

Item No 03:-

15/03931/FUL (CD.8481/J)

**The Old Quarry
Broadwell
Gloucestershire**

Proposed permanent rural workers dwelling at The Old Quarry Broadwell Gloucestershire

Full Application 15/03931/FUL (CD.8481/J)	
Applicant:	Edward Gilder & Co
Agent:	Mouie & Co Ltd
Case Officer:	Scott Britnell
Ward Member(s):	Councillor Julian Beale
Committee Date:	10th August 2016
RECOMMENDATION:	PERMIT

Main Issues:

- (a) The principle of the development
- (b) The living conditions of future occupants of the development
- (c) Drainage
- (d) Potential Contamination
- (e) The living conditions of occupants of any nearby residential dwelling
- (f) The impact upon the Broadwell Conservation Area and Listed Broadwell Manor
- ~~(g) The scale, design and location of the proposed rural workers dwelling~~
- (h) The impact upon the AONB
- (i) The impact on highway safety and the local road network
- (j) Other issues

Reasons for Referral:

This application has been referred to committee by Councillor Beale so that members can assess the need for the development and its impact upon the Area of Outstanding Natural Beauty.

1. Site Description:

The application site, The Old Quarry sits in the Cotswold Area of Outstanding Natural Beauty (AONB) with the Broadwell Conservation Area sited approximately 750 - 800 metres to the east.

Located within the Fosseridge Ward, The Old Quarry is accessed via a sloping entrance to the west, which meets the Fosse Way. To the north, east and south the site is surrounded by wooded areas and open countryside. The site benefits from planning permission to be used as a lairage (a place where cattle and sheep may be rested on their way to market or slaughter) in association with the applicant's haulage business.

2. Relevant Planning History:

12/01922/FUL - Permitted - Retention of residential caravan for overnight accommodation for stockperson and erection of lairage building (dated 17 July 2012)

15/00984/FUL - Permitted - Improved access (part retrospective) (Dated 13 July 2015)

15/00289/FUL - Permitted - (Retrospective) Erection of an agricultural muck store (dated 9 December 2015)

15/03075/FUL - Permitted - Erection of general purpose building for use as agricultural lairage and associated fodder storage (dated 9 December 2015)

15/03100/FUL - Concurrent full planning application for the retention of residential caravan for overnight accommodation for stockperson

3. Planning Policies:

LPR05 Pollution and Safety
 LPR15 Conservation Areas
 LPR19 Develop outside Development Boundaries
 LPR24 Employment Uses
 LPR38 Accessibility to & within New Develop
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve
 NPPF National Planning Policy Framework

4. Observations of Consultees:

Comments have been received from the following consultees: -

Highways: No objection

Waste: No objection

Drainage: No objection subject to details in respect of a full water drainage scheme, any areas of permeable paving to be used and the inclusion of water butts. A condition is recommended to cover this matter.

Public Protection Officer (Noise): No objection subject to the following condition; "Prior to occupation a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the dwelling is designed and constructed so as to ensure that noise does not exceed 35dBLAeq16hours between 07.00 and 23.00 hours, in all living areas and 30dBLAeq8hours 23.00 and 07.00 hours in any bedroom with windows closed and alternative means of ventilation provided."

Design Officer: Response incorporated into "Officer's Assessment"

Environmental Health (Contamination): Response incorporated into "Officer's Assessment"

Landscape Officer: Response incorporated into "Officer's Assessment"

5. View of Town/Parish Council:

The Parish Council object to the proposals on the following grounds: -

- i) Design and size of the dwelling
- ii) The prominence of the dwelling and its impact on the AONB
- iii) Highway access and parking
- iv) Impact on the Broadwell Conservation Area
- v) Trees and landscaping
- vi) Insufficient evidence submitted that this is a growing or viable business
- vii) Insufficient evidence that the business operates from the site to the extent claimed

The Parish Council have also provided a petition of objection with 28 signatories.

6. Other Representations:

17 comments of support have been received for this application.

27 separate comments of objection have been received. In addition, a statutory declaration has been submitted by a neighbour to the site and 3 Legal Opinions have been received.

The grounds for objection are summarised as follows: -

- i) The size of the dwelling
- ii) The design of the dwelling
- iii) The dwelling is out of character with its surroundings
- iv) Impact on the Grade II Listed Broadwell Manor
- v) Impact on the AONB
- vi) Impact on the Broadwell Conservation Area
- vii) Highway safety
- viii) Insufficient evidence of the business use on this site
- ix) No financial information has been provided
- x) Insufficient evidence that there is a financial or functional need for the dwelling
- xii) There has been very little evidence of animals on site and so no need for the dwelling
- xii) The supporting statements do not indicate a high level of animals moving through the site
- xiii) The dwelling is clearly intended for family use
- xiv) This is an unsustainable location for a family dwelling
- xv) The application is a subversion of the planning system with a long term aim of building a more substantial house on the site
- xvi) The dwelling should not be allowed as it has already been built - if approved other buildings will be constructed without planning permission

The three legal opinions raise a number of issues. These documents were attached to the Committee Report prepared for the meeting in April 2016. Although this application did not proceed at that time, members are respectfully directed to the papers produced for that meeting. These documents also remain available for review at the Council's offices and if members have any queries, they are invited to contact the Case Officer prior to the Committee Meeting.

