



Tuesday 7 January 2025

Tel: 01285 623553

e-mail: democratic@cotswold.gov.uk

PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 15 January 2025 at 2.00 pm.**

A handwritten signature in black ink, appearing to read 'Rob Weaver'.

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Dilys Neill, Michael Vann, Mark Harris, Ian Watson, Gary Selwyn, Julia Judd, David Fowles, Daryl Corps and Andrew Maclean)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**

To receive any apologies for absence.

The quorum for the Planning and Licensing Committee is 3 members.

2. **Substitute Members**

To note details of any substitution arrangements in place for the Meeting.

3. **Declarations of Interest**

To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.

4. **Minutes** (Pages 5 - 10)

To confirm the minutes of the meeting of the Committee held on Wednesday 11 December 2024.

5. **Chair's Announcements**

To receive any announcements from the Chair of the Planning and Licensing Committee.

6. **Public questions**

A maximum of 15 minutes is allocated for an "open forum" of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be two minutes. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

7. **Member questions**

A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8. **Tree Preservation Order - 24/00002/AREA** (Pages 11 - 40)

Proposal

To consider comments of objection and support to the making of Tree Preservation Order 24/00002/AREA in respect of trees at Upper Town House, Longborough.

Case Officer

Justin Hobbs

Ward Member

Councillor David Cunningham

Recommendation

That Planning and Licensing Committee resolves to:
Confirm TPO 24/00002/AREA

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

9. **24/00386/FUL - Woodleigh, Brockhampton, Cheltenham** (Pages 43 - 76)

Proposal

The proposal is for the erection of three dwellings within the rear garden area to Woodleigh, Brockhampton, which is a loose knit non-principal settlement located in open countryside.

Case Officer

Andrew Moody

Ward Member

Councillor Jeremy Theyer

Recommendation

Permit

10. **24/02773/FUL - Manor Farm, Chedworth, Cheltenham** (Pages 77 - 98)

Proposal

The proposal is for the erection of an agricultural building for the housing of dairy cattle at Manor Farm Chedworth Cheltenham Gloucestershire GL54 3LJ.

Case Officer

Amy Hill

Ward Member

Councillor Paul Hodgkinson

Recommendation

Refuse

11. **Sites Inspection Briefing**

Members for 5 February 2025 (if required)

Councillors Ray Brassington, Mark Harris, Andrew Maclean, Gary Selwyn and Michael Vann.

12. **Licensing Sub-Committee**

Members for Thursday 30 January 2025 Licensing Sub-Committee (Taxis, Private Hire and Street Trading Consent Matters) (if required)

To be confirmed.

Agenda Item 4



COTSWOLD
District Council

Planning and Licensing Committee
11/December2024

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 11 December 2024

Members present:

Ray Brassington - Chair	Patrick Coleman – Vice Chair	
Michael Vann	Gary Selwyn	Daryl Corps
Mark Harris	Julia Judd	Andrew Maclean
Ian Watson	David Fowles	

Officers present:

Caleb Harris, Senior Democratic Services Officer	Richard McEllistrum, Interim Development Management Manager
Alexander Kirk, Lawyer	Martin Perks, Principal Planning Officer
Justin Ayton, Senior Conservation and Design Officer	Kira Thompson, Election and Democratic Services Support Assistant

71 Apologies

The Chair began the meeting by welcoming Members and members of the public in attendance, and reminded those in attendance of the Committee's procedure rules.

Apologies had been received from Councillor Dilys Neill. Councillor David Fowles had indicated to the Chair that he would be late arriving to the meeting.

72 Substitute Members

There were no substitute members.

73 Declarations of Interest

There were no declarations of interest

The Chair declared that he knew the agent Paul Fong who is married to an officer of the Council when he was an officer himself in Environmental Health and there were

some social occasions over a decade ago. The lawyer present advised that whilst it was not an interest that needed to be declared, it was important to avoid bias or the perception of bias where possible.

David Fowles joined the meeting at 14:05

74 Minutes

The minutes of the previous meeting of the Committee on 13 November 2024 were considered as part of the pack.

There were no comments or changes proposed to the minutes.

The acceptance of the minutes was proposed by Councillor Patrick Coleman and seconded by Councillor Daryl Corps.

Minutes of 13 November 2024 (Resolution)		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Julia Judd, Andrew Maclean, Gary Selwyn, Michael Vann and Ian Watson	10
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

75 Chair's Announcements

The Chair made the following announcements:

The Chair began by noting that the Senior Democratic Services Officer, Caleb Harris, was leaving the Council and wished to thank him on behalf of the Committee for the support given to him personally and to the Committee.

The Chair then noted the disappointing turnout at the most recent Sites Inspection Briefing and reminded Members of the importance of the meetings, and to communicate with the Chair if they were not able to attend. It was noted that some Members may have not seen the agenda for the meeting beforehand, but that these meetings were held at a regular point each month.

76 Public questions

There were no public questions.

77 Member questions

There were no member questions.

78 24/00066/FUL - New Barn Farm, Temple Guiting

The application was for the conversion of a traditional barn to residential use and the erection of five new-build residential dwellings, the provision of landscaping, demolition of five existing agricultural barns and associated works at New Barn Farm, Temple Guiting, Cheltenham, Gloucestershire, GL54 5RW.

The Chair invited the Principal Planning Officer to introduce the application.

- There were no additional updates to the report included in the agenda.
- Various maps and photos were shown of the site to outline the current landscape and the proposals within the site.
- The siting of the proposed dwellings was displayed including the removal of the barns.

Councillor Michael Krier from Temple Guiting Parish Council spoke and outlined the background to the site, the farm buildings and the previous proposals for the site. It was noted that the Parish Council had discussed the application and confirmed its support for the revised application following the addressing of the recent concerns.

The agent Paul Fong then spoke and addressed the application. It was noted that the site provided opportunities to provide housing in the District and that the main differences between the parties related to the design. It was noted that the sustainability of the proposal was key, and the former agricultural heritage of the site was being retained through the plans.

Councillor Len Wilkins as the Ward Member addressed the Committee, noting that the differing views on the design of the proposal were subjective. It was highlighted that there needed to be a balanced assessment of the proposed design and how the application could save the 18th century barn and restore it for a new use. It was highlighted that Temple Guiting had tourists passing through the area, and the current site was not the most attractive.

Members who attended the Sites Inspection Briefing then spoke. It was noted that the proposals would be very beneficial to bring the barn back into use and help to develop the image of the area. But it was also noted by many Members that the design proposals for housing at the back of the site would be a juxtaposition with the restoration of the barn.

Members Questions

It was asked about whether any changes could be made to the design to allow a housing development of a similar size to be done in a more sympathetic way to the current site. The Senior Conservation Officer noted that the principle of development was acceptable to officers, but the site was in the conservation area. However, there were changes proposed in the pre-application stage such as ancillary structures to fit into the history of the site. But it was highlighted that there were no changes made to the current housing design proposal following the advice given.

At paragraph 10.15 on the financial viability appraisal, it was raised that the affordable housing proposal and financial contributions could not be met. It was asked if there would be some flexibility with this. The Principal Planning Officer noted that Planning Policy H2 did make exceptions, but the starting point was on-site affordable housing up to 40% of the development. Following consultation with independent consultants, it was confirmed that the financial viability of the scheme had not improved from this point for on-site affordable housing to be secured.

Members asked if the proposals during the early stages of the application would have adjusted the build price. The Senior Conservation Officer noted they couldn't comment on costs, but that there were options given depending on the designs. It was noted that the barn was a non-designated heritage asset and not a listed building.

Members asked if there were any other examples similar to the proposed site. It was noted in reply that officers were not aware of any other recent examples, but that officers wished to retain the Cotswold vernacular where possible.

It was asked if there was a guide that Council officers would seek as appropriate design. The Senior Conservation Officer noted there was an internal guide that officers may use, but there were various books on contemporary Cotswold design. It was noted that the traditional structures of the Council were quite simple in design, and the current application did not fit with this. The Interim Development Management Manager noted that the suitability of the application depended on the policies of the Council which were recognised by all officers.

It was asked if the dialogue with the applicant had been extensive and had reached the end of the process in regard to the design. The Senior Conservation Officer noted the pre-application that had been received, and that various suggestions had been provided for the design. It was highlighted that there had been changes to the historic barn but not of the contemporary housing other than the installation of solar panels.

Member Comments

It was noted that it was pleasing to see a Parish Council supporting a development for new housing.

It was highlighted that the applicant needed to listen to the advice of Council officers in regard to the design, and there would be an opportunity for a new application to come back to the Committee with some of the changes requested.

There were various comments that the site could be developed to enhance the area, and to develop upon the need for affordable housing with a change of design.

There were some comments that the Parish Council had done a lot of work to support the application and to allay some of the concerns highlighted.

It was asked whether the application could be deferred to sort the application. It was noted by the Interim Development Management Manager that ordinarily this wouldn't be considered unless there was a specific point to address.

Councillor Mark Harris proposed that the Committee should accept the officer's recommendation to refuse the application, and this was seconded by Councillor Julia Judd.

24/00066/FUL - New Barn Farm, Temple Guiting (Resolution)		
RESOLVED: That the Planning and Licensing Committee REFUSED the application.		
For	Ray Brassington, David Fowles, Mark Harris, Julia Judd, Andrew Maclean, Gary Selwyn, Michael Vann and Ian Watson	8
Against	Patrick Coleman and Daryl Corps	2
Conflict Of Interests	None	0
Abstain	None	0
Carried		

79 Sites Inspection Briefing

There were no sites inspection briefings planned.

80 Licensing Sub-Committee

There were no Licensing Sub-Committees planned.

The Meeting commenced at 2.00 pm and closed at 3.10 pm

Planning and Licensing Committee
11/December2024

Chair

(END)

Agenda Item 8



COTSWOLD
District Council

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 15.01.2025
Subject	TREE PRESERVATION ORDER – 24/00002/AREA
Wards affected	Fosseridge
Accountable member	CLlr D Cunningham Email: david.cunningham@cotswold.gov.uk
Accountable officer	Justin Hobbs (Tree Officer, Heritage & Design) Email: justin.hobbs@cotswold.gov.uk
Report author	Justin Hobbs (Tree Officer, Heritage & Design) Email: justin.hobbs@cotswold.gov.uk
Summary/Purpose	To consider comments of objection and support to the making of Tree Preservation Order 24/00002/AREA in respect of trees at Upper Town House, Longborough.
Annexes	Annex A – Whole Site Plan Annex B – Site plan with consented development Annex C – Cotswold District Council Tree Preservation Order Appraisal Form Annex D - Tree Preservation Order 24/00002/AREA (Plan & Schedule) Annex E – Objection from site owner Annex F – Objection from agent for site owner
Recommendation(s)	That Planning and Licensing Committee resolves to: Confirm TPO 24/00002/AREA
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Responding to the Climate Emergency • Supporting Communities
Key Decision	NO



COTSWOLD

District Council

Exempt	NO
Consultees/ Consultation	<p>Heritage and Design Manager, Chair of the Planning and Licensing Committee, Ward Member and Parish Council.</p> <p>Landowner and all interested parties were also served with a copy of the TPO and Notice as per section 6 of the Town and Country Planning (Tree reservation) (England) Regulations 2012.</p>



1. EXECUTIVE SUMMARY

- 1.1** This report is to appraise members of a Tree Preservation Order (TPO) at Upper Town House, Longborough (CDC ref TPO 24/00002/AREA).
- 1.2** Following concerns about tree removal, damage to trees, and potential future threat to trees on site, an assessment of the public amenity value of the trees was undertaken. Assessment indicated trees across the site did warrant the making of a TPO, and given the urgency of the situation, an area category TPO. An area category TPO protects all the trees present within a defined area at the time the TPO was made (subject to certain exceptions).
- 1.3** The TPO was made and served on 27.08.2024.
- 1.4** Objections to, and support for, the making of the TPO have been submitted to the Council.
- 1.5** The Council has a legal obligation to thoroughly consider objections and/or representations made regarding the TPO.
- 1.6** This report considers and responds to the grounds for objections.
- 1.7** The conclusion of the report is a recommendation that the TPO is confirmed.

2. BACKGROUND

- 2.1** Upper Town House, located off Moreton Road, Longborough, was formerly a single post war dwelling with large garden / landscaped areas of approximately 3 hectares.
- 2.2** Planning consent has been granted for the demolition of the dwelling & 6no houses in the northern section of the site covering approximately 0.68 hectares. CDC planning references 21/02068/FUL & 24/00569/FUL. **Whole site plan at Annex A, Site plan with consented development at Annex B.**
- 2.3** The site is outside of the Longborough Conservation Area, the boundary of which extends along a section of the western boundary. The site is within the Cotswolds Area of Outstanding Natural Beauty.
- 2.4** On 10.07.2024. the Council logged a Planning Enforcement complaint relating to alleged tree removal in possible breach of planning permissions 21/02068/FUL & 24/00569/FUL at Upper Town House.
- 2.5** On 12.07.2024, Officers from Planning Enforcement and the Tree Team visited the site to investigate, and found trees and shrubs had been removed along the western boundary of the development site.



- 2.6** Whether the removal of these trees and shrubs was permitted within the parameters of the planning consents is the subject of an ongoing investigation.
- 2.7** On 20.08.24, during a follow up visit Officers noted that the fencing, that should have been in place to protect retained trees within the development site was missing in places, had been moved, or was not as per the agreed specification. In addition, potentially harmful activities to trees associated with the development were noted to the south of the development site but still within the same ownership. This included mounding of spoil, mixing of cement, storage of materials, and tracking of heavy plant within or close to the rooting zones of existing trees. It was also noted several trees in this area had been felled.
- 2.8** Given the situation on site with ongoing development, lack of compliance with agreed tree protection measures and concerns being raised by the public, Officers felt it expedient to consider whether it would be appropriate to serve a TPO to protect the remaining trees on the whole site.
- 2.9** The public visual amenity of trees across the site (both within the development site and the wider site in the same ownership) was assessed and it was considered expedient to serve a TPO to prevent trees from being damaged or felled across the whole site. **Cotswold District Council Tree Preservation Order Appraisal Form is at Annex C.**
- 2.10** Following consultation with the Chair of the Planning & Licensing Committee and the local Ward Member, the TPO was served on 27/08/2024. **A copy of the TPO is at Annex D.**
- 2.11** The reasons for making the TPO were given on the relevant TPO notice as:
Part of the site is currently being developed and residents have expressed concerns about trees being removed. In order to ensure full consideration of the public amenity value of the trees on the site in any future decisions regarding their future, a TPO is considered expedient.
- 2.12** Under the provisions of the legislation the TPO takes effect immediately but must be confirmed by the Council within six months if it is to take permanent effect. Prior to confirming a TPO, the Council must thoroughly consider any objections and/or representations that have been made.
- 2.13** The regulations relating to TPOs allow for a 4 week consultation period from the date the TPO is served for written representations to be submitted to the council. After this period has passed, it is for the Council to determine whether to take account of any further representations.



- 2.14** Within the 4-week consultation period the site owner and an agent acting for the owner submitted formal objections. **Refer to Annex E & Annex F**
- 2.15** Within the same period, 5 individual representations in support of the TPO were submitted along with a supporting petition containing 57 signatories.
- 2.16** The supporting comments are summarised below:

The trees in the area labelled A1 on the plan in the Order are directly adjacent to the Longborough Conservation Area and as such should be protected. They are important in landscape, ecological biodiversity and visual amenity and are at risk if not officially protected.

