Item No 04:-

16/03437/FUL (CD.1236/1/F)

Land Rear Of The Inn At Fossebridge
Fossebridge
Chedworth
Cheltenham
Gloucestershire
GL54 3JS

Item No 04:-

Erection of two detached self-catering holiday accommodation buildings, revised access and parking area and other works at Land Rear Of The Inn At Fossebridge Fossebridge Chedworth Gloucestershire

	Full Application 16/03437/FUL (CD.1236/1/F)
Applicant:	Mr Andrew Cobby & Caroline Quick
Agent:	Plan-A Planning & Development Ltd
Case Officer:	Joe Seymour
Ward Member(s):	Councillor Jenny Forde
Committee Date:	11th January 2017
RECOMMENDATION:	REFUSE

UPDATE: This application was deferred from the 14 December 2016 Planning Committee meeting for a Site Inspection Briefing. Revised drawings were submitted only one day prior to the meeting so the deferral allowed Officers more time to assess the revised drawings and allowed for the Site Inspection Panel to report back to Members for the 11 January 2017 Planning Committee meeting. The report to the previous meeting has been re-written to take into account the revisions to the scheme which have a material impact on the assessment of the application.

Main Issues:

- (a) Policy Context
- (b) Sustainable Form of Development
- (c) Public Benefits and Other Matters

Reasons for Referral:

Cllr Jenny Forde has referred this application to be determined by the Planning and Licensing Committee for the following reasons:

The decision is made complicated by the issue of ownership of the land being independent of the business it could potentially support. I would like the committee to consider if the harm does outweigh the benefits that two new holiday lodges could bring to the setting of an existing successful business and hamlet. Can this be viewed as a sustainable form of development in accordance with the NPPF as a whole?

1. Site Description:

The site relates to land to the rear of the Fossebridge Inn, which is a Grade II listed pub and hotel which dates to the 18th century with 19th century additions. The Fossebridge Inn is set in an open valley adjacent to the A429 (Fosseway) and to the west of the inn are linear ranges of curtilage-listed outbuildings. The application site lies to the rear (north-west) of Fossebridge Inn and consists of open grounds around a large man-made lake. This area was once within the ownership of the Fossebridge Inn but when the site was sold to new owners in 2014 it was sold as two separate sites, one consisting of the Fossebridge Inn, its converted outbuildings and the beer garden immediately to the rear, with the second site containing the lake and surrounding hinterland ("the application site").

Fossebridge Inn, the outbuildings, gardens and wider grounds are all set within the Fossebridge Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB). The grounds and lake are open to views from the lane to the west, with just a low dry stone wall forming the boundary with the highway. An unnamed lane to the west of the site provides a separate vehicular access to the application site close to the outbuildings to the rear of Fossebridge Inn. Opposite the rear vehicular entrance is the location of another Grade II building called Elm House, which is a modest dwelling with a symmetrical façade and sash windows. The open valley outlook forms an important part of its landscape setting.

2. Relevant Planning History:

10/04435/FUL / 10/04436/LBC: Conversion of outbuilding to holiday accommodation. Planning Permission and Listed Building Consent Granted in March 2011.

3. Planning Policies:

NPPF National Planning Policy Framework

LPR09 Biodiversity, Geology and Geomorphology

LPR15 Conservation Areas

LPR19 Develop outside Development Boundaries

LPR26 Tourism

LPR42 Cotswold Design Code

LPR45 Landscaping in New Development

4. Observations of Consultees:

Biodiversity Officer:

No objection, subject to conditions.

Conservation Officer:

No objection to the latest revised scheme.

Landscape Officer:

No objection to the latest revised scheme.

Environment Agency:

No objection, subject to conditions.