7. Applicant's Supporting Information:

Design and Access Statement incorporating Water Management Statement, Planning Statement & Appraisal of agricultural business, Supplementary Design Information, Additional Design Commentary. These documents were made available for members to view as additional papers at the April 2016 Committee. Although this application did not proceed at that time, members are respectfully directed to the additional papers produced for that meeting. These documents also remain available for review at the Council's offices and if members have any queries, they are invited to contact the Case Officer prior to the Committee Meeting.

8. Officer's Assessment:

The Proposals

The application proposes a single storey permanent rural workers dwelling to be occupied in relation to the existing lairage business. The dwelling has already been largely completed and so the application is effectively part retrospective.

The building would have a width of approximately 20 metres with a depth of 6.5 metres. The ridge would sit just over 4.5 metres high with eaves at 2.5 metres. Internally the dwelling would yield a combined living/kitchen area, 4 bedrooms and a bath room. The elevations would be

finished in horizontal timber weather boarding and the roof tiled with dark grey tiles punctuated by a single roof light. Doors and windows would be double glazed and framed in timber.

The dwelling would be located along the north boundary of the site with access via the existing approved entrance. An area of the site immediately to the east and north of the proposed dwelling would be given over to the building's residential curtilage.

(a) The principle of the development

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

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

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

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

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

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

where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole, or
- specific policies in this Framework indicate development should be restricted. (Guidance in this respect is provided by footnote 9)

With regard to footnote 9 (page 4 of the NPPF), the site is within the Cotswolds Area of Natural Beauty. There are therefore specific policies in the NPPF that indicate that development should be restricted. A recent High Court Decision in March this year between Forest of Dean District Council, the Secretary of State for Communities and Local Government and Gladman Development Ltd confirmed that the first consideration should be given to the impact on heritage assets and the Area of Outstanding Natural Beauty and if it is considered that there is harm, planning permission should be refused unless public benefits outweigh that harm

The NPPF states that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles". These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports "strong, vibrant and healthy communities, by providing the supply of housing

required to meet the needs of present and future generations". The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment. Paragraph 8 of the NPPF states that the three "roles should not be undertaken in isolation, because they are mutually dependent". It goes on to state that the "planning system should play an active role in guiding development to sustainable solutions."

It is the Council's position that more than limited weight can be accorded to Local Plan Policy 19 in the specific circumstances of this case. For clarity and confirmation, this application is not for new-build open market housing and so the positive elements of the policy, those that relate to other (non new-build open market housing) remain relevant.

Paragraph 55 of the NPPF states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, and the other PPS's were superseded by the introduction of the National Planning Policy Framework (NPPF) in March 2012. However, Annexe A of PPS7 which outlines the criteria that local planning authorities (LPAs) should apply when determining planning applications for rural worker's dwellings is still considered to be relevant. A recent appeal decision from January 2016 (ref: APP/J3720/W/15/3133183) confirmed that PPS7 Annexe A is still applicable:

"The Framework itself contains no guidance on how to determine essential need for a rural worker to live at or near a site. However, although no longer government policy, Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), sets out a useful, tried and tested methodology for assessing whether there is an essential need for a rural worker's dwelling on a holding. I see no reason to discount it as a useful tool in seeking to establish whether a permanent dwelling is justified".

Further, Annexe A has been used to form an informal guidance note by this LPA (approved by Cabinet on 3 May 2012) for consideration to inform decisions on applications for agricultural/occupational buildings - this is referred to as Appendix A.

Appendix A states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of their work. Cases that may qualify is where the nature and demands of the work concerned make it necessary for one or more people engaged in the enterprise to live at, or very close to, the site of their work.

Paragraph 15 of Appendix A relates to Other Occupational Dwellings. This states that there may be instances where special justification exists for new isolated dwellings associated with other rural-based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associate dwelling. LPAs should apply the same stringent levels of assessment to applications for new occupational dwellings as they apply for agricultural and forestry workers' dwellings - paragraphs 3 - 11 of the Appendix.

Paragraph 3(i) of Appendix A states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units if there is a clearly established existing functional need. Paragraph 4 explains the circumstances that might arise whereby the functional test can be met, this includes where animals require essential care at short notice.

Paragraph 3(ii) stipulates that the need must relate to a full-time worker.

Paragraph 3(iii) states that the unit and activity must have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so. Paragraph 8 sets out the test to be applied.

Paragraph 3 (iv) stipulates that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

Paragraph 3 (v) states that other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

A report has been prepared by Fox Rural Planning & Land management (hereafter referred to as the Fox Report) on behalf of the Council to assess the need for the proposed dwelling. This document was attached to the Committee Report prepared for the meeting in April 2016. Although this application did not proceed at that time, members are respectfully directed to the papers produced for that meeting. The report also remains available for review at the Council's offices and if members have any queries, they are invited to contact the Case Officer prior to the Committee Meeting.

The Fox Report refers to the LPA's informal guidance, "Appendix A", and indicates that such a dwelling would need to be justified as essential, based on such matters as a functional need and financial tests.

Functional Need

Paragraph 5.1 of the Applicant's Planning Statement states that the business provides two distinct services at the application site (lairage and procurement) and both require the short term accommodation of potentially vulnerable and high value livestock. The Planning Statement continues to explain the legislative requirement for animals to be rested on journeys that are longer than 8 hours.

At Paragraph 5.4 it is stated that the business generally operates 24 hour rest breaks with feed and watering facilities. Paragraphs 5.5 and 5.6 explain that loads of livestock may arrive at the site any time of day or night. An experienced stockperson must be on site at these times to help with the loading/unloading of livestock and to monitor animal welfare.