These trees are visible from public areas, footpaths and spaces from all directions around this area and significantly contribute to the setting of Longborough village within the Cotswold Area of Outstanding Natural Beauty (AONB).

We support the TPO which we believe should be made permanent (confirmed) following the six-month temporary Order for the following reasons:

- 1. The trees provide a public amenity benefit for residents and visitors as an important contribution to the landscape and setting of the village.*
- 2. The trees and associated shrub layer provide a valuable wildlife habitat providing bio diversity within the village.*
- 3. The trees are visible from public areas within the Area of Outstanding Natural Beauty (National Landscape).*
- 4. The trees are an important element in the setting of the Village Conservation Area which is directly adjacent to the development area.*
- 5. The retention and protection of the trees adheres with CDC planning policies and objectives.*

3. THE GROUNDS FOR OBJECTION TO THE TPO

- 3.1** To assist members, the 4 grounds for objections are summarised below:

Grounds for objection No.1 " Specifically, it is grossly unreasonable for the Council to grant permission and then seek to frustrate its implementation with a TPO applying to trees that must be removed to enable it"



Grounds for objection No. 2 *"The TPO fails one of the two statutory tests, expediency...there is a specific exception within the governing Regulations for works necessary to implement a full planning permission"*

Grounds for objection No. 3 *"..the TPO also fails the second statutory test, amenity. It fails this test because it covers, explicitly, all trees of whatever species, regardless of their condition or quality, and with precisely zero systematic assessment of their amenity value"*

Grounds for objection No. 4 *"..the nature of the TPO, which has been applied indiscriminately as an Area designation across the whole site....the Council had ample information...to make a discriminating TPO, which listed trees as individuals, groups and so on...it could have avoided including in the Order trees which a) do not merit statutory protection...and which b) can and need to be removed to enable the 2024 consent"*

4. OFFICER RESPONSE

4.1 The grounds for objections are considered as follows.

4.2 Grounds for objection 1

4.2.1 The TPO was not made to frustrate the implementation of a planning consent and does not prevent the removal of trees required to implement the planning consent on this site.

4.2.2 At the time of serving the TPO, most trees required to be removed to implement the planning consent had already been removed. However, given the uncertainty around the removal of trees along the western boundary, which is the subject of an ongoing investigation, the failure of the development to adequately protect trees on site shown to be retained on approved plans, and the lack of an agreed landscaping plan, a TPO protecting all trees was considered expedient.

4.3 Grounds for objection 2

4.3.1 The specific exception within the governing Regulations for works necessary to implement a full planning permission is in Section 14 (1) (a) (vii) of the Regulations and states that *"Nothing in regulation 13 shall prevent... the*



cutting down, topping, lopping or uprooting of a tree—so far as such work is necessary to implement a planning permission"

4.3.2 Furthermore, Government Guidance (Tree Preservation Orders and trees in conservation areas - Paragraph: 083 Reference ID: 36-083-20150415) states:

The authority's consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission. For example, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted. Conditions or information attached to the permission may clarify what work is exempt.

However, the authority's consent is required for work on trees subject to an Order if:

- *development under a planning permission has not been commenced within the relevant time limit (ie the permission has 'expired');*
- *only outline planning permission has been granted; and*
- *it is not necessary to carry out works on protected trees in order to implement a full planning permission.*

The authority's consent is also required, for example, for work on trees protected by an Order that is necessary to implement permitted development rights

4.3.3 For the avoidance of doubt, this TPO cannot, and does not seek to protect trees that may need works, including removal, to implement the planning consent. However, again, due to the issues raised in 4.2.2, the TPO was assessed as being expedient.

4.3.4 The making and confirmation of the TPO does not prevent applications for works in the future. Such applications would be treated on their merits.

4.4 Grounds for objection 3

4.4.1 Government Guidance (Tree Preservation Orders and trees in conservation areas - Paragraph: 007 Reference ID: 36-007-20140306) states:



'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

And at Paragraph: 008 Reference ID: 36-008-20140306:

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way

- 4.4.2** The Council has developed a structured methodology for assessing the amenity value of trees when deciding whether a TPO is expedient. A copy can be found at appendix B
- 4.4.3** The significant number of signatories on the petition in support of the TPO, and the number of individual supporting representations indicates that there is public support for the protection of trees on this site, and that the TPO brings a reasonable degree of public benefit presently and into the future.

4.5 Grounds for objection 4

- 4.5.1** The making of a TPO using an area category protects all trees at the time it was made growing within a defined area.
- 4.5.2** Government Guidance (Tree Preservation Orders and trees in conservation areas - Paragraph: 029 Reference ID: 36-029-20140306) states:

The area category is one way of protecting individual trees dispersed over an area. Authorities may either protect all trees within an area defined on the Order's map or only those species which it is expedient to protect in the interests of amenity.

The area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection. The Order will protect only those trees standing at the time it was made, so it may over



time become difficult to be certain which trees are protected. Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area. In addition, authorities are encouraged to resurvey existing Orders which include the area category.

4.5.3 The Council has a duty under section 197 of the Town and Country Planning Act to make provision for the preservation and planting of trees. The use of an area category TPO is appropriate in the specific circumstances of this site. The Council's normal method to categorise trees on a TPO schedule is to identify individual trees, tree groups, and if appropriate woodlands. However, given the number of trees and tree groups across the site, and the concerns relating to the ongoing development it was considered that an area category would be the most appropriate way to ensure immediate tree protection across the site. Once the consented development has been completed and taking account of any future changes in whole site use, the Council intends to re-assess the trees on the site and to either amend (vary) the TPO to re-categorise the trees as individuals or groups, or revoke the TPO and remake another TPO, or a number of TPO's depending on any future land use changes. Revoking and remaking the TPO after the consented development has been completed will give the opportunity, if it is considered appropriate, to include trees planted as part of the landscaping scheme in any new TPO.

5. ALTERNATIVE OPTIONS

5.1 To not confirm the Order

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications for the Council

7. LEGAL IMPLICATIONS

7.1 There are no legal implications of this report beyond those associated with the serving of a TPO.

8. EQUALITIES IMPACT

8.1 There are no equalities impacts related to this report.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 The protection and retention of trees can provide both climate emergency and nature recovery benefits.



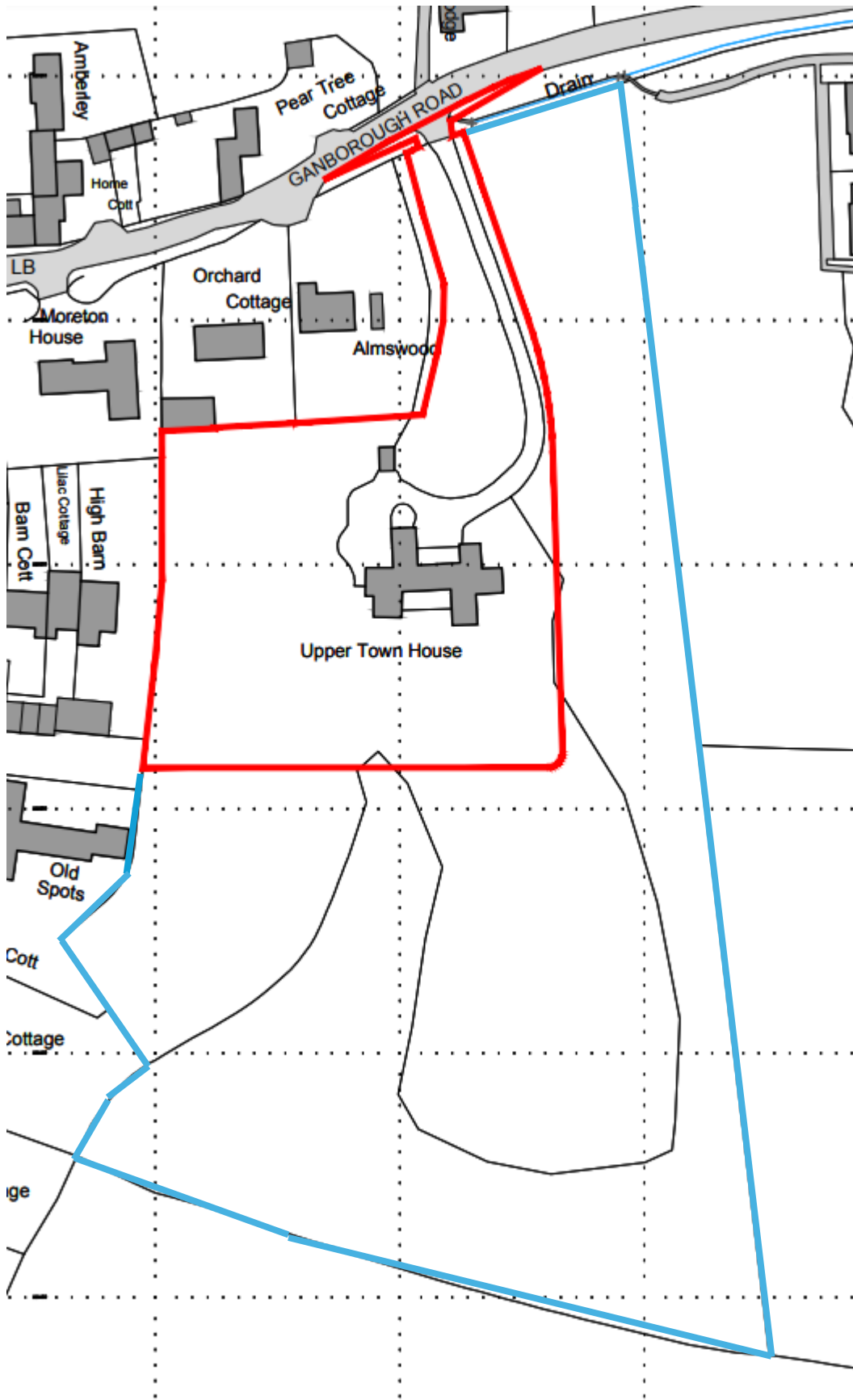
COTSWOLD
District Council

10. BACKGROUND PAPERS

10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- None

(END)



Upper Town House Whole Site Plan (blue and red areas combined)

This page is intentionally left blank

- Legend**
- Red Line Application Boundary
 - Existing Buildings
 - Existing Landscaping
 - Existing Landscaping Removed
 - Indicative Proposed Landscaping
 - Existing footprint to be demolished
 - Car Charging Point

General Notes
Drawing based on Ordnance Survey and Measured Survey data.
Responsibility is not accepted for errors made by others in scaling from this drawing.
All drawing information should be taken from figured dimensions only.
Drawing to be used for Local Authority purposes or for Planning only.

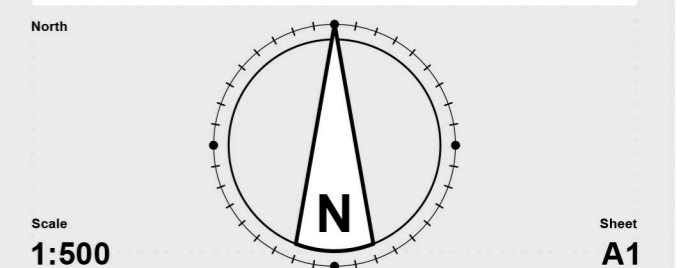
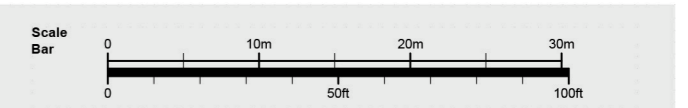
Topographical Survey
Drawing based on survey supplied by Geoff Perry Surveying
Date: Nov 2020
Drawing number(s): 5219 - 1115 - A

Tree Survey
Drawing based on survey supplied by Ruskins Tree Consultancy
Date: 29/04/2021
Drawing number(s): 0421-0028 - TSP 1



REV	DESCRIPTION	DRWN	AUTH	DATE

PLANNING



Project: **Upper Town House**
Longborough
Client: **Mackenzie Miller Homes**
Project No: **23382**

Drawing Title: **S73 Planning Application Proposed Site Block Plan**

Date: **March 2024**
Drawn by: **RA**
Authorised by: **NC**

Drawing No: **PA_103**

This drawing and design are © Copyright Align Architecture Ltd.
No reproduction or alteration is permitted.

PROPOSED SITE BLOCK PLAN - 1:500

This page is intentionally left blank

Cotswold District Council Tree Preservation Order Appraisal

Site: Upper Town House
Longborough

Date: 20/8/24 Officer: JH + JT

General Description of Tree(s) (or group of trees/woodland):

Scattered trees & groups of trees across existing development site & extended site to the south.

1 Public Visibility

Public places from which the tree can be seen (including future considerations such as development)

Yes - existing PRoW and highways + post development locations

Is/are the tree/trees a skyline feature?

Yes - site is on an elevated situation

Is/are the tree/trees seen against a backdrop of other trees?

Partly

Is/are the tree/trees a visual feature in a Conservation Area or AONB?

Yes

2 Arboricultural Quality

Is/are the tree/trees in reasonable arboricultural condition?

Mostly yes

Is/are the tree/trees an appropriate species for the character of the locality and landscape?

Yes, mixture of natives & non-natives suitable for village edge

Is/are the tree/trees a particularly old or large example of its species and/or does the tree have veteran characteristics?

No

Does/do the tree/trees have specific cultural, historic or biodiversity interest?

Natives provide biodiversity interest.

3 Life Expectancy and Replaceability

Has/have the tree/trees a biological life expectancy of more than 20 years?

The vast majority yes

Is/are the tree/trees growing in sufficient space to be allowed to grow for a further 20 years?

Yes

Could the visual amenity value of the tree/s be replaced by new planting within 10 years?

No

Is there clear evidence of structural damage to property caused by the tree(s) that could only be resolved by removal of the tree(s)?

No

4 Impact of Removal

Would the loss of the tree(s) be noticeable from public places?

Yes

Would the removal of the tree(s) harm or benefit the health or stability of other trees?

No

Would the removal of the tree(s) result in loss of screening of an eyesore or poor quality landscape feature?

Partially - Removal of significant trees & sections of trees would open up views of new development.

Is/are the tree/trees part of an agreed landscape/ tree retention scheme or replacement planting scheme subject to a planning condition?

Yes - on the development site

Conclusions

Would the removal of the tree(a) have a significant negative impact on the local environment and its enjoyment by the public?

Yes

Would protection with a TPO bring a reasonable degree of public benefit in the present or future?

