

**Colin Davies**

---

**From:** Sir Henry Elwes  
**Sent:** 15 August 2018 12:15  
**To:** Colin Davies  
**Cc:** Robin Hughes  
**Subject:** 18/01432/LBC - Little Colesbourne Farm, Withington

Dear Mr Davies

I note the enforcement action proposed for the above application which you have refused and would hope that commonsense might prevail and that any action is withdrawn so that a sensible dialogue might take place.

To the best of my knowledge Colesbourne Estate has been fastidious in its compliance with planning consents for almost 60 years, but am aware that my son, John Elwes, has unfortunately replaced a derelict wall without proper Listed Building consent but you had already given consent for an alternative access to the farmhouse (17/00438/FUL) and so it seemed reasonable to him to replace the existing wall and gate to the house but you refused this.

In the hope of arriving at a sensible compromise I then paid £600.00 for a "Pre-App" consultation but this was attended on 7 August 2017 only by Planning Officer, Andrew Moody, when the matters at issue were raised by a Conservation Officer. This was an unfortunate omission as he was insufficiently briefed for the meeting. However, it was proposed to reduce the height of the wall and to finish it with "cock & hen" stones to match the wall on the opposite side of the road. The proposal would have opened up the farmhouse view and be no more restrictive than many walls around other nearby listed buildings. Photographs had been given to show these.

After waiting 14 weeks I had to ask for a response which was finally received on 14 November 2017. The response was very carefully considered and a new application submitted to reduce the wall still further to the same height as the dilapidated one it replaced. The refusal of this is now the subject of your enforcement order.

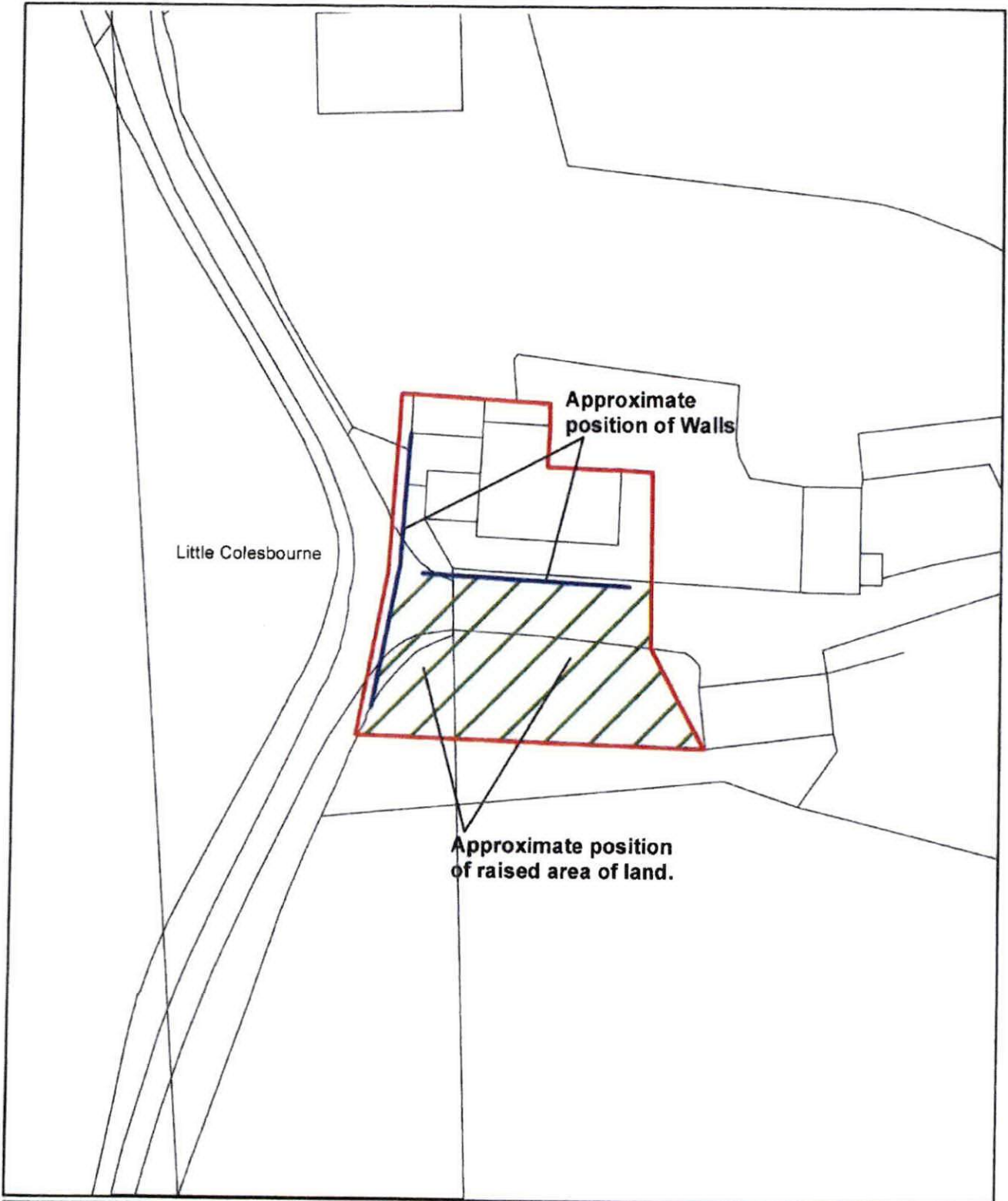
I think you will agree that the old wall was almost non-existent and the replacement is of much higher quality workmanship and enhances the area considerably. This wall is proposed to be reduced considerably thus opening up the view of the house and buildings although I do not believe that obstructing views is grounds for a refusal. Furthermore there have been several instances of my son's teenage daughters being harassed from the roadway and a secure barrier is of vital importance to their safety.