During the course of this application Fox Planning met with the applicant and was provided with documents to demonstrate the use of the site. This consisted of records of sheep passing through the site in 2013, 2014 and 2015, movement records and births, movements and death records.

Pages 3 - 4 of the Fox Report sets out the general context of the use of the site noting that the throughput at the lairage is now over 10,000 animals per annum and involves work at all hours and the majority of the year.

Paragraph 4.01 establishes the functional need for the dwelling. This states that the most frequent reasons for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night.

Based on the large numbers of livestock involved with the lairage and the fact that they will have come from the farm or a livestock market, and are likely to be stressed, there is bound to be times when urgent action is necessary for welfare reasons. That these incidents can occur at any time and throughout the year translates into there being a functional need for an experienced stockperson based at the site.

Paragraph 4.02 indicates that the functional need would relate to a full-time person in this case. At paragraph 4.04 it is stated that there is no other accommodation available that would provide the functional need as a dwelling would need to be on site, i.e. within easy walking distance of the animals.

Notwithstanding the counter arguments being put forward by objectors, officers conclude that the functional need for a dwelling on the site has been proven and the application complies with The LPA's advice entitled Appendix A and Paragraph 55 of the NPPF.

However, to be in accordance with Local Plan Policy 19 any permission would need to secure, through condition, a requirement that the occupation of the dwelling is connected solely to the enterprise being carried out at the site. For avoidance of doubt the application is not for an open market dwelling but a rural workers dwelling associated with the lairage aspect of the applicant's haulage business. An open market dwelling in this location would be unsustainable, unacceptable and would fail to comply with this policy.

Financial Test/Viability

Paragraph 4.03 of the Fox Report, states that the business is clearly viable and sustainable and likely to remain so. Following receipt of Legal Opinion 1 on behalf of one of the objectors, Fox Rural Planning produced a second report. In this it is stated that "the business is livestock haulage of which the lairage facility is part. I am happy with the evidence I have seen that the haulage business is viable." This report was also attached to the Committee Report prepared for the meeting in April 2016. Again, members are respectfully directed to the papers produced for that meeting. The report also remains available for review at the Council's offices and if members have any queries, they are invited to contact the Case Officer prior to the Committee Meeting.

Fox Planning has also been furnished with Unaudited Financial Statements for both Edward Gilder and Co Ltd and Edward Gilder and Sons Ltd for 2012, 2013 and 2014. A 3 year combined account summary (for both) covering the same period has also been provided. Fox Planning has confirmed that the accounts indicate a business that is in good shape and likely to remain viable for the foreseeable future.

It is adjudged, based upon the information provided, that the financial test has been satisfied.

In addition to the above, the applicant has provided further documentation to demonstrate the financial viability of the business and the functional need of the dwelling. This additional information was provided in May 2016 to Fox Rural Planning. Having considered this information Mr Fox has advised that the functional and financial tests remain proved.

The principle of a permanent rural workers dwelling is considered to have been proven and the application, in this respect, complies with Local Plan Policy 19 and Paragraph 55 of the NPPF.

(b) The living conditions of future occupants of the development

NPPF Sections 6, 7 and 11 are relevant in considering the appropriateness of development in terms of its impact upon future occupants. Local Plan Policies 5, 19, 42 and 46 are also relevant.

The proposals would provide sufficient in-door and outdoor space in the form of a modest residential curtilage. Domestic waste could be stored within the proposed curtilage of the dwelling and collected from the public highway.

The Public Protection (Noise) Officer has no objection subject to the condition set out at earlier in this report.

(c) Drainage

The Council's Drainage Officer has no objection to the development subject to full details being submitted with regards a full surface water drainage scheme, indication of any permeable paved areas and the inclusion of water butts. A condition is recommended to cover this matter, should the application be approved.

(d) Potential Contamination

Paragraph 120 of the NPPF states that "to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

Local Plan Policy 5 advises that planning permission will not be given for development that "would result in an unacceptable risk to public health or safety, the environment, general amenity or existing land uses because of its location or due to the potential pollution of air, water, land or sky".

Given the potential uses that the site could have been put to, a ground investigation has been undertaken in accordance with a request from the Council's Environmental Health Officer (EHO). This took the form of a Phase 1 Environmental Assessment comprising desk study and site reconnaissance. In response to the findings of that Assessment, a Phase 2 Intrusive Ground Investigation was also undertaken. As a result, remedial work is required and the Council's EPO has required this to be undertaken prior to the issuing of any planning permission in this case. At the time of preparing this report that remediation has not been carried out. Officers would therefore request that delegated authority be granted to permit the application, subject to the receipt of confirmation that the remediation work has been carried out. Planning permission will not be issued until that work has been verified by the Council's EPO and it is confirmed that no other works are required.

(e) The living conditions of occupants of any nearby residential dwelling

Given the distance from the site to the nearest residential property, approximately 750 metres, no adverse impacts resulting from the proposed development has been identified. The application is therefore considered to comply with section 7 of the NPPF and Local Plan Policies 42 and 46.

(f) The impact upon the Broadwell Conservation Area and Grade II* Listed Broadwell Manor

Given the distance from the site to the nearest part of the Broadwell Conservation Area (approximately 750 metres) no adverse impacts resulting from the proposed development has been identified. Further views of the site, to and from the conservation area, would not be significant.