Yes - Current development not adhering to tree protection measures & trees on wider site have been removed/impacted



**COTSWOLD
DISTRICT COUNCIL**

Dated 27th August 2024

**COTSWOLD DISTRICT COUNCIL
TREE PRESERVATION ORDER NO 24/00002**

Upper Town House, Longborough, Gloucestershire, 2024

Town and Country Planning Act 1990

**The Town and Country Planning (Tree Preservation)(England)
Regulations 2012**

TREE PRESERVATION ORDER

relating to

Upper Town House, Longborough, Gloucestershire 2024

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE
PRESERVATION)(ENGLAND) REGULATIONS 2012**

**COTSWOLD DISTRICT COUNCIL TREE PRESERVATION ORDER
NO 24/00002**

Upper Town House, Longborough, Gloucestershire 2024

The Cotswold District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as TPO Number **24/00002 Upper Town House, Longborough, Gloucestershire, 2024**

Interpretation

2. (1) In this Order "the authority" means the Cotswold District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 27th August 2024



The Common Seal of the COTSWOLD DISTRICT COUNCIL) was hereunto affixed to this order in the presence of -)

Robert Weaver – Chief Executive; Helen Blundell – Legal Services Manager
Authorised by The Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Cotswold District Council without modification on the _____ day of _____ 20

OR

This Order was confirmed by the Cotswold District Council, subject to the modifications indicated by

on the _____ day of _____ 20

Signed on behalf of The Cotswold District Council

Robert Weaver – Chief Executive; Helen Blundell – Legal Services Manager
Authorised by The Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Cotswold District Council on the _____ day of _____ 20

Signed on behalf of The Cotswold District Council

.....
Robert Weaver – Chief Executive; Helen Blundell – Legal Services Manager
Authorised by The Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Cotswold District Council on the
day of 20

by a variation order under reference number [*insert reference number to the variation order*] a
copy of which is attached]

Signed on behalf of The Cotswold District Council

.....
Robert Weaver – Chief Executive; Helen Blundell – Legal Services Manager
Authorised by The Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Cotswold District Council on the
day of 20

under the reference number

Signed on behalf of The Cotswold District Council

.....
Robert Weaver – Chief Executive; Helen Blundell – Legal Services Manager
Authorised by The Council to sign in that behalf

SCHEDULE

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

Reference on map	Description	Situation
None		

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

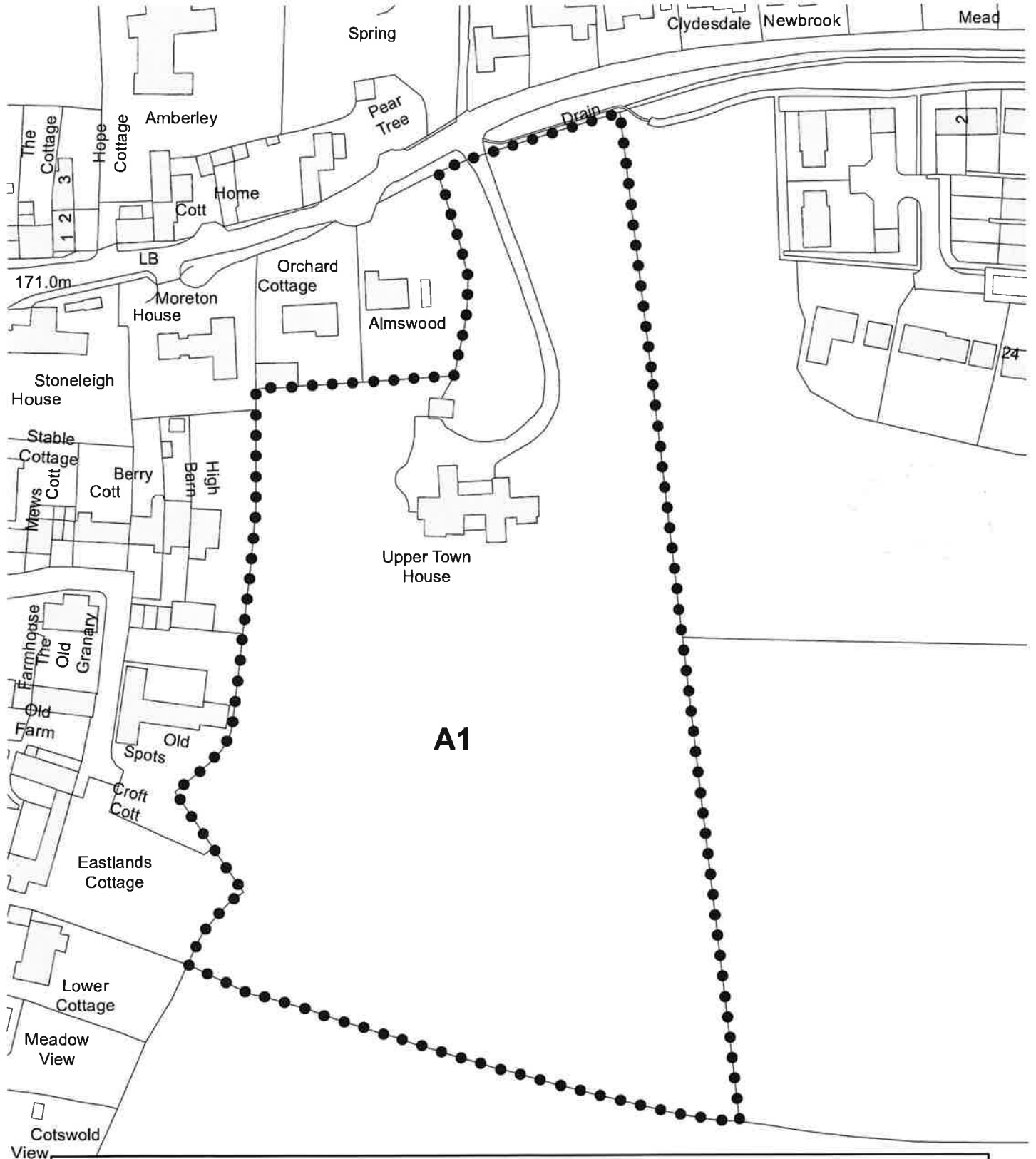
Reference on map	Description	Situation
A1	All trees of whatsoever Species	Upper Town House, Longborough

GROUPS OF TREES (within a broken black line on the map)

Reference on map	Description	Situation
None		

WOODLANDS (within a continuous black line on the map)

Reference on map	Description	Situation
None		



COTSWOLD DISTRICT COUNCIL		0 10 20 40 60 80 Mtrs		
Tree Preservation Order				
Upper Town House, Moreton Road, Longborough, Glos.				
Scale: 1:1250	Plan No: 24/00002/AREA			
Date: 21 August 2024				
© Crown copyright and database rights 2023. Ordnance Survey, LA No. AC0000815979				

[Redacted]

From: Pete Mackenzie [Redacted]
Sent: 27 August 2024 16:10
To: Ben Holding; Justin Hobbs; [Redacted]
Cc: James Tyson
Subject: Re: New Tree Preservation Order TPO24/00002 - Upper Town House Longborough

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [Redacted]. [Learn why this is important](#)

[Redacted]

Thanks for your email, [Redacted].
[Redacted] I understand someone from your office has been back out today and this is in response to complaints that tree works have been carried out on site last Thursday. The officer who attended site today agreed that this was not the case having walked the site today with my construction manager.

[Redacted]

This blanket TPO use is a complete and utter abuse of power. This time we are ahead of the curve as the clock is still ticking due to the temporary nature of its current application. ***"The Council considers that the trees are important to the local environment and its enjoyment by the public"*** [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kindest Regards

Pete

Pete Mackenzie
Managing Director



MACKENZIE MILLER

—ME—

From: Ben Holding <ben.holding@cotswold.gov.uk>
Date: Tuesday 27 August 2024 at 16:46
To: Pete Mackenzie [REDACTED]
Cc: James Tyson <James.Tyson@cotswold.gov.uk>
Subject: New Tree Preservation Order TPO24/00002 - Upper Town House Longborough

Dear Mr Mackenzie

I am sending this on behalf of James Tyson. James.tyson@cotswold.gov.uk

A new Tree Preservation Order (TPO) has been made affecting trees at Upper Town House Loughborough and under the relevant regulations, Cotswold District Council must inform the owner and any persons interested in the land affected by the Order. The order has been served on site today and a copy posted to the registered owner Upper Townhouse Longborough SPV Ltd.

The attached documents contain full details of this new TPO. Please read the formal Notice for a more detailed explanation of why the Order has been served and how expressions of support/objections can be made.

Further information on TPOs can be found on the Councils website –

<https://www.cotswold.gov.uk/planning-and-building/tree-works-and-preservation/tree-preservation-orders/>

Please let me know if you require any additional information or wish to discuss this matter.

Regards

Ben Holding
Tree Officer

44-1028_JFL
MORETON ROAD

23 September 2024

The Tree Officer
Cotswold District Council
Council Offices
Trinity Road
CIRENCESTER, GL7 1PX

*By registered post to the address, and
By email to planning@cotswold.gov.uk*

To whom it may concern,

Your Tree Preservation Order 24/00002/Area –
Objection

We write as arboricultural advisors to Upper Townhouse Longborough SPV Ltd, owners of the freehold of Upper Townhouse, Moreton Road, Longborough, whom recently you have served with the Tree Preservation Order (“TPO”) referred above, as made on 27 August 2024.

On behalf of our client, we **OBJECT** to this Order, setting out our reasons for so doing below.

Background information

1. The site benefitted from full planning permission under your ref. 21/02068/FUL as granted on 31 October 2023 (“the 2023 consent”) subject to conditions, with two such being presently material: C12 and C13. Between them, these two conditions give effect to, and require recommendations to be followed within an arboricultural report prepared by others in April 2021, and submitted with the planning application as subsequently approved.
2. The arboricultural report identified for removal seven trees (survey numbers 5, 6, 7, 37, 38, 55, 64) and three hedges (H1-H3).
3. On 24 April 2024 Cotswold DC granted a further consent on the material land, under its application ref. 24/00569/FUL (“the 2024 consent”). This consent varied the 2023 consent by amendment (per S.73 Town and Country Planning Act 1990 (as amended); “the Act”) of Condition 2 to the 2023 consent, permitting thereby substitution of site layout plans.
4. Conditions attached to the 2024 consent included by direct carry-over C12 and C13, which remain referenced and anchored to the 2021 arboricultural report.

5. However, said report reflected the site layout as consented in 2023. It does not reflect that for which consent was granted in 2024, and which is currently being built out. The Council should have sought (but did not so seek) an updated arboricultural report, relevant to the scheme now at hand, which could and should have been referenced by the 2024 consent.
6. It is our understanding that the TPO was made in response to local concerns regarding (entirely lawful) tree removal. However, the tree removal in question (which is presently incomplete), was put in hand for no other purpose than out of necessity to enable implementation of 24/00569/FUL. Whilst the necessary tree removal exceeds that set out in the 2021 arboricultural report, it does so because that report is not reflective of the 2024 consent.

Grounds for Objection

7. **The first ground** for objection is grossly unreasonable conduct, contrary to the presumption applying to public bodies per the well-known test of *Wednesbury*. Specifically, it is grossly unreasonable for the Council to grant planning permission and then seek to frustrate its implementation with a TPO applying to trees that must be removed to enable it.
8. **The second ground** for objection is that the TPO fails one of the two statutory tests, expediency, that underpin the power to make such Orders, per the Act at S.198. The reason the TPO fails this test is that there is a specific exception within the governing Regulations¹ for works necessary to implement a full planning permission.
9. It follows that our client can continue with the required tree removal on a date of its choosing in any event, and may well do so. It may be argued that the TPO has utility by protecting trees other than those which cannot be retained for planning reasons; we deal with this argument in the fourth ground. In any event, failure of this statutory test makes the TPO *ultra vires*.
10. **The third ground** for objection is that the TPO also fails the second statutory test, amenity. It fails this test because it covers, explicitly, all trees of whatever species, regardless of their condition or quality, and with precisely zero systematic assessment of their amenity value. Insofar as many of the trees covered by the TPO (discussed at ground four), do not meet any reasonable qualitative threshold for statutory protection, it cannot plausibly be said that the Order has been correctly applied under the statutory power. This is a separate failure that also renders the TPO *ultra vires*.
11. **The fourth ground** for objection relates to the nature of the TPO, which has been applied indiscriminately as an Area designation across the whole site (both redline and blueline). The purpose and utility of Area Orders is to address cases where nothing is known about a tree population considered to be at risk, thereby requiring swift application of comprehensive statutory protection, which can be refined in due course by modification or review of the TPO.

¹ The Town and Country Planning (Tree Preservation)(England) Regulations 2012

12. This is self-evidently not the case here, because the Council has for more than a year been in possession of the detailed tree survey which sits within the arboricultural report that it has itself referenced in conditions. It follows that the Council had ample information before it to make a discriminating TPO, which listed trees as individuals, groups and so on.
13. If the Council had not adopted the administratively lazy approach of an Area Order (which egregiously compounds its copy-and-paste approach to planning conditions), it could have avoided including in the Order trees which a) do not merit statutory protection (thereby satisfying the third ground), and which b) can and need to be removed to enable the 2024 consent (the second ground).
14. This concludes our grounds for objection.

What we now require

15. We require **acknowledgement** by return that:
 - i) This Objection has been received; and that
 - ii) TPO 24/00002/Area will not be confirmed until this Objection has been considered.
16. We require **written confirmation** to be received by us no later than five working days from 24 September 2024 that trees can be removed where necessary to enable consent 24/00569/FUL, as they excepted from statutory control by virtue of the Regulations at Reg. 14(1)(9a)(vii). For the avoidance of doubt, this means tree survey numbers G1 (alder) and T18 (grey poplar).
17. We require **full details** as to how this Objection will be considered by the Council, noting the requirement for fairness and transparency in decision-making by public bodies. Your process should exclude any decision-making role for any Officer involved in the making of the Order. On behalf of our client, we reserve the right to submit further information for consideration by any panel or committee that exists or may come to be constituted or tasked with considering this Objection, including the right to be heard in person by said panel or committee in the event that Officers promoting the TPO are also afforded this opportunity.
18. We require **explicit confirmation** on all of these points.

We look forward to hearing from you without delay.

Yours faithfully,

Forbes-Laird Arboricultural Consultancy Ltd

This page is intentionally left blank

PLANNING AND LICENSING COMMITTEE 15 January 2025

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 15 January 2025
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order No:
Sevenhampton	Woodleigh Brockhampton Cheltenham Gloucestershire GL54 5SP 24/00386/FUL Full Application	1
Chedworth	Manor Farm Chedworth Cheltenham Gloucestershire GL54 3LJ 24/02773/FUL Full Application	2

**Erection of 3 dwellings with associated access and landscaping at Woodleigh Brockhampton
Cheltenham Gloucestershire GL54 5SP**

Full Application 24/00386/FUL	
Applicant:	Mr Turner
Agent:	SF Planning Limited
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Jeremy Theyer
Committee Date:	15 January 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Background and principle of development
- (b) Sustainability of the location
- (c) Design and impact upon heritage assets
- (d) Landscape impact
- (e) Residential amenity
- (f) Biodiversity
- (g) Highway safety
- (h) CIL

2. Reasons for Referral:

- 2.1 The application is referred to Committee as the application was submitted by or on behalf of a close relative of a Member (Cllr Clare Turner) and the Constitution Scheme of Delegation (C4) requires such a decision to not be determined under delegated powers.

3. Site Description:

- 3.1 The proposal is for the erection of three dwellings within the rear garden area to Woodleigh, Brockhampton, which is a loose knit non-principal settlement located in open countryside.
- 3.2 The site is to the north of Brockhampton Park, with residential development to the west, south and east. The site is outside any development boundary defined in the Cotswold District Local Plan and is within the Cotswolds National Landscape (formerly known as the Cotswolds AONB). The boundary to the Brockhampton Conservation Area designated for the village runs to the south of the site and includes the dwellings to the south and south east.

