

Item No 03:-

19/02226/FUL

**Garage Flat
Wiggold Farm
Cirencester
Gloucestershire
GL7 5FB**

Item No 03:-

Erection of additional residential accommodation at Garage Flat Wiggold Farm Cirencester

Full Application 19/02226/FUL	
Applicant:	Mr & Mrs Chester-Master
Agent:	Plan A Planning And Development Ltd
Case Officer:	Hannah Rose
Ward Member(s):	Councillor Lisa Spivey
Committee Date:	9th October 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Development
- (b) Character and Appearance
- (c) Landscape Impact
- (d) Residential Amenity
- (e) Biodiversity
- (f) Highway Safety

Reasons for Referral:

This application has been brought to the Committee at the request of the Ward Member, Cllr Spivey. Cllr Spivey stated that "Unfortunately, due to the strength of objection from the Parish Council, I feel obliged to bring this application to Planning Committee for decision."

1. Site Description:

The application site comprises a former garage to Wiggold Farm Cottage and is now a small, one bedroomed, detached dwelling. A Lawful Development Certificate of an Existing Use was granted on 4th December 2018 to regularise the use of the former garage, now known as Track Cottage as an independent dwelling.

The site is located to the north of an existing cluster of dwellings to the north of the Organic Farm Shop complex north of Cirencester and is accessed via a private road from the B4425 between Cirencester and Barnsley. The site is located in the Cotswold Area of Outstanding Natural Beauty (AONB). The site is located 75 metres from Grade II listed Wiggold House. Wiggold Farm House is located in between the application site and obscures the site from view from the listed building. As such, the application site is considered not to be within the setting of Grade II listed Wiggold House.

2. Relevant Planning History:

18/02312/FUL - Extensions and alterations to existing dwelling. Withdrawn 05/10/2018

18/03985/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 - Conversion of garage to cottage and occupation of the building as an independent dwelling. Permitted 04/12/2018

3. Planning Policies:

NPPF National Planning Policy Framework
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswold AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

N/A

5. View of Town/Parish Council:

In response to the originally submitted plans, Ampney Crucis Parish Council objected on the basis that it considered the application to be for a new open market property in the countryside. The Parish Council considered that the application is contrary to Local Plan Policies DS3 and DS4 and paragraphs 11, 12, 77, 78 and 79.

The Parish Council were re-consulted following receipt of a revised scheme was received on 29/08/2019. The description of development was also changed from 'Replacement dwelling' to 'Erection of additional residential accommodation'. Ampney Crucis Parish Council objected to the application once more and provided the following representation:

"The views of all other members of the Parish Council remain as before. It was the unanimous view of all members present that this does not constitute a Replacement Dwelling, but a new Open Market property in Open Countryside. The retention and proposed alteration of the existing, much smaller ancillary dwelling supports that view.

Ampney Crucis Parish Council has given careful consideration to this application and unanimously wishes to OBJECT for the following summarised reasons.

The application is contrary to current local and national planning policy:

1. Policy DS3 in the adopted Local Plan does not support the provision of new, open market housing in an isolated position in open countryside. The location is in a detached part of the Parish and hence A) Cannot demonstrably support or enhance the local community.

B) Does not enhance sustainable patterns of development. The proposed development is therefore contrary to CDC's Development Plan.

2. Policy DS4 in the adopted Local Plan prohibits new-build open market housing outside Principal and Non-Principal Settlements and will not be permitted unless it is in accordance with other policies that specifically deal with residential development in such locations. This application does not satisfy any of those policies in the Local Plan, including the replacement of a dwelling, which this cannot under any circumstances, be considered to be. It is a new building and is therefore contrary to CDC's Development Plan.