I have to say that, while I fully accept that an error was made by my son, every effort has been made to seek a reasonable compromise with your Council, but I have been disappointed in the response and the failure of your Conservation Officer to enter into discussions.

Yours sincerely

HWG Elwes

Colesbourne Estate  
Nr Cheltenham  
Glos GL53 9NP



COTSWOLD DISTRICT COUNCIL

**Enforcement Plan**

Little Colesbourne, Withington,  
Cheltenham, Glos.

Scale: 1:500

Date: 17 May 2017

Reference: 16/00127/ENF

Enforcement Plan No: E1095



© Crown copyright and database rights 2016. Ordnance Survey, LA No. 0100018800

Listing Description

SP 01 SW

WITHINGTON -

Listed Building Ref: 12/7/153

Little Colesborne GV

Grade: Grade II

Detached house. Early-mid C17 and C19. Coursed squared and dressed limestone, stone slate roof, stone stacks. Rectangular main body with C19 extension at left gable end. Two storey, 3-windowed facade lit by 2, 3 and 4-light double-chamfered, stone-mullioned casements, stopped hoods over first floor windows. Four-light stone-mullioned casement with king mullion to right of front door. String between ground and first floor. C19 front door with fillets off-centre left within flat-chamfered basket-headed surround with stopped hood. Single storey C19 extension set back on left with 2-light, double-chamfered stone-mullioned surround. All steel casements with glazing bars. Stepped gable end coping and gable end stacks to main body and C19 extension. Right gable end of main body hipped with fine twin diagonal gable end stack with moulded capping and dentil moulding. Interior not inspected.