4. Relevant Planning History:

- 4.1 92/00483/FUL: Erection of two houses and associated works. Refused 06.07.1992
- 4.2 92/01837/FUL: Demolition of existing horticultural sheds and greenhouses and the construction of one domestic dwelling. Refused 04.12.1992
- 4.3 02/00641/FUL: Resubmission of previously approved application to raise roof pitch to accommodate first floor extension and extension to garden area (partially retrospective). Granted 18.04.2002

5. Planning Policies:

- TNPPF The National Planning Policy Framework

- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Principal
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

6. Observations of Consultees:

- 6.1 Conservation Officer: No objection to revised proposal, comments incorporated into the report
- 6.2 Biodiversity Officer: No objection subject to conditions
- 6.3 Landscape Officer: No objection subject to conditions
- 6.4 Drainage Engineers: No objection subject to condition
- 6.5 Tree Officer: No objection subject to conditions
- 6.6 Highway Authority: No objection subject to conditions
- 6.7 Natural England: No objection subject to mitigation for the Special Area of Conservation being provided

7. View of Town/Parish Council:

7.1 Comments received 19th March 2024

- 7.1.1 Sevenhampton Parish Council objects to this application as it fails to comply with CDC planning policies in a number of respects as described more fully in the numerous objections which have been lodged by villagers and the parish council adopts such objections. In particular, as stated in the decision in 20/01338/PLP, the village of Brockhampton is neither a principal nor a non-principal settlement and as such the proposed development is contrary to local plan policy DS4.
- 7.1.2 The Council is also very concerned about the risks inherent in the proposed development to the safety of local school children who use the school bus each day in term time and who have to walk along this stretch of road which is unlit and has no pavement or walkway.

7.2 Comments received 17th September 2024

- 7.2.1 Sevenhampton PC has considered the revised application and sees no reason to depart from the views set out in its original objection on 19/3/24, namely that -

- 7.2.2 This application fails to comply with CDC planning policy in a number of respects as described more fully in the numerous objections lodged by villagers and which the PC adopts. In particular, as stated in the decision 29/01338/PLP, the village of Brockhampton is neither a principal or non-principal settlement and as such the proposed development is contrary to local plan policy DS4.
- 7.2.3 The Council is very concerned about the risks inherent to the safety of local school children who use the school bus each day in term time and who have to walk along this stretch of road which is unlit and has no pavement or walkway.
- 7.2.4 The Council would also adopt the views expressed to it by CC Paul Hodgkinson that the proposed development would cause harm to the AONB
- 7.2.5 The Parish Council object to this application.

8. Other Representations:

8.1 97 objections have been received, raising the following matters:

- site is in open countryside
- previous refusals for new housing in Brockhampton at 'Farthings'
- contrary to Policy DS4
- lack of facilities within the village
- semi-detached properties are out of character
- road safety
- pedestrian survey
- surface water drainage
- houses are too large
- impact upon residential amenity
- highway safety
- setting of conservation area and listed buildings
- no public transport other than a school bus
- 2 dwellings more suitable
- impact of lighting
- does nothing to enhance AONB
- creates a precedent
- proposal is only for making a profit
- should not rely upon services in Andoversford

9. Applicant's Supporting Information:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Tree Survey
- Ecological Survey
- Biodiversity Self-Assessment Form
- Great Crested Newt District Licensing Scheme
- Proposed Plans

10. Officer's Assessment:

(a) Background and Principle of Development

- 10.1 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 an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.
- 10.2 Local Plan Policy DS3 (Small-Scale Residential Development in Non-Principal Settlements), allows for small-scale residential development in non-Principal Settlements where this:
- a. demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
 - b. is of a proportionate scale and maintains and enhances sustainable patterns of development;
 - c. complements the form and character of the settlement; and
 - d. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.
- 10.3 Policy DS3 recognises that although many of the rural villages and hamlets within the district are not sustainable locations for residential development, some settlements have greater sustainability credentials. As such Non-Principal Settlements are those which have reasonable access to everyday services, facilities and/or employment opportunities, either within the settlement itself, at a Principal Settlement, or at a neighbouring rural settlement.
- 10.4 The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that there are three overarching objectives to achieving sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
- 10.5 In addition to the above, it must also be noted that, even if the Council can demonstrate the requisite minimum supply of housing land, it does not in itself mean that proposals for residential development outside existing Settlement Boundaries should automatically be refused. The 5 year housing land supply is a minimum not a maximum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Settlement Boundaries identified in the Local Plan for residential development.

(b) Sustainability of the Location

- 10.6 The supporting text to Policy DS3 guides the decision maker to make a judgement on the accessibility to everyday services, facilities and/or employment opportunities, where "reasonable access" helps to avoid unnecessary traffic movements and social isolation. Distance, quality of route, topography and pedestrian safety are important issues when considering the accessibility of services and facilities (Para 6.3.4). The Local Plan's development strategy seeks to promote sustainable patterns of development in the District and residential development in rural areas is directed to those locations where it will enhance or maintain the vitality of rural communities. In the absence of special circumstances, the plan seeks to avoid permitting new isolated homes in the countryside. Policies DS3 and DS4 are central in this respect.
- 10.7 In terms of the sustainability of the location, Brockhampton is a settlement that is not well-served by day-to-day services and facilities. For this reason, it has not been included as one of the Principal Settlements in the Local Plan. Therefore, housing development in significant numbers and/or high density is unlikely to be supported in this location, however having regard

to Policy DS3 and the NPPF it is proper that consideration is given to small-scale residential development on the merits of each individual case.

- 10.8 It should be noted that within the Sevenhampton Parish, the 2011 Census identified 333 people living in 158 households (source Sevenhampton Parish Council web site).
- 10.9 NPPF paragraph 83 states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.' To this effect, it should be noted that Andoversford, one of the Principal Settlements designated within the adopted Local Plan, is approximately 2.5 miles from the application site.
- 10.10 Reference has been made by objectors and the Parish Council to an application at 'Farthings', reference 23/01339/PLP, which was an application for 'permission in principle' for the erection of a single dwelling. This was refused, with Policy DS4 referred to within the reasons for refusal as the site was considered to be outside any Principal or Non-Principal Settlement. The report accompanying that decision (dated 9th June 2023) did characterise Brockhampton in the following terms:
- 10.11 'Brockhampton is a settlement with no designated settlement boundary and limited everyday facilities limited to the village hall and the Craven Arms public house, which has been temporarily closed since late 2022. It lies approximately 2.7km from the nearest Principal Settlement of Andoversford, and 6km from Cheltenham, and does not benefit from any public transport provision. Given this, Brockhampton is considered not to be a sustainable location for new residential development'
- 10.12 Though this conclusion was not central to the refusal of that application, and centred upon the application of Policy DS4..
- 10.13 Policy DS4 relates to residential development outside Principal and Non-Principal settlements, with only new residential development that may be considered acceptable being for proposals such as the conversion of a rural building, affordable housing upon an exception site, Gypsy/Traveller accommodation and housing for rural workers. This is in accordance with paragraph 88 of the NPPF.
- 10.14 Therefore, the judgement that has to be made upon applications such as that at Woodleigh is whether this site is within an area that would be considered acceptable for new residential development having regard to this strategy. Whilst acknowledging the decision for the Farthings site, it should be noted that this is located in an area of linear housing along the lane to the south-east of the main concentration of housing within the village. The application site at Woodleigh, by comparison, is within an area with housing development to three sides, to the west, south and east, with approximately 89 residential properties, including the apartments at Brockhampton Park, in this part of the village.
- 10.15 Prior to the adoption of the current Local Plan in August 2018, all applications for new residential development in the Brockhampton / Sevenhampton area would have been assessed in respect of the policy now included within DS4. However, the addition of Non-Principal Settlements to the development strategy added an extra dimension to the policies controlling new housebuilding, where new small-scale development can be considered acceptable provided that the criterion within DS3 are adhered to.
- 10.16 It should be noted that the number of houses within this part of Brockhampton are larger in number than a number of other Non-Principal Settlements within the District where new

residential development has been approved since the adoption of the current Local Plan, and where there is a Principal Settlement a short driving distance away.

- 10.17 One such example is application 24/00055/PLP for land south of 1 - 3 Corner Houses, Driffield, which was a 'permission in principle' application for 2 dwellings that Members permitted at the April 2024 meeting of this Committee. By way of comparison to Sevenhampton Parish, Driffield has 32 dwellings, with a Church, and no public transport.
- 10.18 The nearest Principal Settlement identified in the Local Plan is South Cerney, where the village centre is approximately 4 miles distant by road via the shortest route, whilst the nearest shops / facilities in Cirencester are the same distance away (Tesco / Aldi / McDonalds). Cirencester town centre (Market Place) is 4.6 miles using the shortest route.
- 10.19 There will, however, be a limit as to the number of dwellings that Brockhampton could reasonably and sustainably accommodate in accordance with local and national planning policy, however the erection of three dwellings is, on balance, considered to accord with Policy DS3 considering the size of the village, and to be consistent with other decisions made elsewhere in the District.

(c) Design and Impact upon Heritage Assets

- 10.20 The site is located within close proximity to The Grade II listed Brockhampton Park to the south of the site and associated listed buildings including The Clock House, Number(s) 3 and 4, Brockhampton Mews, The Coach House and Games House. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.21 The property is located on the boundary of Brockhampton 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 locality. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.22 Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.
- 10.23 Paragraph 212 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 213 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 214 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 215 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.
- 10.24 Paragraph 216 requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.25 Local Plan Policy EN2 (Design of The Built and Natural Environment) states that development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality. The design code has strict requirements stating the following:

- D.9 Careful study should be made of the context of any new development. Each site will have its own characteristics, and a specific landscape or townscape setting. Any proposed development should respond to this.

- D.13 Traditional Cotswold street scenes contain buildings of a variety of scales and architectural styles. Together, however, there is a sense of rhythm, harmony and balance, and this should be continued in any new development. The particular character of existing streets should be respected, including gaps between buildings, which can often be important. New additions might add interest but should not appear out-of-keeping.

- D.16 New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context.

- D.17 Excessive or uncharacteristic bulk should be avoided. New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.

- D.23 New designs should not draw on existing buildings that have been unsuccessful or have not respected local distinctiveness. Poor imitations of true vernacular architecture should also be avoided. At the same time there should not be blind copying or slavish replication of specific buildings or detailing. New vernacular proposals should be inspired by the best of the past, carrying the key qualities and essence of the Cotswold style, but also utilising new technologies and best practice to address the environmental, economic and social concerns of today.

10.26 Policy EN10 (Designated Heritage Assets) states:

- In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.

- Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.

- Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.27 Policy EN11 Designated Heritage Assets - Conservation Areas states:

Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;

- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;

- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.
 - d. Have regard to the relevant Conservation Area appraisal (where available); and
 - e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.
- 10.28 From reviewing the historic mapping the area proposed for development once formed part of the Brockhampton estate with nursery buildings on site. The existing building Woodleigh is a relatively modern development and it set within a large garden with garage, outbuildings and mature hedges and planting. The site is on the boundary of the conservation area and within close proximity to the Grade II assets of Brockhampton Park.
- 10.29 The existing residential dwellings associated with the park are smaller in scale in the form of converted coach house, clock house and the adjoining single storey dwellings along the lane which are set into the historic boundary wall of the park. The semi-detached dwellings opposite the site are modest in their scale with simple traditional gable and central chimney gable, whilst the remaining buildings along this road are modern infill detached developments being noted on the 1960-1980 historic mapping which should not set a design precedent.
- 10.30 The character of the conservation area which is set west of the site and the listed park consists of modest developments which are a mix of terraces, semi detached and smaller detached dwellings.
- 10.31 The proposed development would include a pair of 3-bedroom semi-detached properties (Houses 1 and 2), and a detached 4-bedroom property (House 4). The design of each dwelling is considered to be acceptable having regard to the Cotswold Design Code, incorporating features such as chimneys, headers and cills to windows, and no eaves fascia. External materials would include natural stone to the walls, alongside areas of timber boarding, artificial stone and slate roofing, and painted timber windows and doors.
- 10.32 The proposal has been amended to re-orientate the position of House 3 such that, even though behind Woodleigh in relation to the highway, the properties maintain the linear form of development in relation to the road. These revisions are considered to have addressed the concerns expressed by Officers regarding the spatial character of the conservation area and now follows the existing settlement pattern from a conservation perspective. The application is also considered to have a neutral impact on the setting of designated heritage assets and as such the proposal is considered to be acceptable and in accordance with Local Plan Policies EN2, and EN11, Section 16 of the NPPF, and Sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

(d) Landscape Impact

- 10.33 The site is located within the Cotswolds National Landscape (CNL) (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended) states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.
- 10.34 Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

- 10.35 Policy EN4 of the Local Plan 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) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.
- 10.36 Policy EN5 of the Local Plan 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.
- 10.37 Paragraph 187 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside. Paragraph 189 of the National Planning Policy Framework states that great weight should be given to conserving landscape and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 10.38 The application site is located within the existing residential curtilage of Woodleigh, with residential development to the west, south and east. The proposed dwelling would, therefore, be seen in the context of this surrounding development, such that it would not be considered to be obtrusive in the wider landscape.
- 10.39 Therefore, the impact upon landscape character within the CNL is considered acceptable and in accordance with Policies EN2, EN4 and EN5 of the Local Plan and paragraphs 187 and 189 of the NPPF.

(e) Residential Amenity

- 10.40 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 135 (f) of the NPPF.
- 10.41 The relationship between the proposed dwellings and Woodleigh is considered to be acceptable, whilst the distance between habitable windows to the rear elevation of Houses 1 and 2 exceeds the 22m distance separation required by the Cotswold Design Code, notwithstanding the retention of the existing boundary treatment.
- 10.42 Therefore, it is considered that the proposal would result in little material impact upon the amenities of occupants of nearby properties having regard to the position of windows and any potential for overlooking across garden areas. The proposal therefore accords with Policy EN2 and Appendix D of the Local Plan, and paragraph 135 of the NPPF.
- 10.43 Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.
- 10.44 Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.
- 10.45 Local Plan Policy EN9 requires the consideration of the impact of development upon internationally designated wildlife sites.
- 10.46 The applicant has signed and returned a S.111 legal agreement to make a financial contribution to deliver mitigation consistent with the Cotswold Beechwoods SAC Recreation Mitigation Strategy (2023). On that basis, the Authority has reached the conclusion, based upon the best available scientific evidence, that there will not be adverse effects on the SAC, arising from the application, either alone or particularly in combination with other projects and proposals.

