

**Item No 03:-**

**16/00833/OUT (CD.4714/N)**

**Land North Of  
Campden Lane  
Willesley  
Gloucestershire**

## Item No 03:-

**Erection of up to 4 dwellings (Outline application) at Land North Of Campden Lane  
Willersey Gloucestershire**

<b>Outline Application 16/00833/OUT (CD.4714/N)</b>	
<b>Applicant:</b>	Mr Richard Ingles
<b>Agent:</b>	TDH Planning
<b>Case Officer:</b>	Martin Perks
<b>Ward Member(s):</b>	Councillor Lynden Stowe Councillor Mark Annett
<b>Committee Date:</b>	11th January 2017
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Residential Development Outside a Development Boundary
- (b) Sustainability of Location and Emerging Local Plan
- (c) Provision of Affordable Housing
- (d) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (e) Impact on Setting of Willersey Conservation Area and Listed Buildings
- (f) Access and Highway Safety
- (g) Drainage and Flooding
- (h) Impact on Protected Species and Biodiversity
- (i) Impact on Residential Amenity

**Reasons for Referral:**

This application has been referred to Planning and Licensing Committee at the request of Cllr Stowe and Cllr Annett so that Committee Members can fully assess the potential impact of the proposal on Cotswolds Area of Outstanding Natural Beauty and the amenity of neighbouring residents located within Willersey Conservation Area.

**1. Site Description:**

This application relates to a parcel of equestrian land measuring approximately 0.4 hectares in size. The site is located on the south east edge of the village of Willersey.

The site extends in a roughly north west to south east direction and measures approximately 78m wide by 50m deep. The northern and eastern boundaries of the site adjoin agricultural fields. The south/south western boundary adjoins garden land to the rear of properties fronting onto Campden Lane. The western boundary adjoins a brook with garden land beyond.

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

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The site lies outside Willersey Conservation Area (CA). The CA boundary extends to within approximately 7m of the southern boundary of the site.

The site is located within a Flood Zone 1.

**2. Relevant Planning History:**

None

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR09 Biodiversity, Geology and Geomorphology  
 LPR15 Conservation Areas  
 LPR19 Develop outside Development Boundaries  
 LPR22 Replacement dwellings in Rural Areas  
 LPR38 Accessibility to & within New Develop  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR45 Landscaping in New Development  
 LPR46 Privacy & Gardens in Residential Deve

**4. Observations of Consultees:**

Gloucestershire County Council Highways: No objection subject to conditions

Gloucestershire County Council Archaeology: No further archaeological investigation required.

Gloucestershire County Council Community Infrastructure: No response

Severn Trent Water: No objection

Thames Water: No response

Historic England: General Observations

Response to original proposal (dated 16th May 2016);

Views of the Church of St Peter are limited and only glimpsed when entering Willersey from Campden Lane, and likewise due to the topography of surrounding land, views from the church to the site are minimal. The impact on this highly listed asset will therefore be minor. However, Historic England has concerns over the impact caused to this conservation area gateway through an inappropriate level of development. At present there is a limited grain of residential development following Campden Lane which signals the beginning of the historic rural village environment and will be adversely affected by what can be read as backland suburban development distorting the arrival to this conservation area. As such we question whether this development preserves or enhances the designated conservation area, and dispute whether this is a suitable location for development.

Response to amended plans (dated 16th September 2016);

The amendments we received relate purely to the layout of the three new dwellings and garages. Whilst they are of an illustrative nature intended to convey the style and character of the development, as well as a revised layout, they do not address concerns raised in our letter of 16th May 2016. As such we maintain our previous comments.

Drainage Engineer: Recommend that a surface water drainage condition be attached should permission be granted.

## 5. View of Town/Parish Council:

Response to original plans (21st April 2016);

'The site should not be considered as it is an AONB and there is extensive wildlife on this site encompassing the possibility of endangered species. The access would prove very awkward and possibly dangerous.'

Response to amended plans (22nd September 2016);

'Willersey PC strongly objects to this application. Objections to this site being built on were stated in the site assessment report submitted by Willersey PC 14th March 2014, and were as follows: The Parish Council recommends that this site should not be considered as it is an AONB and there is extensive wildlife on this site encompassing the possibility of endangered species.

In additions the access would prove very awkward and possibly dangerous.'

## 6. Other Representations:

5 letters of objection received to original application.

Main grounds of objection were;

- i) It will have a significant impact on enjoyment of our property.
- ii) Noise pollution from vehicles and human activity as well as light pollution.
- iii) For nearly three decades we have enjoyed peace, quiet and darkness and this development would destroy this aspect of living on the edge of the village.
- iv) Loss of privacy.
- v) Adverse impact on wildlife and ecology. Field has rich biodiversity including grass snakes, bats and owls and crayfish are in the brook. There will be pollution from the building works which contaminate the brook.
- vi) Increased risk of flooding. The field plays an important role with respect to rainwater runoff from the fields uphill to the east. Hard standings and soil compaction will lead to further flooding of the land and exacerbate existing problems.
- vii) The houses along Campden Lane could be considered ribbon development. Building behind them would be inappropriate.
- viii) The economic and social benefits of this development are questionable. GP surgeries and schools are at capacity. The residents would shop in large supermarkets in Evesham or have their groceries delivered.
- ix) The lane is too narrow with little capacity for widening. It is not wide enough for two vehicles to pass safely. Increasing the number of cars would increase the risk of collision.
- x) Parish Council considered this field to be the least appropriate for development of those identified as potential sites. The quota of new houses has been approved on other sites around the village.
- xi) Surface water runs off the field directly to the east of the application site, down across the application site and into the brook which forms the boundary of the Coach House and the application site. During heavy rain the brook floods to the extent that we have standing water at the bottom of our garden. The covering of the application site with tarmac and buildings will reduce the amount of surface water absorbed by the application site. Para 103 of the NPPF states development should not increase flood risk.
- xii) The site is clearly outside the Willersey Village Development Plan. The linear development along Campden Lane is part of Willersey Conservation Area. There is currently no development to the north, east and west and there are clear views of the application site from Saintbury church and the footpaths to the north and west of the application site. Any development will have an obvious effect on the appearance, character and natural beauty of the site.
- xiii) This development would represent encroachment into the AONB and would spoil the landscape setting of Willersey which is available over numerous long and short views and sequentially on the approach to the village.

- xiv) It will have an adverse impact on the AONB
- xv) The Council currently has between 7 and 8 years supply of housing land. It therefore has a sufficient supply of housing land as required by the NPPF. The site was not identified in the recent Allocations Plan consultation. The site is also outside a Development Boundary.
- xvi) Harm to the AONB should hold greater weight in the planning balance than the extremely limited contribution of 4 dwellings to the Council's land supply.
- xvii) See letter from R Coley

3 Letters of objection received to amended plans.

Main grounds of concern area;

- i) The revised proposals do not change the fact that, if permitted, this would be a development of up to 4 houses in a site considered totally unsuitable by Historic England. It would have a detrimental impact on the wildlife in the area and the ecological survey is still inaccurate as to the extent this field is used by many species. Badgers traverse the field. There are clear paths in the northern hedgerow.
- ii) The new drawings may suggest that the views from our windows are purely perpendicular across the field. We don't wear blinkers! Of course we will be able to see this development and be disturbed by traffic and lights as previously mentioned.
- iii) Historic England's report mentions the significance of this part of the village for views to St Peter's Church. Although these views are somewhat obstructed by existing trees and hedges these can easily be removed and it is hoped that this report will have some influence in persuading all landowners whose trees obstruct this view to remove the trees and hedges.
- iv) The view of this field from the footpath on the hill to Saintbury is currently obstructed by the ugly conifer trees on the field's eastern boundary. If these were removed this development would be clearly visible from the public footpath and obstruct the view to St Peters' from the same point on the hill.
- v) Changing the design to a farmyard/courtyard type layout does not make it any more appropriate for this part of the village. Development here is linear and filling in behind would spoil this aspect and set a precedent for development elsewhere on similar sites.
- vi) Bats routinely forage along the northern and western boundaries. Badger, reptiles, crayfish, amphibians, muntjac deer and foxes are all evident on the site.
- vii) My client's original objections still stand in their entirety. This additional information does nothing to address the fundamental issues with the development of this plot.
- viii) I note the indicative plans have been amended to show a 'courtyard' arrangement with a wildlife 'buffer' to the western edge. This arrangement in fact maximises the harmful nature of the development. A courtyard arrangement is alien to the surrounding linear development and the wildlife buffer would in fact make it appear even more isolated and obtrusive. Where there are courtyard arrangements in Willersey e.g. Frampton Drive, these are not on the edge of the village and tend to be backland sites surrounded by other development.
- ix) The indicative plans also show views 'limited' from Hillspring Cottage to the western edge of the site. Anyone who has visited the site could not fail to have noticed that Mrs. Taylor's garden extends along the field boundary, with a 1.5m hedge dividing the site. The suggestion that the development would not be visible from her property (or indeed her neighbours') is flippant at best, misleading at worst.
- x) In respect of the revised ecology survey, my client is both aware of a badger run and has seen badgers using the site. It comes as a surprise that no evidence of badgers has apparently been found.
- xi) This application was validated in March. It is now September. This is not a major development proposal. If there are issues with the application which have not been able to be resolved during this time period then it is clear that they are fundamental and go to its very heart. The consultation responses and neighbour notification have identified these issues. It is clear this application can and should be refused; it is contrary to national and local planning policy.