Cotswolds Conservation Board:

The Cotswolds Conservation Board accepted at the pre-application stage (as noted within the submitted planning application) that in this particular case, due to the strong relationship to the adjacent Fossebridge Inn, which in itself provides holiday accommodation, the provision of a modest level of new build holiday accommodation was acceptable in principle. The design, layout and form of the development proposed is considered by the Board to meet the balance between addressing the needs of tourism (pages 60 to 62 of the Cotswolds AONB Management Plan) whilst also meeting the overall aims of conserving and enhancing landscape and scenic beauty. Should the Council be minded to approve the application the Board recommends planning conditions to approve all external materials; to approve in detail all hard and soft landscaping and to ensure the provision of a management plan for the site; suitable protection of existing retained vegetation on site during the construction period; control over the use for self-catering holiday accommodation use only; submission of details of any external lighting (which should be kept to the very minimum and be of a dark night skies compliant design).

5. View of Parish Council:

Chedworth Parish Council has no objection in principle to the unit within the trees at the western end of the site but would prefer a more beautiful design. The Parish Council does not however support the building on the southern boundary of the site as currently proposed.

6. Other Representations:

11 letters of support have been received outlining the potential benefits of the proposal which include:

- Additional income for the Fossebridge Inn
- Preservation of the Conservation Area
- Biodiversity enhancements
- The development would help to bring continued management of the lake and boundary treatments

Three objection letters and a petition signed by four residents has been received which raise concerns about the following issues:

- Proximity to listed buildings and impact on the Fossebridge Conservation Area
- Encroachment on the rural landscape of the Coin Valley
- Light pollution
- No buildings have existed at the end of the lake for at least 36 years so the proposal cannot be considered as rebuilding/ replacement of old buildings.

7. Applicant's Supporting Information:

Design and Access Statement Ecological Impact Assessment Heritage Statement Landscape Assessment Planning Statement Transport Assessment

8. Officer's Assessment:

Proposed Development

The proposed development consists of two new-build holiday lodges known as 'the honeymoon suite' and 'the stables'. The former would be a single storey 2-bed holiday lodge and the latter would be a two-storey 5-bed holiday lodge. The buildings would be used as for holiday accommodation purposes with each building containing facilities including kitchens to allow self-contained accommodation. The proposed buildings would be located on land that, historically, was within the curtilage of the Fossebridge Inn and would have been considered part of the hotel (use class C1) use of the site.

Self-contained holiday accommodation is considered to be a form of residential (use class C3) use so the proposal also involves a change of use of the land from hotel use to a residential one. In order to ensure that the buildings are used as holiday accommodation, in the event of planning permission being granted, they would be conditioned so that can only be used for holiday purposes only and not as primary or principal places of residence. Notwithstanding this, the holiday lodges would still be used akin to open-market dwellings in their functionality, i.e. in reality they would still operate like any conventional dwelling due to their self-contained nature and lack of dependence on any other dwelling or indeed the Fossebridge Inn for day-to-day living. The fact that the lodges would have their own kitchen and cooking facilities is an important factor (but not necessarily the deciding factor) in making a judgement about their functionality.

(a) Policy Context

Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004 the starting point for the determination of this application is the current development plan for the District which is the Cotswold District Local Plan 2001-2011 ("the Local Plan").

The National Planning Policy Framework (NPPF) is also a material consideration in all planning decisions. 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 that may be given).

This is a crucial point because two of the policies in the Local Plan that are relevant to the proposed development have recently been found to not be entirely consistent with the NPPF. These are Policy 19: Development Outside of Development Boundaries and Policy 26: Tourism.

Policy 19 has been found to be too prescriptive in its binary approach by not supporting the possibility of any new open-market housing outside the defined development boundaries (Chipping Campden, Fairford, Lechlade, Moreton-In-Marsh, Northleach, South Cerney, Stow-on-the-Wold and Tetbury) in the Local Plan. The-principle of building new open-market housing can now be supported outside of these areas, providing it can be demonstrated that is a sustainable form of development in accordance with the NPPF.