AGENDA ITEM 10

Appendix D







**Colin Davies**

---

**From:** Colin Davies  
**Sent:** 18 May 2017 11:20  
**To:** Colin Davies  
**Subject:** Image date April 2011



**Colin Davies**

---

**From:** Colin Davies  
**Sent:** 18 May 2017 08:21  
**To:** Colin Davies  
**Subject:** Image date April 2011

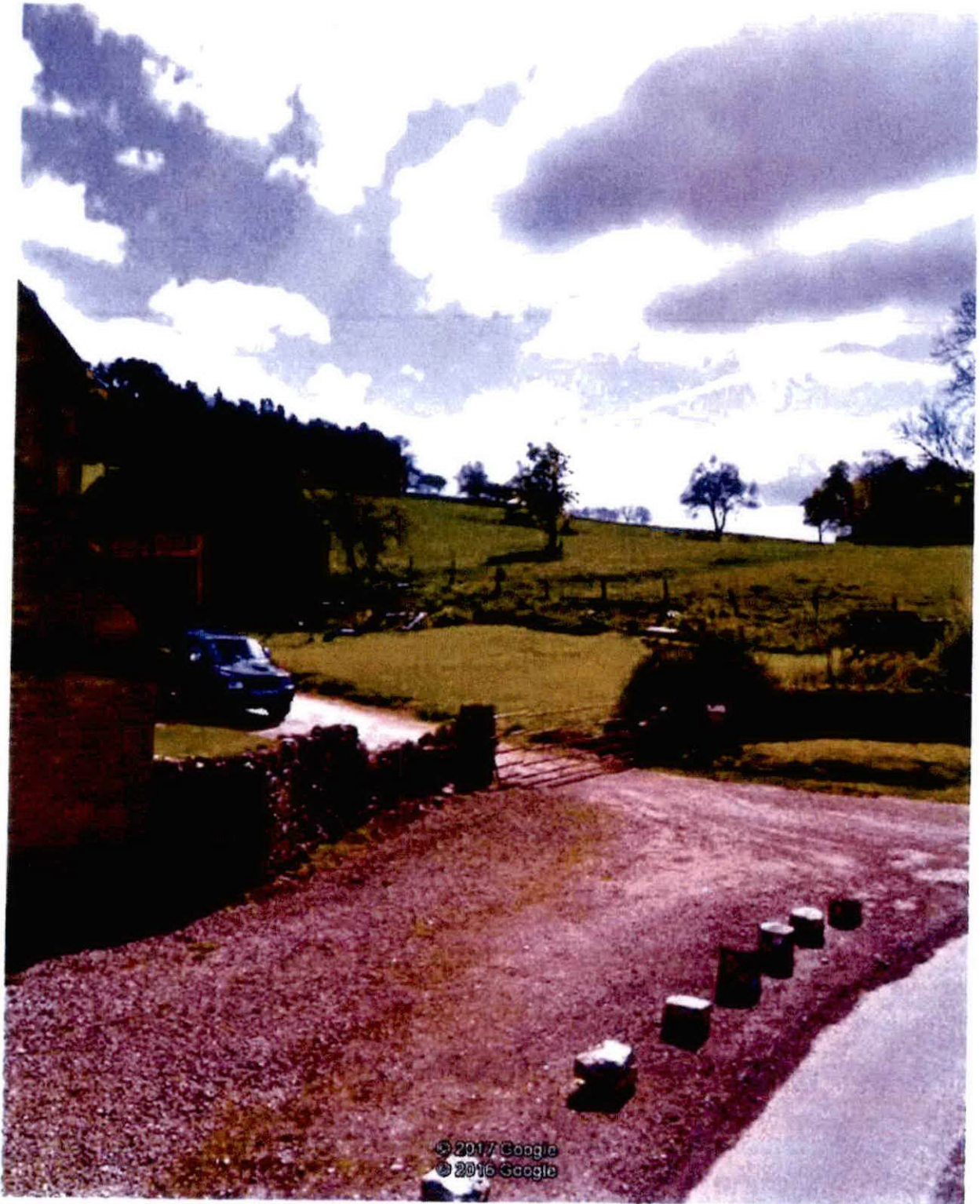




Colin Davies

---

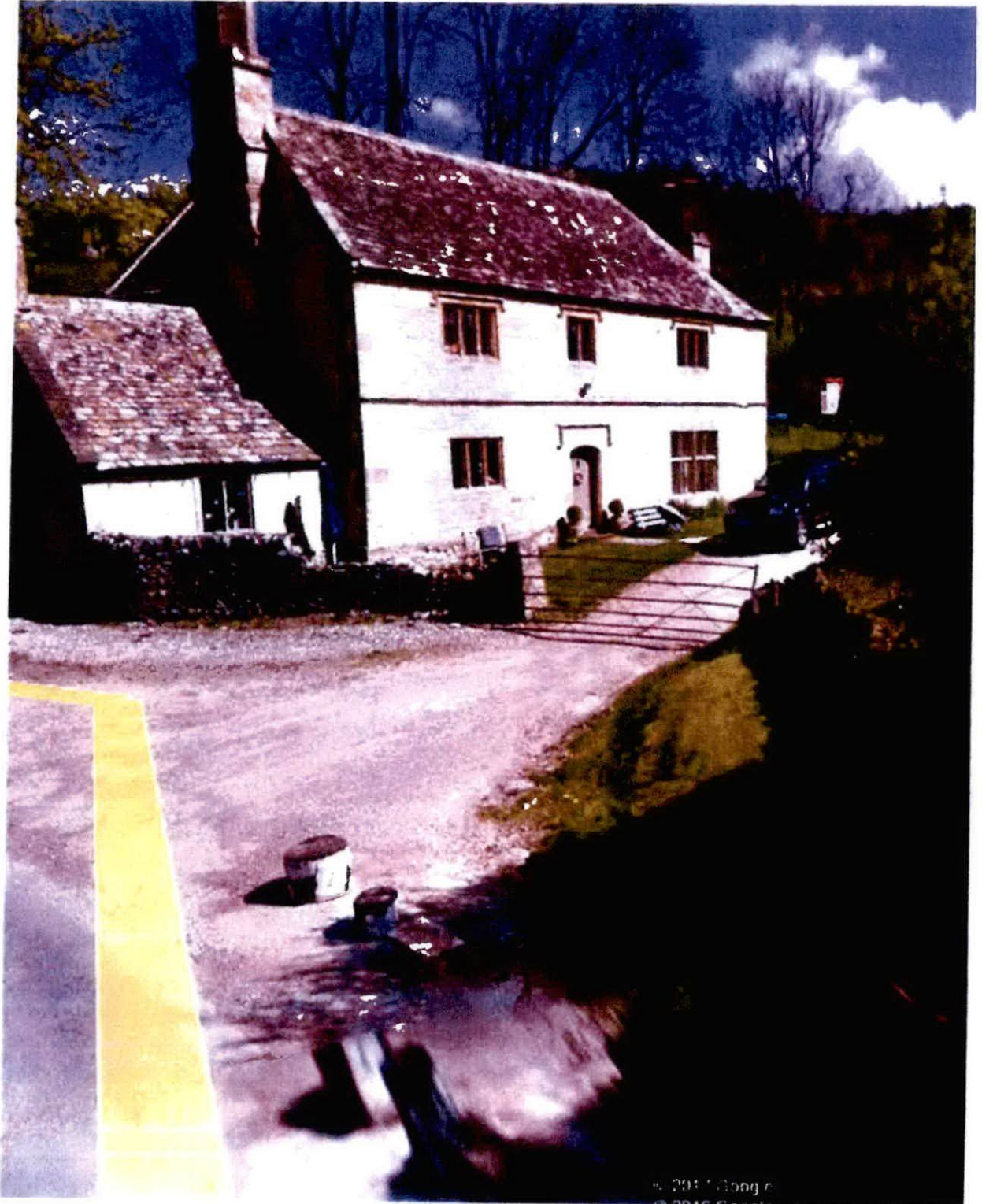
**From:** Colin Davies  
**Sent:** 18 May 2017 08:25  
**To:** Colin Davies  
**Subject:** Image date April 2011