## 7. Applicant's Supporting Information:

61

Planning Statement  
Preliminary Ecological Appraisal  
Updated Preliminary Ecological Appraisal  
Archaeological Evaluation

## 8. Officer's Assessment:

### Proposed Development

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

The applicant initially submitted an indicative layout showing a line of three detached dwellings lying roughly parallel with Campden Lane to the south. Access would have been via an existing field access located in the south east corner of the application site. The development layout would have taken the form of a cul de sac. Officers had concerns about the rather urban form of the layout. Following discussions the applicant has amended their design approach. The layout now proposed seeks to reflect a traditional farmyard arrangement with a group of buildings set around a courtyard. The indicative layout shows a dwellinghouse and a range of converted barns facing onto a courtyard. Vehicular access would still be via the existing field access.

The indicative layout shows three detached plots. However, the applicant has indicated that they would wish to subdivide one of the plots into two smaller units should permission be granted. The smaller units would be aimed at meeting demand for smaller open market units in the locality.

No affordable housing is proposed as part of the scheme. Paragraph 031 of the Government's Planning Practice Guidance states that affordable housing contributions 'should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sq metres (gross internal area).' This guidance supersedes Local Plan Policy 21: Affordable Housing. The Council cannot therefore insist on the provision of affordable housing if the development accords with the aforementioned guidance. Whilst the exact floorspace of the proposed development will not be known until a detailed Reserved Matters application is received it is evident that the number of proposed dwellings is under 10 and therefore within the unit number threshold. A condition can also be attached to a permission requiring a detailed scheme to have a gross floorspace of no more than 1000sq m. Such a restriction would thereby restrict the level of development that could be undertaken on the site should this Outline application be granted permission.

### (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.

In addition to the above, it must also be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus 5%) figure is a minimum not a maximum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. If such sites are not released the Council's housing land supply will soon fall back into deficit. At an appeal for up to 15 dwellings in Honeybourne in Worcestershire (APP/H1840/A/13/2205247) the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.' In relation to an appeal relating to a proposal for 100 dwellings in Launceston in Cornwall dating from the 8th April 2014 (APP/D0840/A13/2209757) the Inspector stated (Para 51) 'Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of NPPF.' In August 2015 a Planning Inspector in allowing a scheme for 32 dwellings near Pershore in Worcestershire (APP/H1840/W/15/3005494) stated 'it is agreed between the parties that the Council can demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5 year housing land supply should not be seen as a maximum supply. Regardless of such a supply being available, the Framework advocates a presumption in favour of sustainable development and the application must be considered in these terms.'

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an ongoing supply of housing land there will remain a continuing need for the Council to release suitable sites outside Development Boundaries for residential development. It is considered that the need to release suitable sites for residential development represents a material consideration that must be taken into fully into account during the decision making process. Paragraph 47 of the NPPF sets out the Government's desire to 'boost significantly the supply of housing.'



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 and Emerging Local Plan**

Willersey is not designated as a Principal Settlement in the current Local Plan. However, it has been identified in latest emerging Local Plan consultation paper (Cotswold District Local Plan 2011-2031: Submission Draft Reg.19 June 2016) as a 'Key Settlement'. It has been identified as one of 17 settlements that have sufficient facilities and services to accommodate new residential development in the period up until 2031. The village has a primary school, village shop, petrol station/garage, church, two public houses and an industrial/employment estate. The village is also located within 2 miles of Broadway and 3 miles of Chipping Campden. It also lies approximately 6 miles from Evesham. Other industrial estates at Weston-sub-Edge and Honeybourne also lie within a few miles of the village. The village also lies on a bus route with Service 606 providing a service from Willersey to Cheltenham five times a day from Monday to Saturday.

The Local Plan Consultation Paper: Preferred Development Strategy May 2013 ranked Willersey 9th in the District in terms of its social and economic sustainability. Whilst the village does lack a number of basic facilities and services such as a doctor's surgery, secondary school and post office it does lie in close proximity to other settlements where such services are available. The Local Plan Consultation Paper considered that Willersey along with Chipping Campden, Mickleton and Blockley form part of a cluster of settlements that serve the northernmost part of the District. Collectively the aforementioned settlements are considered to have the necessary services, facilities and employment opportunities to provide for the local population. Taken together the settlements are also considered to be able to accommodate sufficient housing to make a reasonable contribution to the overall District requirement of 8400 dwellings without compromising the strong environmental constraints present at Chipping Campden. Paragraph 55 of the NPPF states that 'where there are groups of smaller settlements; development in one village may support services in a village nearby.' This is reinforced in the Government's Planning Practice Guidance which states;

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

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

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

In terms of recent developments in the village planning permission has recently been granted for 50 dwellings on land to the north of Collin Lane (14/05636/OUT) and 30 dwellings to the west of Field House on Broadway Road (16/01572/FUL). Completed and committed schemes currently stand at 85 units. The 85 dwelling figure represents a 20.2% increase in the village's existing housing stock which currently stands at 420 dwellings (Source: Local Plan Consultation Paper: Preferred Development Strategy May 2013). The Draft Reg.19 paper puts forward one housing allocation site in the settlement. The site is identified as 'W\_1A and W\_1B Garage Workshop and Garden behind the Nook, Main Street'. A total of 5 dwellings are allocated to the site.

The final emerging Local Plan 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;
  - (e) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and
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 recent consultation process and as a result carries minimal weight at the present time.

It is evident that the ability of Willersey to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Submission Draft Reg 19 paper recognises that the village is able to offer a range of services and amenities which can meet many of the day to day needs of the community. Moreover, it also supports a reasonable growth in the village's population to help 'address local affordable housing needs; sustain existing facilities; and maintain Willersey's role as a local service centre.' Willersey has therefore been recognised as a potentially sustainable location for new residential development in terms of accessibility to services, facilities and amenities. This view has been supported by the Planning Inspectorate when they gave permission for 20 dwellings on the Field House site in 2015 (14/01739/OUT). The further 4 units proposed in this application are considered not to represent a significant increase in the level of development being proposed for the village. No infrastructure providers have raised an objection to the proposal. The additional dwellings are considered not to place an undue pressure on existing infrastructure. The level of development is considered to be commensurate with the size of the settlement and the level of services it is able to offer.

The current application site is located on the south eastern edge of the settlement. The entrance to the application site lies approximately 350m from the village shop and 600m from the village's primary school. A pedestrian footway extends for much of the route from the site to the village centre. The first 50m of the route from the site does not benefit from a pavement. However, the remainder of the route does provide pedestrians with a dedicated footway. The section of the route without a pavement is relatively short and is located on a relatively quiet section of road which is subject to a 30mph speed limit. It is considered that the distance involved, the flat topography and the quiet nature of the road would not deter pedestrians from walking to the village centre.

The distance from the site to the village centre is also consistent with guidance in Manual for Streets (Para 4.4.1) which 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.'

Bus stops are also located in the centre of the village and are within walking distance of the proposed development. The application site is therefore within reasonable cycling and walking distance of village facilities and amenities and public transport links. Overall, it is considered that the site does represent a sustainable location for new residential development in terms of accessibility to services, facilities and amenities. This is considered to weigh in favour of the proposed development.