Policy 19 can be supportive of 'development appropriate to a rural area' outside Development Boundaries subject to a number of criteria. These are that the development should not;

- a) Result in new build open market housing other than that which would help to meet the social and economic needs of those living in rural area;
- b) Cause significant harm to existing patterns of development;
- c) Lead to a material increase in car-borne commuting:
- d) Adversely affect the vitality and viability of settlements; and
- e) Result in development that significantly compromises the principles of sustainable development.

In reference to criterion a) whilst the proposed holiday lodges would not constitute open market housing, they would be new-build units with a (conditioned) C3 residential use. The units would not meet the social and economic needs of those living in a rural area as defined in the guidance notes of Policy 19; examples of such social and economic needs include agricultural or equine worker's dwellings. The guidance note stresses the difference between the needs, rather than the demands, of seeking such development in the countryside.

Criteria b) to e) of Policy 19 discuss the issues surrounding whether a development is a sustainable form of development more generally, which is discussed in the following section of this report. It is considered that the proposal would not accord with Policy 19 a) however this has been identified as an out of date policy due to its lack of consistency with the NPPF. The Notes for Guidance accompanying Policy 19 advises that development appropriate to a rural area 'will include many types of development covered by other policies in the Plan'. Therefore, the proposal must also be assessed against Policy 26: Tourism.

Criterion 3 of Policy 26 only supports self-contained holiday accommodation in open countryside areas such as Fossebridge through the conversion of existing buildings, not via the construction of new buildings. Criterion 5 of Policy 26 states that proposals for holiday lodges are only supported beyond the Cotswold Water Park in exceptional circumstances, only if the development would have no harmful impact on the landscape. There is nothing in the application to suggest that this is an exceptional case. Point 5 of the guidance notes of Policy 26 provides further clarification on this point "In order to protect the character of Cotswold towns and the countryside, attractions for which there is no special justification for their location in that particular area, will not normally be permitted". So when assessing the proposal against Policy 26 it is considered not to be in accordance with criteria 3 and 5 of that policy.

However in a similar situation vis-à-vis Policy 19, Policy 26 has also been found to be not fully consistent with the NPPF, in particular paragraph 28, which supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

This does not necessarily mean that if a proposal for new-build holiday lodges is not harmful in landscape terms it can then be supported anywhere outside of the Water Park, otherwise any well-designed new-build holiday lodge could be permitted in any location potentially undermining the principles of sustainable development. This point has been confirmed at appeal (ref: APP/F1610/W/15/3135647, decision date 19 February 2016) at Middle Duntisbourne near Cirencester. The Inspector maintained that the proposal was a new-build holiday lodge development that preserved the character and appearance of the AONB and the nearby Conservation Area. However, the proposal undermined the principles of sustainable development due to its isolated location, lack of access to services and lack of public transport.

The appeal was dismissed, despite the fact the Inspector considered the buildings to be well-designed, proving that the guidance contained within paragraph 28 should not be taken in isolation. An assessment must be made to ascertain whether this proposed tourist development could be viewed as a sustainable form of development in accordance with the NPPF as a whole.

(b) Sustainable Form of Development

Accessibility/ Service Provision

The proposal is for two new buildings to be used as holiday lodges on an undeveloped site in an AONB, Conservation Area and within the setting of two listed buildings. Fossebridge is a hamlet which consists of a cluster of dwellings either side of the A429 (Fosseway). There are no day-to-day services available except for the pub within the Fossebridge Inn.

Fossebridge does benefit from a scheduled bus service although buses drive past the site using the A429 en route to Cirencester to the south-west and Northleach to the north-east. The applicants have submitted an email from Pulhams - the company that operates the bus service - which indicates that whilst Fossebridge is not a scheduled stop, bus drivers can be 'flagged down' providing they can find a safe place to stop.

