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Item No 07:-

16/01562/OUT (CD.1019/S)

**The Quarry
Nether Westcote
Chipping Norton
Gloucestershire
OX7 6SD**

Item No 07:-

Demolition of stables and shop buildings and erection of 3 affordable and 7 market dwellings and associated works (Outline application) at The Quarry Nether Westcote Chipping Norton Gloucestershire OX7 6SD

Outline Application 16/01562/OUT (CD.1019/S)	
Applicant:	Quarry House Investments
Agent:	Gregory Gray Associates
Case Officer:	Martin Perks
Ward Member(s):	Councillor Julian Beale
Committee Date:	12th October 2016
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Residential development outside a Development Boundary
- (b) Sustainability of Location
- (c) Provision of affordable housing
- (d) Impact on character and appearance of Cotswolds Area of Outstanding Natural Beauty.
- (e) Impact on residential amenity and adjoining equestrian business

Reasons for Referral:

This application has been referred to Planning and Licensing Committee by Officers in the interests of transparency in light of the correspondence received from Harry Wolton QC which is attached to this report.

1. Site Description:

This application relates to a parcel of equestrian land measuring approximately 0.78 hectares in size located on the western edge of the village of Nether Westcote. The application site is occupied by an existing manege, grassed paddock, equestrian stables, outbuildings and barn, a post war bungalow and its garden. The site extends in a roughly east west direction parallel with the Nether Westcote to Church Westcote road that lies approximately 5m to the north of the application site. The site measures approximately 100m wide by 75m deep. It is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is located outside Nether Westcote Conservation Area.

The site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011.

The western part of the site is occupied by a manege and grassed paddock. The eastern part of the site is occupied by a single storey dwelling (The Quarry) and its garden, a range of stables and equestrian buildings and a larger barn which is partly used as a shop selling equestrian and agricultural related products. Vehicular access to the site is via an existing access in the north east corner of the application site. The access currently serves three equestrian operations.

The northern boundary of the site is defined by a hedgerow (primarily comprising plum, blackthorn, hawthorn and field maple) which separates the site from the road to the north. The western part of the site is elevated above the aforementioned road by approximately 2m. The

eastern part of the site (occupied by the existing dwelling) is at a lower level and lies at roughly the same level as the highway.

The western boundary of the site adjoins a paddock. The southern boundary adjoins a paddock and stable yard which also houses a number of equestrian buildings belonging to a separate equestrian business. The eastern boundary of the site lies adjacent to an access drive serving two other equestrian businesses that lie to the south and south east of the application site.

The areas of the site occupied by equestrian buildings, the equestrian yard and the manege constitute previously developed or brownfield land.

2. Relevant Planning History:

CD.1019/E Retention of six stables and a tack room Granted 1990

CD.1019/F Re-siting of existing stables Granted 1990

CD.1019/G General purpose building to provide internal stabling and forage storing facility Granted 1992

11/04768/FUL Change of use and alteration of part of barn to provide retail use (retrospective) Granted 2011

12/00741/FUL Retention of stable block Granted 2012

12/00947/FUL Erection of new equestrian worker's dwelling Withdrawn

12/02140/FUL Conversion of part of existing equestrian barn to equestrian workers' accommodation Granted 2012

13/00411/FUL Variation of Condition 4 (removal of mobile homes) of 12/02140/FUL to allow for retention of mobile homes for an extended period Granted 2013

15/02531/OUT Demolition of former stable building and erection of 3 dwellings with improved access and associated drainage arrangements (Outline application) Withdrawn 2015

3. Planning Policies:

NPPF National Planning Policy Framework

LPR05 Pollution and Safety

LPR09 Biodiversity, Geology and Geomorphology

LPR10 Trees, Woodlands and Hedgerows

LPR19 Develop outside Development Boundaries

LPR21 Affordable Housing

LPR38 Accessibility to & within New Develop

LPR39 Parking Provision

LPR42 Cotswold Design Code

LPR45 Landscaping in New Development

LPR46 Privacy & Gardens in Residential Deve

LPR49 Planning Obligations & Conditions

4. Observations of Consultees:

Gloucestershire County Council Highways: No objection subject to conditions

Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions

Gloucestershire County Council Community Infrastructure: No response to date

Environmental Health Contamination: The site is in the vicinity of two former quarries that have been filled. Given the proximity of potential gas generating material we recommend that a site investigation/remediation condition is attached should permission be granted.

Thames Water: Unable to determine the waste water infrastructure needs of the application. Should the Local Planning Authority look to approve the application a condition should be attached requiring a drainage strategy detailing any on or off site drainage works should be submitted and agreed. No objection with regard to water infrastructure capacity.

Housing Officer: See Officer comments section of report

5. View of Parish Meeting:

Object - see attached letter

6. Other Representations:

47 letters of objection received. Main grounds of objection are;

- i) Overdevelopment of a small piece of land which offers no benefits to existing residents
- ii) Potential for 20+ extra vehicles
- iii) Inappropriate high density development in a sensitive rural site. The number of units proposed amounts to almost one third of the number of existing dwellings in the settlement. This will inevitably alter the character of the village and create unwanted traffic pressures on a lane already busy with access to the adjacent business units.
- iv) Undesirable aesthetically as the screening hedge might easily be removed at a later date and the contour of the land means roof lines would be visible above the hedging. Adjacent properties are at risk of being overlooked.
- v) Development is unnecessary when there is plentiful supply of new housing provision at nearby Upper Rissington which also has the relevant amenities which Nether Westcote cannot offer.
- vi) Would set a precedent for other residential development.
- vii) It is not in keeping with the linear nature of the village.
- viii) The estate/cul de sac shown in the plans is completely out of character with Nether Westcote.
- ix) The village has no shop, no school, no regular public transport and very few jobs. 10 additional houses with no public transport means an additional minimum of 2 car per household i.e. 20 additional cars. Additional traffic would affect noise and environmental pollution and reduce the enjoyment of our property.
- x) Existing manege and buildings are in good repair and could be used for equestrian and agricultural purposes rather than residential development.
- xi) Threat of housing creep
- xii) Nether Westcote does not have mains sewerage. Proposal will require a pumping station and a connection to Church Westcote main sewers which would entail digging up a road which has only recently been resurfaced.
- xiii) Housing survey is inadequate. Of 199 letters delivered only 16 responses were received. This cannot be considered representative of local views.
- xiv) Adding 10 houses to the current 35 homes in Nether Westcote is completely out of scale with the existing settlement.
- xv) Local need for new affordable housing is more than adequately addressed by the 118 units being built at Upper Rissington.
- xvi) Development would extend the boundary of the built up part of the village substantially.
- xvii) It would impinge on the open aspect of the 'Tattle', the long established area of open ground between Nether Westcote and Church Westcote.
- xviii) The design would create a densely built suburban cul de sac which would be out of character with the linear development of the rest of the village.

- xix) There is a proven housing land supply well in excess of the 5 years required by Government policy. As such there is no cogent reason to make an exception to the normal application of the Development Plan policy.
- xx) Density of housing is too high and not in keeping with ribbon development of the existing village
- xxi) An increase in 10 houses (approx. 30%) would change the character of the village overnight.
- xxii) The building of a row of houses backing onto the riding centre would jeopardise an existing equestrian business.
- xxiii) The site rises considerably and would overlook the housing opposite.
- xxiv) The proposed housing estate is too big to be supported in Westcote where public transport, employment and facilities are limited.
- xxv) Access to the site which already serves two equestrian units would be dangerous.
- xxvi) I own Overdale Equestrian centre which is directly behind the application site. Overdale functions as a riding school offering lessons to local adults and children and also as an international centre of excellence for rider biomechanics. The building of a row of houses backing onto the riding centre would jeopardise this, and make it extremely difficult to run my business safely. A row of inhabited houses would compromise safety. Equestrian properties within the area are in great demand and contribute significantly to the local rural economy.
- xxvii) No need for such a development in Nether Westcote given that some four hundred houses are being built less than 1.5 miles away in Upper Rissington.
- xxviii) Out of keeping with village and the surrounding area.
- xxix) Roads cannot cope with extra traffic nor are there sufficient amenities in the area.

Cotswolds Conservation Board;

'The Cotswolds Conservation Board raise an objection to this proposal.

The development is not considered to constitute sustainable development as the development proposed is in the very modest settlement of Nether Westcote within the Cotswolds AONB that has few services, facilities and poor access to public transport. Further to this the applicant refers to the "presumption in favour of sustainable development" whilst the development is (a) not sustainable (see above) and (b) fails to consider Footnote.9. of the NPPF in relation to Paragraph 14 that confirms that due to the location within the AONB this presumption does not automatically apply as there are other policies in the Framework that indicate development should be restricted.

The development also goes beyond where development has already occurred on the site and although in outline, the proposed layout shows a fairly typical suburban grouping of dwellings and associated car parking spaces around a cul-de-sac, a form of layout that isn't characteristic of the settlement (despite the Design and Access Statement analysis). The settlement is primarily made up of single dwellings, fronting the existing roadside, with their own private driveways or small courtyard style groups of buildings. This proposal would therefore result in an undesirable precedent for development of this nature on other similar peripheral sites around the settlement. Paragraph 115 of the NPPF confirms that "great weight" should be given to conserving landscape and scenic beauty in AONBs and this form of development will not conserve or enhance this part of the AONB.

This proposal therefore does not accord with the NPPF or the emerging Local Plan.'