### **(c) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty**

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 (S85 of the Countryside and Rights of Way Act 2000).

Paragraph 17 of the NPPF states that planning should recognise the 'intrinsic character and beauty of the countryside and support thriving rural communities within it.'

Paragraph 109 of the NPPF 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.

Cotswold District Local Plan Policy 42 states 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, streetscene, proportion, simplicity, materials and craftsmanship.'

The Council's Landscape Officer has provided the following comments on the proposal;

#### **'Site Description and Context**

The application site is located to the south-eastern edge of Willersey in the Cotswolds AONB. In a broader context the site is situated on gently sloping land, within the foot of the Cotswolds escarpment, with land rising in a south-easterly direction towards Saintbury Hill.

The site itself comprises of approximately 0.38ha (hectares) of pasture land, currently used to graze horses. The south and west boundaries border the gardens of existing residential dwellings and the north and east boundaries connect to the open countryside. The site is fully contained by existing vegetation, with a native hedgerow to the north and west boundaries, a domestic beech hedgerow to the south and scattered Leylandii trees to the eastern boundary.

The site is accessed via an existing field gate, set back from Campden Lane. Campden lane links the main village through road. The main village street has a semi-rural character and consists of many historic buildings set back from the road, separated by a large village green. Campden Lane is much narrower, with a linear pattern of development, closely associated to the road. There is a sense that you are approaching the countryside edge with development softened by mature vegetation and views up to the escarpment.

There are a number of Public Rights of Way (PRoW) that cross the wider countryside; the closest follows a route along the field boundary, within the adjacent field to the north.

Proposal (in respect of original scheme for a line of three dwelling)

The proposal is for the erection of 3-4 dwellings and associated garaging, to be constructed from Cotswold stone. The existing access from Campden Lane will be utilised, with a shared single carriageway proposed along the southern boundary and private driveways to each property. The Leylandii trees are to be removed and replaced with a native hedgerow with trees and the remaining boundary is to be retained and managed.

## Visibility

Local views of the site from Campden Lane are partially screened by virtue of the roadside hedgerow and the existing Leylandii trees. However, the Leylandii are proposed to be removed and replaced with a native hedgerow with trees. While the replacement of these uncharacteristic trees is welcomed, new planting will take time to establish during which the dwellings would be conspicuous from Campden Lane. In addition the agricultural hedgerow along Campden Lane is managed at a low height and we cannot control this management in the future. While the taller trees within the hedgerow filter views to a degree, I consider that any built form within the site will be prominent in views, particularly in winter months.

In terms of the experience along the public right of way to the north of the site, I appreciate that there is an existing hedgerow with trees which would filter views. However, this is fairly sparse and even with enhancement, additional landscaping will take time to establish and when it is reaching maturity I consider that the tops of buildings will be visible. In addition these buildings sit further north of the typical build line along the road and other built form to the northern side of Campden Lane is filtered by a wider belt of established vegetation. While the visual impact may be muted over time, I consider that this would not be the case in the short to medium term.

## Character

The site and the wider landscape falls within the character area 19D Unwooded Vale and is further refined as the Vale of Evesham Fringe (Landscape Strategy and Guidelines for the Cotswolds AONB). In my opinion, the site and the surrounding countryside typifies this type of landscape.

The Cotswold Conservation Board has identified 'expansion of settlements' and 'isolated development...such as dispersed settlement patterns' as a local force for change. The potential implications are 'erosion of distinctive settlement patterns', 'visual intrusions introduced to the landscape', 'introduction of 'lit' elements to characteristically dark landscapes' and 'suburbanisation of agricultural landscape'.

I consider that Campden Lane has a semi-rural character with development situated close to the roadside. Dwellings along the road are generally modest cottages or larger properties set within large plots. The encroachment of 3-4 dwellings further north is out of character with the existing settlement pattern. I would be concerned that the massing of dwellings, garaging, large extended driveway, associated domestic paraphernalia and lighting would urbanise the landscape and detract from the edge of village character and become a feature in views. In my opinion the design and location of the proposal would represent incremental harm and would erode the character of the Cotswolds AONB.

## Proposal (in respect of amended scheme)

These comments should be read in conjunction with my previous comments dated 29th April 2016. The previous layout was refused by virtue of the urbanisation of the rural AONB landscape which I considered would detract from the edge of village character and become a feature in views. I also had concerns regarding the impact upon the characteristic settlement pattern of Willersey.

The updated Site Plan draws inspiration, in terms of design and massing, from the concept of a farmstead complex. This would have a more agricultural character and while I can see that this is an improvement upon the earlier iteration I continue to have concerns regarding visual intrusion of suburbanising features and domestic paraphernalia.

The site has been assessed within the White Consultants Report: Additional Sites 2, dated October 2014. The site has been given the reference W\_10 and the report concludes that the site has a high sensitivity. The report states the following...

The site has susceptibility to housing development due to its location on the rising scarp slopes, the location next to a linear village edge which characterises the settlement, and proximity to Willersey House. Housing on the site would be out of character with the village conservation area as a block development and would adversely affect the approaches, within the AONB, and the Conservation Area, extending the built form up the slope. Willersey house is well separated from the village and reads as a dwelling in the countryside so cannot be used as a justification for extending the settlement up this direction. Ideally, the conifers on the eastern boundary should be removed and replaced with native hedging and trees, and the field should remain in agricultural/grazing use.

I am in agreement with the White Report and while the site itself is relatively flat I consider that the site provides an important linking element to the rising scarp, further east, along Campden Lane. In my opinion this countryside wedge which permeates into the village makes a positive contribution to the rural character and appearance of the settlement. Consequently I am still of the opinion that the proposal would cause material harm to the local landscape character and the Cotswold AONB.'

Overall, it is considered that the proposed development would have an adverse impact on the character and appearance of the AONB especially when approaching the village from the east. The proposal is therefore considered to conflict with S85 of the CROW Act 2000, Section 11 of the NPPF or Local Plan Policy 42.

#### **Major development within the Cotswolds 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 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 instance the proposed development will represent a less than 1% increase in the village's housing stock and as such will not result in a significant or disproportionate increase in the size of the village. It will be located in a discreet location to the rear of existing development. It will be seen in context with existing village development and will not represent a significant encroachment of development into the open countryside. It is considered that the proposed development is not of a form that would constitute major development in the context of Paragraph 116 of the NPPF.

#### **(d) Impact on Setting of Willersey Conservation Area and Listed Buildings**

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area Section 72(1) of the aforementioned legislation states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Paragraph 134 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Paragraph 009 of the Planning Practice Guidance (PPG) states that 'heritage assets may be affected by direct physical change or by change in their setting.'

Paragraph 013 of the PPG states 'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.'

Cotswold District Local Plan Policy 15 states that construction 'within or affecting a Conservation Area must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area.'

Paragraph 2 of Policy 15 states that development will be permitted unless;

- (a) They result in the demolition or partial demolition of a wall, structure or building, or the replacement of doors, windows or roofing materials, which make a positive contribution to the character or appearance of the Area;
- (b) the siting, scale, form, proportions, design, colour and materials of any new or altered buildings, are out of keeping with the special character or appearance of the Conservation Area in general, or the particular location; or
- (c) they would result in the loss of open spaces, including garden areas and village greens, which by their openness make a valuable contribution to the character or appearance, or allow important views into or out of the Conservation Area.