One of the objections referred to the potential harm that could be caused to the setting of a Grade II Listed Building, Broadwell Manor. Given the separation that exists between the two sites it is not considered that the proposals would affect the setting of this heritage asset.

The proposals therefore comply with Local Plan Policy 15 and 42 and Sections 7 and 12 of the NPPF.

(g) The size, design and location of the proposed rural workers dwelling

Section 6 of the NPPF refers to the delivery of a wide choice of high quality homes, while Section 7 iterates the importance of good design.

Paragraph 28 states that planning policies should support economic growth in rural areas including; supporting growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings.

Paragraph 56 of the NPPF advised that "good design is a key aspect of sustainable development, is indivisible from good planning". Paragraph 58 states that development should "respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing appropriate innovation". Paragraph 60 states that local distinctiveness should be promoted or reinforced and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

Local Plan Policy 19 states that development outside development boundaries would not be supported if it would cause significant harm to existing patterns of development.

Local Plan Policy 24 refers to employment uses. At paragraph 6 it is confirmed that new buildings and structures that are required for, and directly related to, an existing business will be permitted provided the development is designed to avoid visual harm and does not extend beyond the existing site into adjacent countryside.

Local Plan Policy 42 advises that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship. The Cotswold Design Code offers further guidance.

The proposed dwelling has a linear emphasis with a ridge height of approximately 4.5 metres. The footprint of the building is approximately 130 square metres and would provide 4 separate bedrooms, a living/kitchen area and separate bathroom.

The applicant has provided 4 supplementary documents. Within these, reference is made to a number of consents that have been issued by this LPA over the past few years. Officers have reviewed these documents and do not consider that the granting of these planning permissions represent an irresistible precedent. The applicant also contends that it is unreasonable for the

LPA to expect a rural worker to reside at the site without his/her family and the space to entertain visitors.

The LPA's guidance entitled Appendix A directs that dwellings should be of a size commensurate with the established functional requirement. It also states that it is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of a dwelling.

It is considered that a smaller dwelling could adequately provide sufficient space for the functional need of the site to be met. Notwithstanding this, having adjudged that there is a functional need for someone to be on site permanently it would normally be unreasonable to restrict the size of the dwelling to accommodate just a single person. However, the LPA must remain mindful that the scale and impact of the dwelling must reflect the functional need and financial viability of the use of the unit and respects the constraints resulting from the site being within the AONB.

With regards to the design and form of the dwelling, concern has previously been expressed that it fails to respect the context of the site and wider area. While the applicant suggests that the dwelling is of an agricultural appearance, it is officers' opinion that it represents a prefabricated alpine-chalet structure. There is little about the form, design or materials that make any reference to local character of distinctiveness. In response to these concerns the applicants have indicated that they would be prepared to treat the external timber so that it appears that it has been left to silver naturally.

In addition, it is considered that the planting of a native hedgerow to the northern boundary would help to ensure the longevity of the boundary planting and soften the appearance of the building. This is particularly important if planting is removed on the adjacent land.

It is officers' view that while the design and form of the dwelling is not wholly sympathetic to the context of the site, the treatment of the external timber and provision of a native hedgerow to the boundary would sufficiently negate any harm previously identified. These treatments would be secured by condition and required to be retained in perpetuity.

In the assessment of the suitability of the design, officers have been mindful of the immediate setting and the availability of public views. The building is set within an established agricultural complex and the construction of a traditional design and materials would be more conspicuous in the landscape and would be domestic in character. The building as proposed would, from public viewpoints, be difficult to distinguish from the remainder of the complex.

On balance and subject to the conditions set out above it is considered that the development would comply with Paragraphs 28, 56, 58 and 60 of the NPPF and Local Plan Policies 19, 24 and 42.

(h) The impact of the development upon the AONB

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 17 states that the planning system should recognise the intrinsic character and beauty of the countryside.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials; are visually attractive as a result of good architecture and landscaping.

Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) approximately 1.5km north of the town of Stow-on-the-Wold and less than 1km from the village of Broadwell in the Cotswolds AONB. Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

The site and the wider landscape falls within character area 15B Farmed Slopes and is further refined as Vale of Moreton Farmed Slopes (Landscape Strategy and Guidelines for the Cotswolds AONB). The site and the surrounding countryside typify this type of landscape.

The Cotswold Conservation Board has identified "ad hoc housing development such as new single dwellings" and "isolated development" as a local force for change. The potential implications are "visual intrusions introduced into the landscape", "introduction of 'lit' elements to characteristically dark landscapes" and "suburbanisation of agricultural landscape".

The proposal is for a permanent rural workers dwelling. The dwelling would be a single storey, chalet style structure with a total internal area of 113m² and associated amenity space, contained by post and rail fencing. The dwelling would provide three/four bedrooms.

The site is located adjacent to the Fosse Way and is fairly well contained by existing vegetation. The screening provided by vegetation and partial screening provided by the existing and permitted agricultural buildings is used to justify the erection of a new dwelling. While previous concerns were expressed by officers concerning how this vegetation would be managed and protected in the longer term, the suggested condition regarding the planting of a native hedgerow to the north boundary of the site, would now negate the harm identified.

The vegetation along the Fosse Way is a single line of conifer trees; this planting is fairly short lived and not characteristic of the Cotswold District. It would be preferable for this type of planting to be removed and replaced with native planting. However, if these trees were removed this would result in a negative visual impact to users of the Fosse Way and so this is not a course of action that the LPA would consider appropriate.