- 10.47 Therefore, the Council has no objections to this application on the grounds of the Conservation of Habitats and Species Regulations 2017 (as amended), insofar as this relates to adverse recreational effects on the Cotswold Beechwoods SAC.
- 10.48 With regard to protected and notable species and habitats, the ecology report confirmed the existing outbuilding and none of the trees to be removed provide opportunities for roosting bats. Therefore, this constraint does not need to be considered further.
- 10.49 The on-site pond was assessed as 'good' suitability for breeding great crested newts and the species' presence was established through eDNA analysis. The pond will be retained however, there is a likelihood of harm to individuals during works due to the proximity of the development to the identified population. Therefore, a licence will be required for works to proceed lawfully. A licence can only be agreed if the proposed development is able to meet the three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 55(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 55(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 55(9)(b)).
- 10.50 The applicant has submitted a district licensing report, confirming the site is eligible to be covered by the Council's district licensing scheme. The three planning conditions contained within the report must be attached to the planning consent in verbatim. It is considered that the district licensing scheme is likely to provide adequate compensatory measures that will successfully maintain the population of the species concerned at a favourable conservation status in their natural range and as such, would meet Reg 55(9)(b) of the Habitats Regulations.
- 10.51 Therefore, this derogation test can be met by this application so long as the actions conditioned are implemented in full.
- 10.52 Case law indicates that the process of consideration of the 3 derogation tests should be clearly documented by the Local Planning Authority. As the proposal is considered to accord with Local Planning Policy, all 3 derogation tests have been adequately assessed in accordance with Natural England guidance.
- 10.53 The report concludes that impacts to other protected species are not anticipated however, precautionary mitigation measures have been included within sections 5.3.1-5.4 of the report. These measures will need to be adhered to, ensuring badger, nesting birds, reptiles, hedgehog and common amphibian species are safeguarded during site clearance/construction works.
- 10.54 The application was submitted prior to the mandatory biodiversity net gain date (2nd April) for small sites. Therefore, the application is exempt from mandatory BNG. Despite this, the planning system should still aim to deliver overall net gains for biodiversity as laid out in Local Plan Policy EN8 and paragraphs 187, 192 and 193 of the National Planning Policy Framework. The integration of bird and bat boxes are considered suitable in this location due to the presence of a pond and fruiting trees which provide foraging opportunities for these species.
- 10.55 With regard to lighting, the on-site pond and fruiting trees will provide opportunities for nocturnal species, including great crested newts and bats. Consequently, a lighting condition

has been recommended, securing the adoption of a sensitive scheme if external lighting is required.

(f) Highway safety

- 10.56 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.
- 10.57 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.58 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.
- 10.59 The existing entrance would be adapted for access to the three proposed dwellings, with this being widened to be 4.5m in width. The road outside the site is subject to a 40mph speed limit, and whilst no response has been received from the Highway Authority to its consultation, your Officers consider that the traffic generated from three dwellings would be acceptable.
- 10.60 Turning to parking provision, each of the dwellings would have sufficient parking provided with the ability to manoeuvre within the site and leave in a forward gear. The plans also show two visits parking spaces to be provided.
- 10.61 Therefore, the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan, and Section 9 of the NPPF. Having regard to paragraph 116 of the NPPF, there is not considered to be an unacceptable impact on highway safety considering the traffic that would be generated if the established use of the existing buildings upon the site was to be recommenced, and that the residual cumulative impacts on the road network would not be 'severe'.

(h) CIL

- 10.62 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.

11. Conclusion:

- 11.1 The proposal is considered to be a small-scale of development that would accord with Policy DS3 of the Local Plan. Having regard to the amendments made to the layout of the proposed development, it is considered that the proposal accords with the policies in the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.
- 11.2 The recommendation is for planning permission to be granted.

12. 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 carried out in accordance with the following drawing numbers: 3121-001-B; 3121-011; 3121-012; 3121-013; 3121-014 and 3121-015-A.

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

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing 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.

4. 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.

5. All windows and doors shall be of timber construction 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.

6. Prior to the first occupation of the development hereby permitted, the windows and doors shall be painted 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.

7. The timber boarding, oak posts and lintels shall not be treated in any way and shall be left to weather and silver naturally 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.

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 EN2.

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. No bargeboards or eaves fascias shall be used in the proposed development.

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.

11. New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority 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.

12. Prior to the first use/occupation of the development hereby approved, 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, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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 Policy EN2.

13. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

14. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Full details of any facilitation pruning.
- b) Location and installation of services, utilities and drainage.
- c) Methods of demolition within the root protection area (RPA as defined in BS5837:2012) of retained trees.
- d) Details of construction within the RPA or that may impact on the retained trees.

- e) A full specification for the construction of any roads, parking areas and hard surfacing, including details of the no dig-specification and extent of the areas of the roads, parking areas and hard surfacing to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, demonstrating that they can be accommodated where they meet with any adjacent hard surfacing or structures.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) Tree protection during construction indicated on the TPP with construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, waste as well as any areas to be used for concrete mixing and fires.
- j) Details of arboricultural supervision and inspection by a suitably qualified arboriculturist.
- k) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to the commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policies EN1 and EN7 and pursuant of Section 197 of the Town and Country Planning Act 1990.

16. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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).

If the surface water design is not agreed before works commence, 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.

17. The development shall be undertaken in accordance with the recommendations contained in sections 5.3.1-5.4 of the consultancy report (Bat Survey Report & Bat Mitigation Strategy, prepared by Windrush Ecology, dated September 2024). All of the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To ensure biodiversity is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 the National Planning Policy Framework, Policy EN8 of the Cotswold

District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

18. Prior to the installation of external lighting for the development hereby approved, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using wildlife corridors. All external lighting shall be installed only in accordance with the specifications and locations set out in these details.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

19. Prior to any above ground works of the development hereby approved being undertaken, details of the provision of 4no. integrated swift bricks on north or east-facing elevations and 4no. integrated bat roosting features (e.g. bat tiles, bat boxes or bat tubes) on south or southeast-facing elevations within the walls of the new dwellings shall be submitted to the Local Planning Authority for approval. The details shall include a drawing showing the types of features, their locations and positions within the site, and a timetable for their provision. The approved details shall be implemented prior to first use of the development hereby approved and thereafter permanently retained.

Reason: To provide additional nesting and roosting opportunities for birds and bats as biodiversity enhancements in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

20. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

21. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

22. The development hereby permitted shall not be first occupied until the proposed dwellings have each been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with Policy INF3 of the Cotswold District Local Plan.

23. Demolition or construction works shall not take place outside 7:30 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy EN15.

24. Prior to the erection of any external walls of the new dwelling hereby permitted, details of the energy efficiency measures to be introduced into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed in the development fully in accordance with the approved details prior to the occupation of the dwelling hereby permitted.

Reason: In order to ensure the creation of an energy efficient development that addresses the impact of climate change.

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:

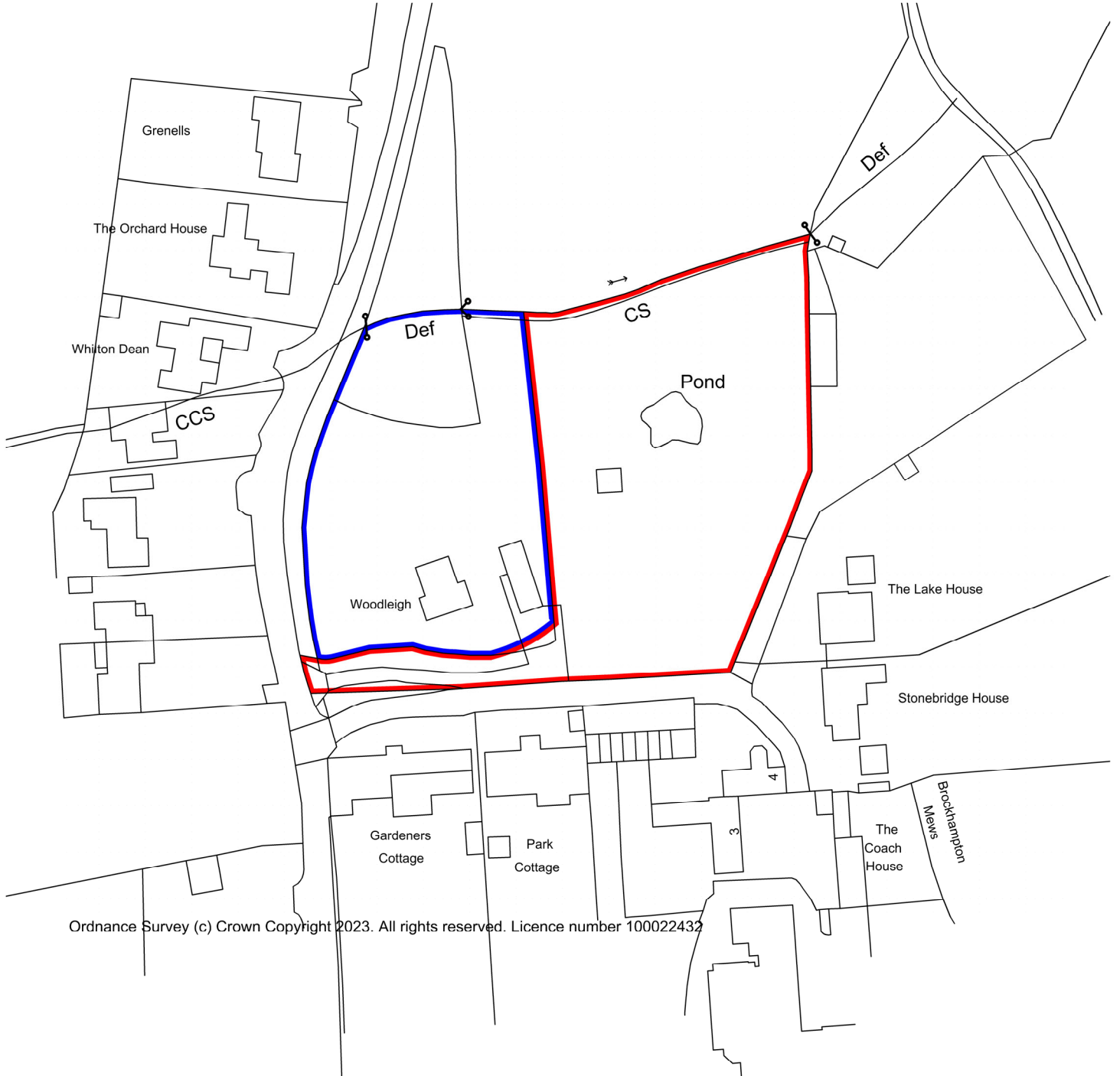
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1));
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1));
- CIRIA C753 SuDS Manual 2015;
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010;
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>;
- and
- Non-statutory technical standards for sustainable drainage systems (March 2015).

Planning



This drawing has been prepared for workstages up to planning application purposes only and is not intended "for construction". The 'scale bar' should only be used to check the drawing has been reproduced to the correct size. No responsibility can be accepted for errors made by others in "scaling" from this drawing.

Tyack Architects Ltd own copyright of the original design work in the drawings, documents and digital files which cannot be copied, loaned or disclosed without written agreement. Please refer to our Standard Terms of Business.

Scale 1 : 1250 50m



Ordnance Survey (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

-  Application Site
-  Ownership Boundary



Tyack Architects Ltd
The Mann Institute
Oxford Street
Moreton-in-Marsh
Gloucestershire
GL56 0LA

t: 01608 650 490
f: 01608 651 863
e: mail@tyackarchitects.com
w: tyackarchitects.com

PLANNING
Location Plan
Woodleigh, Brockhampton
Malcolm Turner





Scale: 1: 1250@A4

Drawn/Checked: LM/SC

Date: January 2024

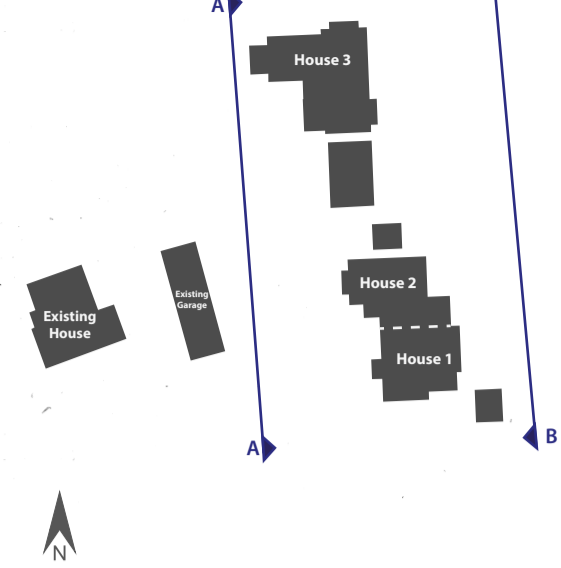
Drg No: 3121-001 Rev:B

This page is intentionally left blank

-  New Hedging
-  New Trees
-  Dashed lines shows position of previous scheme
-  Dashed lines shows position of buildings to be removed

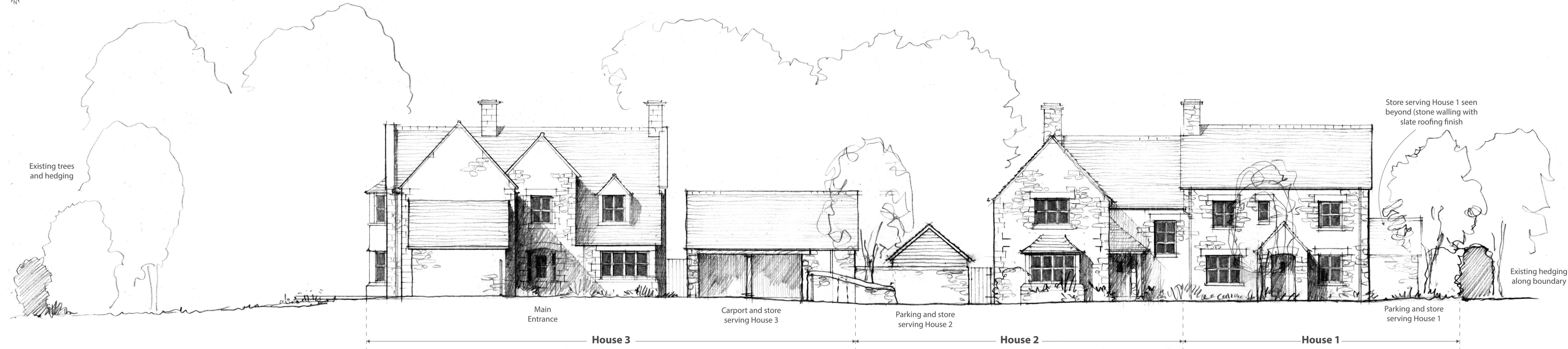


This page is intentionally left blank

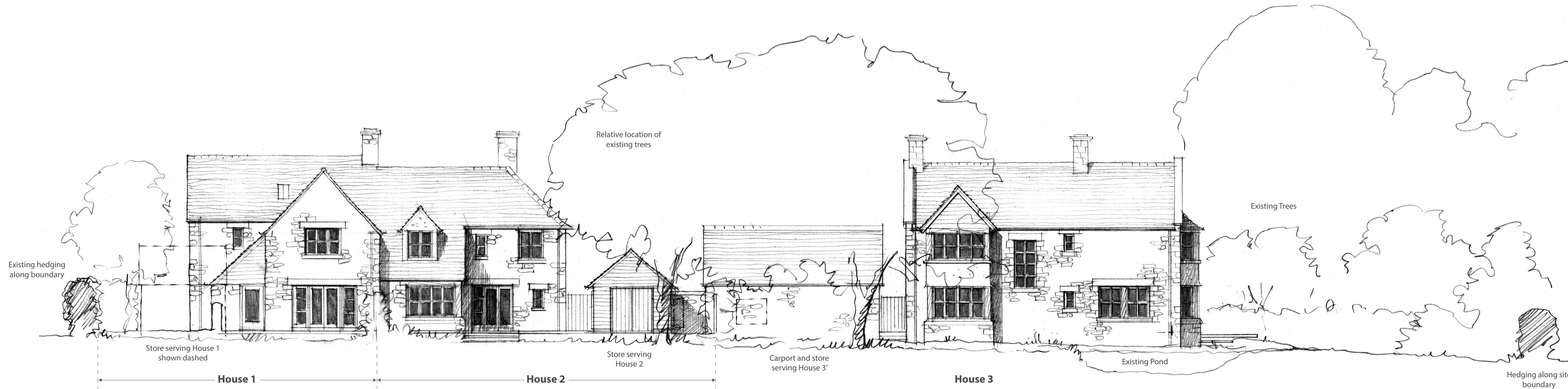


Materials

- Natural stone walling
- Artificial stone roofing to Houses, slate roofing to outbuildings (carport and stores)
- Elements of timber boarding (upper elements of catwalks, eastern bay to House 3, parts of carport and stores)
- Natural stone detailing (lintels, cills and chimneys)
- Oak posts and lintels to porch serving House 2 and carport serving House 3
- Painted timber windows and doors



Section AA: West Elevation



Section BB: East Elevation

Planning

This drawing has been prepared for workstages up to planning application purposes only and is not intended for construction. The scale bar should only be used to check the drawing has been reproduced to the correct size. No responsibility can be accepted for errors made by others in 'scaling' from this drawing.