3. The National Planning Policy Framework 2019 (NPPF), specifically Paragraphs 11, 12, 77, 78 and 79 refer. The proposed development does not satisfy any of the relevant NPPF tests or circumstances listed in Paragraph 79 of the NPPF and is therefore contrary to the NPPF. In addition, Paragraph 12 of the NPPF is specific in referring to the statutory status of the development plan and that the planning authority may only take decisions that depart from an up to date plan if "...material considerations in a particular case indicate that the plan should not be followed."

4. Basis for the applicant's case: The planning basis of the applicant's case is focused on Policy DS4 of the Local Plan (Para 6.4.4), which potentially supports applications involving the replacement or sub-division of an existing building. The application claims to be a replacement yet the new property will still be significantly larger (approximately 4x) than the existing property, which is in any case being retained and not replaced.

The existing property, originally a double garage, was unlawfully converted for residential use in 2003. That position was only regularised in December 2018. While this point may not be material, this 1 bed garage conversion does not actually have specific planning permission.

Most of the remaining references to planning policies in the application are focused on the need for appropriate design, the built environment and style that is consistent with any new build property in Cotswold District, including within the AONB. Nevertheless, such considerations are all secondary to the overriding fact that this development does not comply with the Local Plan. The applicant also highlights a number of NPPF statements (Paras 7, 8, 10) all of which focus on sustainable development. This application fails to address or satisfy any of the NPPF tests or requirements in that regard.

Conclusion:

This application consciously goes counter to CDC's own Development Plan. Permitting it would undermine that Development Plan and would also set a very dangerous precedent for other applications throughout the Cotswold District. Accordingly we invite CDC to REFUSE the application."

6. Other Representations:

None

7. Applicant's Supporting Information:

Design and Access Statement

8. Officer's Assessment:

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 adopted Cotswold District Local Plan 2011-2031.

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).

Proposal and Background

A Certificate of Lawful Development was issued in 2018 which established the residential use of the garage and curtilage as a single open-market dwelling.

The applicant is seeking to extend the size of the residential accommodation on the site by proposing a detached, new building comprising the principal living space of the dwelling to which the existing dwelling would serve as ancillary accommodation, in the form of a studio on the ground floor and guest bedroom above. As such, the site would remain as a single planning unit and the principal accommodation would transfer from the former garage to the new dwelling. In its built form, therefore, the proposal comprises the erection of a dwellinghouse, although would not create an additional residential unit at the site. Officers recognise that this is an unusual proposal which requires careful consideration.

Following Officer's concerns over the design, a revised scheme was submitted on 28/08/2019 which forms the currently proposed plans. The new building would measure 14.8m long with a

maximum width of 12m and 7.2m high to the ridge. The building would be constructed from natural Cotswold stone with a roof constructed from natural blue slate to the north elevation and photovoltaic 'slate' tiles to the south elevation for solar gain.

(a) Principle of Development

The application site is located outside of a Principal or Non-Principal Settlement. The erection of new residential development on the site is therefore subject to Local Plan Policy DS4 which states that, 'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'

Paragraph 6.4.4 of the Local Plan states that, 'Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however, preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.'

It is evident from the text supporting Policy DS4 that the erection of replacement dwellings, or the creation of dwellings arising from the sub-division of existing dwellings, can be acceptable in locations covered by Policy DS4. It is also acceptable to extend or alter existing dwelling in these locations. The guidance set out in paragraph 6.4.4 is consistent with paragraph 79 of NPPF which states that new homes resulting from the 'subdivision of an existing residential dwelling' can be acceptable in the countryside.

The proposal in this instance, is not for a replacement dwelling, or to subdivide the site, but to erect a new dwelling within the same planning unit to which the existing dwelling would become subordinate in providing ancillary accommodation.

It is of note that the applicant could apply for the new dwelling as a replacement dwelling on the site in place of the former garage, which, given the support from policy DS4 and paragraph 79 of the NPPF, represents a significant fall-back position and one that represents a material consideration when assessing this application. The proposal is similar to that of a replacement dwelling in the sense that no new residential planning units are being created. The only reason the proposal is not for a replacement dwelling is because the applicant instead proposes the sustainable re-use of the former garage as an office and guest bedroom.

