wall to the frontage and little containment to the rear. Consequently there are open views to the countryside which borders the south-west boundary. In terms of the wider context the site is located to the western edge of the village core just outside of the conservation area. The site is situated immediately south-east of the B4425 and this is the main access road into the village from the west. Whilst there is a constant pattern of built form along the B4425 to the north, the application site lies within a much more open area of land to the south. This area separates the historic settlement with the modern development to the west. In terms of the wider topography the adjacent countryside slopes down gently in a southerly and south-easterly direction towards the local watercourses. There are a number of Public Rights of Way (PRoW) that cross the wider countryside and one which passes in the immediately south-west of the application site

The proposal is to demolish the existing garage and build a two bed roomed house partly within the existing footprint of the garage. The proposed building will extend further towards the north-west and will be situated closer to the B4425. A previous scheme in this location was refused in April 2015 for a 3 bed roomed, two and a half storey house. The reason for refusal was for the impact on the open character in this part of the village and the restriction of views to the open countryside which would be harmful to the AONB. Whilst the mass and scale of the dwelling has been reduced, the proposed building is still significantly bigger than the existing modest garage. The footprint of the building has been reconfigured; the revised building is longer and thinner and sits along the north-eastern boundary. Whilst repositioning the building closer to the existing built

form opens up the countryside boundary, it is considered that the building would continue to be a prominent feature when viewed from the B4425 and the public rights of way. At present the existing garage cannot be seen from the B4425 on the approach into and out of the village until the site is reached. The proposed dwelling would become a prominent feature, particularly on the approach into the village whereby it will be in the centre of the view line. There is a network of public footpaths located within the adjacent rural landscape. One runs along the rear boundary of the site. It is considered that the increased massing, along with the associated landscaping and lighting would have a greater visual impact compared to the existing garage and that this would impact on local and distant views of the site.

The proposed development would be sited within an existing buffer area which is open in character and provides separation between the historic settlement and newer housing. Whilst the garage already encroaches on this, Officers consider that the garage appears as though it is associated to the existing adjacent house. Officers are of the view that a larger building, with terracing and associated domestic paraphernalia, would be much more imposing compared to the existing modest garage and that it would restrict views out to the countryside and encroach further into the buffer area. Consequently the scale and location of the proposal would erode the character of the Cotswolds AONB. The proposed development by virtue of its scale, massing and position, would cause material harm to the local landscape character, would represent harm to the Cotswolds AONB and would be conspicuous from a number of viewpoints within the AONB.

#### **(e) Highway Matters**

The proposal would result in the loss of parking for The Old Post office which has no other parking area. In order to avoid future on street parking, the County Highways Officer requested that replacement parking for this property should be shown on the submitted layout. The County Highways Officer has confirmed that the parking and turning area shown on the site plan is adequate and no highway objection has been raised. However, were the application to be permitted conditions would be applied requiring that parking for The Old Post Office should be made available at the site at all times, that the parking and turning area be implemented and maintained and that the details of any gates to be erected should be submitted for approval by the Local Planning Authority.

#### **(f) Impact on the amenity of neighbouring properties**

The rear of the proposed development would be parallel to the boundary with the adjacent property, Hillside. Objectors have raised concerns that proposed dwelling would reduce the light and privacy to this neighbouring property and block the occupiers' view. There are no windows to habitable rooms in the rear elevation which faces the side elevation of Hillside, which has two small windows. Although the rear elevation also faces the side garden of Hillside, this area is part of a larger garden and the private seating area next to the house would not be overlooked. There is no right to a view from an individual property. Officers are satisfied that the proposed dwelling would not give rise to significant overlooking of the adjacent property nor, given the extent of the neighbours garden, would it give rise to significant overshadowing or appear overbearing. The development would therefore comply with Cotswold District Local Plan Policy 46.

### **9. Conclusion:**

Officers are satisfied that the principle of residential development in Bibury is acceptable and that any highway issues can be overcome by condition. However, Officers are also of the view that the revised proposed dwelling, by virtue of its location, would still harmfully erode the setting and significance of the Bibury Conservation Area and the setting of nearby listed buildings. The harm that would result to designated heritage assets would not be outweighed by the public benefits arising from the proposal. The proposal would also adversely impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. The application is therefore recommended for refusal.