7. Applicant's Supporting Information:

Planning Statement
 Transport and Access Statement
 Housing Needs Assessment
 Flooding and Drainage Report

8. Officer's Assessment:

Proposed Development

The applicant is seeking Outline permission to demolish existing equestrian stables and barns and to erect 10 dwellings. The applicant is therefore seeking to establish the principle of residential development on the site. Matters relating to Access and Scale form part of the application. Details relating to Appearance, Layout and Landscaping have been reserved for later Reserved Matters approval. The final design and appearance of the dwellings would therefore be subject to a further application should this application be granted.

The submitted scheme shows the retention of the existing dwelling (The Quarry) and the erection of ten dwellings on the area currently occupied by the manege to its west and barns/stables and grassed paddock to its south/south west. The applicant has provided indicative plans and elevations of the proposed dwellings. The submitted details show a mix of 5 single storey dwellings and 5 two storey dwellings. The indicative layout plan shows the dwellings being arranged in two parallel lines set either side of a central estate road. Three single storey dwellings will lie to the west of The Quarry and will back onto the main road. The remaining 7 dwellings will be located to the south/south west of The Quarry.

The proposed dwellings will be served by the existing vehicular access in the north eastern corner of the site. A new internal estate road will link the proposed dwellings to the access point. The new estate road will run parallel with main road.

(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 dwellings 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 instances where the development plan is absent, silent or relevant policies are out-of-date the Council has to have regard to Paragraph 14 of the NPPF which states that planning 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.'

In the case of sites located within the Cotswolds Area of Outstanding Natural Beauty the second bullet point above is applicable by virtue of Footnote 9 accompanying Paragraph 14.

The land supply position has recently been considered at two Public Inquiries. The Inquiries in question relate to proposals to erect up to 90 dwellings on Land to the east of Broad Marston Road, Mickleton (APP/F1610/A/14/2228762, CDC Ref 14/02365/OUT) and up to 71 dwellings on land to the south of Collin Lane, Willersey (APP/F1610/W/15/3121622, CDC Ref 14/04854/OUT).

In relation to the Mickleton decision the Planning Inspector stated 'I consider that a 5-year supply of deliverable housing land is demonstrated.' He stated 'the agreed supply of housing would be sufficient to satisfy the 'objectively assessed housing need' of 380dpa over almost the next 9 years'. The Inspector also stated that he considered that the Council was no longer a persistent under deliverer of housing and that 'it is thus inappropriate to apply the 20% buffer now.' In the case of the Willersey application the Inspector agreed that a 5% buffer was appropriate and that the 'LPA can reasonably show a 7.63 year supply of deliverable housing land.'

Since the issuing of the above appeal decisions the Council has also reviewed the Objectively Assessed Need (OAN) for housing in Cotswold District. The review indicates an increase in the housing requirement for the District from 7,600 to 8,400 dwellings over the period of the emerging Local Plan (2011-2031). In order to meet this additional requirement the Council will need to increase supply from 380 to 420 dwellings per annum. Whilst this increase has an impact on the Council's 5 year supply recent completion rates have been in excess of the 420dpa figure meaning that the Council can still demonstrate a supply of 7.54 years (May 2016). It is therefore considered that the Council can demonstrate a robust 5 year supply of deliverable housing land in accordance with Paragraph 49 of the NPPF. In such circumstances Officers consider that the adopted Local Plan policies that cover the supply of housing (eg Policy 19) are not automatically out of date in the context of Paragraph 49. Notwithstanding this, it does remain pertinent for a decision maker to consider what weight should be attributed to individual Local Plan policies in accordance with Paragraph 215 of the NPPF. Paragraph 215 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 therefore 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 to carry little or no weight when assessed against Paragraph 215. In the Mickleton appeal previously referred to the Inspector considered that Policy 19 was '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.' He considered that Policy 19 'can only be regarded as out of date.' The Inspector in the Willersey case reached the same conclusion. In light of these opinions Officers consider that Policy 19 is out of date in the context of the NPPF and as such the tests set out in Paragraph 14 are applicable when determining this application.

It is considered that the need to release suitable sites for residential development represents a material consideration that must be taken fully into account during the decision making process.

With regard to the emerging Local Plan the final consultation paper (Cotswold District Local Plan 2011-2031: Submission Draft Reg 19 June 2016) includes the following draft policy. The policy provides an indication of the new Local Plan's approach to new residential development outside the 17 proposed key settlements.

Policy DS3 RESIDENTIAL DEVELOPMENT OUTSIDE THE PRINCIPAL SETTLEMENTS

1. Outside the Development Boundaries of Principal Settlements, small-scale residential development will be permitted provided it:

- (a) is within or adjacent to a rural settlement;
- (b) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
- (c) is of a proportionate scale and maintains and enhances sustainable patterns of development;
- (d) complements the form and character of the settlement; and
- (e) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

2. Applicants proposing two or more residential units on sites outside Development Boundaries should complete a rural housing pro-forma and submit this with the planning application.

The above draft policy may be subject to change as a result of the current consultation process and as a result carries minimal weight at the present time.

Notwithstanding the current land supply figures it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. These issues will be looked at in more detail in the following sections.

(b) Sustainability of Location

Nether Westcote is not designated as a Principal Settlement in the current Local Plan. In addition, it is not identified in emerging Local Plan documents (Cotswold District Local Plan 2011-2031: Submission Draft Reg 19 June 2016) as a settlement that has sufficient facilities and services to accommodate new open market residential development in the period up until 2031. The village has therefore not been identified as a location where new open market residential development would be acceptable in principle. The village comprises approximately 35 dwellings, a public house/restaurant and 3 equestrian businesses (one of which includes an animal feeds/supplies shop). The proposed development would result in the loss of one of the businesses and the accompanying shop. The proposal would result in an increase in the number of dwellings in the village by approximately 28%. This is considered to represent a significant increase in the size of the settlement given the extremely limited range of services and facilities on offer within it.

Future residents of the development would have to leave the village in order to undertake most day to day activities. The site has very limited public transport services (one bus service per day stops in the village on a Wednesday and Friday - services V9 and V21). As a result residents are reliant on the use of the private motor car to access most services. The proposed scheme would therefore result in a material increase in car borne commuting to and from the site. The site is therefore considered to represent an isolated location in terms of its accessibility to services and facilities.

Notwithstanding the above, Paragraph 55 of the NPPF also 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 there can be instances where development in one settlement can assist the vitality and viability of other rural settlements. However, in this instance the settlement is relatively isolated and has little connectivity with other settlements in the area. The nearest other settlement to Nether Westcote is Church Westcote located approximately 500m to the west of the application site. However, the latter has no facilities or services. The nearest foodstore to the settlement is a small Co-op convenience store at Upper Rissington approximately 3.5km away. A primary school can be found at Great Rissington (approx. 6km away) and Bledington (approx. 4km away). A new primary school is currently being provided at Upper Rissington. Primary and secondary schools and an employment estate can also be found at Bourton-on-the-Water (approximately 7-7.5km away). Emerging Local Plan documents have not identified a degree of dependence or interconnectivity between Nether Westcote and other villages in the locality (as it has for Blockley, Mickleton, Willersey and Chipping Campden in the north of district for example). The village does not form part of a cluster of settlements that have a direct inter relationship. For example, there is no evidence to indicate that residents of the village utilise the Co-op store at Upper Rissington to any significant degree. The larger Co-op store in Bourton-on-the-Water or the Tesco at Stow-on-the-Wold (approx. 8km away) are more likely destinations for food shopping. Moreover, aside from a primary school and public house there are no other facilities in Great Rissington or Bledington. The provision of ten dwellings in Nether Westcote is therefore unlikely to offer any discernible benefits to the sustainability of the aforementioned settlements. Neighbouring settlements offer an extremely limited range of services and facilities and as such this proposal is unlikely to enhance the sustainability of other settlements in the locality.

Guidance in Manual for Streets (Para 4.4.1) states that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.' It is evident that the proposed development would be located significantly further from services and facilities than the aforementioned guidance. In light of the very limited public transport services on offer and the lack of any designated pedestrian or cycle routes to other settlements it is considered that future

residents would be dependent on the use of the private motor car to undertake most day to day activities. The proposal would therefore be contrary to Paragraph 17 of the NPPF which seeks to support the transition to a low carbon future. Paragraph 35 of the NPPF states that 'developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.' The proposal would also result in a material increase in car borne commuting and would therefore conflict with Local Plan Policy 19 in this respect.

It is evident that the ability of Nether Westcote to accommodate new residential development has been assessed as part of the emerging Local Plan process. It has been found to lack the necessary services and facilities to constitute a sustainable location for new open market housing. In light of the very limited level of facilities available in the village and in the surrounding area it is considered that the site represents an unsustainable location for the proposed development in terms of its accessibility to services, facilities and amenities.

(c) Provision of Affordable Housing

Local Plan Policy 21: Affordable Housing is the current development plan policy covering the provision of affordable housing. The aforementioned policy typically requests a contribution of up to 50% affordable housing on sites such as this.

Notwithstanding the above, the Council must also have regard to national guidance when considering the provision of affordable housing. Of particular note at the current time is Paragraph 031 of the Govt's Planning Practice Guidance. It states that 'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm'. In this case the proposal is for 10 dwellings and as the application is in Outline form a condition could be attached limiting the floor area of the development to no more than 1000 sq metres. The proposal could therefore avoid the need to provide any affordable housing. However, the applicant has advised that they are willing to provide some affordable housing on site even though there is no formal requirement for them to do so. They have proposed a total of 3 affordable units to accord with current identified needs in the parish.

