

20/02359/FUL

Several concerns were raised by Broadwell Parish Council about this planning application.

This site is in an isolated rural area and on the ridge line in an AONB. Planning was recently granted at appeal explicitly for a simple, single storey linear design that would not harm the environment. Broadwell Parish Council has asked for some paragraphs from the Planning Inspector's report to be circulated to committee members, to quote some of the content: "Since it cannot readily be seen from outside of the site boundaries its immediate context and locality is limited to that extent. Moreover, a building constructed with a more elaborate or overt residential design, in either vernacular or contemporary style, would not necessarily reflect or sit as comfortably with the contextual character and distinctive appearance of the appeal site I have described."

It is felt that the proposed building would contravene this for several reasons:

- - It is considerably higher and therefore more visible than the existing building;
- It is a substantial stone building in comparison with the current modest timber clad structure
- - The building is positioned on, or possibly over, the boundary of the site so does not allow any room for the planting of trees for screening; It will be visible from the neighbours' property & probably from further afield.
- - The number and size of the windows and the viewing platform are not considered to be in the Cotswold vernacular and have been designed to take advantage of the view rather than be discreet within it.
- - Due to its prominent position, as well the extra storey and more complex shape, the glazing is a concern for both reflection of light during the day and for light pollution at night.
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Several concerns were also raised about the positioning of the boundaries on the map, both in relation to the boundary where the building is proposed (three parishioners felt that the boundary encroached the neighbouring land) and also on the spur to the north of the site, where the boundary as shown protrudes to the north of the plot and appears to encroach on, or suggest access to, the highway. We understand that legal issues are not in the purview of the District Council

Concerns were also raised about the need for a stone office building and whether this might be paving the way for additional residential development of the site at a later date.

The Parish council notes in the planning inspectors decision that the number of animals passing through the site was quoted as over 10,000 per year (paragraph 26.) However, the statement in the officer's report provided by the council's agricultural consultant states that 35,000 animals per year pass through the site. This is a small site, only 0.4 hectares and a substantial dwelling house within its curtilage would considerably reduce the area available to accommodate livestock. With the new government contract, for which the applicant is to be applauded, it is feared that the site will soon be too small for the growing business forcing it to be relocated and leaving a substantial house and other buildings for which change of use to residential could be sought.

Finally, it is clear that the applicant is adept at finding ways of getting round the planning system. Looking at the history of applications for this site, most of them are retrospective. We ask the committee to consider whether the planning inspector would have granted permission for a substantial stone house to be built at this site had this been the application which had been brought to him at appeal in 2018.

We can also ask the committee if they are minded to approve the application to consider the following conditions: Screening from nearby properties, no further residential development on the site, change of use and restricting light from the dwelling.”

Broadwell Parish Council.

whlawrence
SOLICITORS

Our Ref: RA/DE TG01-02

Your Ref:

11 January 2021

Attn. Andrew Moody
Planning Department
Cotswolds
22 Warwick Avenue
London
W9 2PT

By email: Democratic@cotswold.gov.uk

URGENT – IMMEDIATE ATTENTION REQUIRED

Dear Sirs

**Replacement of existing rural workers dwelling and site office at Old Quarry Farm
Moreton Road Stow-On-The-Wold Gloucestershire GL54 1EG
Planning Application: 20/02359/FUL (the Application)
Committee date: 13 January 2021**

We act for the owners of Broadwell Manor, the property adjoining the above proposed development.

The Application is due to be considered by the Planning and Licensing Committee on 13 January 2021. We note that the reason for the referral of the Application to the Committee is that the Application is contentious, and that considerable concerns have been expressed by local residents and the Parish Council. One specific such concern is that the new House is proposed to be positioned so that it encroaches on a neighbouring property and would give no space for the Applicant to plant screening. Our client is the owner of the neighbouring property.

With reference to the Committee Agenda relating to the Application, paragraph 8(e) of the Officer's assessment - 'Other Matters' – states (amongst other things):

Representations received have referred to the impact upon the Grade II Broadwell Manor House; ...*

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...In addition, comment has been made regarding the boundary between the application site and the adjoining landowner. These concerns are noted, however the applicant's agent has re-stated that they are satisfied that the red line upon the plans show the extent of the application site.

While the Applicant's agent, Moule & Co Ltd, may have re-stated to the Case Officer that the red line of the Application shows the boundary between our client's property and the Application site, this is the subject of a legal dispute, and it our client's position that this boundary, and therefore the proposed development, encroaches onto our client's land. The proposed development will therefore constitute a trespass.

The Applicant has produced no conclusive evidence to support its position regarding the boundary, and indeed has not even made any positive assertion as to where the boundary between his land and our client's land lies. We anticipate that the issue will be litigated, and that our client's position regarding the boundary location will be proved correct. This has obvious, and significant implications on the grant of planning consent.

We request that this letter, and our client's position be considered by the Committee in reaching its decision.

Yours faithfully

WH Lawrence

WH LAWRENCE SOLICITORS

The principle of development is established.

I therefore address the main planning reasons given for referral of this application to a committee decision;

Size

Comparing the existing dwelling to the proposed;

Footprint; 133m² vs 106m² = 20% reduction

NIA; 113m² vs 151.6m² = increase of 38.6m² or 34%

Other CDC decisions have permitted 93m² extensions to similar sized occupational dwellings.

Height: 4.6m vs 7.3m = increase of 2.7m or 49%

It is entirely appropriate, that accommodation 'proportionate to the essential need', could be covered by a range of figures, so, providing scope for additional accommodation without development of the business.

However, since the appeal decision, the throughput of animals has increased by 3,500 per year and, an additional storage building has been permitted on site, which will increase the capacity further.

The existing accommodation only has a single open plan living space, and one bathroom, to accommodate a family of five. The entrance off the yard is straight into the living space. The proposal includes a utility and ground-floor shower, essential for coming in dirty off the yard. Additional bathrooms and separate living space are required for privacy and to better meet the needs of the family and site operations.

Robert Fox has been consulted by the LPA. His view is that the generally accepted 150 - 160m² GIA size limit has '*crept up towards the 200m² mark especially if the need is for management level as opposed to say a general worker. Currently it is my view that anything that exceeds 190m² GIA would be considered excessive...*'

The proposal is for 167m² GIA, well below anything approaching 'excessive'.

The applicant is the managing director and owner. Both he and his partner work in the business and there is often a functional and legal requirement for more than one worker to be on site at the same time. The proposal is not disproportionate to this need.

Impact on AONB

The LVIA identifies a low number of distant visual receptors and the use of traditional materials ensures the proposal sits well within the context of the landscape character. Brise soleil over glazing reduces light spill and glare and views are filtered by existing and proposed on-site planting.

The height of the proposed dwelling is commensurate to similar local buildings and will be viewed in the context of other much larger buildings on site. It will not be highly visible nor dominate the landscape.

There is no identified harm to the conservation area, Listed buildings or AONB.

The proposals are deemed to meet the requirements of current local and national planning policy. I therefore request that you follow your officer recommendation and approve the application.

Thank you.