As mentioned, the proposal would create additional residential accommodation within a single planning unit. It is of note that the applicant could apply for the new dwelling to be physically attached to the existing dwelling, and this would be considered as a residential extension. Officers have had discussions with the agent over whether the additional accommodation should take the form of a large extension to the existing dwelling or a new detached building. Officers considered that a new detached building would be more successful in terms of design and legibility as it would be viewed as the principal dwelling and the existing dwelling would revert to being the ancillary outbuilding, rather than a substantial extension that would be constrained by the scale, proportions and orientation of the former garage.

The modest nature of the existing dwelling and proposed dwelling is of importance in this application. If the existing dwelling were a larger building, for instance an average sized two storey, three bedroom dwelling, and a larger detached dwelling were proposed, then the resultant development would be viewed as two self-contained, standalone dwellings and would have a greater visual impact on the rural character of the area. In this application, the existing dwelling is unusually small and already has a subordinate character in that it is a former garage in its scale and design. Owing to the modest nature of the existing dwelling and the modest scale of the new dwelling, the resultant development would be viewed as one dwelling with a subordinate, ancillary building. The resultant development's appearance would therefore be typical of a single dwelling unit.

In light of the above, it is considered that the proposal would not be unacceptable in principle having regard to the specific circumstances of this particular site, Local Plan Policy DS4 and paragraph 79 of the NPPF. It is also noteworthy that a condition would be imposed to ensure that upon the occupation of the new dwelling as the principal accommodation on the site, the existing dwelling shall only be used as accommodation ancillary or incidental to the new dwelling.

(b) Character and Appearance

Local Plan Policy EN1 seeks where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment. Local Plan Policy EN2 states that 'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

The Design Code states that, D.16 'New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context', D.17 'New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting', and D.18 'The height of new buildings should respond to the local context, for example forming a gentle transition from open countryside to settlement edge'.

Paragraphs D.59 - D.62 of the Design Code provides guidance regarding sustainable design and states that 'the potential impacts of climate change can be addressed through a variety of means, from the incorporation of better insulation and renewable energy technologies, to adaptations for severe weather events, and the use of local and recycled building materials. Re-use of existing buildings is also often more environmentally sustainable than demolition and new build.' The Design Code also stresses that sustainable design needs to be responsive to the character of the area and the sensitivities of the site.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states that, 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

In part, paragraph 127 of the NPPF ensures that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The new building comprises a two storey detached building constructed in natural stone under a roof comprising natural blue slate roof to the north and solar PV slates to the south. The building would have a simple form and design, typical of a Cotswold vernacular dwelling. The building is undoubtedly larger than the existing former garage, however, this does not inherently mean it would be harmful. In this instance, the new building would be viewed as the principal dwelling on the site and sits comfortably in its setting, with the former garage being viewed as the subordinate structure. The resultant development would be a dwelling with ancillary outbuilding forming a single planning unit, which is not out of character in the Cotswolds landscape.

The proposed development would not appear cramped or overdeveloped. The east facing orientation and principal elevation on the gable end is somewhat irregular. However, this is not considered to be materially harmful or incongruous given the informal building pattern in the surrounding area. The site is discreet in its location and would not be viewed in the setting of the nearby Grade II listed Wiggold House, the setting of which should be preserved having regard to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. As such, the proposed use of solar PV slates is welcomed and supported.

Overall, the proposed building is of design quality that respects the vernacular character and distinctive appearance of the locality and would accord with Local Plan Policies EN1 and EN2 as well as the design considerations in section 12 of the NPPF.

(c) Landscape Impact

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.

Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness.

Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Paragraphs 170 and 172 of the NPPF reflect Local Plan Policies reflect policies EN4 and EN5 respectively.