**Colin Davies**

---

**From:** Colin Davies  
**Sent:** 18 May 2017 08:24  
**To:** Colin Davies  
**Subject:** Image date April 2011



1

**Colin Davies**

---

**From:** Colin Davies  
**Sent:** 18 May 2017 08:22  
**To:** Colin Davies  
**Subject:** Image date April 2011



**Colin Davies**

---

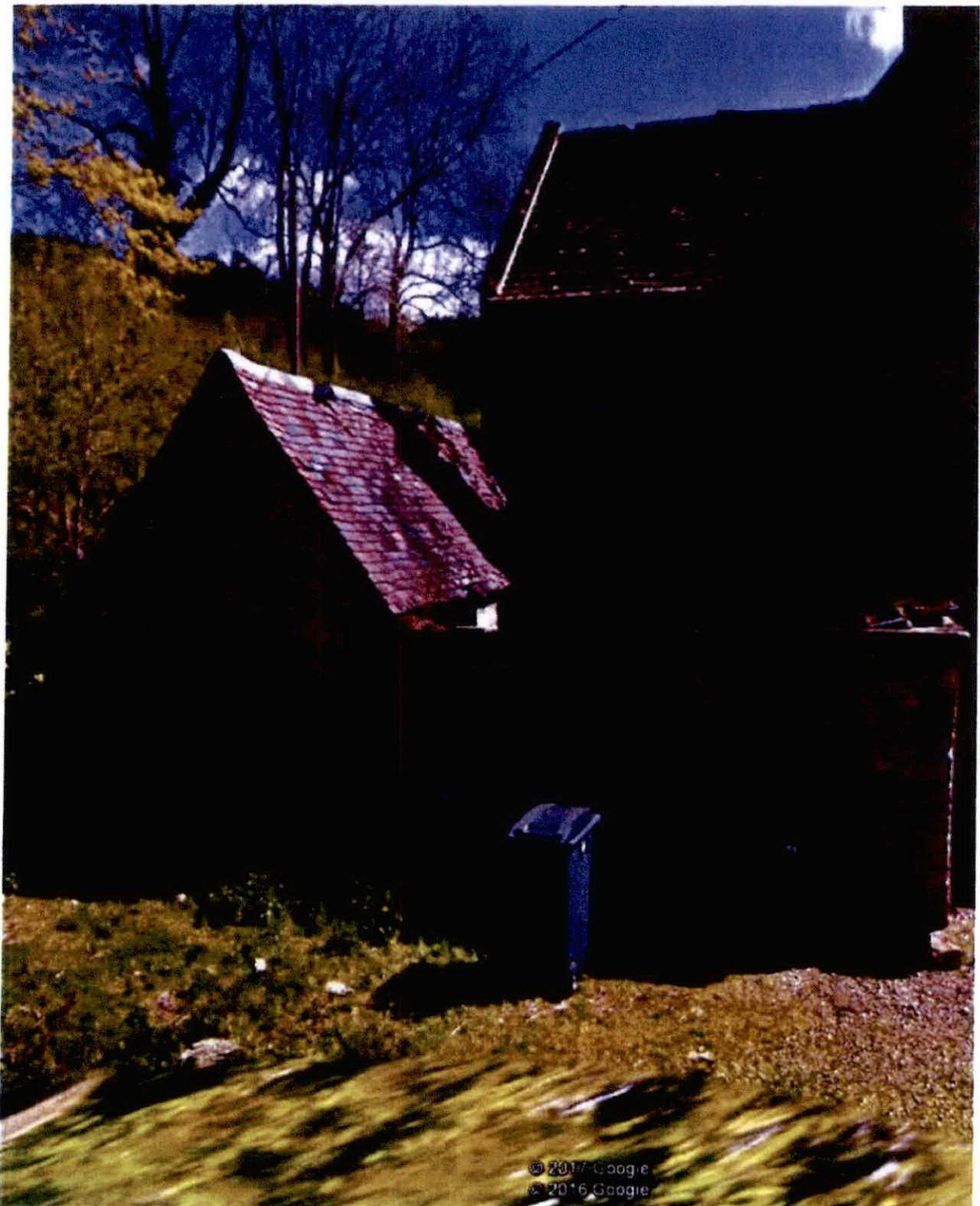
**From:** Colin Davies  
**Sent:** 18 May 2017 08:23  
**To:** Colin Davies  
**Subject:** Image date April 2011