The Council's Housing Section has advised;

'We consider different sources of information when assessing need. A recent search of Gloucestershire Homeseeker, the housing register, has shown that 46 households with a connection to Cotswold district are registered for rented affordable housing in the parish of Westcote. At least 16 of these households also have an identified relevant local connection with Westcote or its surrounding parishes. However, it is important to remember that the Housing Register provides a snapshot view of the current need for rented accommodation only. These figures will slightly underestimate the number of people with connections because some households will have family and work connections which will not have been identified by this search.

The district wide Housing Needs Assessment (HNA November 2009) found an annual requirement for 535 additional affordable housing units in Cotswold District however the updated Strategic Housing Market Assessment (March 2014) states the annual requirement has now risen to 574 additional affordable housing units. The parish of Westcote is in the Bourton on the Water of the HNA and was assessed as having a gross annual need for 63 affordable homes.

At the pre-application stage the developer submitted a housing needs survey for Nether Westcote and Idbury. As Idbury is outside of Cotswold District I have excluded any data from there. The survey was not in the format of the independent Parish Needs Surveys carried out on behalf of parish councils by Gloucestershire Rural Community Council and as such is lacking in much of the data we require to assess need for affordable developments. However, it would appear that

there is a need for 2 one bedroom rented homes which we would support. From our search of the Council's housing register there are two households registered for affordable housing in Westcote with a local connection to Westcote, however due to the lack of survey data, we are unable to ascertain whether these are the same respondents/applicants. The survey also indicated that there is a demand for some shared ownership housing however the income/equity figures provided for those respondents indicates that they would be able to meet their needs on the open market so I would not consider them to be in need of affordable housing. I would suggest the proposed market housing should look to meet their needs.

A search of housing association stock in Westcote has shown that there are only 3 bedroom houses available for rent, and no shared ownership.

In respect of this application I would suggest the following:

2 x 1 bedroom 2 person houses or bungalows for social rent of not less than 45m²

We would also consider the additional provision of 1 x 2 bedroom 4 person house to redress the imbalance of affordable properties in the village. It has been noted that often applicants do not register with the council for properties of a certain size/type in their village if there is no prospect of ever getting one. There are 3 applicants registered for 2 bed housing in Westcote, with a local connection to the surrounding parishes who would be eligible under the local connection cascade.

The council's housing register is for rented accommodation only. For shared ownership, we will need to enquire of the government appointed Help to Buy agent to see if there are any applicants registered for shared ownership in Westcote, and try to ascertain any likely local connection. I will provide this information once I have it.

The details of tenure, number of bedrooms and size of units should be included in the negotiated S106 agreement. The District Council's Affordable Housing Supplementary Planning Document contains a template for this document. This includes the following requirement in relation to the size of homes to be provided:

- one bedroom 2 persons flats of not less than 45 sq metres;
- two bedroom 3 persons flats of not less than 55 sq metres;
- two bedroom 3 persons bungalows of not less than 65 sq metres;
- two bedroom 4 persons houses of not less than 75 sq metres;
- three bedroom 5 persons houses of not less than 85 sq metres;
- four bedroom 6 persons houses of not less than 95 sq metres;

The development should be tenure blind, with the affordable homes distributed evenly across the site, and should comply with all of the other requirements of the affordable Housing Supplementary Planning Document (SPD). The local connection cascade as set out in the S106 template within the SPD would apply. The affordable homes should also comply with the appropriate current construction standards. '

In light of the above it is considered that the provision of 3 affordable housing units would fully meet current identified needs within the parish. Consequently, there is no justification for requesting an additional amount. Local Plan Policy 21 seeks up to 50% provision dependent on identified needs. As the applicant is proposing to fully meet current identified needs it is considered that the proposal accords with Local Plan Policy 21.

(d) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape.

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'

The site of the proposed dwellings is currently utilised for equestrian purposes. The site and its immediate surroundings have an equestrian character and appearance. The manege, buildings and yard constitute previously developed or 'brownfield' land. Paragraph 17 of the NPPF states that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'

The site has a reasonable degree of containment by virtue of hedgerows to the north and west and equestrian development to the south and east. However, the manege and equestrian buildings are elevated above the adjacent road and the existing dwelling (The Quarry) by approximately 2m. The existing dwelling is approximately 6m in height. The ridgelines of the proposed two storey dwellings will therefore be approximately 4m higher than the existing property. Existing roadside vegetation will screen the proposed dwellings from the road to a large degree in summer months. However, the proposed development will be visible through the vegetation during winter months when the trees and hedging lose their leaves. Moreover, the elevated nature of the site means that the eastern part of the proposed development will be evident to road users heading westwards towards Church Westcote. The easternmost dwelling will be visible above the roof of The Quarry and will represent a very discernible addition to the streetscape when viewed from the road to the north east of the application site. The site is also partly visible via a field entrance located in the roadside boundary approximately 30m to the west of the proposed development.

The applicant states that the existing hedgerow/trees along the northern boundary will screen the development from view. However, the arboricultural report submitted with the application states that the 'quality of the individual trees and the hedge as a whole is relatively poor. Individual trees have collapsed and are supported by their neighbours, one, the largest Wild Plum in the hedge has a Ganoderma fruiting body associated with this collapse. Whilst the hedge is important visually and should be retained as part of any scheme it does need management in order to maintain continuity.' The report goes on to state that 'if left unmanaged further trees will collapse out of the hedge and the hedge will become degraded, visually incomplete and potentially dangerous to the adjacent highway.' It recommends that the hedge should be managed through a mixture of cutting and coppicing. It states that the hedge could be reduced from 8m to 4m and the sides trimmed back to 2.5-3m. Whilst this could promote better regrowth the report also states that 'visually it will be inappropriate.'

It is evident from the recommendations in the arboricultural report that the existing hedgerow belt needs proper management, cutting back and coppicing. These works will open views of the site and of the proposed development. The Council's Tree Officer does not object to the proper management and retention of the hedgerow. He considers that the cutting back and coppicing would assist the long term health of the hedgerow. However, it is acknowledged that such works would expose the site more than at present. Consequently, it is considered that the proposal will have a discernible impact on the character and appearance of this part of the village. The elevated position of the dwellings means that they will be evident from the road. The proposal will result in the introduction of an urban form of development into a rural edge of village location. The layout of the dwellings means that the development has an estate like character that has very urban form. Existing residential development in the village tends to front directly onto the main roads. There is little evidence of houses being set back behind other dwellings as is shown in the indicative plan. The proposed layout (whilst indicative) does not respond sympathetically to the existing pattern of residential development seen within the settlement. The scheme will also result in a material extension of the village to the west. It is noted that the existing manege and buildings constitute previously developed land. However, the manege is not readily visible from public view and is of a form that could readily be transformed back to grass. The equestrian buildings are simple, functional developments that are characteristic of working rural environments. They do not therefore represent an incongruous feature within the landscape.

The site of the proposed dwellings does not contain any buildings or other structures that could be considered harmful to the character and appearance of the AONB. The existing manege is also not particularly harmful to the character and appearance of this part of the AONB and as such it is considered that there is no significant landscape benefit arising from its replacement with another form of development.

Overall, it is considered that the proposed development would have an adverse impact on the character and appearance of the AONB. It will have an urbanising impact on an edge of village location that currently contributes to the rural character of the village. It is considered that the proposal will fail to conserve or enhance the natural beauty of the AONB and will be contrary to Local Plan Policy 42 and guidance contained in the NPPF, in particular Paragraphs 17, 109 and 115.

Major Development Within the AONB

Paragraph 116 of the NPPF states 'planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of;

- i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated'.

No definition of major development is provided within the NPPF or in either of its forerunners - namely PPS7: Sustainable Development in Rural Areas and PPG7: The Countryside which also made similar references to major development within designated landscapes such as AONBs. However, in the recent High Court judgement in 'Aston and another v Secretary of State for Communities and Local Government and others' the judge determined that the phrase 'major development' did not have a uniform meaning and to define it as such would not be appropriate in

the context of national planning policy. The Government's Planning Practice Guide also states 'whether a proposed development in these designated areas should be treated as a major development, to which the policy in Paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.'

In this particular case the proposal will increase the size of the settlement by approximately 28%. This is considered to represent a significant increase given the small size of the existing village (approx. 35 dwellings). In addition the proposal would result in the introduction of development onto an elevated site above one of the main entrance roads into the village and would result in an urban form of development that is out of character with the existing pattern of development within the village. Whilst the proposal will result in the development of brownfield land and the removal of existing equestrian buildings the existing uses are considered to be reflective of development seen in a working rural environment. They do not represent an incongruous form of development. The proposal is considered to have an urbanising impact on the rural character of the locality and to have a significant impact on the qualities of local distinctiveness that define this part of the AONB. Consequently, the proposal is considered to represent major development in the context of Paragraph 116. As a result planning permission should be refused unless there are exceptional circumstances and where it can be demonstrated the proposal is in the public interest.