Fossebridge is located at the bottom of a valley where the gradient of the A429 is steep. The speed limit in this location is reduced from the national speed limit to 40mph to ensure motorists reduce their speed to safe levels as their vehicles inevitably accumulate speed heading downhill. There is a lay-by of some description at the Fossebridge Inn adjacent to the A429 which allow vehicles access into the hotel car park. However, this could not be utilised by a bus to pull in to collect passengers heading north-east towards Northleach because the hotel's hanging sing erected atop of a wooden pole obstructs the use of this space as a lay-by. No lay-by of any description is available on the southbound carriageway.

It is considered unlikely that bus drivers would be willing to stop their vehicle at the bottom of a steep gradient on a major A-road without a safe place to pull over. This would be considered an extremely dangerous manoeuvre. Therefore, it is considered that no public transport services would be available to potential customers of the proposed development and there would be a heavy reliance on the use of private cars.

It is noteworthy to mention however that the reliance on private cars also applies to existing and future customers of Fossebridge Inn. In the applicant's supporting information they highlight an appeal case in Cornwall (ref: APP/D0840/W/15/3006349) where the Inspector that the NPPF definition of sustainability is not focused entirely on accessibility. The Inspector describes Cornwall as: "an area where the variety of facilities and beauty spots within daily travelling distance is such as to encourage touring throughout the County, irrespective of the location of the accommodation".

This description could also be applied to the nature of tourism in the Cotswolds. The Inspector recognised that "different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Consequently, the lack of public transport options and service provision in the area do not necessarily make the proposal an unsustainable form of development in of itself.

However, there is a crucial difference between the aforementioned development in Cornwall and the current proposal. The development in Cornwall was "a change of use of a former agricultural building into a two-storey holiday letting unit". The conversion of a redundant agricultural building to be re-used for a different purpose is inherently a more sustainable form of development both economically and environmentally when compared to a new-build development.

There is a clear economic benefit for a farmer to re-use a building that they no longer use as a holiday let and there is a clear and demonstrable income stream into the farm business. Re-using a redundant building for an alternative use is also environmentally sustainable because it minimises the need to build new buildings which could potentially harm the landscape. Farm diversification (Policy 27) and conversion of redundant agricultural buildings (Policy 28) are supported by both the Cotswold District Local Plan and the NPPF but the proposal does not involve either of these diversifying a farm or converting redundant buildings.

In the Cornwall case, the economic and environmental benefits of converting a redundant agricultural building weighed in favour of that particular development and mitigated the fact that the farm on which the building was located was in an isolated location without any nearby services. The proposed development cannot put forward the same economic and environmental arguments, which is discussed in further detail below.

There are three dimensions to sustainable development: economic, social and environmental (NPPF paragraph 7) and an assessment is required to determine whether the proposal constitutes a sustainable form of development in relation to these three dimensions as a whole, rather each one being taken in isolation (NPPF paragraph 8).

Economic Role

The first role to sustainable development is an economic role whereby the NPPF supports growth and innovation and contributes to a strong, responsive and competitive economy.

The Council acknowledges that the nearby Fossebridge Inn would benefit indirectly from the proposed development through passing trade. Guests at the proposed holiday lodges are likely to use the bar and restaurant facilities and the owners of Fossebridge Inn have written in support of the application for this reason. However, there would be no direct income stream from the proposed development into the Fossebridge Inn which would help sustain it as a designated heritage asset and as a rural business generally. This is because the application site and the Fossebridge Inn are in separate ownership and therefore two separate businesses would exist side by side, rather than as a single business, notwithstanding the positive working relationship that exists between the two landowners which is described in the applicant's supporting information.

Planning permission is attributed to the land and not the applicant. Therefore, if either business, or indeed both businesses, were later owned and operated by different proprietors, the proposed development, rather than being mutually beneficial to each other, would create two competing businesses. If the site was still in the ownership of the Fossebridge Inn a stronger and more demonstrable business case could be made for the proposed development. However, this is currently not the case, the Fossebridge Inn is not within the applicant's ownership or control (no blue line on the site location plan) and the proposal must be assessed based on the current situation with the information submitted in the application.