**Colin Davies**

---

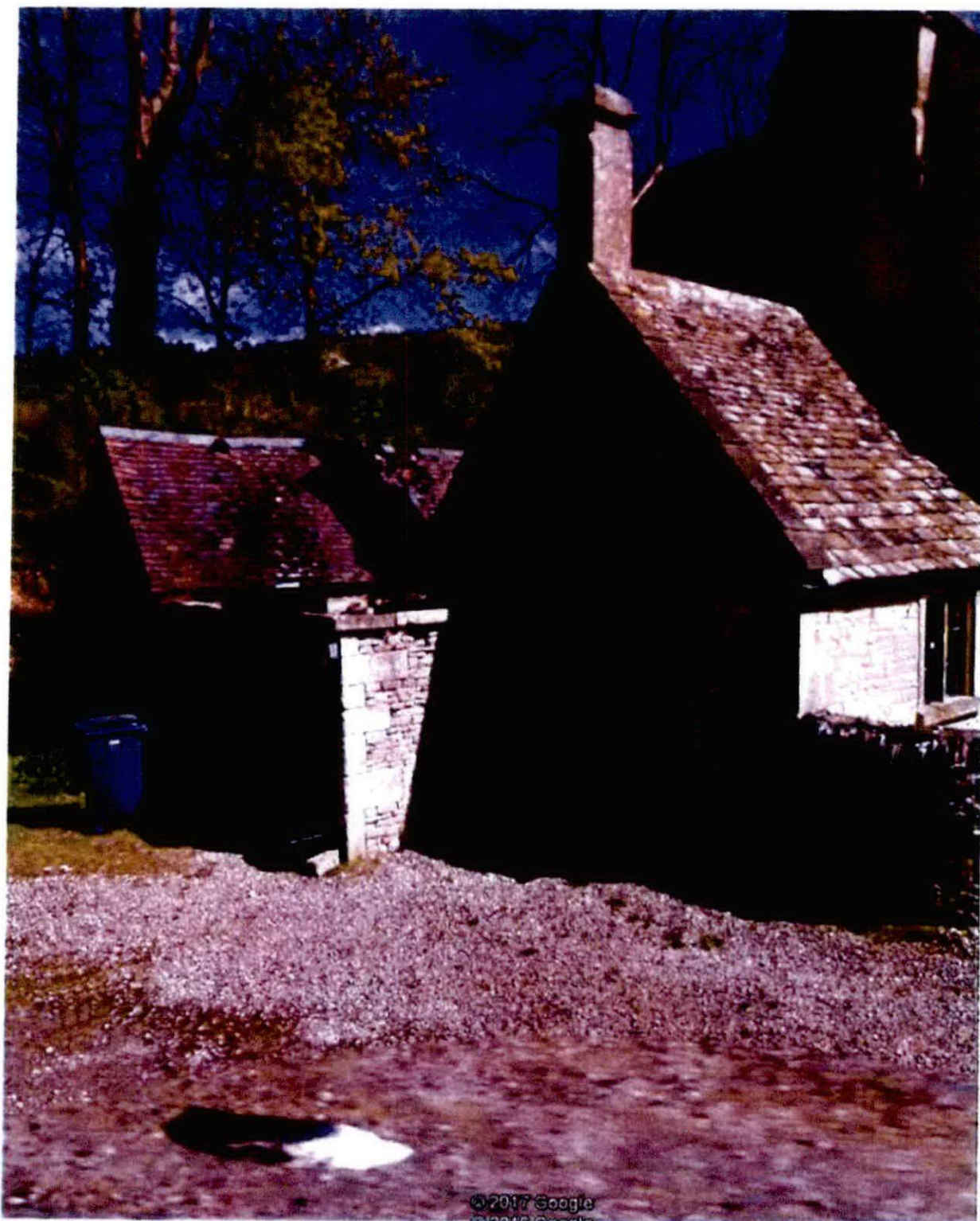
**From:** Colin Davies  
**Sent:** 18 May 2017 08:18  
**To:** Colin Davies  
**Subject:** Image date April 2011