There exist, and are permitted, agricultural buildings on the site, which is to be expected in such a rural location. While it has been determined that the scale, design and materials of the proposed dwelling are not wholly sympathetic to the character and appearance of the site, and its context, the treatment of the external timber and the planting of the native hedgerow would negate harm to the AONB.

The domestic curtilage and associated paraphernalia however could result in a negative and visual impact on the agricultural landscape and the Cotswolds AONB. Consequently, in order to control and minimise this impact, a condition would be attached to any planning permission to remove permitted development rights. Further, a condition requiring details of the barrier to the residential curtilage (post and rail fence) would be attached to any planning permission.

On balance and subject to the planning conditions set out above it is considered that the proposal complies with paragraphs 28, 56, 58, 60 of the NPPF and Local Plan Policies 19, 24 and 42 of the Local Plan.

(i) The impact on highway safety and the local road network

Local Plan Policy 38 refers to accessibility to and within development. Details of a turning head have been provided, which demonstrates that the proposals can be safely accommodated taking into account the vehicle movements required in connection with the recently approved muck store and lairage/general storage building. The Highways Officer has considered the details submitted,

including the turning head, and has offered no objection to these proposals. These details would be secured by condition if the application is approved.

(j) Other Issues

During the course of this application a request was received by the Council to disclose the information submitted by the applicant in respect of the functional need of the site and financial viability of the business. At the time of preparing this report that issue is still unresolved.

9. Conclusion:

The principle of a permanent dwelling on the site is acceptable and no objection has been offered by the Highways Officer and no significant impact has been identified in respect of the Broadwell Conservation Area. The design and form of the dwelling is acceptable, but only with the treatment of the external timber and the planting of a native hedgerow to provide screening. Subject to this, the impact upon the AONB and the dwelling are adjudged to be acceptable. The application therefore complies with Sections 7, 10, 11 and 12, Paragraphs 28, 56, 58, 60, 61, 109 and 115 of the National Planning Policy Framework, Local Plan Policies 5, 15, 19, 24, 38, 42, 45 and 46 and Supplementary Planning Guidance, The Cotswold Design Code. Consequently, officers seek delegated authority to permit the application, subject to the receipt of confirmation that the remediation work, in relation to ground contamination, has been carried out. Planning permission will not be issued until that work has been verified by the Council's EPO and it is confirmed that no other works are required.

10. Conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s): RCA211/SK001, 2010/001, 2010/002, 2010/003 Revision A, 2010/004 Revision A, 2010/005 Revision A, 2010/006 Revision A, 2010/007 Revision A, 2010/008 Revision A, 2010/009 Revision A, 2010/010, Revision A, e-mail from Moule & Co dated 8 June 2016 timed at 15:50

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

Within 2 months from the date of this decision the vehicle parking and manoeuvring facilities shall be completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

Reason: To enable vehicles to enter and leave the highway in a forward gear and in the interests of highway safety. This condition is imposed in the light of Local Plan Policies 38 and 39.

The occupation of the rural workers dwelling shall be limited to persons solely or mainly employed in the day to day management of animals utilising the lairage at the application site and their spouse and dependants.

Reason: The application site by virtue of its location remote from amenities, facilities, services and public transport links and outside a designated Development Boundary would represent an unsustainable and inappropriate location for unrestricted residential development contrary to national and local planning policy and guidance that seek to direct residential development to the most sustainable locations such as Principal Settlements. The unrestricted occupation of the accommodation would be contrary to Local Plan Policy 19 and Paragraph 55 of the National Planning Policy Framework.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no buildings or structures, including means of enclosure, shall be erected, constructed or sited in the residential curtilage of the dwelling hereby approved, as confirmed as the area outlined in red on the approved plan 2010/001, other than those permitted by this Decision Notice.

Reason: To ensure that the character of the site and the surrounding area is preserved and protected in accordance with Cotswold District Local Plan 42 and Sections 7 and 11 of the NPPF.

Within 2 months from the date of this planning permission, full details of the means of enclosure to the residential curtilage of the rural workers dwelling hereby approved shall be submitted to and approved by the local planning authority. The approved details shall thereafter be implemented within 2 months from the date of their approval by the local planning authority and shall be retained as such thereafter.

Reason: To ensure that the character of the site and the surrounding area is preserved and protected in accordance with Cotswold District Local Plan 42 and Sections 7 and 11 of the NPPF.

Within 2 months from the date of this planning permission the external elevations of the rural workers dwelling hereby approved shall be treated with the eco wood treatment set out within the e-mail from Moule & Co dated 8 June 2016 timed at 15:50. Thereafter the external elevations shall not be painted or stained without written agreement of the local planning authority.

Reason: To ensure that the character of the site and the surrounding area is preserved and protected in accordance with Cotswold District Local Plan 42 and Sections 7 and 11 of the NPPF.

Within 2 months from the date of this planning permission, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained. It must also include full details of a native hedgerow to be planted along the north boundary of the site. The entire landscaping scheme shall be completed by the end of the first planting season following its approval by the local planning authority and the native hedgerow along the north boundary of the site must be retained in perpetuity.

Should the approved native hedgerow fail or die within 5 years from the date of its planting, a replacement hedgerow, of a species first to be agreed by the local planning authority, must be planted by the end of the first planting season following its failure or death.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 42 and 45 and Sections 7 and 11 of the NPPF.