No viability assessment has been submitted to indicate that is Fossebridge Inn is in financial difficulty and that the proposed development would act as a form of enabling development to sustain the building as a business and as a designated heritage asset. The Fossebridge Inn appears to be a successful business of its own which has benefitted from significant investment from its owners and no evidence has been submitted to the contrary.

The application site excludes the Fossebridge Inn entirely and the proposal is tantamount to the creation of a new business with new buildings to facilitate the business. It is considered that the new business proposed would fulfil a small economic role in the area generally, if not a direct benefit to the nearby Fossebridge Inn, but this must be taken into consideration alongside the proposal's social and environmental role.

Social Role

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 and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The proposed business is, in part, targeted towards guests attending weddings at Cripps Barn (hence the name of one of the proposed units being the 'honeymoon suite') which is located 4 miles away. On the website for Cripps Barn there is a list of 18 hotels and guest houses within 4 miles of Cripps Barn (including Fossebridge Inn) and a further 25 establishments providing accommodation between 4 and 12 miles from Cripps Barn. From this information it is reasonable to deduce that there is no shortage of holiday accommodation in the vicinity, whether visitors are attending a wedding at Cripps Barn or whether they are simply visiting the Cotswolds for a holiday more generally. Therefore, it is difficult to argue that the proposal is performing a social role in meeting needs which have clearly already been met.

Even though the proposed holiday accommodation would have the functionality of open-market housing due to their independent and self-contained design, as holiday accommodation they would be controlled with an occupancy condition not to be used as dwellings of principal or primary residence. Therefore, the proposal cannot be seen to be meeting the District's social needs in terms of contributing towards housing supply. The self-contained nature of the holiday lodges mean they would still need access to local services but the inherent lack of day-to-day services within Fossebridge means the proposal fails to meet the social dimension of sustainable development in this regard.

Fossebridge is a hamlet within the Parish of Chedworth which consists of a small collection of houses and no other public services, apart from the nearby Fossebridge Inn. The nearest major settlement and service centre is the town of Northleach which is located approximately 4.5km to the north-east along the A429. The village of Chedworth is closer at a distance of approximately 1.5km to the south-west which can be accessed from Fossebridge via a public right of way. The only public service of any note within Chedworth is a farm shop, but this is nearly double the sustainable walking distance of 800m away from the site as recommended by Gloucestershire Manual for Streets.

The application site is considered to be remote from principal settlements where a wider range of services is found. There is no public transport links to and from Fossebridge (buses running between Northleach and Cirencester pass through Fossebridge along the A429 but there is no scheduled stop) which would mean that guests of the holiday lodges would be reliant on private car, not only to get to the site in the first place, but to access local services once they have arrived, which amounts to an unsustainable location for self-contained holiday accommodation.

Environmental Role

The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

The proposal consists of two lodges known as 'the honeymoon suite' and 'the stables'. The former would be a single storey 2-bed holiday lodge and the latter would be a two-storey 5-bed holiday lodge.

The revised drawings show a reduction in the size and scale of the proposed buildings. The rear wall of 'the stables' is now entirely blank, with the end walls just containing high level lights. The fenestration to the front elevation is set back from an eaves line drawn down, thereby reducing its visual impact. The eaves treatments are now traditional and the rooflights have been reduced to two to the rear, and two smaller to the front. The building has a simple appearance, not dissimilar to historic agricultural-style ranges. Traditional ranges of buildings such as this are often fairly long as they typically have a strong linear character. With all other design concerns addressed, it is not considered that the length alone is harmful to the setting. The placement of the building along a boundary and built directly off a stone wall is also fairly typical and combined with the reduction in size and scale significantly lowers the harm cause to the character and appearance of the Fossebridge Conservation Area and the setting of the nearby listed buildings.

