



**COTSWOLD
DISTRICT COUNCIL**

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

REFUSAL OF PLANNING PERMISSION

Agent
Abberley Design Ltd
Unit 4
Butts Farm Courtyard
Poulton
Gloucestershire
GL7 5HY

Applicant
Notgrove Estate
C/o Agent

**Change of use of agricultural land to residential use at Walnut Cottage
Manor Farm Notgrove Cheltenham Gloucestershire GL54 3BT**

**APPLICATION REF: 18/00186/FUL
FILE REF: CD.8685/L**

DATE 8th March 2018

DECISION NOTICE

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

1 The site lies within Notgrove Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The change of use of the land to domestic garden land and the erection of the associated timber fencing have resulted in the significant encroachment of domestic development into an agricultural field undermining the historic relationship between buildings and the agricultural landscape to the detriment of the character and appearance of the conservation area. The development fails to preserve the character or appearance of the designated heritage asset and is considered to conflict with S72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the NPPF and Local plan Policy 15.

2 The application site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The change of use of the land to domestic garden land and the erection of the associated timber boundary fencing has resulted in the significant encroachment of domestic development into an agricultural field. It relates poorly to existing development and appears as an incongruous and discordant form of development that fails to conserve or enhance the natural beauty of the AONB. The development is considered to conflict with S85(1) of the Countryside and Rights of Way Act 2000 and guidance contained in Paragraphs 17, 109 and 115 of the NPPF.

INFORMATIVES :-

1 This decision relates to drawing numbers: 5/11/2015-6, 5/11/2015-1, Site Location Plan Plotted Scale 1:1250

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

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

Your attention is drawn to the NOTES overleaf.

Kevin Field

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

INFORMATION ABOUT THIS DECISION

This is the Council's formal decision on your application. As your application has been refused, the refusal reasons are set out. If there is anything about the refusal reasons that you do not understand, then please contact Customer Services, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000.

ENFORCEMENT

As your application has been refused, then you cannot carry out the work or use that you applied for.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990 or other legislation. In such circumstances, the Council may well initiate enforcement action.

APPEALING AGAINST A DECISION

If you disagree with the Council's decision, you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If this is a decision to refuse planning permission for a householder application* or an application for minor commercial development and you want to appeal against the decision then you must do so within 12 weeks of the date of this notice.

If this is NOT a decision to refuse a householder application* or an application relating to minor commercial development and you want to appeal against the decision then you must do so within 6 months of the date of this notice.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and if you want to appeal against this decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against this decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal*] of the date of this notice, whichever period expires earlier.

The Secretary of State can allow longer for you to lodge an appeal, but only in cases where there are special reasons which excuse the delay in giving notice of appeal.

To appeal, you must complete a form which you can obtain from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or the Appeals area at www.planningportal.gov.uk. Some personal information will be displayed on this website, please contact the Planning Inspectorate if you have any concerns.

The Secretary of State need not consider an appeal if it seems to him that the Council have no option under planning legislation but to refuse permission or impose a particular condition, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owners interest in the land in accordance with the provisions of Chapter I Part VI of the Town and Country Planning Act 1990.

* **householder application means** (a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, but does not include (i) an application for change of use; (ii) an application to change the number of dwellings in a building.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 www.cotswold.gov.uk
OCTOBER 2014