At the present time the Council is able to demonstrate that it can provide the requisite 5 year supply of housing land. Moreover, the most recent housing land figures indicate a land supply well in excess of the minimum requirement. As such the need to release land for housing does not carry the level of weight that it would if the land supply was in deficit. A shortfall in the requisite land supply has previously been considered by Planning Inspectors to constitute an exceptional circumstance that could justify allowing a major development scheme in the AONB. However, now that the Council's land supply is in surplus it is considered that such an exceptional circumstance cannot be justified in this particular case.

It is noted that the scheme will also provide an element of affordable housing which will be a benefit. Whilst the provision of 3 affordable units is welcomed it is considered not to be of a level that would represent an exceptional circumstance in the context of Paragraph 116.

With regard to economic benefits the proposal will create employment and associated spending during the construction phase. However, this is considered to be temporary in nature and of limited benefit. The proposal will also result in the loss of an existing equestrian business and associated shop. It is considered that the overall economic benefits of the proposal are likely to be limited. A refusal of the application is therefore unlikely to have a significant adverse impact on the local economy.

With regard to bullet point ii) of Paragraph 116 it is noted that the village and its environs lie entirely within the Cotswolds AONB. There is no scope to provide housing elsewhere around the settlement that does not fall within the designated landscape.

With regard to bullet point iii) it has already been identified that the proposed scheme is likely to have an adverse impact on the character and appearance of the AONB. It is considered that the scale of development would fail to conserve or enhance the natural beauty of the landscape.

On balance it is considered that there are no exceptional circumstances that justify a departure from the presumption against major development in AONBs as set out in Paragraph 116 of the NPPF.

(e) Impact on Residential Amenity and Adjoining Equestrian Business

In terms of residential amenity the indicative layout demonstrates that each property can be provided with adequate privacy, outdoor amenity space and light. Garden sizes are also commensurate with the size of the proposed units in accordance with Local Plan Policy 46. The front of the proposed dwellings will be 30-40m from the front of dwellings on the northern side of main road to the north of the application site. The distance is considered to be sufficient to prevent undue loss of privacy to existing or future residents. In terms of outdoor amenity space, light and privacy it is considered that the scheme is acceptable.

Notwithstanding the above, the site is located adjacent to an existing equestrian business. The business is described on its website as an 'International Centre of Excellence for Rider Biomechanics.' It offers rider tuition and advice for both novice and experienced riders. It also provides livery services. A number of horses are kept on the site and the site also attracts a number of visitors in connection with the rider tuition courses and the livery. The presence of horses on the site also means that it is subject to a degree of round the clock activity and noise. This is considered to be especially pertinent given the close proximity of the main stable building to the application site. The existing principal barn measures approximately 69m wide by 23m deep runs and parallel with the southern boundary of the application site. The front (northern) elevation of the barn lies approximately 15m to the south of the aforementioned boundary. The front elevation is open sided and faces towards the proposed dwellings. In response to this the Council's Environmental Health Section has provided the following comments;

'I've carried out a site visit at this premises and my conclusions are that the proximity of the equestrian school would not necessarily be prohibitive to residential development.

Whilst I acknowledge that there will from time to time be noise from vehicle movements and other general activity on site associated with the riding school, and animal husbandry it is unlikely to be sustained or intrusive. Similarly odour from the stables was present on site as would be expected, but I did not consider it to be at levels that would be offensive and I did not observe any odours off site. Also, I did not see any manure piles along the boundary between the two sites which would cause an odour and fly problem.

Operations seemed to be 'low key' and not intensive, There may be periods of more noisy activity when horses are exercised or mucked out but I have no reason to believe that this would be sustained for significantly long periods.

I have considered whether there would be an appropriate condition to mitigate against noise and odour. A boundary fence would provide some mitigation against noise. There is an existing bund and mature hedge which would assist but more as a perceived improvement rather than actual mitigation.'

In light of the above comments it is considered that the proposed development could co-exist with the existing business without undue harm to either party. The proposal is therefore considered to accord with Local Plan Policy 5 and Paragraph 123 of the NPPF.

Other Matters

The proposed development will be served by an existing vehicular access onto the road to the north of the site. The road is straight and subject to a 30mph speed limit. The access can provide the requisite visibility in both directions and is sufficiently wide to accommodate the increased level of vehicle movements arising from the development. Adequate parking and turning can also be provided on site and Highway Officers are satisfied that a satisfactory junction can be established between the estate road and the existing shared access drive.

In terms of traffic generation the proposal is forecast to generate an additional 7 two way vehicle movements in peak AM period and an additional 10 in the PM peak period. These extra movements are considered not to be severe when assessed against Paragraph 32 of the NPPF which states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Gloucestershire County Council Highway Officers have no objection to the proposal. The proposal is considered to accord with Local Plan Policies 38 and 39.

With regard to drainage the site is located within a Flood Zone 1 which is the lowest designation of Flood Zone. The applicant indicates that surface water can be dealt with via soakaways. The preferred method of foul drainage is through the provision of a small pumping station located in the north east corner of the site. Waste would then be pumped along the highway to an existing public sewerage system at Church Westcote.

With regard to surface water Gloucestershire County Council in their role as Lead Local Flood Authority has assessed the proposal and raises no objection subject to condition. In respect of waste water Thames Water has stated that they are 'unable to determine the waste water infrastructure needs of the application.' However, they do not formally object to the application and state that should the Local Planning Authority look to approve the application a condition should be attached requiring a drainage strategy detailing any on or off site drainage works to be submitted and agreed. Thames Water raises no objection with regard to water infrastructure capacity. Subject to the aforementioned conditions it is considered that the development could be undertaken without posing an unacceptable risk of flooding to existing or future residents in accordance with Paragraphs 100 and 103 of the NPPF.

The Council's Biodiversity Officer has examined the proposal and the submitted ecological survey. The site is considered to have low ecological value with the boundary vegetation being the most important in terms of habitat. The applicant is seeking to retain existing boundary hedging and trees as part of their proposal. The Biodiversity Officer is satisfied that the retention of boundary trees and hedges coupled with measures such as bird and bat boxes means that the development could be undertaken without having an adverse impact on protected species and as such the proposal accords with Local Plan Policy 9 and Section 11 of the NPPF.

9. Conclusion:

Overall, it is considered that the proposed scheme would result in the erection of open market dwellings in an unsustainable location remote from services and facilities. The introduction of such development would result in a material increase in car borne commuting. Future residents would be dependent on the car to undertake most day to day activities which would be contrary to the desire of the NPPF to support the transition to a low carbon future.

The proposed development would also result in the erection of an estate of 10 dwellings in an elevated roadside position adjacent to the edge of the village. It is considered that the proposal would have an urbanising impact on the site to the detriment of the intrinsic character and appearance of the AONB. The proposal would therefore fail to conserve or enhance the natural beauty of the landscape. The impact of the proposal on the AONB coupled with its size proportionate to the existing settlement means that it is also considered to represent major development having regard to Paragraph 116 of the NPPF. Such development should be refused unless there are exceptional circumstances. No such circumstances have been identified in respect of the current proposal. The provision of three affordable dwellings is noted. However, the level of provision is considered to be modest and not sufficient to outweigh the other more significant impacts arising from the proposal.

It is noted that the Council has to continue to release suitable sites for new residential development in order to ensure that it can provide a continuing 5 year supply of housing land.

However, the Council can currently demonstrate a 5 year supply of deliverable sites and is therefore in a position where it can demonstrate a robust supply of housing land. The need to release sites for housing therefore carries less weight than if the land supply was in deficit or in a marginal position. The isolated nature of the settlement, the limited availability of services and facilities within the settlement and the adverse landscape impact of the proposal also mean that the proposed development is considered not to represent a sustainable form of development having regard to guidance in the NPPF. The environmental impacts of the proposal are considered to significantly outweigh the limited benefits arising from the provision of the proposed dwellings. It is therefore recommended that the application is refused.

10. Reasons for Refusal:

The proposed development would result in the erection of new build open market dwellings on the edge of a village which is able to offer an extremely limited range of services and facilities. The site lies in an isolated location by virtue of its distance from services, facilities, amenities and public transport links. The application site therefore represents an unsustainable location for new open market residential development and would result in future occupiers of the proposed dwellings having to rely on the use of the private motor car to undertake most day to day activities. The proposal will therefore increase reliance on the use of the private motor car materially increasing car borne commuting and compromising the principles of sustainable development contrary to Local Plan Policy 19 and guidance contained in the National Planning Policy Framework, in particular Paragraphs 14, 17, 35 and 55.

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed development by virtue of its large size proportionate to the existing settlement, its elevated position above the adjacent highway and its urban form would have a significant impact on the qualities of local distinctiveness that define this part of the AONB. The proposal is therefore considered to constitute major development in the context of Paragraph 116 of the National Planning Policy Framework (NPPF). Paragraph 116 advises that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. At the present time the Council is able to demonstrate that it can provide the requisite 5 year supply of deliverable housing land and as such there is no exceptional need to release the land for housing. The benefits arising from the scheme are considered to be limited and not to constitute exceptional circumstances as required by Paragraph 116. The proposed development is considered to be contrary to Cotswold District Local Plan Policies 19 and 42 and guidance in the NPPF, in particular Paragraphs 17, 109, 115 and 116.

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed development will result in the erection of ten dwellings in an elevated position adjacent to one of the main roads leading into and out of the village of Nether Westcote. The proposed dwellings will be visible from the aforementioned road and will result in the extension of built development into the AONB landscape. The proposal will have an urbanising impact on the edge of the village to the detriment of its rural character and identity and to the detriment of the intrinsic character and appearance of the AONB. It is considered to be contrary to Cotswold District Local Plan Policy 42 and guidance in the NPPF, in particular Paragraphs 17, 109 and 115.