**Colin Davies**

---

**From:** Colin Davies  
**Sent:** 18 May 2017 08:17  
**To:** Colin Davies  
**Subject:** Image date April 2011





**COTSWOLD  
DISTRICT COUNCIL**

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

**REFUSAL OF PLANNING PERMISSION**

Agent	Applicant
Foundations Architects	J Elwes
Old Chambers	Little Colesbourne Farm
93-94 West Street	Little Colesbourne
Farnham	Withington
GU9 7EB	GL53 9NR

**Replacement garden wall (retrospective) at Little Colesbourne Farm  
Withington Cheltenham Gloucestershire GL53 9NR**

**APPLICATION REF: 17/00620/FUL  
FILE REF: CD.9637/A**

**DATE 11th April 2017**

---

**DECISION NOTICE**

In pursuance of its powers under the above Act, the Council **REFUSES** permission for the above development for the following reason:

1 Little Colesbourne is a Grade II Listed Building. There are also a number of Grade II Listed Buildings to the east of the property, listed as "Open-fronted out-buildings and store c15m east of Little Colesborne". The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings, their settings or any features of special architectural or historic interest they possess.

The proposals involve demolition of a number of sections of drystone wall and construction of new verge and considerably taller drystone wall to block the historic site access. The demolition of the historic sections of drystone wall is considered to be harmful to the character, special architectural and historic interest and setting of Little Colesbourne and the setting of the adjacent Listed Buildings through loss of historic fabric, loss of characteristic and attractive features and harm to the legibility of the historic layout and hierarchy of the site.

## 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](http://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 to 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 1 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](http://www.cotswold.gov.uk)  
OCTOBER 2014





**COTSWOLD  
DISTRICT COUNCIL**

**COTSWOLD DISTRICT COUNCIL  
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990**

**REFUSAL OF LISTED BUILDING CONSENT**

Agent  
Foundations Architects  
Old Chambers  
93-94 West Street  
Famham  
GU9 7EB

Applicant  
J Elwes  
Little Colesbourne Farm  
Little Colesbourne  
Withington  
GL53 9NR

**Replacement garden wall (retrospective) at Little Colesbourne Farm Withington  
Cheltenham Gloucestershire GL53 9NR**

APPLICATION REF: 17/00621/LBC  
FILE REF: CD.9637/B

DATE: 11th April 2017

---

**DECISION NOTICE**

In pursuance of its powers under the above Act, the Council **REFUSES CONSENT** for the above works for the following reason:

1 Little Colesbourne is a Grade II Listed Building. There are also a number of Grade II Listed Buildings to the east of the property, listed as "Open-fronted out-buildings and store c15m east of Little Colesborne". The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings, their settings or any features of special architectural or historic interest they possess.

The proposals involve demolition of a number of sections of drystone wall and construction of new verge and considerably taller drystone wall to block the historic site access. The demolition of the historic sections of drystone wall is considered to be harmful to the character, special architectural and historic interest and setting of Little Colesbourne and the setting of the adjacent Listed Buildings through loss of historic fabric, loss of characteristic and attractive features and harm to the legibility of the historic layout and hierarchy of the site.

## 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 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. You must do so within 6 months of the date of this notice.

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](http://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, 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 to 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 his interest in the land in accordance with the provisions of Chapter III of the Planning (Listed Building and Conservation Areas) Act 1990.