The application site is located approximately 8m from the edge of Willersey Conservation Area (CA). A strip of residential land lies between the site and the CA. The CA boundary extends around the gardens of properties fronting onto Campden Lane. Three of the properties date from the 19th century. However, they have been subject to significant extension and alteration in the post war period. The planning history for the neighbouring dwellings is;

#### **Hillspring Cottage**

CD.1203 Addition to cottage to form bathroom Granted 1953

CD.1203/A Alterations and extensions to dwelling to include two storey extension to provide a kitchen and dining room with two bedrooms over. Single storey extension at side to provide toilet and hall. Granted 1978

CD.1203/B Alterations and extension Granted 1997

CD.1203/C Retention of increased eaves and ridge height of approved extension CD.1203/B to 7.25m and increase in eaves and ridge height of existing house to match Hill Spring Cottage  
Granted 2002

CD.1203/D Erection of 1183mm high, 5915mm long drystone wall (retrospective) and porch  
Granted 2003

#### The Cottage

CD.4109 Extension and alterations to cottage Granted 1966

CD.4109/A Single storey extension to front elevation to provide a hall and cloakroom Granted  
1979

CD.4109/B Edwardian style conservatory Granted 2001

#### White House

CD.1230 Additions to cottage to form bathroom, bedroom and sitting room. Brick walls pebble  
dashed. Granted 1953

CD.1230/A Extension to provide coal store and addition to living room on ground floor with a  
bedroom and bathroom on first floor. Granted 1975

#### The Coach House

CD.4714/C Conversion and extension of stable and garage into house. Granted 1972

CD.4714/F Erection of a double garage. Refused 1974

CD.4714/G Conversion of stables to a workshop for picture framing and furniture restoration.  
Granted 1979

CD.4714/H Use of building for picture framing and furniture restoration (renewal). Granted 1980

CD.4714/J Continued use of building as a workshop for picture framing and furniture restoration.  
Granted 1981

CD.4714/K Erection of a two car garage. Granted 1981

CD.4714/L Erection of a summer house. Granted 1992

CD.4714/M Erection of a detached garage. Granted 1999

The Conservation Officer has examined the proposal and states 'I have now looked at the revised scheme. Whilst I appreciate the design efforts made, this does not overcome my objections to the development in principle, on the grounds of the rural setting of the historic village and conservation area, and the settlement pattern and grain of established development in this location.

The new design, as depicted in the indicative sketches, has perhaps given the scheme a less suburban feel. But I am still of the opinion it would have something of that quality, and evidently be three dwellings, with associated garages etc. The faux farm complex is also a design approach that is misleading in terms of the historic character and evolution of the village, and it would not in my view have a convincing relationship to the existing built form of the village and the landscape features amongst which it would sit. Again, the settlement entrance is that of houses set to the lane, forming a tight focal point, with open land flowing down from the escarpment to the core of the historic village, giving the conservation area a strongly rural setting. This relationship would be interrupted, and the character, appearance and setting of the conservation area harmed.'

The comments of the Conservation Officer are noted. However, the permissions stated above have resulted in a large amount of modern development being erected to the side and rear of existing dwellings. Willersey Conservation Area was designated in 1973 and last reviewed in 1990. A large amount of the development that has been undertaken has occurred during the period in which the CA designation has been in place. From within the application site the CA is largely defined by modern post war extensions and development. The aforementioned development includes two storey side and rear extensions and a conservatory. The section of the CA facing the application site therefore reveals little of the historic or architectural character of the

wider CA. In addition, the first building that is viewed as you approach the village along Campden Lane from the east is a 1997 two storey extension. It is also of note that the large dwelling (Willersey Lodge) located directly opposite the dwellings fronting the northern side Campden Lane was approved in 2003 (03/01613/FUL). This further highlights the level of modern development that has been undertaken within the CA and in the vicinity of the application site.

In light of the above it is considered that this part of the CA has been subject to a significant degree of alteration since its original designation. The historic grain of the village has therefore been materially affected by the development that has been undertaken over the last 50 years. Whilst there is still a degree of linearity it has been diluted by the development that has been undertaken in more recent times. On site the historic grain of the settlement referred to by Conservation Officers and Historic England is not particularly evident. The layout and form of the scheme has also been amended to reflect a traditional farmyard development rather than the line of dwellings originally proposed. The scheme therefore has the potential to appear as a more natural organic extension of the settlement rather than a standard housing estate style of development which could appear bolted on to the edge of the village. The arrangement of the development in the form of a house with surrounding outbuildings would respond sympathetically to the edge of village location of the site.

In terms of the setting of the CA the proposed development will be relatively well screened from Campden Lane by existing buildings and development. There is the potential for glimpsed views of the development from the aforementioned lane. However, the development is considered to be of a size and form that responds sympathetically to its surroundings without detracting from its overall character or appearance. The site itself is used as an equestrian paddock and is well contained by existing boundary vegetation including planted conifers. The site appears to be distinct from the agricultural fields that lie beyond the application site. As a consequence the agricultural landscape does not extend right up to the edge of the CA.

A fairly domestic beech hedge lies along the southern boundary of the site with domestic land beyond. Garden land is also located to the west of the application site. Public views of the CA where it adjoins the application site are limited to Right of Way HWY11 located approximately 250m to the north. Existing vegetation largely screens the site and existing buildings. As a consequence the proposed development is considered not to have a material impact on the setting of the CA when viewed from the aforementioned Right of Way. From the site itself the character and appearance of the CA is largely defined by modern extensions and garden land. It reveals few, if any, of the historic or architectural qualities that characterise other parts of the CA.

In light of the concerns of the Conservation Officer the application has been considered by the Planning and Development Manager and the Heritage and Design Manager in accordance with internal review procedures. On balance it is considered that the introduction of a sympathetically designed residential development following the principles of layout, scale and design shown in the indicative plans would not to have an adverse impact on any of the key characteristics that contribute to the significance of the CA including its setting. It is therefore considered that the proposed development would not cause substantial or less than substantial harm to the designated heritage asset. The proposal is therefore considered not to conflict with Section 12 of the NPPF or Local Plan Policies 15 or 42.

In terms of the setting of Listed Buildings the site is located approximately 230m from the Grade 1 listed Church of St Peter and 150m from Grade II listed Willersey House. With regard to the former, Historic England has stated 'views of the Church of St Peter are limited and only glimpsed when entering Willersey from Campden Lane, and likewise due to the topography of surrounding land, views from the church to the site are minimal. The impact on this highly listed asset will therefore be minor.' They have not therefore raised an objection to the application on the grounds that it will adversely the setting of the Grade I Listed Building.

With regard to Willersey House the site is separated from the aforementioned dwelling by a road and boundary vegetation. Willersey House is also set back from the road thereby providing a further degree of separation between the two sites. Given the distance between the two and the



degree of screening afforded to the application site it is considered that the proposal will not have an adverse impact on the setting of the listed building or have an adverse impact on views experienced from Willersey House.

It is therefore considered that the development could be undertaken without having an adverse impact on the setting of listed buildings. The proposal does not therefore conflict with S66(1) of the 1990 Act or Section 12 of the NPPF.

#### **(e) Access and Highway Safety**

Access to the proposed development will be via an existing field entrance located in the south east corner of the site. The access opens onto an unclassified highway which is subject to a 30mph speed limit. The existing entrance into the field is set back approximately 8m from the edge of the carriageway. An access width of 4.6m can be provided at the entrance into the field.

Visibility of 54m in each direction measured from a point 2m back from the carriageway has been demonstrated to the satisfaction of GCC Highway Officers.

The introduction of 4 dwellings onto the site is considered not to represent a significant increase in the number of vehicles using the local highway network. The existing equestrian use of the site already generates some vehicle movements. In addition, the site's proximity to the centre of the village also means that a range of services can be accessed without reliance on the use of the motor car. This will help to reduce vehicle movements to and from the site.

It is considered that the proposed development accords with Local Plan Policy 38 and guidance in Paragraph 32 of the NPPF.

#### **(f) Drainage and Flooding**

The application site is located within a Flood Zone 1 which is the lowest designation of Flood Zone. Residential development is acceptable in principle in such zones.

The proposed development equates to approximately 10 dwellings per hectare. The level of proposed development thereby allows for sufficient space to be provided within the site to accommodate drainage measures such as soakaways, on site attenuation or underground storage if required. The indicative layout also shows a gap of approximately 20m between the proposed built development and the existing brook lying alongside the western boundary of the site. The proposed development can therefore be accommodated on the site without the need to be constructed up to the edge of the brook. A buffer zone can therefore be provided between new development and the existing watercourse.

The Council's Drainage Section has examined and has raised no objection subject to the attachment of a condition requiring details of a surface water drainage scheme to be agreed prior to the commencement of development on the site.

It is considered that the scheme could be undertaken without increasing the risk of flooding to the site or the surrounding area. The proposal is considered to accord with Paragraphs 100 and 103 of the NPPF.