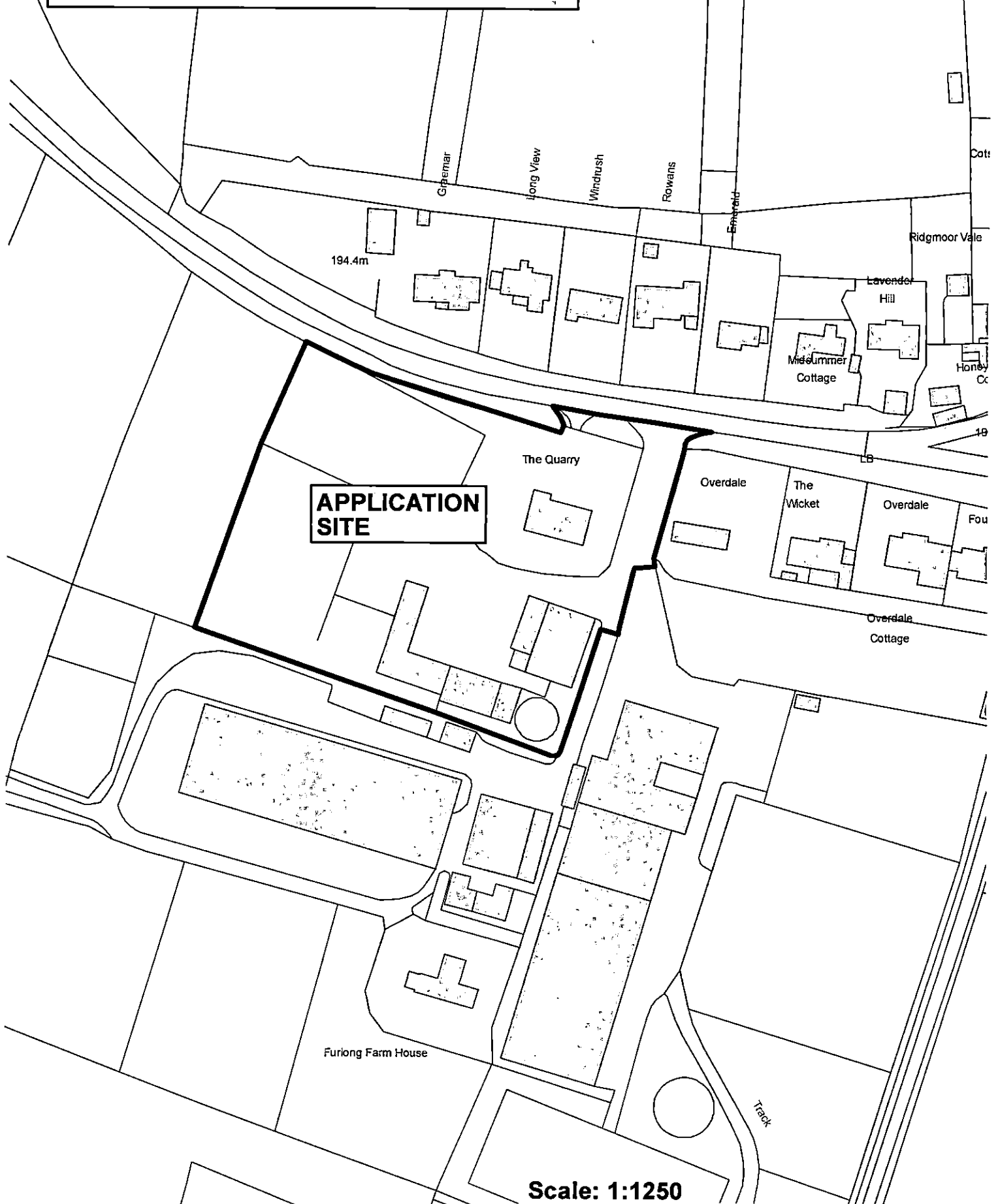
Informatives:

This decision relates to drawing numbers: 348A02 120, 348A02 121, 348A02 122 E, 348A02 123, 348A02 124, 348A02 125, 348A02 126 A, 14097T/100

The Quarry, Nether Westcote

16/01562/OUT CD.1019/S

138

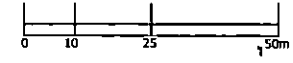


APPLICATION SITE

Scale: 1:1250

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Rev	Amendments	Date

139

Client
Quarry House Investments Ltd

Project
The Quarry
Nether Westcote

Drawing
Location Plan

Date
April 2016

Purpose
Planning

Scale
1:1000

Drawing Size
A3



All written/scaled dimensions and floor areas are subject to verification by Contractor(s) on site.

Project No. 348A02

Drawing No. 120

Revision

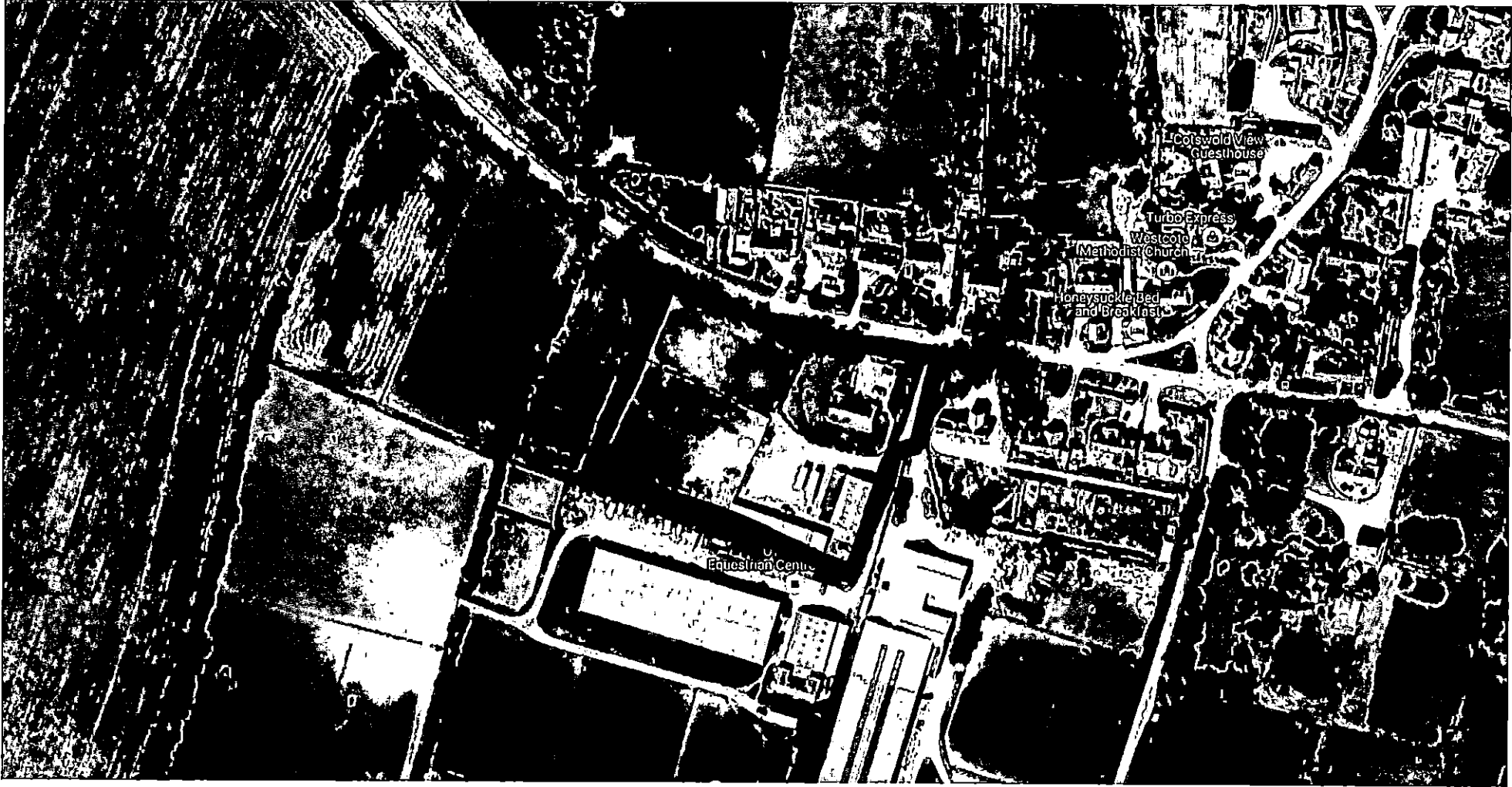
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Architecture | design | construction

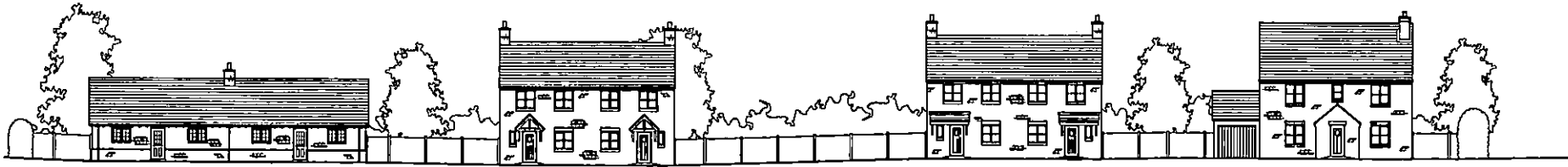
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malcolmpaynegroup
16101567027



140

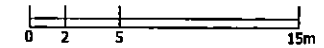
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Streetscene 1



Streetscene 2



Rev	Amendments	Date

141

Client
Quarry House Investments Ltd

Project
The Quarry
Nether Westcote

Drawing
Indicative Streetscenes

Date
April 2015

Purpose
Planning

Scale
1:200

Drawing Size
A2



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NORTH

Project No.
348A02

Drawing No.
124

Revision

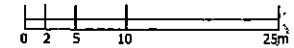
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Indicative Streetscenes



Rev	Amendments	Date
A	Revised Layout	14.03.2016
B	Revised Layout	16.03.2016
C	Revised Drawing Name	29.03.2016
D	Revised Application Boundary	30.03.2016
E	Revised Planting	01.04.2016

Client
Quarry House Investments Ltd

Project
The Quarry
Nether Westcote

Drawing
Proposed Layout Plan

Date
April 2016

Purpose
Planning

Scale
1:500

Drawing Size
A3

All written/scaled dimensions and floor areas are subject to verification by Contractor(s) on site.