The new building would be located within the residential curtilage established by the Lawful Development Certificate and as such, it would not result in encroachment into open countryside. The site is located in discrete position to the northern edge of a cluster of four other dwellings in an otherwise isolated rural area. There is woodland planting to the east, west and northern sides and although the site is relatively flat, the land rises to the north, obscuring the site from any long range views from the north. There are long-range views from the site towards the south, however there are no public footpaths or public roads in the immediate setting and therefore no public views of the site from open countryside, apart from the existing neighbouring dwellings.

The new building would only visible in the immediate setting and, owing to the proposed siting and scale, it would not appear as a prominent addition in the immediate streetscene. As such, the proposal would not have an adverse impact on the character or natural beauty of the landscape, or on the tranquillity of the area or on dark skies. The proposal is considered to accord with Local Plan Policies EN4 and EN5 and paragraphs 170 and 172 of the NPPF.

(d) Residential Amenity

The Design Code (Appendix D) referred to in Policy EN2 of the Local Plan also sets out guidance with regard to residential amenity. Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 127 of the NPPF ensures that development has a high standard of amenity for existing and future users.

Owing to the scale, siting and position to relative neighbouring properties, the proposal is considered not to impinge on the residential amenities of the neighbouring properties having regard to loss of light or overlooking. The proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

(e) Biodiversity

Local Plan Policy EN8 states that, 'Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.'

Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of ecological value and minimising impacts on and providing net gains for biodiversity. Paragraph 175 sets out a series of principles that the Local Planning Authority should apply, which reflect the objectives of Local Plan Policy EN8.

The existing site comprises managed grass and is therefore unlikely to attract a high level of biodiversity interest. A series of enhancement measures have therefore been incorporated into the proposal including integrated bat boxes and bird boxes on trees on the edge of the site. As such, the development accords with the objectives of Policy EN8 and the NPPF.

(f) Highway Safety

Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets. Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network. Paragraph 108 of the NPPF reflects Local Plan policies. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development does not include any changes to the existing access. Given the site is already occupied and in residential use, the intensity of the use is considered not to materially alter and there is therefore no adverse impact on highway safety.

9. Conclusion:

The proposal is considered to comply with national guidance and the relevant policies of the Development Plan. As such, planning permission should be granted.

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. As this is a self-build development/residential extension/residential annex, the applicant may apply for relief.

10. Proposed conditions:

1. 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.

2. The development hereby approved shall be implemented in accordance with the following drawing number(s):

9034/02, 9034/01 B and 9034/03

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

3. Upon occupation of the new build dwelling hereby permitted the existing dwelling shall only be used for purposes ancillary or incidental to the new dwelling.

Reason: An additional separate unit of accommodation would not be permitted in this location, in accordance with Cotswold District Local Plan Policy DS4.

4. Prior to the construction of external walls, a full surface water 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

5. If the surface water design is not agreed before construction commences, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling, roofing and porch materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

6. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

7. Prior to the first occupation of the development hereby permitted, the windows shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

8. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy .

9. The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

10. Before the occupation of the development or the vehicular access being brought into use, the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details with any gates hung so as to open inwards and the area within 5m of the carriageway edge surfaced in bituminous macadam or other non migratory material and thereafter be similarly maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety and in accordance with Cotswold District Local Plan Policy INF4.

11. Prior to the first use/occupation of the development hereby approved, integrated bat boxes and artificial bird nesting sites/boxes have be installed fully in accordance with details agreed by the Local Planning Authority and they shall be retained fully in accordance with the approved details.