#### **(g) Impact on Protected Species and Biodiversity**

The application site consists of an equestrian paddock bordered by a mix of native species hedging, beech hedging, conifers and mature deciduous trees. A watercourse lies alongside the western boundary of the site. The applicant submitted an ecological appraisal of the site with the original application. Following comments from local residents an updated appraisal was undertaken in May 2016.

The site comprises short cropped pasture land which is of little ecological value. However, the field margins, boundary hedging and water course are identified as providing more suitable habitats for a variety of wildlife. The proposed scheme indicates that boundaries to the west, north and east will be retained. The existing conifers along the eastern boundary of the site would be removed and replaced with a native species hedgerow which would be a betterment in terms of biodiversity. Following discussions with Officers the applicant has also agreed to introduce a landscape/wildlife buffer zone alongside the watercourse and a wildlife buffer alongside the hedgerow on the northern boundary. The hedgerow is identified as a BAP priority habitat and its retention and enhancement is considered to be a positive measure. The Council's Biodiversity Officer considers that the measures shown on the indicative plan combined with conditions controlling future management are acceptable.

Local concerns about the potential impact of the scheme on bats, badgers, toads, and crayfish have been examined by the Biodiversity Officer. The Biodiversity Officer advises that buffer zones proposed along the western and northern boundaries of the site will ensure that the habitat primarily used by the aforementioned species will be retained and enhanced as a result of the development. The proposed development will primarily occupy the grazed section of the site which has little ecological value.

Overall, it is considered that the development could be undertaken without having an unacceptable impact on protected species or their habitat and as such it accords with Local Plan Policy 9 and guidance in Paragraphs 109 and 118 of the NPPF.

#### **(h) Impact on Residential Amenity**

The indicative layout shows that the proposed development will be located towards the central and eastern part of the application site. It will not therefore lie directly to the rear of existing dwellings. The rear elevations of properties fronting Campden Lane will face past the side of the proposed development rather than directly at new housing. The proposed dwellings can also be located sufficiently distant from existing dwellings so as to avoid issues of loss of light or overbearing impact.

The indicative layout also demonstrates that the site can accommodate the proposed level of development without the proposed dwellings appearing cramped or overdeveloped. All the proposed dwellings can be provided with a level of garden space and private outdoor amenity space commensurate with their size.

Overall, it is considered that the proposal can be undertaken in accordance with Local Plan Policy 46.

#### **Other Matters**

The application site is used primarily for equestrian grazing rather than agricultural purposes and as such the proposal does not represent the significant development of agricultural land in the context of Paragraph 112 of the NPPF. The proposal is therefore considered acceptable in this respect.

The County Archaeologist considers that the site is of low archaeological interest and has indicated that there is no requirement for a further programme of archaeological work in relation to the site.

The proposed development will be subject to the New Homes Bonus. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their area. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

## **9. Conclusion:**

Overall, it is considered that the proposed development will make a positive contribution to the Council's housing land supply and will be located in a sustainable location in terms of its accessibility to services and facilities. The development can also be served by a safe means of access and can be undertaken without having an adverse impact on drainage or protected species or their habitat. These factors weigh in favour of the proposal as does the Government's objective to boost significantly the supply of housing.

In terms of heritage impact the section of Willersey Conservation Area facing onto the application site is characterised by modern development and exhibits few features of historic or architectural interest. It is considered that the proposed development will not have an adverse impact on any features that contribute to the significance of the designated heritage asset when viewed from within or outside the application site. It is considered that the development could be accommodated on the site without having an adverse impact on the character or appearance of this part of Willersey Conservation Area.

In terms of landscape impact the proposed development will be visible as you head westwards towards the village along Campden Lane. At present the edge of the settlement when viewed from the aforementioned approach is narrow and defined by a single dwelling. The proposed scheme will introduce new development to the rear of existing dwellings and increase the depth of development as you enter the village from the east. It is noted that the replacement of the conifers with a native species hedgerow is a betterment in landscape and visual terms. However, it will also result in the site becoming more exposed than at present. The proposed development will therefore be visible from public view and result in a discernible encroachment of development into the AONB landscape. The proposed scheme is considered to alter the character and appearance of the eastern edge of the settlement and its setting with the AONB landscape. The proposal will have an urbanising impact on the locality to the detriment of the intrinsic qualities of this part of the AONB and contrary to S85 of the Countryside and Rights of Way Act 2000, Section 11 of the NPPF and Local Plan Policy 42. It is considered that this impact weighs significantly against the proposal.

It is considered that the adverse impact of the proposal on the AONB outweighs the other benefits arising from the scheme and as such it is recommended that the application is refused.

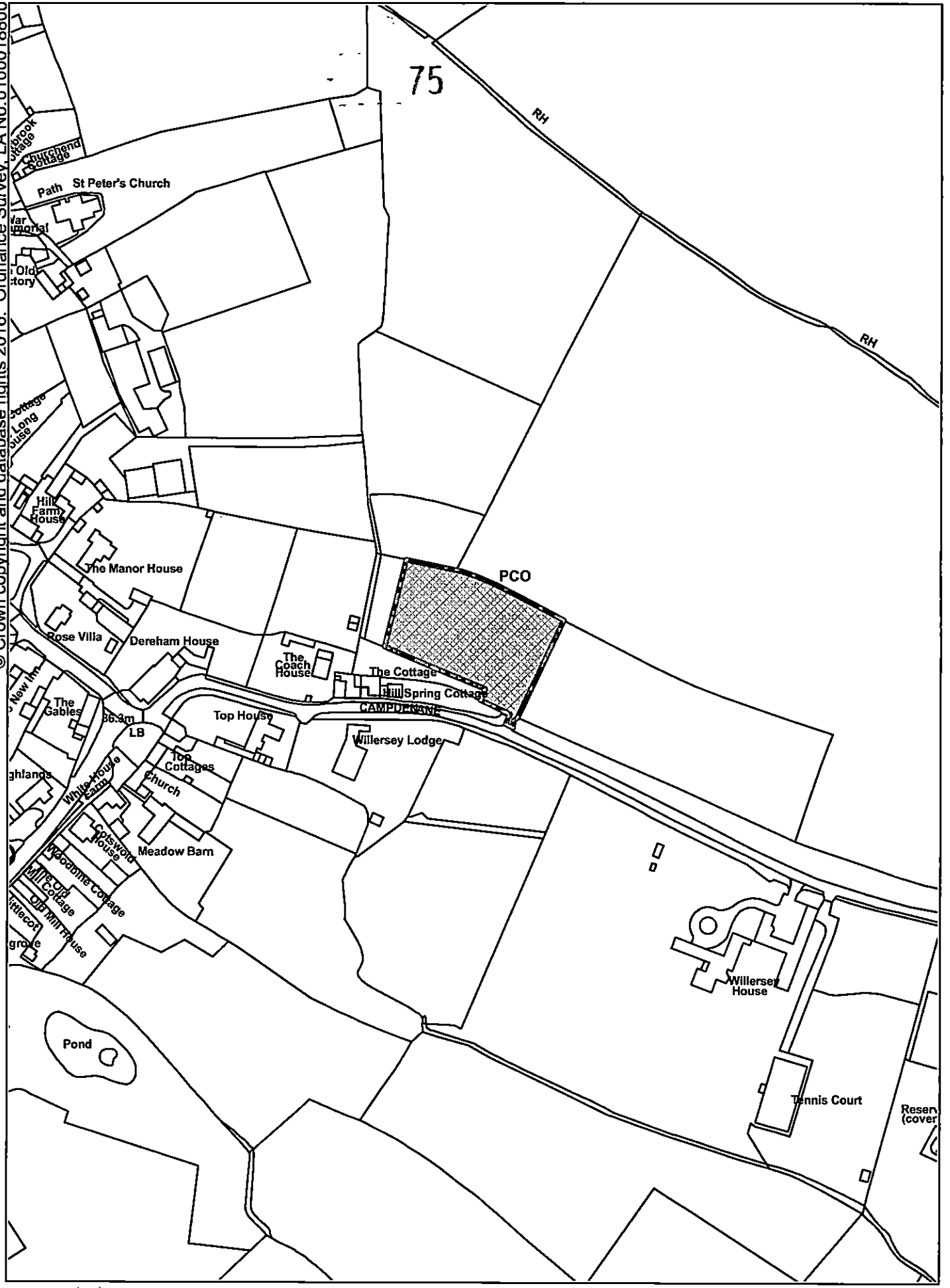
## **10. Reason for Refusal:**

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 proposal would result in the development of a parcel of agricultural land that makes a positive contribution to the rural character and appearance of the village. The introduction of housing would become a feature in views on the approach into Willersey along Campden Lane. It would also have detrimental impact on the characteristic settlement pattern of the settlement. The proposed development would be contrary to Cotswold District Local Plan Policies 19 and 42 and guidance in the NPPF, in particular Paragraphs 17, 109 and 115.