Project No.
348A02

Drawing No.
122

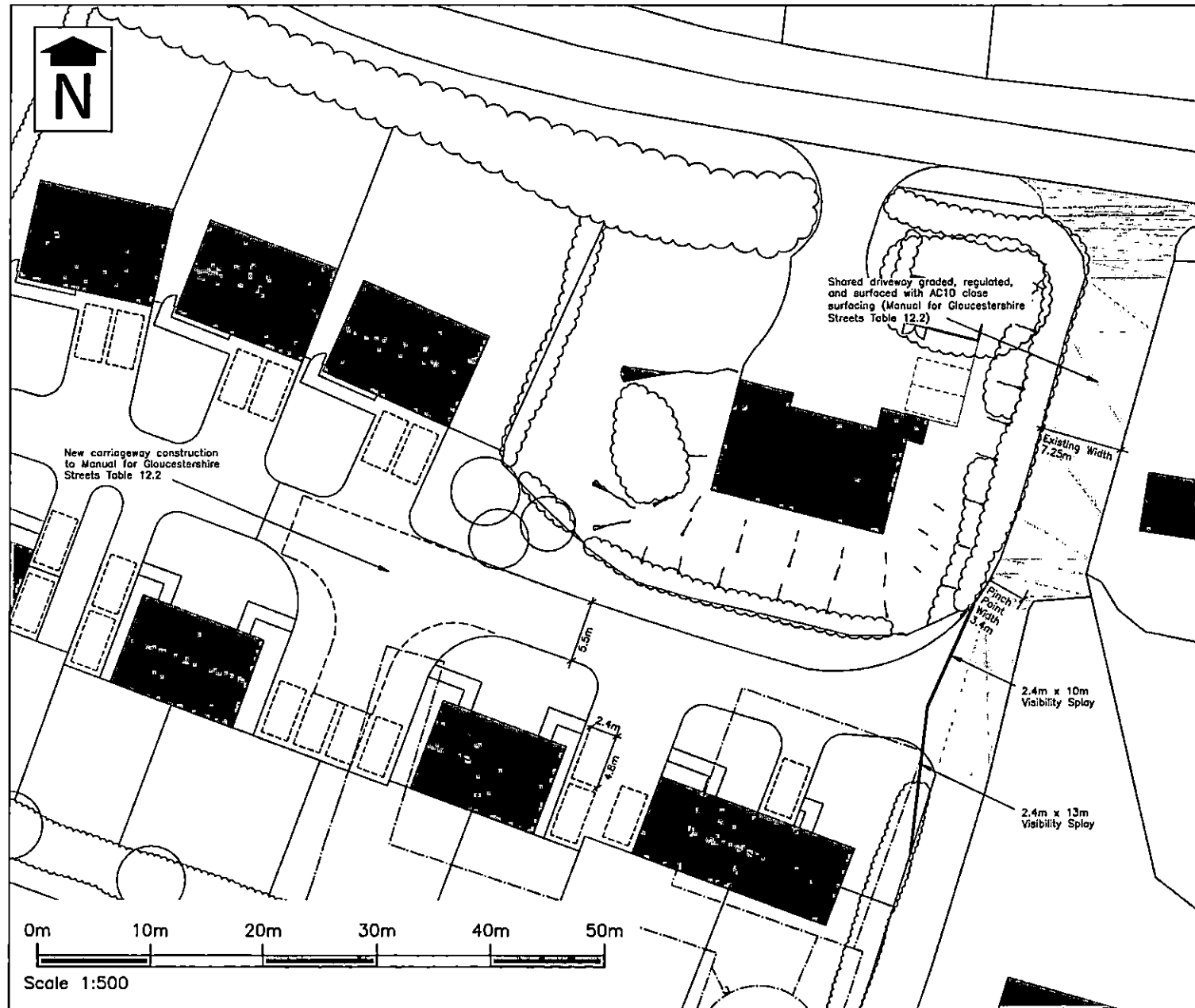
Revision
E

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Architects | design | conservation

Proposed Layout Plan



Stratton Park House, Wanborough Road
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NOTES

1. Plan based on Malcolm Payne Group's drawing number 348402-02 dated February 2015.

Rev	Date	Description	Initials
Client			

Harry Wolton Ltd

Project

**The Quarry
Nether Westcote
Chipping Norton**

Drawing Title

Access Road Details

Drawing No.

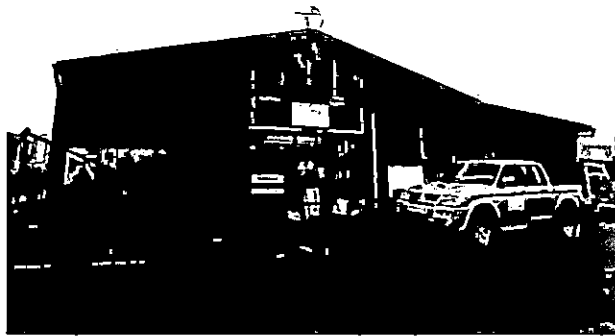
W475/06

Date	August 2016
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Drawn By	DLY
Checked By	GE
E-Mail	dyeatos@pfapl.c.com
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Scale 1:500

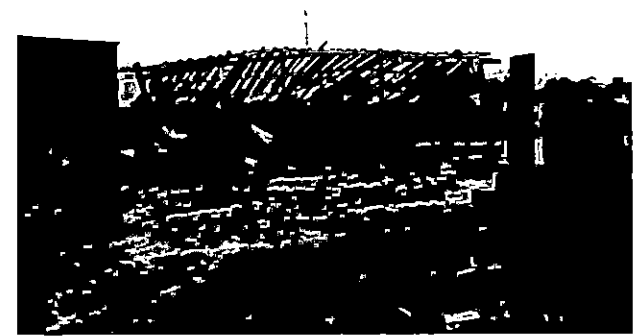
143



1. Equestrian Shop



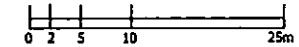
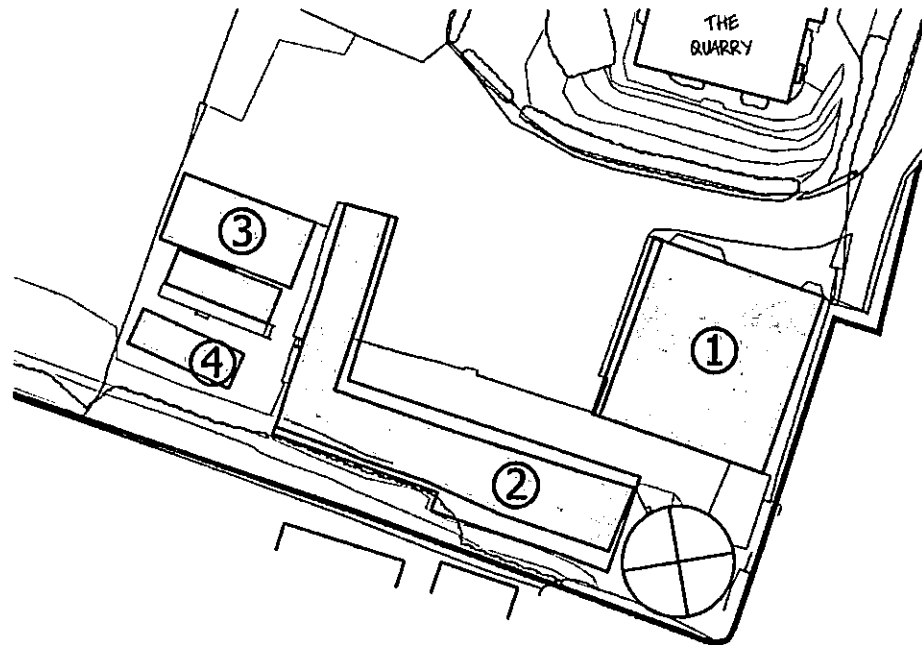
2. Stables & Storage Buildings



3. Collapsed Timber Structure



4. Mobile Cabins



Rev	Amendments	Date
A	Area schedule added	12.04.2016

144

SCHEDULE OF EXISTING BUILDINGS

1. Shop	312.27m ²
2. Stable & Storage Buildings	291.29m ²
3. Collapsed Timber Structure	95.73m ²
4. Caravans	80.8m ²

TOTAL: 780.09m²

Client
Quarry House Investments Ltd

Project
The Quarry
Nether Westcote

Drawing
Demolition Plan

Date
April 2016

Purpose
Planning

Scale
1:500

Drawing Size
A3



All written/voiced dimensions and floor areas are subject to verification by Contractor(s) on site.