Tyack Architects Ltd own copyright of the original design work in the drawings, documents and digital files which cannot be copied, loaned or disclosed without written agreement. Please refer to our Standard Terms of Business.

Scale 1:100 5m

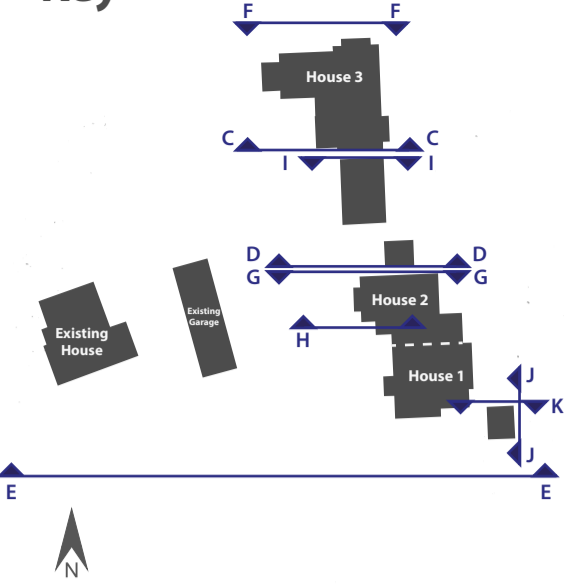


Copyright © Tyack Architects Ltd

Tyack Architects Ltd
The Mann Institute
Oxford Street
Morton-in-Marsh
Gloucestershire, GL56 0LA
t: 01608 650 490
f: 01608 651 963
e: mail@tyackarchitects.com
w: tyackarchitects.com

PLANNING
Proposed Elevations 1
Woodleigh, Brockhampton
Malcolm Turner
Scale: 1:100@A1 Date: July 2024
Drawn/Checked: MS/SC Drg No: 3121-014 Rev: 0

This page is intentionally left blank

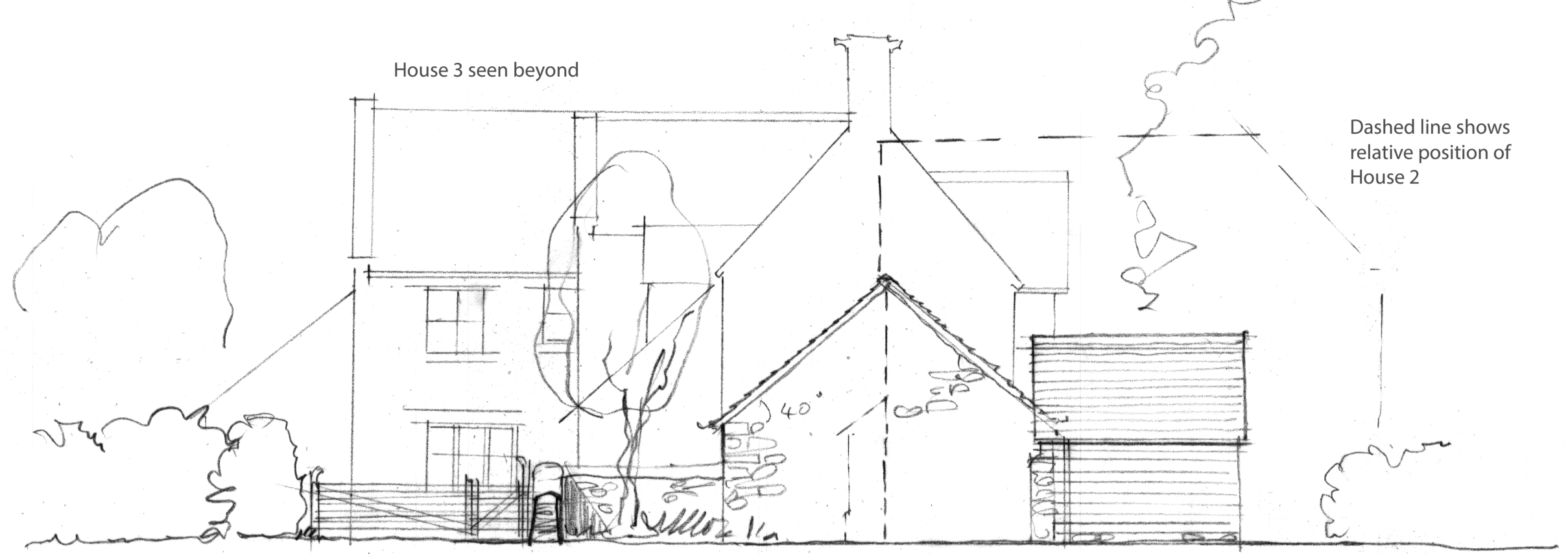


Materials

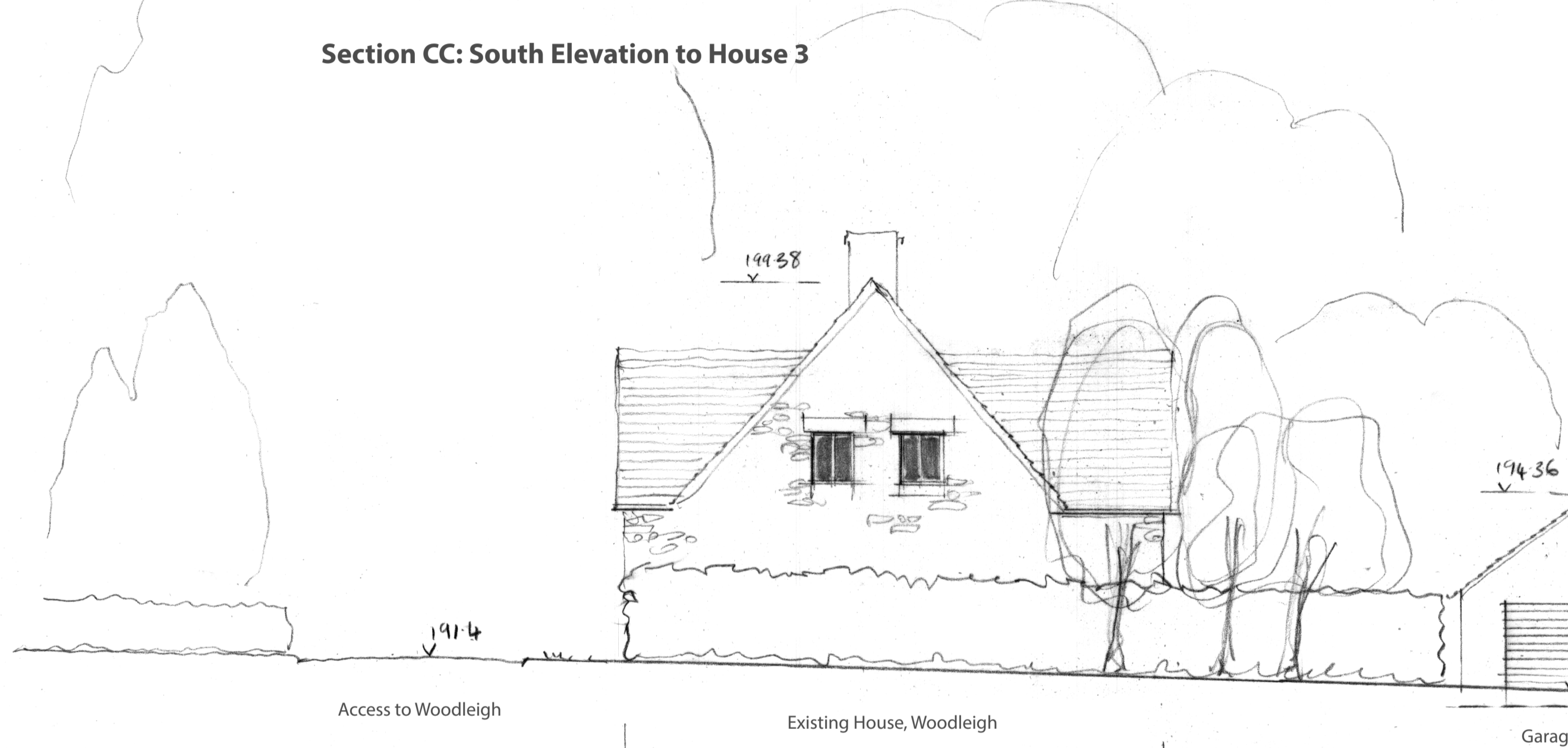
- Natural stone walling
- Artificial stone roofing to Houses, slate roofing to outbuildings (carport and stores)
- Elements of timber boarding (upper elements of catwalks, eastern bay to House 3, parts of carport and stores)
- Natural stone detailing (lintels, cills and chimneys)
- Oak posts and lintels to porch serving House 2 and carport serving House 3
- Painted timber windows and doors



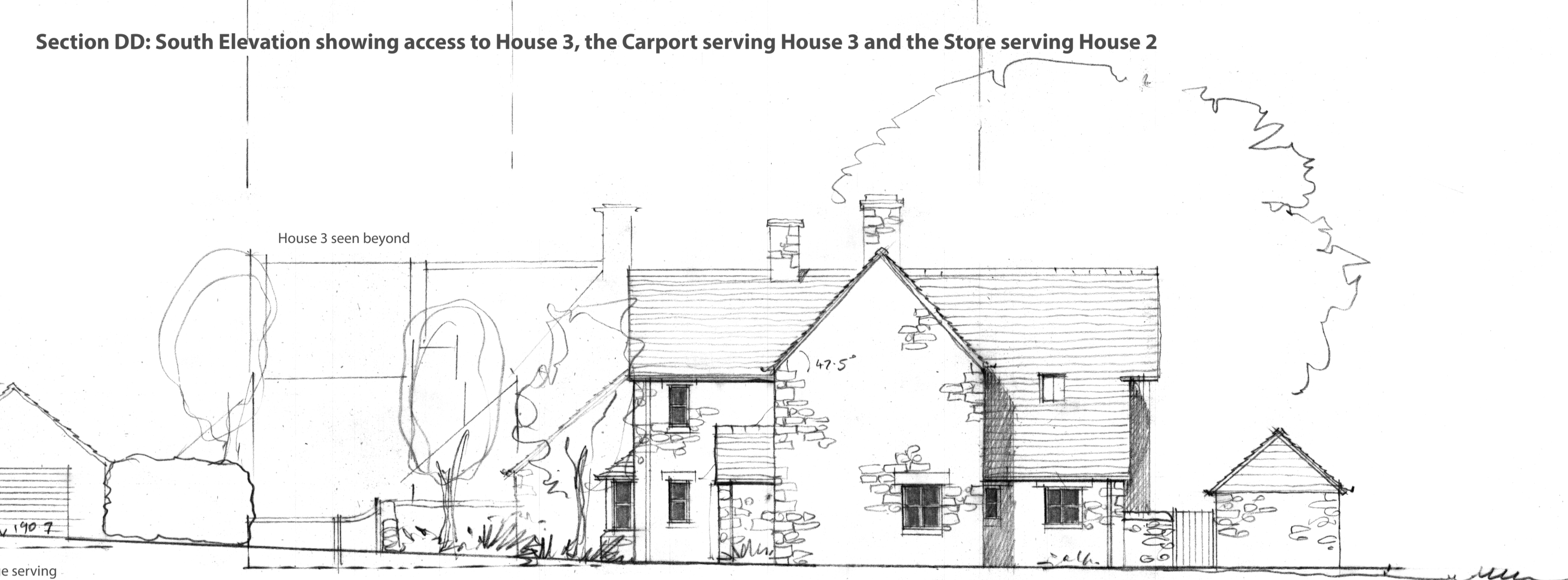
Section CC: South Elevation to House 3



Section DD: South Elevation showing access to House 3, the Carport serving House 3 and the Store serving House 2



Section EE: South Elevation along Access Road



Section HH: South Elevation to House 2



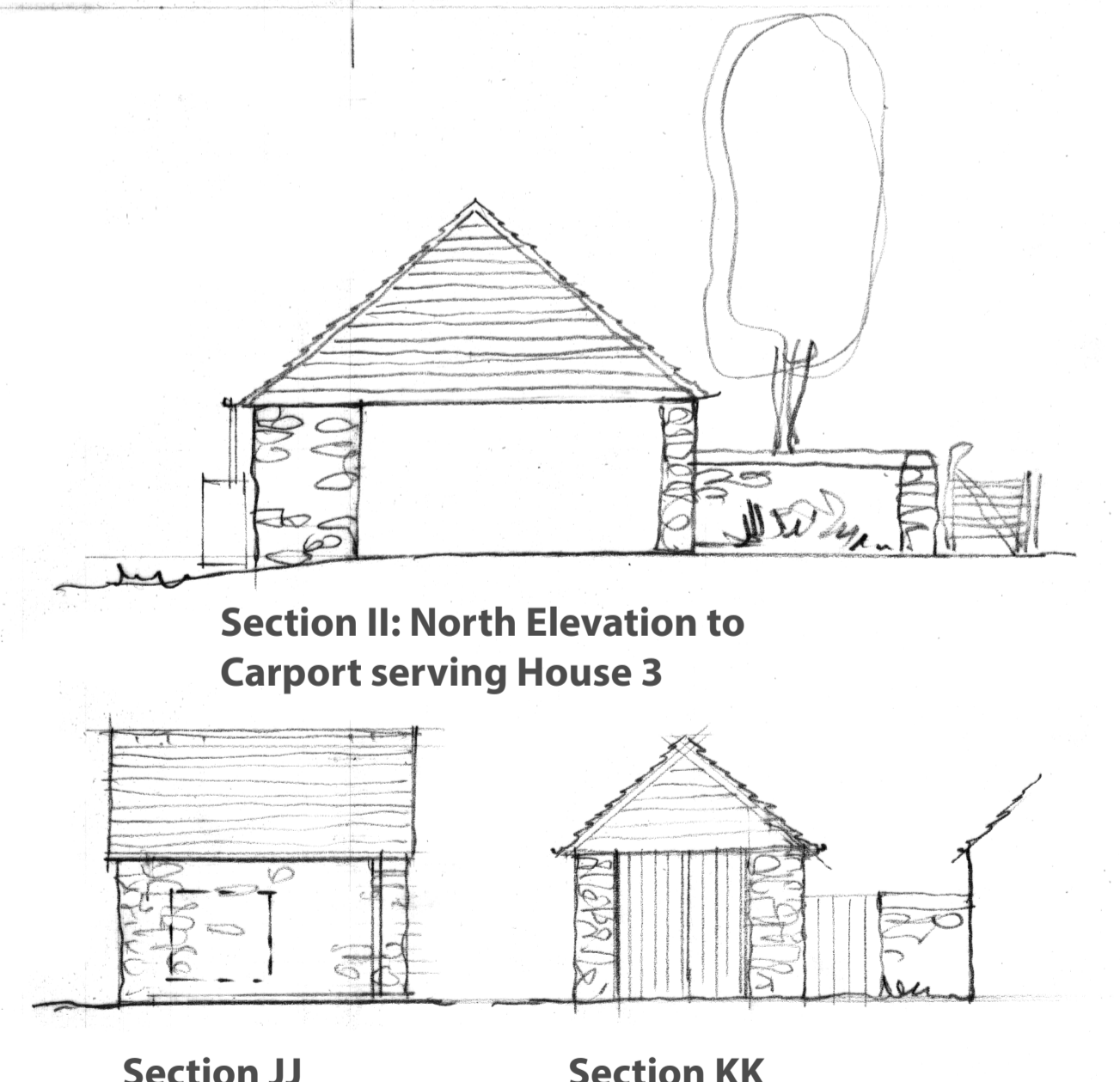
Section FF: North Garden Elevation to House 3