## **Informatives:**

This decision relates to the land outlined in red on drawing 'Figure 2: Planning Application Area' and Site Plan (illustrative) v.2 Sept 2016

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**Land North of Campden Lane Willersey**

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 22/12/2016



**COTSWOLD**  
DISTRICT COUNCIL

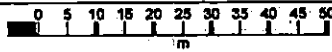
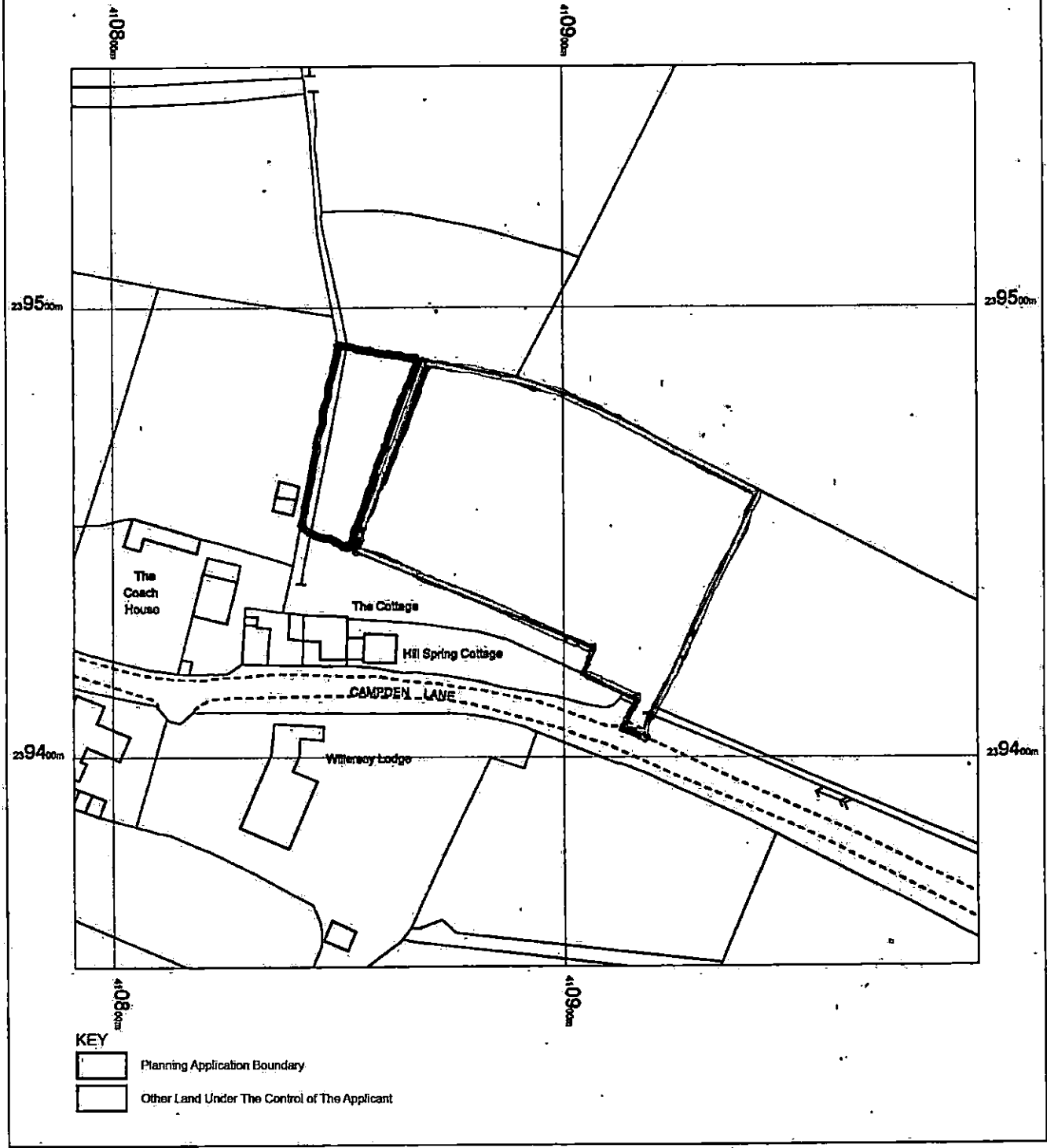


1610083792

# O.S. MASTERMAP - 1:1250 SCALE

76

## FIGURE 2: Planning Application Area



**LAND AT CAMDEN LANE  
WILLERSEY**

OS MasterMap 1250/2500/10000 scale  
 31 July 2016, ID: CM-00451774  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)  
 1:1250 scale print at A4, Centre: 410891 E; 239454 N  
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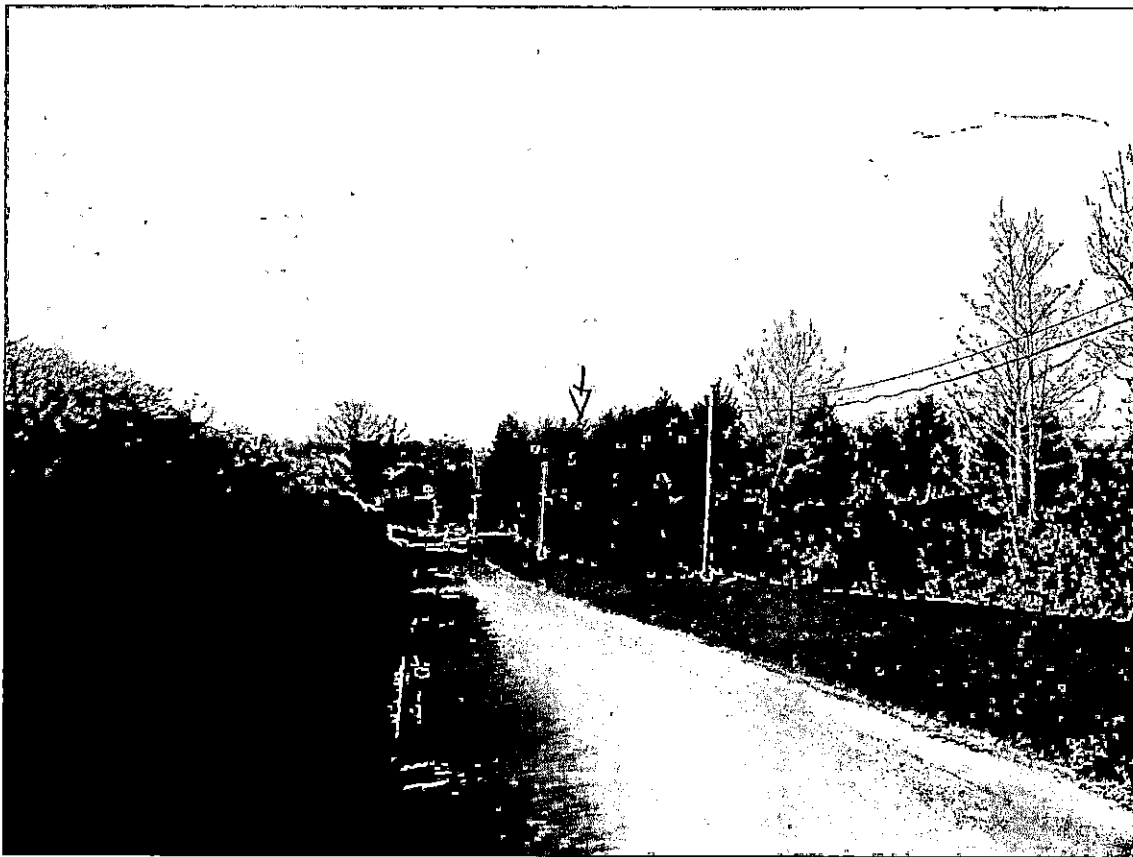
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 FAX: 01594 594559  
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View west along Campden Lane