Project No.
348A02

Drawing No.
126

Revision
A

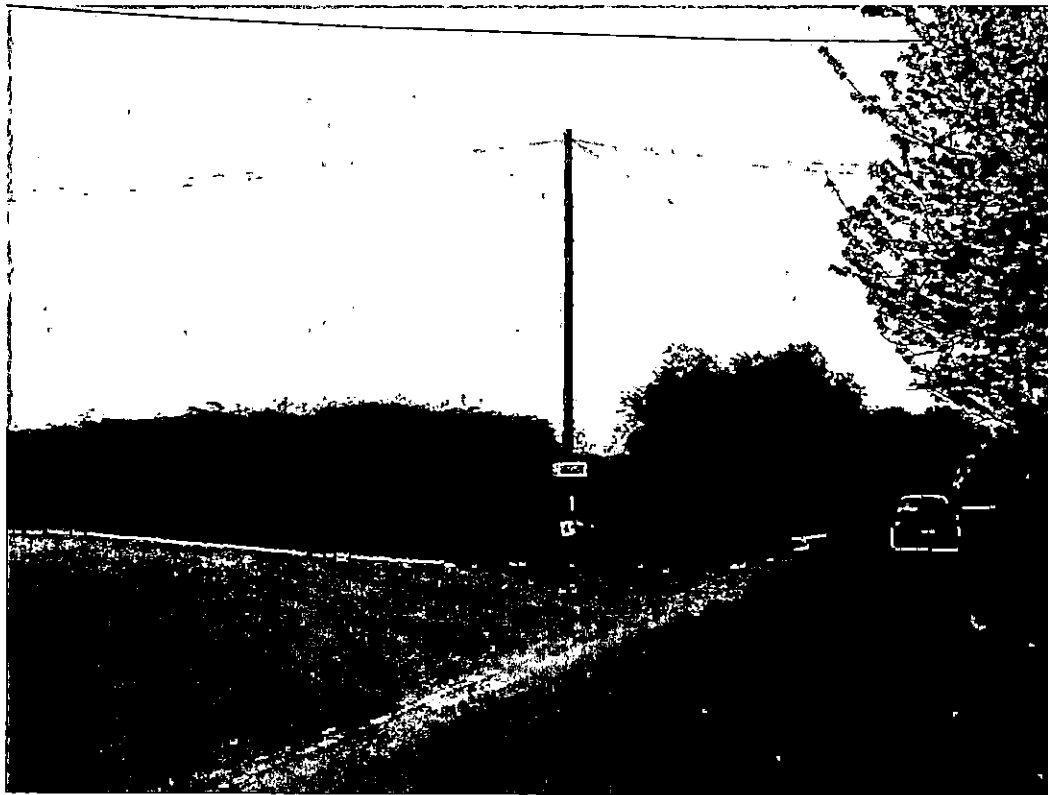
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Architecture | Design | Construction

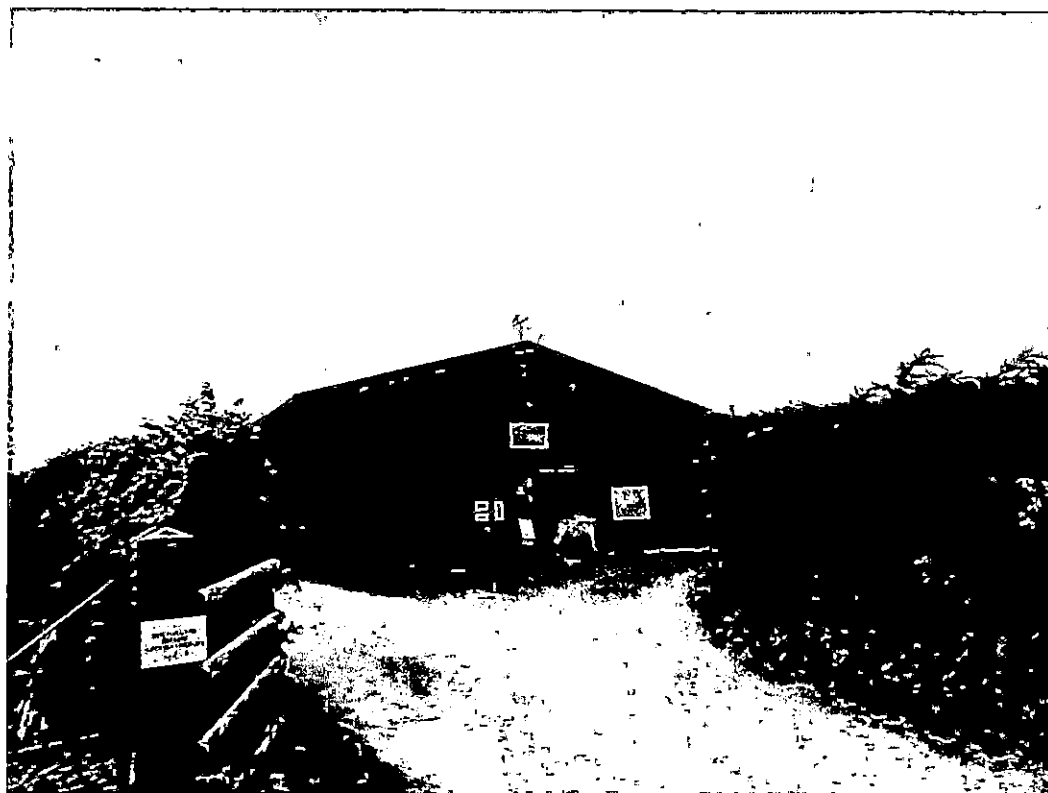
malcolmpaynegroup

Demolition Plan



Above: View from road to north east of application site

Below: Barn/shop to be demolished





Above: Northern boundary of application site

Below: View east along main road. Northern boundary of site on right of photograph





Above: View from field entrance to north west of application site

Below: Existing dwelling - The Quarry



Nazareth Field
Church Westcote
Chipping Norton
Oxon OX7 6SF

Planning Department
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

5th June 2016

Dear Sir or Madam **Re Planning Application Ref. No: 16/01562/OUT**

I have received an unprecedented number of comments objecting to the above-numbered planning application. They can be summarized as below.

1. A development of this size would not be sustainable in a village such as Westcote, which has no shop, no school, no regular public transport and few jobs in the village.
2. The development would extend the boundary of the village beyond the curtilage of the residential property on the other side of the road.
3. The screening relies on a hedge that could easily be removed by later owners, as protection for the hedge would be very difficult to enforce.
4. The site rises above the houses opposite and would overlook these properties, affecting the privacy of the occupants.
5. The Housing Needs Assessment quoted in the proposal consisted of 199 letters posted to Westcote, but also Idbury, which is in a different county. As only 16 were returned from both villages, this is not a representative survey of local views.
6. 392 houses are being built at Upper Rissington, with a school, nursery, public house, supermarket and gym. The development at Upper Rissington includes 118 units of affordable housing 1.4 miles from Westcote.
7. There is a proven housing land supply well in excess of the 5 years required by Government policy. As such there is no cogent reason to make an exception to the normal application of the Development Plan Policy.
8. The construction of 10 new buildings in a settlement of 35 existing dwellings would be wholly out of scale and character.
9. The design of the houses and the layout would create an estate, a development in depth, which would be out of character with the linear development of the rest of the village.

10. The development would add an estimated 18 extra cars to a drive that is already busy with vehicles to and from the two equine businesses that share the drive.

11. If permitted the development would set a precedent for further housing within the vicinity.

12. The connection to the mains sewer at Church Westcote would entail placing a pumping station within the new development and digging up the road between the two settlements. Although less than a third of Church Westcote properties are connected to the mains sewer, there have been repeated problems with blockages in the valley below Westcote and extra sewage may exacerbate this.

13. The site is an existing manège that is still in use. Most of the buildings present are in good repair and could be used by an agricultural or equine business.

Two other comments raised may have a bearing on the application.

1. The site impinges on the approach to an active airfield at RAF Little Rissington used by 637 Volunteer Gliding Squadron, who train Air Cadets. At this point the gliders are at an approximate height of 80 to 100 feet. Increased building towards the flight path increases the risk to inexperienced pilots and the nuisance factor to residents from the noise of the engines.

2. The developer does not own the drive that will be used by the new development. Right of access may only be for the existing businesses.

It is for the reasons listed above that we request the planning application be refused.