The Honeymoon Lodge, much further away from the existing built form, is more modest in scale. This structure would be more remote from the existing outbuildings associated with the Fossebridge Inn. This is a single storey unit of accommodation located at the north west end of the lake, set back against a wooded backdrop and would be seen from the road gable end on. A gable 4.7m in width in traditional weatherboarding left to silver would not necessarily be harmful to the wider setting in itself.

The building would be tucked into the edge of the woodland and would be a simple linear, single story unit which is welcomed. There would be views of the building from the road, but it is considered that views would be limited to the gable end of the building and consequently the building would not be a dominant feature. The proposed timber boarding left to silver would sympathetically blend into the woodland setting.

The impact on the character and appearance of the wider AONB landscape, Conservation Area and the setting of nearby listed buildings is now considered to be limited. The Landscape Officer and the Cotswolds Conservation Board have raised no objections in principle to the proposal, with the exception of minor concerns with regard to light pollution. The Conservation Officer is amenable to the revised drawings and the impact the proposal would have on designated heritage assets. On balance, it is considered the proposal complies with the guidance contained within Sections 11 and 12 of the NPPF in addition to Cotswold District Local Plan Policies 15 and 42.

(c) Public Benefits and Other Matters

The applicant has outlined a number of improvements that could potentially be funded by the proposed development including:

- Improvements to the Cotswold stone wall
- Lake de-silting/ biodiversity enhancements
- Re-planting of trees
- Clearing of rubble rubbish and re-landscaping
- New road drainage system
- Weir to be rebuilt

It is entirely possible that these improvements could be funded by income generated from the proposed development. However, these benefits still need to be weighed against the harm that is caused by the proposed development itself, which has been identified in preceding paragraphs. It is also noteworthy to mention some of the proposed improvements outlined above that need to be made are located outside of the application site and therefore cannot be managed or secured by this planning application.

The site is considered not to be in a particularly neglected state that has any discernible negative local impact, and even this was the case, NPPF paragraph 130 is clear in that where there is 'damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision'. Potential improvements as means of justifying development are often discussed by Council Officers and Planning Committee Members and it is seldom a reason to permit development that is harmful in itself or contrary to other local and national planning policies.

9. Conclusion:

At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means where the development plan is absent, silent or relevant policies are out-of-date (which is the case with the current Cotswold District Local Plan), granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

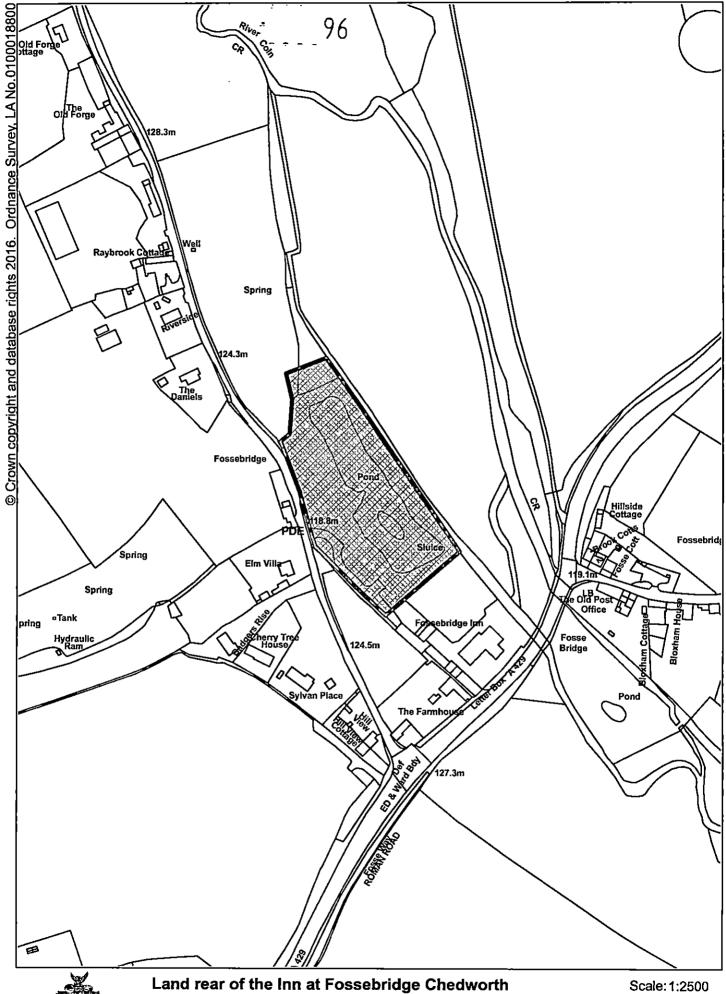
The proposal is contrary to the relevant Cotswold District Local Plan Policies (19 and 26) but these are not fully consistent with the NPPF. An assessment of the proposal against the definitions of sustainable development contained within the NPPF has found that it is not a sustainable form of development.