Within 2 months from the date of this planning permission, a full surface drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design.

The approved full surface drainage scheme shall be carried out in accordance with approved details within 2 months from the date of the Local Planning Authority's approval of such details.

An exceedance flow routing plan for flows above the 1 in 100year + 30% CC event shall also be submitted to and approved in writing by the Local Planning Authority within 2 months from the date of this planning permission.

Reason: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy 5, Section 10 of the National Planning Policy Framework, The Cotswold Strategic Flood Risk Assessment and Planning Policy Statement 25 Technical Guidance.

Within 2 months from the date of this planning permission, details shall be submitted to and approved in writing by the local planning authority to demonstrate that the dwelling has been designed and constructed so as to ensure that noise does not exceed 35dB(A)eq16hours between 07.00 and 23.00 hours, in all living areas, and 30dB(A)eq8hours between 23.00 and 07.00 hours in any bedroom with windows closed and alternative means of ventilation provided. In the event that the relevant noise levels are exceeded, a scheme of mitigation measures shall be submitted to and approved in writing by the local planning authority to ensure that these are met. That scheme shall be submitted within 2 months from the date that the local planning authority has been advised that the noise levels are exceeded and once approved shall be implemented within 2 months from the date of that approval.

Reason: For the purposes of the residential amenity of the occupants of the dwelling, in accordance with Local Plan Policy 5.

INFORMATIVES :-

1 The Surface Water Scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- The Local Flood Risk Management Strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))
- Gloucestershire SuDS Design and Maintenance Guide (April 2015)

The Old Quarry, Fosseway, Broadwell
15/03931/FUL CD.8481/J

116

206.1m

APPLICATION
SITE

FOSS WAY (A429)

20.1m

19

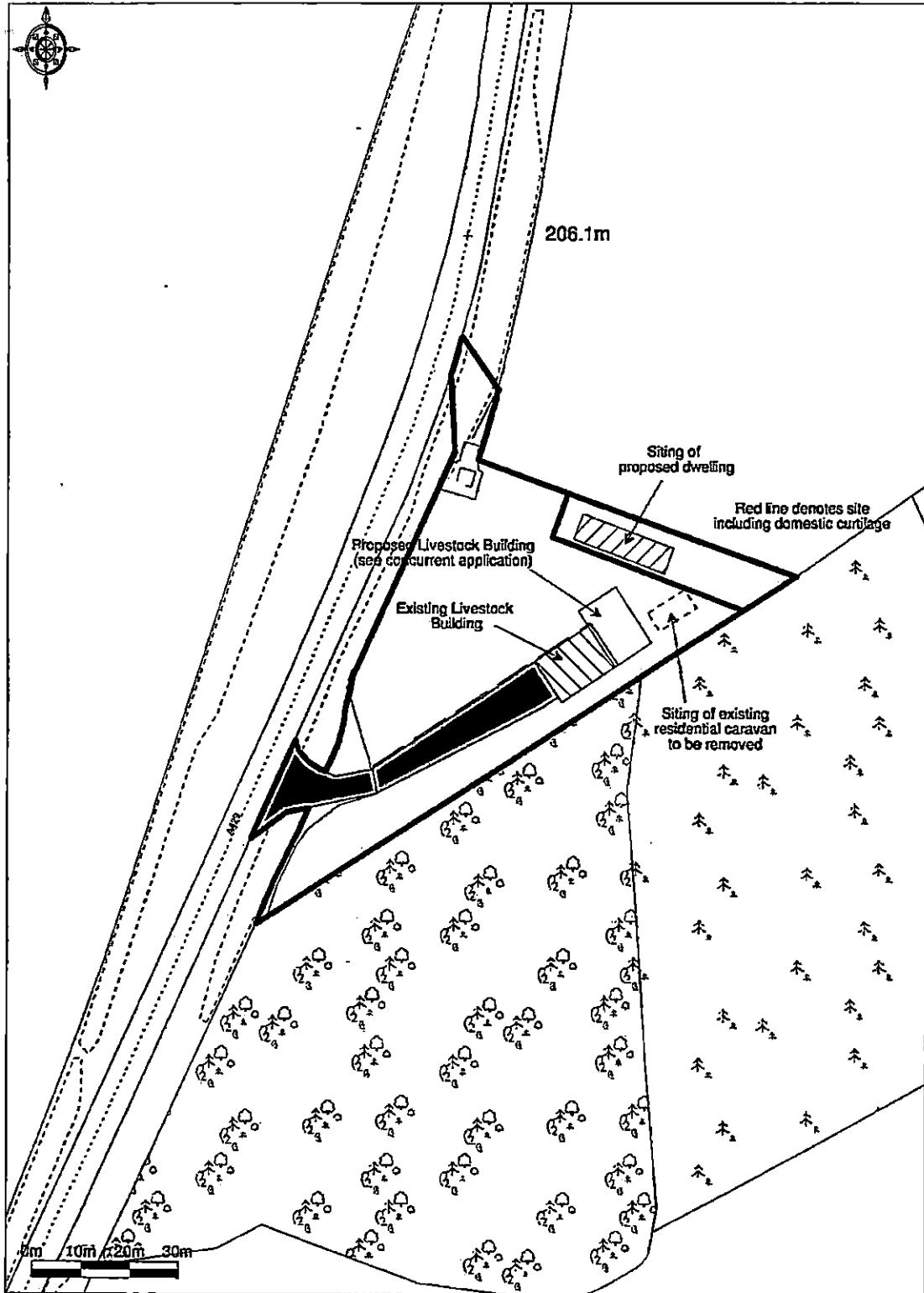
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Rural Workers Dwelling at The Old Quarry, Stow on the Wold