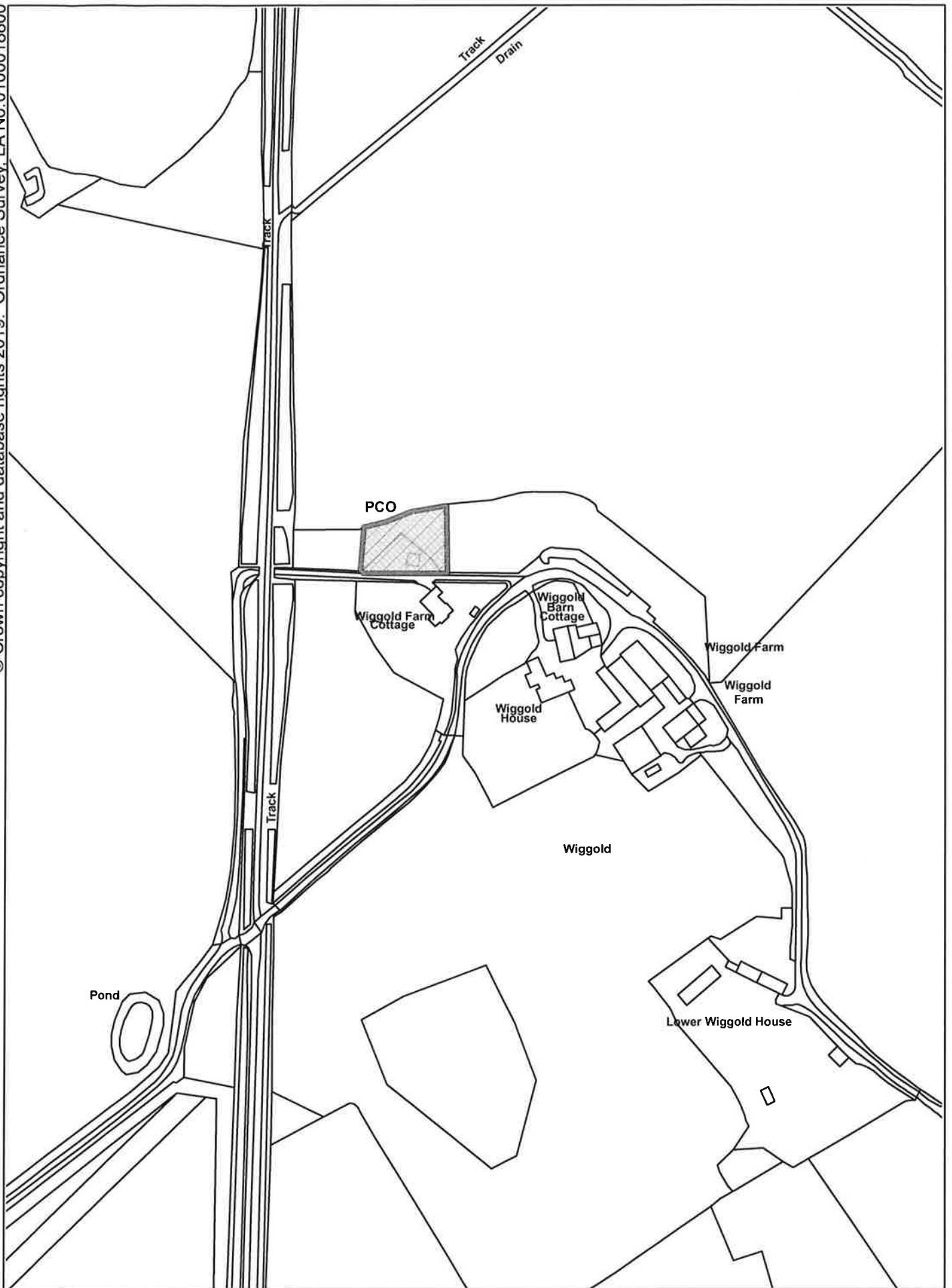
Reason: To ensure that bird species are protected and their habitat enhanced. (Nesting birds and barn owls are protected under the Wildlife and Countryside Act 1981 as amended.

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.

2. The Surface Water Drainage 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))
- Code for sustainable homes - A step-change in sustainable home building practice
- 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))
- CIRIA C753 SuDS Manual 2015



GARAGE FLAT WIGGOLD FARM CIRENCESTER

Organisation: Cotswold District Council

Department:

Date: 26/09/2019

Scale: 1:2500