Yours faithfully

Trevor Bigg
Chairman to Westcote Parish Meeting

Representations made by Harry Wolton Q.C. to the Local Planning Authority in support of a submission that determination of this application should be made by the Planning Committee rather than in consequence of a delegated decision

Documents included:

1. Letter HW to the Chairman of the Parish Meeting together with enclosures dated 12th May 2016 (no response received)
2. Letter HW to Kevin Field dated 12th May 2016
3. Letter from Chris Vickery (Forward Planning) to HW dated 16th May (policy recited subsequently adopted)

Submissions:

1. The incorrect policy information conveyed to the AGM of the Parish Meeting, as quoted in my letter numbered 1 above, was, I am sure, an innocent misunderstanding of what had been considered in the Local Plan process and, equally, I do not anticipate that the Ward Member appreciated the impact of this incorrect information upon those local residents who attended the Parish Meeting and upon those local residents who, whilst not attending the Meeting, could have been informed, subsequently, of what the Ward Member had said.
2. There is a long line of Judicial authority dealing with what can vitiate a decision made by a Planning Authority in consequence either of what information was conveyed or was omitted. The essence of these authorities is the assessment of the possible impact upon the decision made of these errors or omissions. I am prepared to amplify and expand this submission if so required.
3. What matters, fundamentally, is that a decision made by a Local Planning Authority is, and can be seen as being, fair to all parties.
4. In a case such as this, if the decision is made by an Officer, even if entirely correctly authorised so to do, being aware of the background facts of incorrect information having been given to the residents in the locality of the application site, it could be seen as "covering up" the mistake, however innocently made, by the elected representative of the Ward in which the application site is located.
5. In order to have a clear and fair judgment in this case, the determination should be made by the duly elected body of Members of the Planning Committee.

Harry Wolton, Q.C.
20th July 2016

SPRING BANK
Tunley
Cirencester
GL7 6LP

Trevor Bigg, Esq.,
Chairman of the Westcote Parish Meeting

12th May 2016

Dear Mr Bigg,

Annual General Meeting of the Westcote Parish Meeting

Thank you for your courtesy in inviting me to attend your AGM and, in particular, allowing me to address the meeting on the subject of a proposed development of ten dwellings at the site of the Quarry Equestrian Centre in the village of Nether Westcote.

You emphasised to the Meeting that the purpose of my presence at the Meeting was not for the residents to vote on the proposal but to hear what I had to say in explaining the background to the proposal and for me to answer any questions that the local residents might have.

It was readily apparent that the overwhelming majority of those present were hostile to the proposal and it is, of course, their right to express their views and opinions. However, the proposal is now proceeding by way of an application for Planning Permission and, in consequence, the views of the residents who consider themselves to be affected by the potential consequences of such a proposal are of fundamental importance.

Accordingly, I have notes of what objections were raised at the Meeting and I set these out below (in no particular order). The purpose of this letter is to invite you, as Chairman of the Parish Meeting to add to or subtract from this list any items that you consider to have been inappropriately or inadequately recorded and to explain why such additions or deletions are either necessary or appropriate.

For the sake of clarity, I must inform you that this letter and any response that you may send to me are likely to be included in the planning procedures and processes that will follow the submission of the application.

Yours sincerely,

HARRY WOLTON, Q.C.

List of objections raised:

1. We do not want any development
2. The site is under the flight path
3. The houses on the opposite side of the road will be overlooked by the three bungalows proposed at the front of the site
4. There is no need for affordable housing
5. The Housing Needs Survey obtained by the Applicant and provided both to the Local Planning Authority and to the Parish Meeting is statistically unreliable
6. The same Survey is of no value because it includes a neighbouring village that is in Oxfordshire rather than Gloucestershire
7. Affordable Housing is a bad idea because as soon as the first occupier leaves the property, it can be placed on the open market
8. The site is not "previously developed land" – it is agricultural land
9. The existing traffic flows on the access into the site consist, in the main, of "pantechicons" and any additional traffic generation will cause further problems
10. The existing hedge along the roadside in front of the site may not be maintained

Land at the Quarry and adjoining Equestrian Centre, Nether Westcote

Annual General Meeting of the Parish Meeting for the Villages of

NETHER WESTCOTE AND CHURCH WESTCOTE

Date of Meeting: 11th May 2016

Held at The Village Hall, Church Westcote

Chairman: Mr Trevor Bigg

Meeting attended by:

1. The Chairman
2. The District Council Ward Member
3. Harry Wolton
4. 27 Parish residents

The Proceedings:

1. Mr Bigg addressed the meeting
2. The Ward Member addressed the meeting giving his report on the policies and activities of the District Council relevant to the Parish.
3. The Ward Member expressly referred to the emerging Local Plan and, in particular, the policies that were intended to be adopted in respect of development in rural villages.
4. The Ward Member referred to the intention of the Council to pursue policies that enabled development to be permitted in villages where the local residents approved of such development but which would be refused in villages where the local residents did not want any such development
5. After the Ward Member had concluded his address, the Chairman introduced Mr Wolton and told the audience that it was not the intention of the meeting to vote upon the proposed development but for Mr Wolton to explain what was proposed and to answer any questions that the local residents chose to put to him
6. Having previously provided, some time prior to the meeting, the plans, drawings and other relevant documents to the Chairman, Mr Wolton sought confirmation that all residents who wished to see these documents had had the opportunity to see them and Mr Bigg confirmed that this was so
7. There followed a series of questions and comments upon the proposed development the substantial majority of which were hostile to the proposal. Matters raised were critical of any development within the Parish and only one question was asked about the number of dwellings that were proposed and if that number could be reduced. The Chairman of the Meeting indicated that this was an inappropriate question
8. Subsequent to the meeting, Mr Wolton wrote to Mr Kevin Field seeking clarification of the policy intentions as voiced by the Ward Member at the

meeting. Mr Field passed on this query to the Forward Planning Officers of the Council and copies of all the correspondence between Mr Wolton and these Officers is attached to this Statement. This correspondence is self-explanatory

9. Mr Wolton also wrote to the Chairman of the Parish Meeting setting out his understanding of the comments and objections raised by the local residents against the proposed development at the Meeting. A copy of this letter and the list of objections is also attached to this Statement and is also self-explanatory
10. Mr Bigg did not acknowledge this letter and did not respond to the invitation contained within the letter to correct, add to or detract from the matters contained in Mr Wolton's letter
11. On 22nd May, Mr Wolton again wrote to Mr Bigg enclosing a copy of his original letter and asking Mr Bigg to indicate whether or not he intended to respond to the earlier letter, Again, however, no acknowledgement or response has been received
12. Mr Wolton does not believe that any purpose will be served by an analysis of the objections set out in the list annexed to his letter to Mr Bigg of 12th May. If any of these objections are considered to be valid planning objections, they will be addressed by the Case Officer in his report to the Planning Committee.

Harry Wolton, Q.C.
26th May 2016

SPRING BANK
Tunley
Cirencester
GL7 6LP

COPY

Kevin Field
Planning and Development Manager
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

12th May 2016

by e-mail and post

Dear Mr Field,

Yesterday evening, and at the invitation of Mr Trevor Bigg, as Chairman, I attended the Annual General Meeting of the Westcote Parish Meeting.

Also in attendance at this meeting was the Ward Member who addressed the assembled local residents – some 27 in number.

The Ward Member gave a general report on the ways in which Cotswold District Council was acting in the best interests of his electors. When reciting the current status of the proposed Local Plan he made a statement to the following effect:

The Council is working towards planning control throughout the District on the basis that planning permission will be given in villages in which the residents want development but will refuse permission for development in villages that do not want development.

I am not aware of any proposals to this effect and I must ask you to let me have:

- (i) any adopted policy to this effect
- (ii) any resolution relevant to this statement
- (iii) and Study or Report relevant to this statement

I look forward to your reply as soon as is practicable.

Yours sincerely,

HARRY WOLTON, Q.C.

Harry Wolton

From: Chris Vickery
Sent: 16 May 2016 07:59
To:
Cc: Kevin Field
Subject: RE: Nether and Church Westcote

Dear Harry,

Further to your recent query addressed to Kevin, the following policy (DS3) is essentially the one that will cover rural settlements such as the Westcotes in the forthcoming Draft Submission Local Plan. The final policy wording will be subject to the outcome of tomorrow's Council meeting.

Policy DS3

RESIDENTIAL DEVELOPMENT OUTSIDE THE PRINCIPAL SETTLEMENTS

1. Outside the Development Boundaries of Principal Settlements, small-scale residential development will be permitted provided it:

- (a) is within or adjacent to a rural settlement;
- (b) is of a proportionate scale and maintains and enhances sustainable patterns of development;
- (c) complements the form and character of the settlement;
- (d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and
- (e) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.

2. Applicants proposing two or more residential units on sites outside Development Boundaries should complete a rural housing pro-forma and submit this with the planning application.

The unconfirmed minutes of the Cabinet meeting (21st April 2016), which considered the Draft Submission Local Plan, can be found here:

<http://www.cmis.cotswold.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=Rfp9gFbRjYnBffhIowBfOOeP4hYDnafFoUx9u4Iz7UJNKNNBrzsT9g%3d%3d&rUzwRPf%2bZ3zd4E7Ikn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSffXsDGW9IXnlG%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAjvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9QjI0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBuxOr1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJff55vVA%3d>

The report detailing the benefits and risks of amending policy DS3 (resulting from unconfirmed minute CAB.106 (vii)) is included at Appendix 6 to tomorrow's Council meeting Agenda item 8 here:

<http://www.cmis.cotswold.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=xPkDObVGhy%2br%2f3jabV0kHNhaXMm%2b4%2btIzERTYHRV%2feqm8Q5d9c2Xg%3d%3d&rUzwRPf%2bZ3zd4E7Ikn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSffXsDGW9IXnlG%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAjvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9QjI0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBuxOr1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJff55vVA%3d>

Regards,

Chris Vickery
 Forward Planning
 Cotswold District Council
 Trinity Road