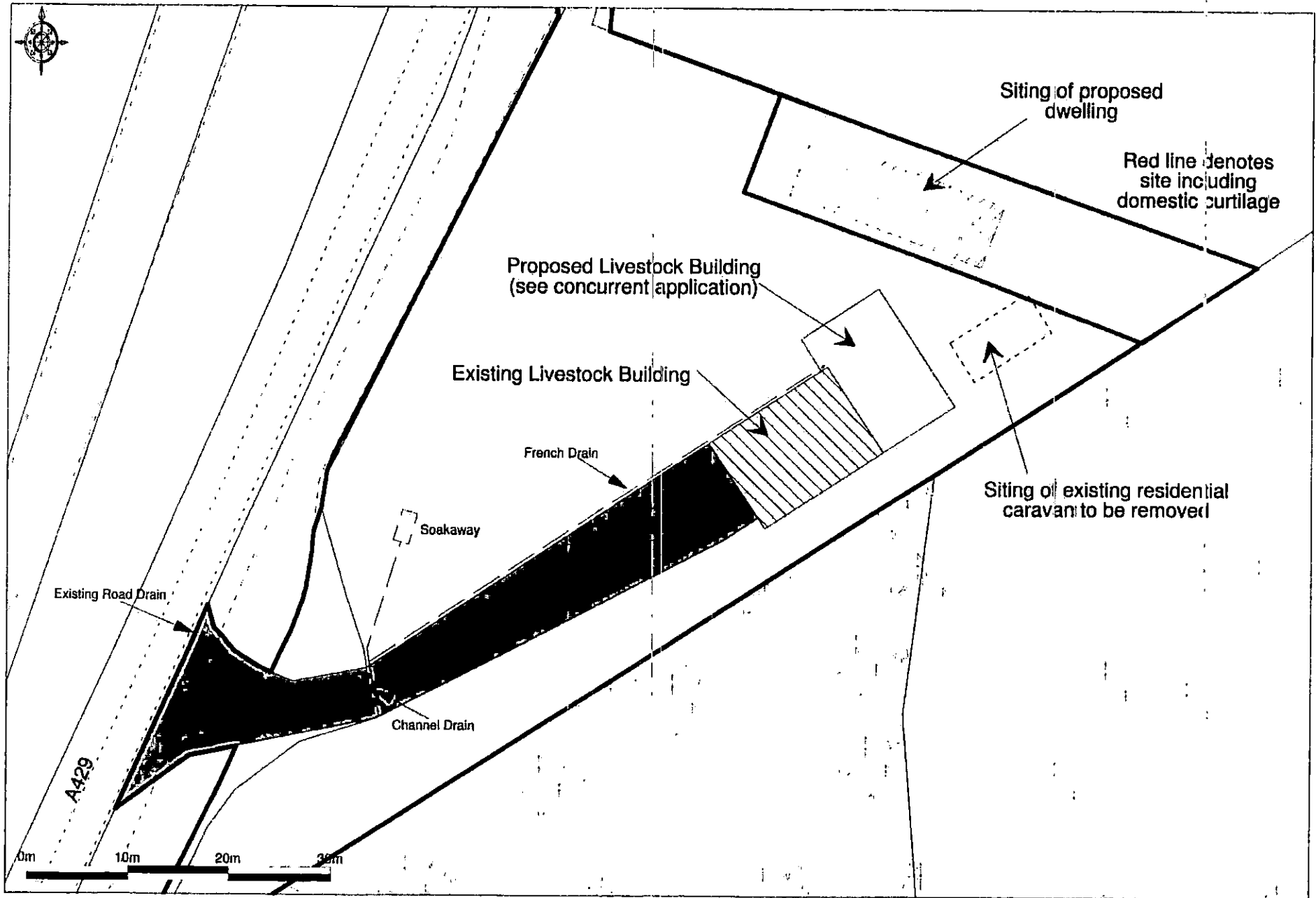
117



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Location Plan 2010/001 1:1250 @A4