Above: Application Site

Below: Conifers along western boundary



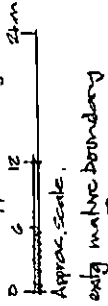


Rear of Campden Lane

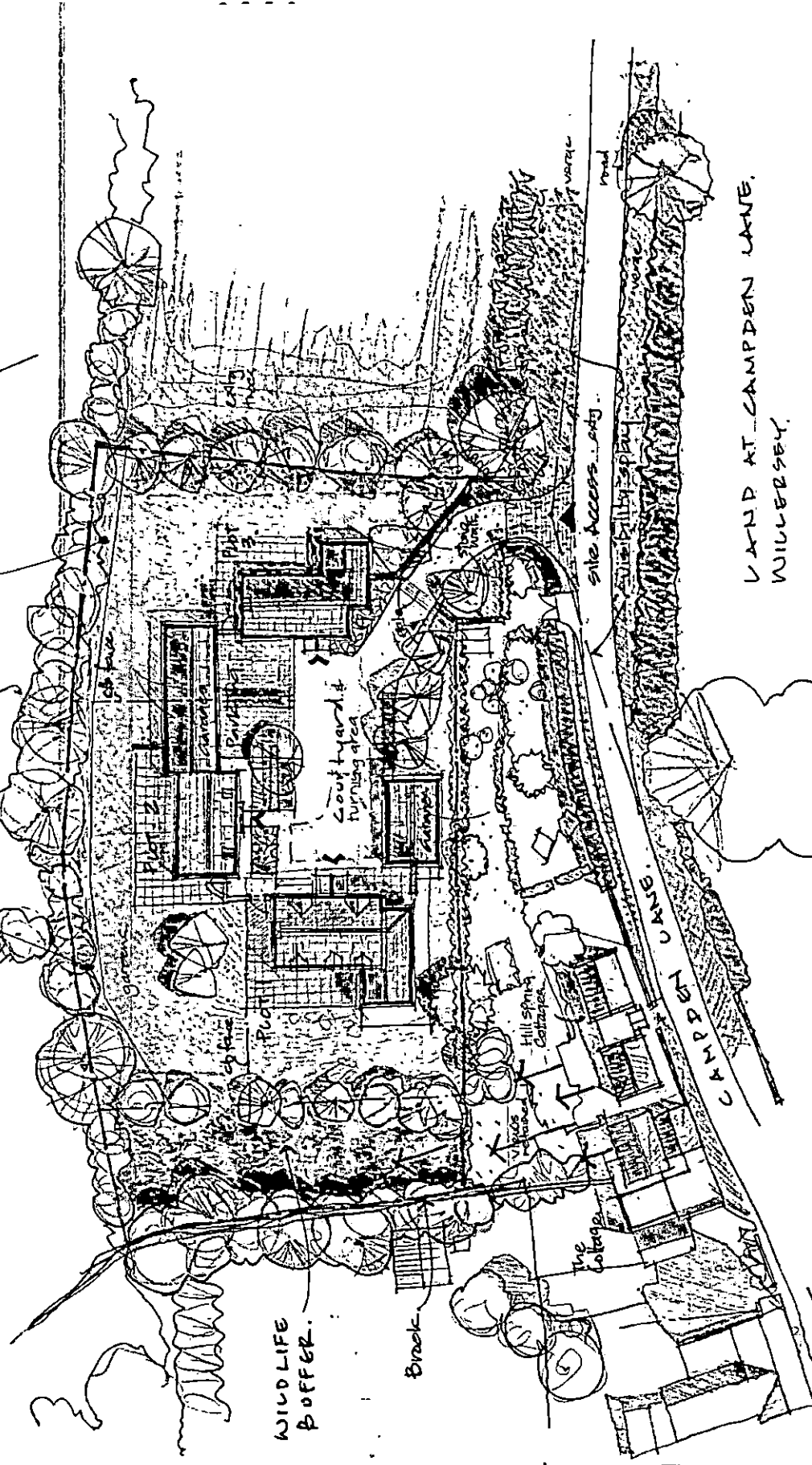




Wildlife buffer to protect ecological habitat value of the existing hedgerow - further details to be provided in the LEMP at detailed application stage



FOR ILLUSTRATION PURPOSES. ONLY!



WILDLIFE BUFFER.

Brack

The Cottage

Hill Spine - Coltrane

Vicus

Coat yard & turning area

Site Access only

CAMPDEN LANE

To Wilbersey Village Centre

LAND AT CAMPDEN LANE, WILBERSEY.

SITE PLAN. NTS. AUG. 2016 (ILLUSTRATIVE)

v.2 Sept 2016 Amended to include Wildlife Buffer along northern boundary

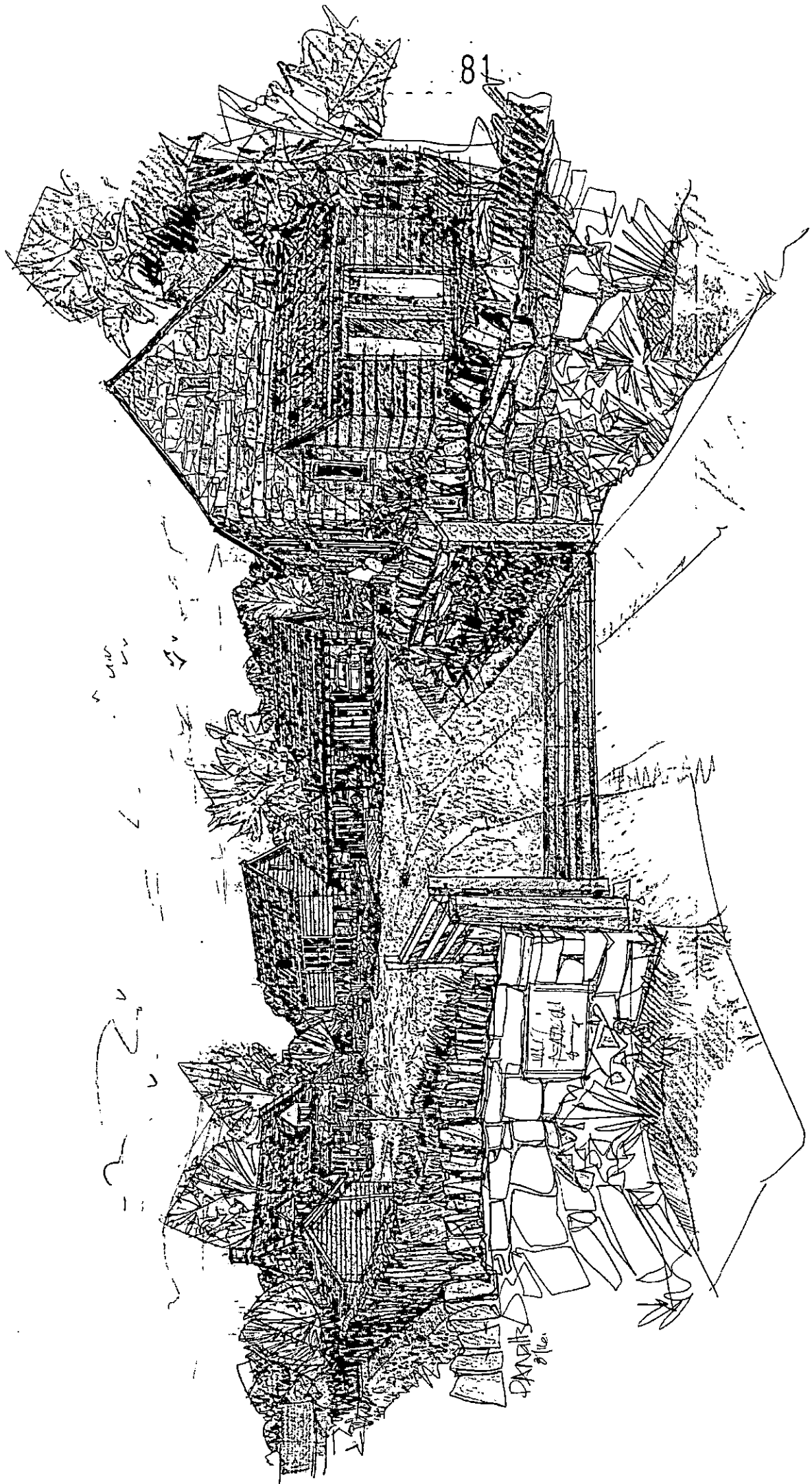


PHOTO  
© 1980

Hill Spring Cottage  
Campden Lane  
Willersey  
Broadway  
WR12 7PG

17 April 2016

Dear Mr. Perks,

**RE: PLANNING APPLICATION 16/00833/OUT – RESIDENTIAL DEVELOPMENT AT LAND TO THE NORTH OF CAMPDEN LANE, WILLERSEY.**

I write on behalf of the owner and occupier of Hill Spring Cottage, Mrs. Lynne Taylor, whose rear garden boundary adjoins the application site. Mrs. Taylor wishes to object to the application and her specific concerns are as follows.