Holiday accommodation can often be supported in the Cotswolds, even in isolated locations, in the context of conversion of redundant agricultural buildings, farm diversification projects and conversion and utilisation of outbuildings as part of householder developments, for example. However, the construction of new-build holiday lodges on an undeveloped site that makes a positive contribution to the character and appearance of the Fossebridge Conservation Area and to the setting of the Grade II listed Fossebridge Inn and Elm Villa is significantly different.

Each case must be determined on its own particular circumstances, particularly where issues of character and appearance are concerned. On balance, the revised design of the two buildings proposed do not cause demonstrable harm to the character and appearance of the AONB, Conservation Area or the setting of the Grade II-listed Fossebridge Inn and Elm Villa. The proposal would fulfil a modest economic role and it has the potential to provide some other benefits, although none that cannot already be provided outside of the planning application process. The failure to fulfil the social dimension of sustainable development as defined within the NPPF in terms of access to local services and meeting the needs of present and future generations weighs against the proposal. The adverse impacts of creating a new business on an undeveloped site in an isolated rural location without access to public transport is considered to outweigh the benefits. The proposal is therefore deemed to be an unsustainable form of development as defined in the NPPF. For these reasons, the proposed development is recommended for refusal.

10. Reason for Refusal:

The proposed development involves the construction of two new-build holiday lodges on an undeveloped site that makes a positive contribution to the character and appearance of the Fossebridge Conservation Area and to the setting of the Grade II listed Fossebridge Inn and Elm Villa. The application site is located in an isolated rural hamlet which provides no day-to-day services and where there are no public transport options available to allow sustainable travel to and from exiting settlements and service centres. As such, the site is considered to be in an unsustainable location where there are no provisions for new-build holiday accommodation. It is therefore considered that the proposal is contrary to the principles of sustainable development as defined in the National Planning Policy Framework.