Rural Workers Dwelling at The Old Quarry, Stow on the Wold



21

118

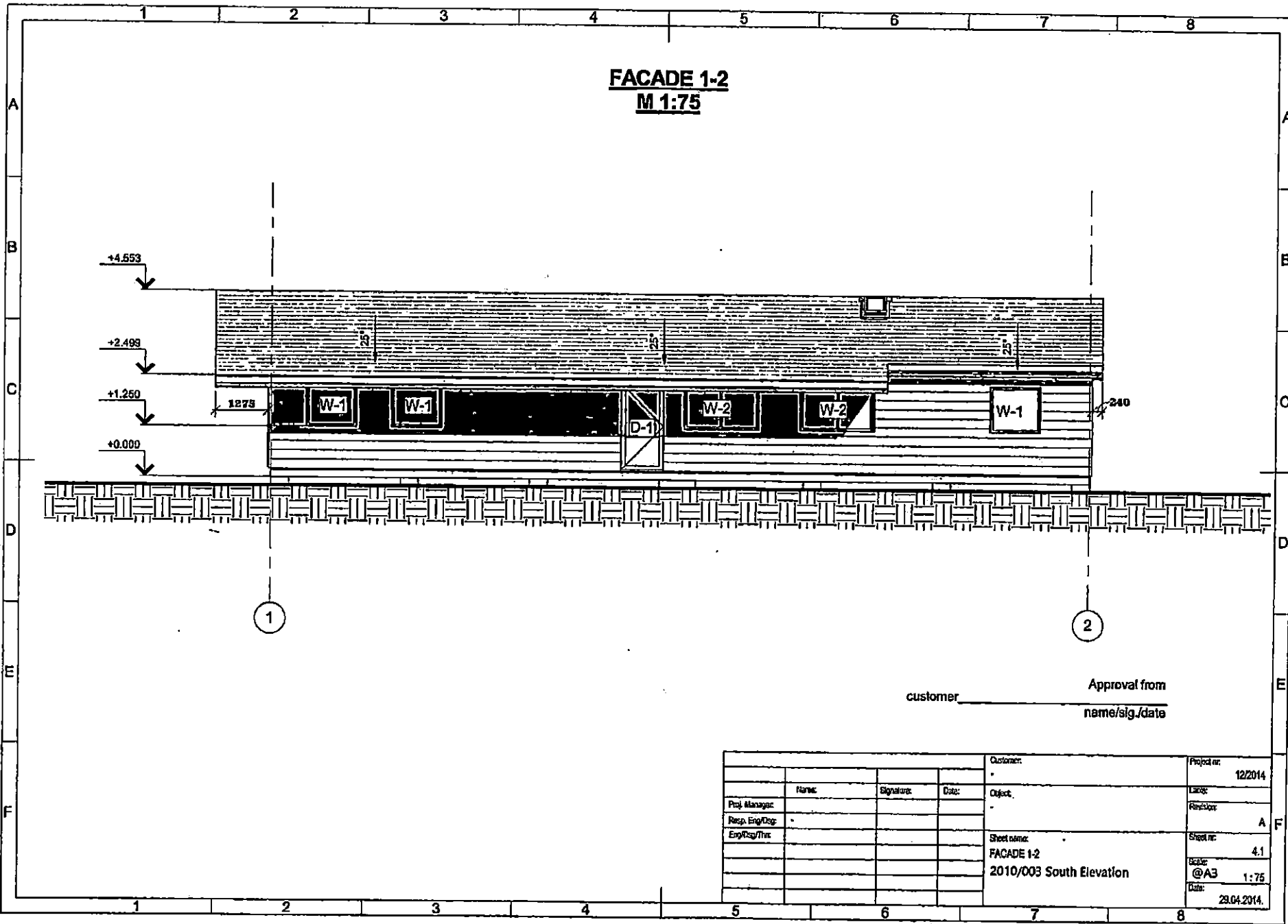
"APPENDIX B"

"APPENDIX C"

119

22

FACADE 1-2
M 1:75



customer _____ Approval from _____
name/sig./date

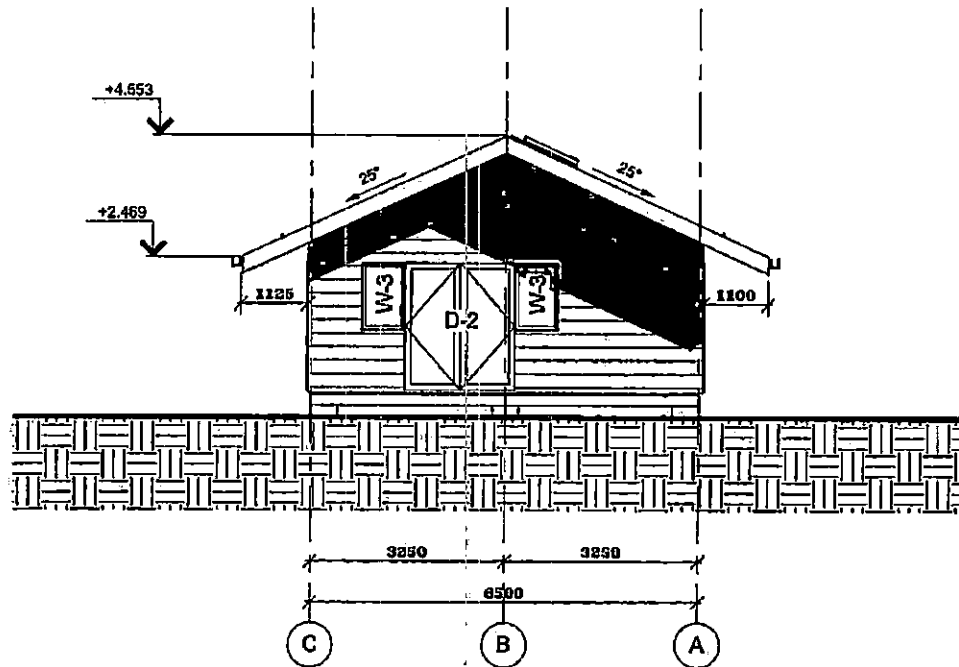
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				2010/003 South Elevation	Sheet nr:
					4.1
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					Date:
					29.04.2014

"APPENDIX D"

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23

FACADE C-A M 1:75



customer _____ Approval from _____
 name/sig/date

			Customer	Project nr:	12/2014
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			Signature:		Revision:
			Date:		A
Proj. Manager:				Sheet nr:	43
Resp. Eng/Desp:				Scale:	@A3 1:75
Eng/Desp/Exec:				Date:	29.04.2014.