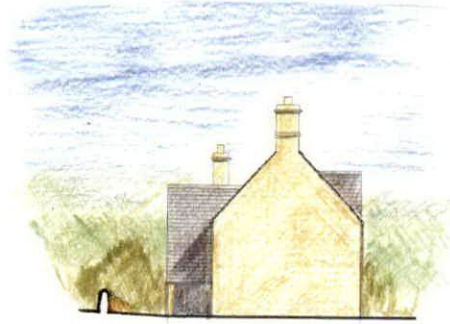
**10. Proposed Reasons for Refusal:**

The application site is an open area of residential land containing an existing garage. It is adjacent to the Bibury Conservation Area and in the vicinity of several buildings that are listed as being of architectural or historic interest. The erection of a two storey house on the site would result in the erosion of the still clearly-visible and legible edge of the historic settlement in this location, as well as inserting modern development between Arlington and its currently and historically open aspect to the south. The new dwelling would be visually prominent in views from the Cirencester road, within the conservation area, and would significantly erode the existing and historic views south across the valley to the fields beyond. This would harmfully erode the setting and significance of both the conservation area, and the nearby listed buildings and little public benefit would accrue therefrom. It would therefore conflict with Policy 15 of the Cotswold District Local Plan and Section 12, and in particular paragraph 134 of the National Planning Policy Framework.

The site is located within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The openness of the application site contributes to the open character of this part of the village and creates a link through to the open countryside to the south. The erection of a two storey dwelling would restrict views to the open countryside beyond and be harmful to the open character of this part of the Area of Outstanding Natural Beauty. The proposal would therefore fail to conserve and enhance the natural Beauty of the landscape and would therefore be contrary to Paragraph 115 of the NPPF.