**Impact on AONB**

The site lies within the Cotswold Area of Outstanding Natural Beauty. The Council has a statutory duty under the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving the natural beauty of AONBs when carrying out its functions, which of course includes the determination of planning applications. Paragraph 115 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations.

Policy 7 of the Cotswold District Local Plan states that in the consideration of proposals for development of land within or affecting the Cotswold AONB, the conservation and enhancement of the natural beauty of the landscape and countryside will be given priority over other considerations.

The site lies at the lower end of Campden Lane, which, immediately beyond the site begins to rise uphill towards Chipping Campden and Saintbury. There are numerous public footpaths cutting across the land farther up the hill and there are clear long views of the application site from the fields below Saintbury Church and sequentially on the approach to Willersey while travelling downhill along Campden Lane. The organic and complex historic core of Willersey is prominent over long views, enhanced by its traditional rural setting. The linear development along Campden Lane is historic and part of the Willersey Conservation Area. It should be noted moreover that the conservation area boundary here is defined by the limits of the traditional house plots on the north side of Campden Lane. As such the long views of the landscape on this side of the village are particularly sensitive to change.

It is considered that this development would represent encroachment into the AONB and would spoil the landscape setting of Willersey which is available over numerous long and short views and sequentially on the approach to the village.

It is understood that Cotswold District Council currently has between 7 and 8 years supply of housing land. It therefore has a sufficient supply of housing land as required by the NPPF, plus additional land as a buffer to take into account historic underdelivery or should delivery rates or supply rates fall in the future. This site was not identified in the recent Allocations Plan consultation as contributing towards the 50 further dwellings required for Willersey and it is noted that despite representations made to the consultation that the village could accommodate a larger number of dwellings, there is no intention to revise the 50 dwelling figure. The site is also outside the Development Boundary for Willersey.

It is therefore considered that the identified harm to the landscape character of the AONB from this development should hold greater weight in the planning balance than the extremely limited contribution 3 dwellings would make to the District Council's housing land supply, given that substantively more than a 5 year housing land supply is available. Saved and emerging Local Plan policies are not 'out-of-date' in Paragraph 49 NPPF terms and indeed are in conformity with guidance elsewhere in the NPPF. As such great weight can be given in this case to the conservation of landscape and scenic beauty and the application can be refused on these grounds.

#### Impact on the setting of heritage assets

The site lies on the boundary of the Willersey Conservation Area and would be prominent in views into the conservation area from higher up on Campden Lane. The Council has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay 'special regard' to the 'character and appearance' of conservation areas and the setting of listed buildings when determining applications for planning permission and it is well established in case law that this can include development outside of conservation area boundaries which affect views either into or out of that conservation area. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy 13 of the Cotswold District Local Plan states that development proposals, including erection of a new building or other structure...will not be permitted where this would harm the character or setting of a listed building. Policy 15 of the Cotswold District Local Plan states that proposals for development will be permitted unless they would result in the loss of open spaces...which...allow important views into or out of the conservation area.

The historic pattern of development in Willersey and the linear form of development along Campden Lane is clearly identifiable from views down into the village from both higher up Campden Lane and the network of public footpaths. The development of this site would disrupt that historic pattern of development, introducing an intrusive element, particularly on Campden Lane where the historic linear and wayside development defines the character of the conservation area here. As such it would adversely affect views into and through the conservation area and the setting of the Grade I listed St. Peter's Church, a fine medieval building. The significance of these heritage assets would be harmed and although this would equate to 'less than substantial' rather than 'substantial' harm (the bar for substantial harm being extremely high; total loss or destruction), development which leads to less than substantial harm should only proceed where there are identified public benefits to the proposal which would outweigh that harm or loss. The only public benefit which would accrue from these proposals would be an extremely limited contribution to housing land supply for the District, where there is already a sufficient supply.

Where less than substantial harm to heritage assets is identified recent case law has confirmed that whether the public benefits of the proposal outweigh that harm (i.e. the test in Paragraph 134 of the NPPF) is the planning judgement which must be made, rather than whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits i.e. the test in Paragraph 14 of the NPPF. Given the statutory requirement to have special regard to conservation areas and the setting of listed buildings it would be irrational to suggest that this limited public benefit should outweigh the identified harm to heritage assets.

#### Highway Safety

Policy 38 of the Cotswold District Local Plan states that traffic arising from...development shall not have an unacceptably detrimental effect on the highway network in respect of the movement of traffic and road safety.

The applicant shows a 2.4m x 33m visibility splay on their proposed site plan as providing adequate visibility for vehicles exiting the site when looking down Campden Lane to the west. I have measured the visibility splay on site and it is not in fact available. Mrs. Taylor's conifer hedge, which has been in situ for at least 40 years, obscures visibility and a point 33m west along Campden Lane is not visible from 2.4m back from the edge of the highway. Mrs. Taylor would need to cut her hedge to 1.0m or less for a length of approximately 30m to allow the necessary visibility. She is not willing to do this as it provides privacy for and safety within her garden area; whilst she has lived at the property cars have come off the road and crashed into the hedge on more than one occasion. The applicants therefore do not have control over the land and permanent evergreen planting within the visibility splay and cannot, contrary to their assertions, provide the visibility splay shown on the plans.

Visibility is in fact extremely poor from the site access, which is currently a field gate and very infrequently used. Campden Lane on the other hand is a relatively busy rural road with no pavements, but with frequent vehicle movements and a large number of ramblers and dog walkers accessing the network of public footpaths further up the hill, or indeed simply enjoying the challenge of climbing Campden Lane itself, which is very steep at its upper reaches. When Fish Hill is closed during the winter or as a result of an accident, traffic is diverted down Campden Lane which makes it extremely busy at these times. The vehicle movements associated with up to 4 dwellings would be very much more frequent than at present and emerging from the access with insufficient visibility would therefore be a danger to highway and pedestrian safety.

#### Ecology

Paragraph 118 of the NPPF states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Policy 9 of the Cotswold District Local Plan states that the Council will not permit development that harms, either directly or indirectly, a site supporting any legally protected species or its habitat.

A number of protected species, including bats, badgers and various nesting birds, have been witnessed using the site. A badger run crosses Mrs. Taylor's garden, emerging from the application site. It is noted that the ecology survey was undertaken in October 2015, which is not the optimal time of year for such surveys. Natural England advice on bat surveys is that they should take place during the summer months. As such, the site should be re-surveyed (more than once, if necessary) at an optimal time of year for specific protected species.

Nevertheless, given the issues with the principle of development, the decision should not be delayed but rather a 'failed to demonstrate' reason for refusal imposed on the grounds of harm to ecological interests.

It is therefore considered that the Council can and should refuse the planning application on the grounds of harm to the landscape and scenic character of the Cotswold AONB; harm to the setting of the Willersey Conservation Area and St Peter's Church, a Grade I listed building; harm to highway safety; and on the basis the applicant has failed to demonstrate that the development would not harm ecological interests. This harm either a) significantly and demonstrably outweighs the benefits of the scheme when applying the test of sustainable development contained in Paragraph 14 of the NPPF or b) in the case of less than substantial harm to heritage assets, outweighs the public benefits of the scheme and is therefore specifically restricted by Paragraph 134 of the NPPF.

Yours sincerely,

Rebecca Coley MRTPI

on behalf of Mrs. Lynne Taylor.