Organisation: Cotswold District Council

Department: Date: 01/12/2016





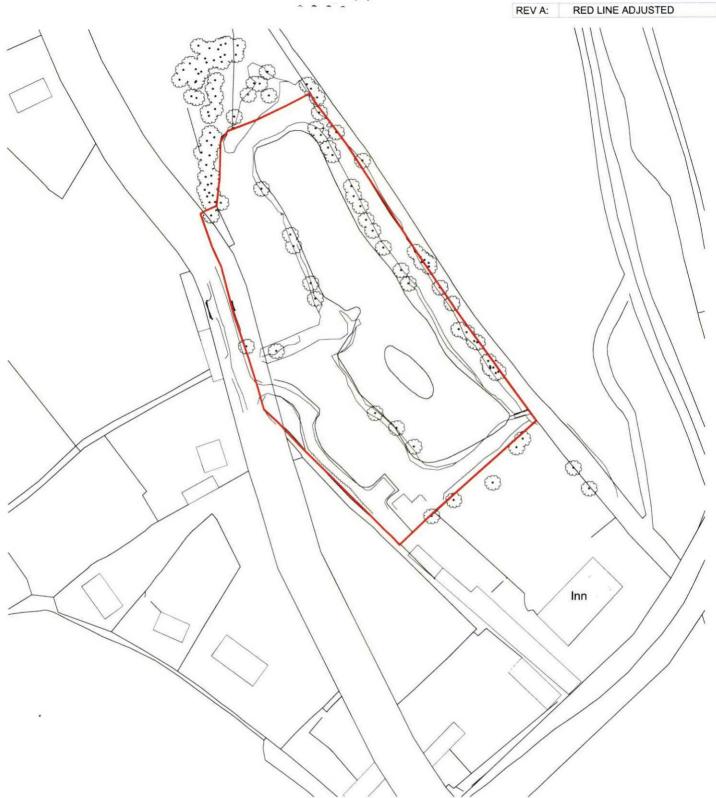
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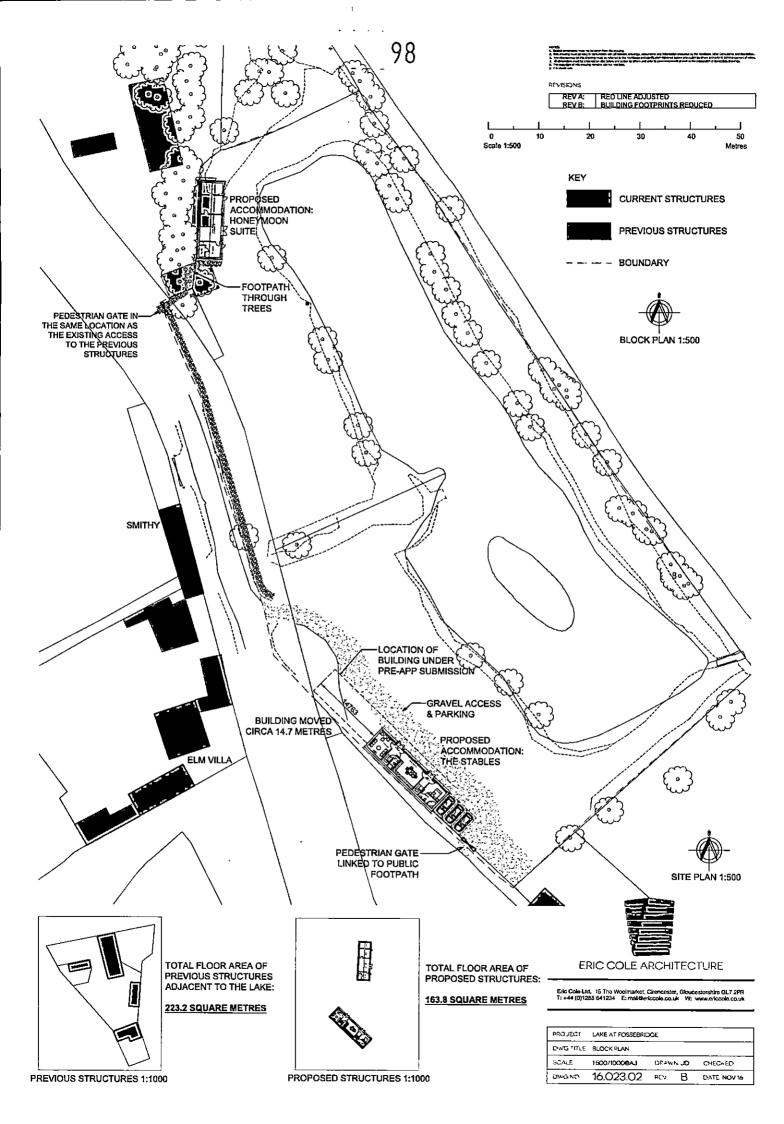
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