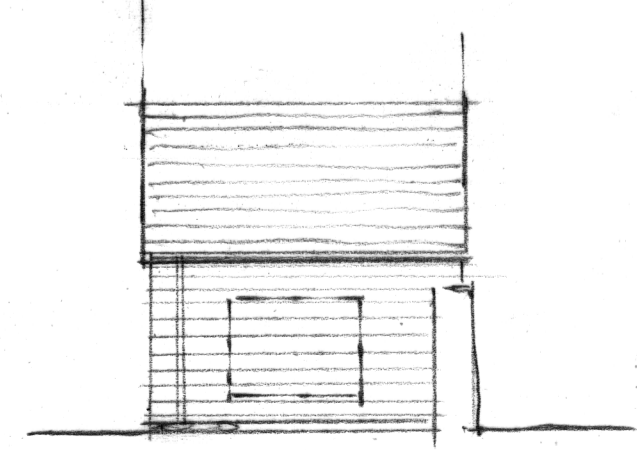
Section GG: North Elevation to House 2



Section II: North Elevation to Carport serving House 3

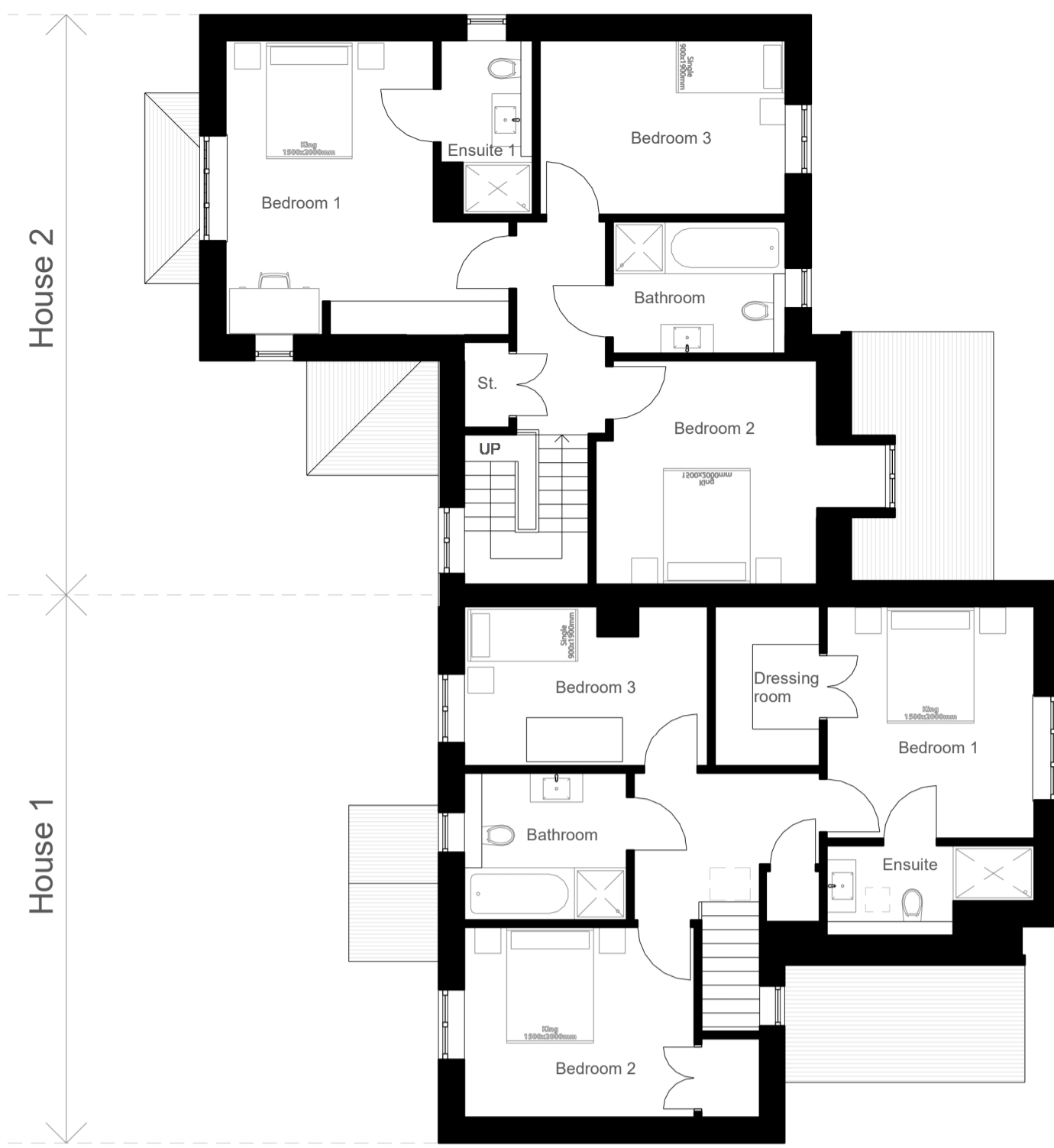


Section JJ Section KK Store serving House 1



Store serving House 2, North Elevation

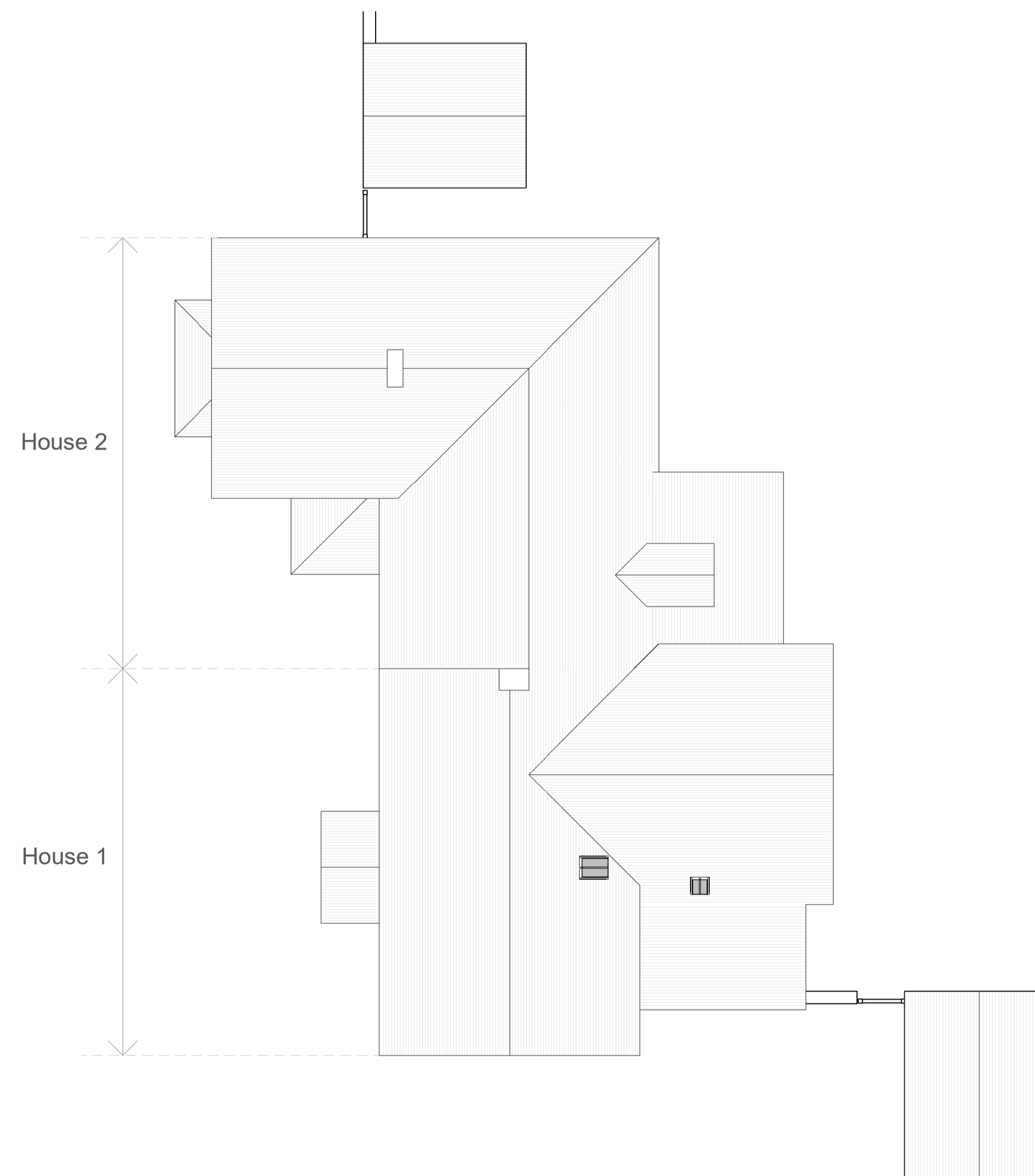
This page is intentionally left blank



First Floor Plan



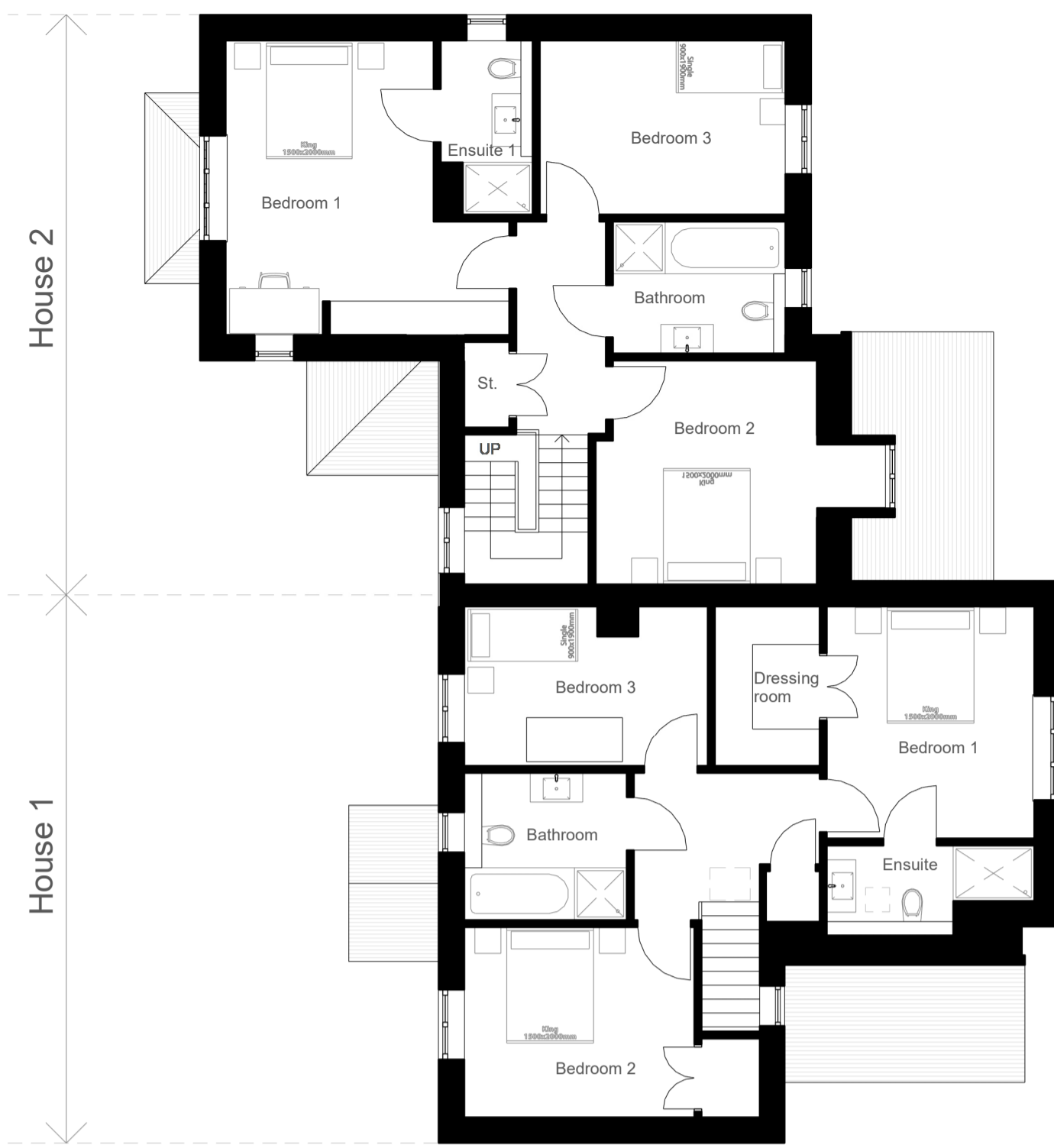
Ground Floor Plan



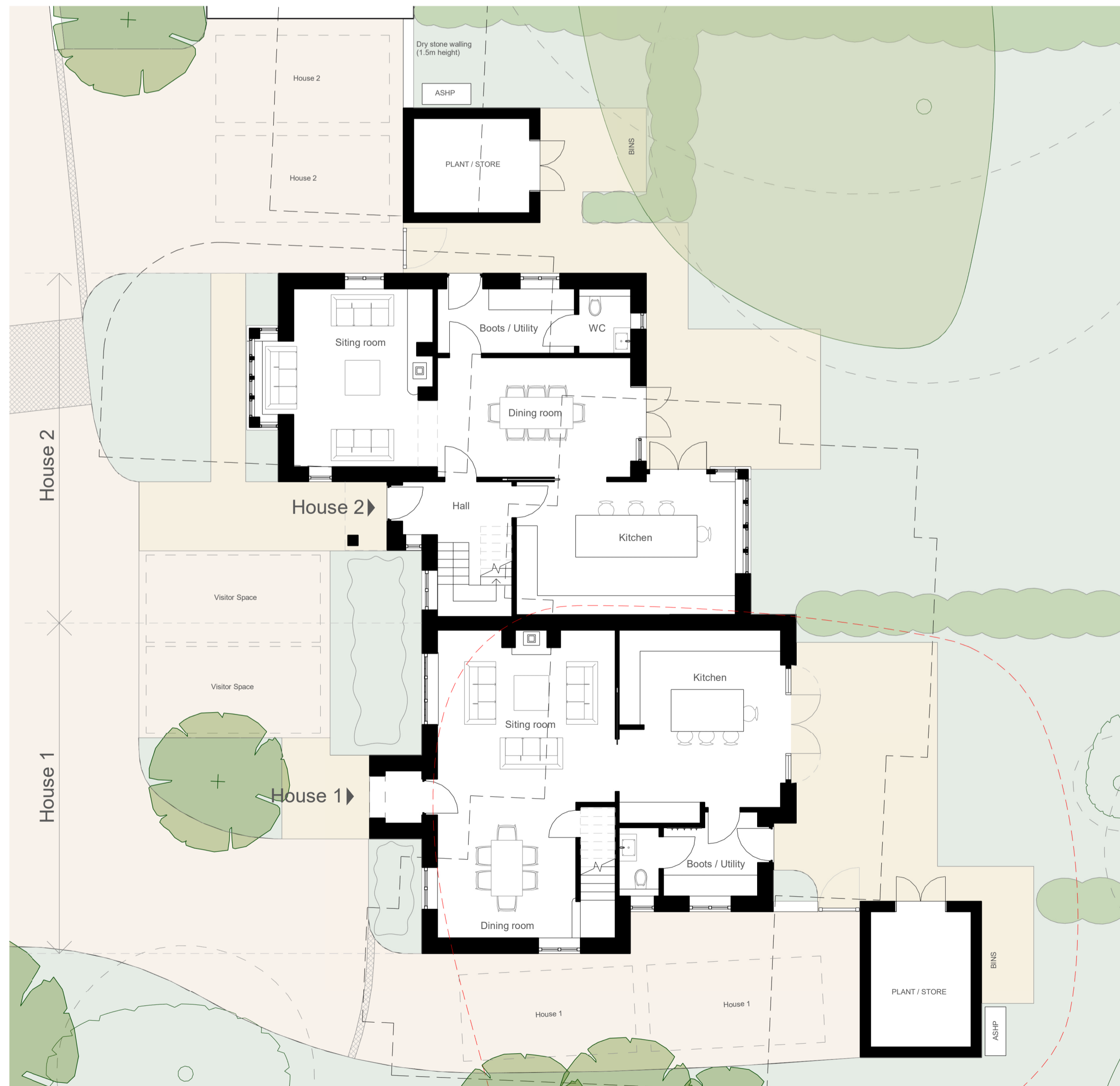
Roof Plan



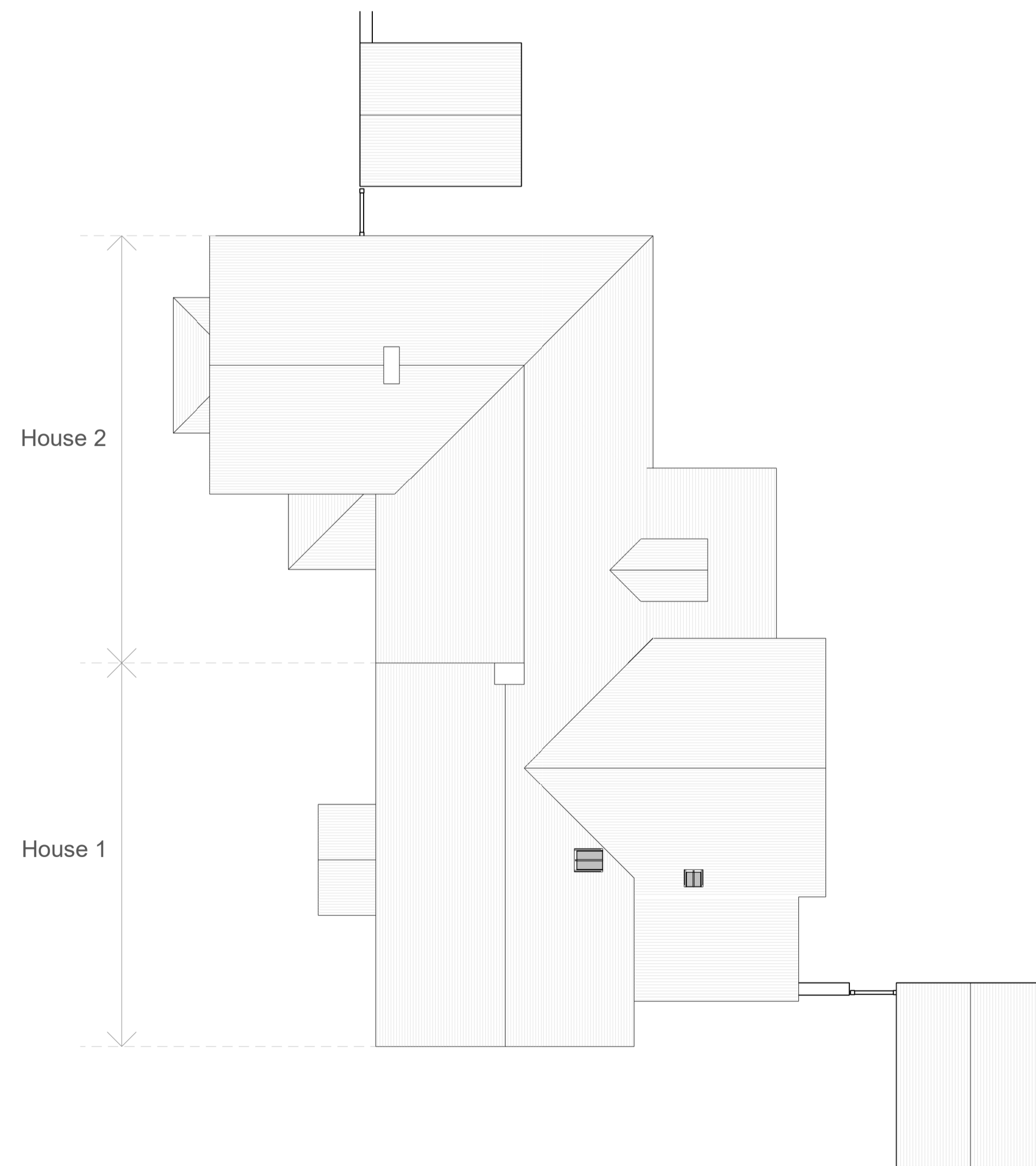
This page is intentionally left blank



First Floor Plan



Ground Floor Plan



Roof Plan



This page is intentionally left blank













**Erection of an agricultural building for the housing of dairy cattle at Manor Farm Chedworth
Cheltenham Gloucestershire GL54 3LJ**

Full Application 24/02773/FUL	
Applicant:	Mr Seb Clarke
Agent:	Kernon Countryside Consultants Ltd
Case Officer:	Amy Hill
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	15 January 2025
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Principle of Development and Need
- (b) Design and Impact on the Cotswolds National Landscape
- (c) Pollution
- (d) Highways Safety
- (e) Biodiversity and Geodiversity
- (g) Flooding

2. Reasons for Referral:

- 2.1 The application was validated after the 25th September 2024 and includes the provision of over 1,000m² of non-residential building floorspace. As such, under the Council's Scheme of Delegation (agreed 25th September 2024) the application cannot be determined under delegated powers and is therefore required to be brought to the Planning and Licensing Committee.

3. Relevant Planning History:

The site and immediately around it

- 3.1 18/00773/OUT: Erection of an agricultural worker's dwelling (Outline application). Withdrawn
- 3.2 18/02488/OUT: Erection of an agricultural worker's dwelling (Outline application). Permitted 10.10.2018
- 3.3 18/02489/FUL: Erection of agricultural building for the housing of cattle and retention of existing storage shed and fence. Permitted 10.08.2018
- 3.4 21/00884/REM: Erection of an agricultural worker's dwelling (Reserved Matters application). Permitted 16.04.2021

To the south of the site

- 3.5 20/04609/FUL: Conversion and extension of barn into one dwelling. Permitted 01.04.2021

Further south

- 3.6 11/05887/AGFO: Erection of mono pitch extension to agricultural building. Permitted 13.01.2012

Site at Manor Farm

- 3.7 19/02172/FUL: Demolition of cow cubicles and erection of a new building for cheese manufacturing. Permitted 02.08.2019
- 3.8 22/03286/FUL: Change of use of land to tourism and siting 1 no. shepherd hut to provide holiday accommodation together with associated parking. Withdrawn
- 3.9 23/01442/FUL: Demolition of cow cubicles and erection of a new building for cheese production. Permitted 03.08.2023

4. Site Description:

- 4.1 The application site comprises approximately 1.2 hectares of agricultural land a kilometre to the northwest of Chedworth. This includes an access track which currently serves a few agricultural buildings including a dairy. The main section of the site is a field, currently laid to grass.
- 4.2 The site, and wider area, is relatively flat, with the fields to the northwest of the site part of the disused Chedworth airfield. The field is located approximately 130m to the northeast of the road from Chedworth, with views of the site limited to the east of the entrance due to a rectangular block of trees. Along the access track runs a Public Right of Way (PRoW) - Chedworth Bridleway 16. To the northeast of the site is another PRoW - Chedworth Footpath 20.
- 4.3 To the south and east of the field are a few agricultural buildings, with those comprising former airfield buildings to the east, located behind a band of trees. To the south of the site, is a group of ponds.
- 4.4 The site is located within the Cotswolds National Landscape. It is also within Chedworth Airfield Local Wildlife Site and within an area identified as having a high potential for newts.

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Public Rights of Way Officer:

"This development does not appear to affect the nearby public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity."

- 6.2 Gloucestershire County Council Highways Officer: No objection

"The proposed agricultural building will be placed within an existing large agricultural holding and the proposal does not appear to be an "intensive" unit that would generate significant levels of traffic. It is therefore unlikely that the development will have a severe impact on the network capacity or an unacceptable reduction in highway safety."

- 6.3 Gloucestershire County Council Minerals and Waste Officer: Waste Minimisation Statement required.

"We note a WMS has been submitted in response to our previous comments 2024/0259/1/DPAP dated 24/10/24. The WMS should provide information on figures of types of waste from the construction process; along with a commitment "that at least 10% (by value) of the materials to be used will be comprised of recycled content".*

Also as previously mentioned, the WMS should provide information on whether consideration has been given to secondary and recycled material as part of the construction e.g. in areas of hardstanding."

- 6.4 Biodiversity Officer: No objections subject to conditions (including BNG)

- 6.5 Landscape Consultant: Objection, comments incorporated into the main report

- 6.6 Local Lead Flood Authority:

"To control discharge of surface water soakaways are proposed in the planning application. Given the nature of the geology at the site location there is no reason to suppose this will not work and will satisfy the requirements of the SuDS hierarchy, mitigating any risk of causing increased flood risk elsewhere.