---

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 [www.cotswold.gov.uk](http://www.cotswold.gov.uk)  
OCTOBER 2010



**COTSWOLD  
DISTRICT COUNCIL**

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

**REFUSAL OF PLANNING PERMISSION**

Mr John Elwes  
Little Colesbourne Farm  
Withington  
Cheltenham  
Gloucestershire  
GL53 9NR

**Retention of boundary wall at reduced height to include cock and hen top  
at Little Colesbourne Farm Withington Cheltenham Gloucestershire GL53  
9NR**

**APPLICATION REF: 18/01431/FUL  
FILE REF: CD.9637/D**

**DATE 20th June 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 Little Colesbourne is a Grade II Listed Building and there are also a number of Grade II Listed Buildings to the east of the property. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings, their settings or any features of special architectural or historic interest they possess.

The proposals involve demolition of a number of listed and curtilage listed sections of wall and construction of new verge and drystone wall along a different line to block the historic site access. The demolition of the historic sections of wall and gateway is considered to be harmful to the character, special architectural and historic interest and setting of Little Colesbourne and the setting of the adjacent listed buildings through loss of historic fabric, loss of characteristic and attractive features and harm to the legibility of the historic layout and hierarchy of the site.

The layout and placement of the new wall is considered to be harmful to the special architectural and historic interest and setting of Little Colesbourne and the setting of the adjacent listed buildings. The new wall blocks the historic access to the farm and re-orientates the building and site, obscuring and confusing the important historic layout and hierarchy of the farm buildings and their relationship both to each other and to their setting in the open valley. For these reasons the proposals would fail to preserve the listed buildings and their settings. The significance of the designated heritage assets would be diminished, with no public benefits identified in this case to outweigh that harm. The proposals are therefore contrary to Section 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF, Policy 42 of the adopted Cotswold District Local Plan 2006, and Policy EN10 of the emerging Cotswold District Local Plan.

**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](http://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](http://www.cotswold.gov.uk)

OCTOBER 2014



**COTSWOLD  
DISTRICT COUNCIL**

**COTSWOLD DISTRICT COUNCIL  
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990**

**REFUSAL OF LISTED BUILDING CONSENT**

Mr John Elwes  
Little Colesbourne Farm  
Withington  
Cheltenham  
Gloucestershire  
GL53 9NR

**Retention of boundary wall at reduced height to include cock and hen top at  
Little Colesbourne Farm Withington Cheltenham Gloucestershire GL53 9NR**

**APPLICATION REF: 18/01432/LBC  
FILE REF: CD.9637/E**

**DATE: 20th June 2018**

---

**DECISION NOTICE**

In pursuance of their powers under the above Act, the Council **REFUSES CONSENT** for the above works for the following reason(s):

1 Little Colesbourne is a Grade II Listed Building and there are also a number of Grade II Listed Buildings to the east of the property. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings, their settings or any features of special architectural or historic interest they possess.

The proposals involve demolition of a number of listed and curtilage listed sections of wall and construction of new verge and drystone wall along a different line to block the historic site access. The demolition of the historic sections of wall and gateway is considered to be harmful to the character, special architectural and historic interest and setting of Little Colesbourne and the setting of the adjacent listed buildings through loss of historic fabric, loss of characteristic and attractive features and harm to the legibility of the historic layout and hierarchy of the site.

The layout and placement of the new wall is considered to be harmful to the special architectural and historic interest and setting of Little Colesbourne and the setting of the adjacent listed buildings. The new wall blocks the historic access to the farm and re-orientates the building and site, obscuring and confusing the important historic layout and hierarchy of the farm buildings and their relationship both to each other and to their setting in the open valley. For these reasons the proposals would fail to preserve the listed buildings and their settings. The significance of the designated heritage assets would be diminished, with no public benefits identified in this case to outweigh that harm. The proposals are therefore contrary to Section 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF.

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 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. You must do so within 6 months of the date of this notice.

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](http://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, 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 to 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 his interest in the land in accordance with the provisions of Chapter III of the Planning (Listed Building and Conservation Areas) Act 1990.

---

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 [www.cotswold.gov.uk](http://www.cotswold.gov.uk)  
OCTOBER 2010