EAST ELEVATION



NORTH ELEVATION



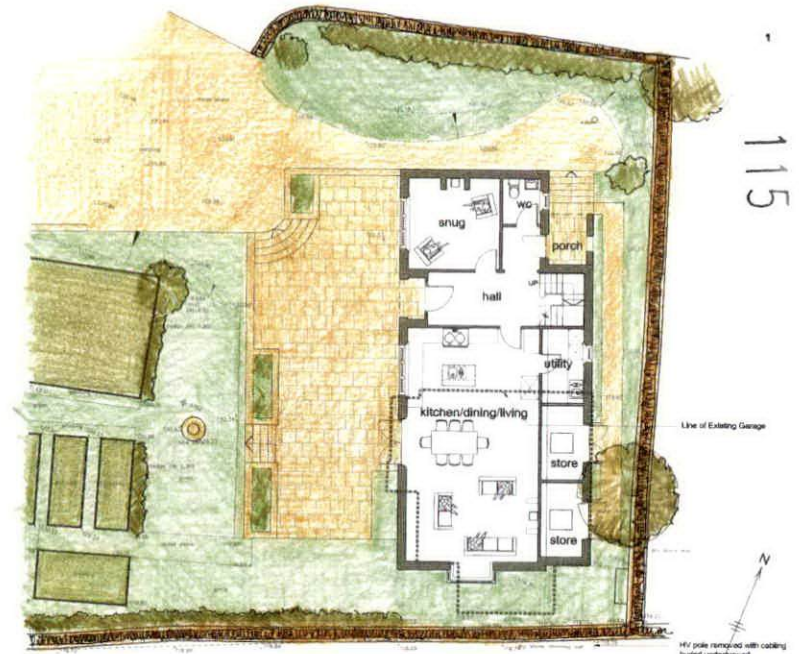
WEST ELEVATION



ROOF PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

115

0 1 2 3 4 5



REVISIONS



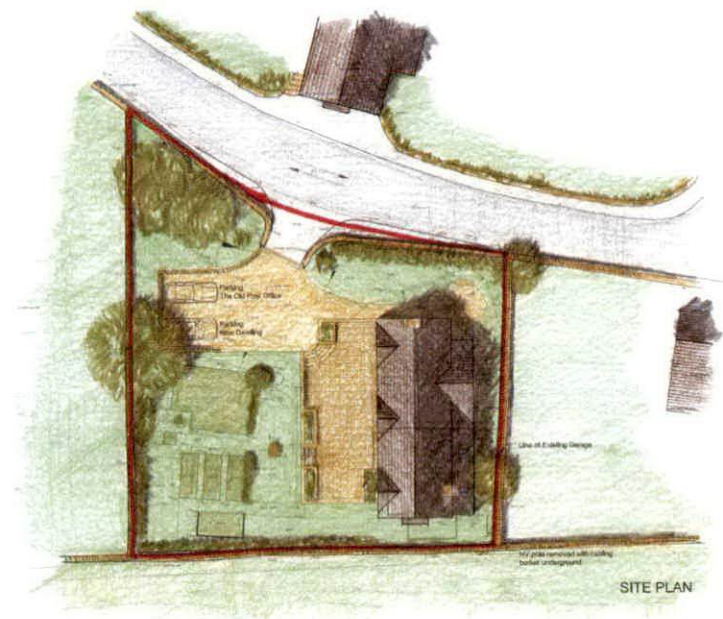
THE OLD POST OFFICE  
BBURY

PROPOSED DWELLING, REVISED SCHEME  
PLANS AND ELEVATIONS  
Scale 1:100 @ A1

1602.6



SOUTH ELEVATION



SITE PLAN



REVISIONS

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THE OLD POST OFFICE  
BIBURY

PROPOSED DWELLING, REVISED SCHEME  
SITE PLAN AND ELEVATION  
Scale 1:100, 1:200 @ A1

117



The Old Post Office. New House

Isometric View from South. As Existing  
1:500 @ A4  
1602.4



The Old Post Office. New House.

Isometric View from South. As Proposed  
Scale 1:500 @ A4  
1602.9

JACOB POT BA (Cantab) RIBA 9 Lansdown Place Lane Cheltenham





**COTSWOLD DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OF PLANNING PERMISSION**

Agent  
SF Planning Limited  
12 Royal Crescent  
Cheltenham  
Gloucestershire  
GL50 3DA  
United Kingdom

Applicant  
Mr & Mrs Wright  
C/O Agent

**Erection of one dwelling at Land Opposite The Old Post Office Arlington  
Bibury Cirencester Gloucestershire**

**APPLICATION REF: 14/05466/FUL  
FILE REF: CD.8891/B**

**DATE 9th April 2015**

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**DECISION NOTICE**

In pursuance of their powers under the above Act, the Council **REFUSES** permission for the above development for the following reason(s).

1 The application site is an open area of residential land containing an existing garage. It is adjacent to the Bibury Conservation Area and in the vicinity of several buildings that are listed as being of architectural or historic interest. The erection of a two and a half storey house on the site would result in the erosion of the still clearly-visible and legible edge of the historic settlement in this location, as well as inserting modern development between Arlington and it's currently and historically open aspect to the south. The new wing would be visually prominent in views from the Cirencester road, within the conservation area, and would significantly erode the existing and historic views south across the valley to the fields beyond. This would harmfully erode the setting and significance of both the conservation area, and the nearby listed buildings, thereby conflicting with Policy 15 of the Cotswold District Local Plan and Section 12 of the National Planning Policy Framework.

2 The site is located within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The openness of the application site contributes to the open character of this part of the village and creates a link through to the open countryside to the south. The erection of a two and a half storey dwelling would restrict views to the open countryside beyond and be harmful to the open character of this part of the Area of Outstanding Natural Beauty. The proposal would therefore fail to conserve and enhance the natural Beauty of the landscape and would therefore be contrary to Paragraph 115 of the NPPF.

**Note: Statement in respect of the positive and proactive approach undertaken by the Local Planning Authority**

In accordance with the requirements of paragraphs 186 and 187 of the NPPF, the Local Planning Authority has worked with the applicant(s) in a positive and proactive manner that improve the economic, social and environmental conditions of the area and in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy. Negotiations have, however, been unsuccessful in this case to achieve sustainable development.

Your attention is drawn to the NOTES overleaf.

Kevin Field  
Planning and Development Manager on behalf of Cotswold District Council