The LLFA has no objection to the proposal and would derive no benefit from drainage conditions being applied to any consent granted against this application."

- 6.7 Environmental Health (Contamination): No objection

- 6.8 Environmental Health: No objection

- 6.9 Natural England:

"No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

- 6.10 Environment Agency: No objection subject to pre-commencement conditions

7. View of Parish Council:

- 7.1 Chedworth Parish Council: No objection

8. Other Representations:

- 8.1 None received at time of writing.

9. Applicant's Supporting Information:

- Proposed Plans
- Land Ownership Plan (KCC3255/06): October 2024
- Ecological Impact Assessment: July 2024
- Supporting Statement: September 2024
- Ammonia Assessment
- Previous Decision Notices

- Landscape Visual Impact Assessment: September 2024
- Building Space Calculations: September 2024
- Biodiversity Net Gain Statement: 25th September 2024
- Biodiversity Net Gain Assessment: September 2024
- Flood Risk Assessment: September 2024
- Slurry System Information: October 2024
- Site Waste Management Plan: 2nd November 2024
- Response to the Landscape Concerns: November 2024
- Letter from Gloucestershire Country Council Trading Standards (Animal Welfare Inspector): 27th November 2024
- Letter from Benson & Babb (The Forum Veterinary Surgery): 27th November 2024
- Letter from Senior Veterinary Inspector from the Animal and Plant Health Agency: 10th December 2024
- Letter from Savills: 11th December 2024

10. Officer's Assessment:

- 10.1 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.'
- 10.2 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.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

- 10.4 The application seeks the erection of a cow shed. It would measure 103.6m by 32.4m with eaves and ridge heights of 4.6m and 9m respectively. It would be constructed with concrete panels at the base then open to the eaves, with Yorkshire Boarding in the apex of the roof.
- 10.5 The agent has advised that the existing farming unit on the site operates on (or towards) a New Zealand system, with the cows primarily feeding on grass and not being housed in buildings. However, due to adverse weather conditions, this has resulted in the death of calves as well as reduced milk collection. The lack of current housing also appears to have resulted in higher than average levels of Bovine Tuberculosis (TB) on the farm. The aim of the barn is therefore to provide shelter to the cattle during poor/cold weather, and to provide an area to feed the cows more securely.
- 10.6 The applicant has advised that farm business has been in the family for 101 years, with the applicant having taken over in 2023. It has been certified Organic since 2008. They calve twice a year, spring and autumn, to provide a more consistent milk production through the year which the applicant has advised is fundamental to their milk buyers. Around half their milk production goes to a local cheese maker (King Stone Dairy) which is based within the farm holding, most of the rest goes to a dairy near Bristol which is sold in Marks and Spencer's (it is noted that the original planning statement advised the proportions were 1/3 to King Stone Dairy and 2/3s to the dairy near Bristol). In addition, they bottle some of their milk at a local café, deli and small self-service vending machine in Chedworth Village Hall. They also have multiple environmental stewardship agreements in place over a significant amount of their land.
- 10.7 Their dairy parlour was moved in 2015 to make the dairy more central to their farm, allowing the cows to move to new pastures more easily. They also changed their management system

at this point towards a 'New Zealand' system, which the applicant describes as involving *"very low inputs (minimal bought in feed, no external fertilizer application and no housing) that focuses on making as much milk from grass."*

- 10.8 In 2019, the cheesemakers moved onto the farm, resulting in a requirement for year round milk production. Currently the harsher weather conditions in winter result in a significant reduction in the milk produced. The applicant has advised that between *"April - October each cow averages 21 litres of milk a day between November - March each cow averages 13 litres a day."*

(a) Principle of Development and Need

- 10.9 **Local Plan Policy EC1: Employment Development** states: *Employment Development will be permitted where it: b. maintains and enhances the vitality of the rural economy;*

- 10.10 **Local Plan Policy EC3: Proposals for all types of employment-generating uses** supports small scale businesses outside Development Boundaries where they *facilitate the retention or growth of a local employment opportunity.*

- 10.11 **NPPF Paragraph 88** states:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

- 10.12 The application has been submitted due to the need to provide shelter for the cattle on the farm. With inclement weather and high rates of TB within the applicant's livestock causing their current farming style to cause significant issues with regard to the welfare of the cattle and viability of the business.

- 10.13 As part of the application, the agent has provided supporting information directly from the applicant to explain the issues on the farm, as well as from a number of third parties in support of this.

- 10.14 The Animal Health Inspector has confirmed that given the increasingly wet and windy weather it has become increasingly difficult for the applicants to ensure that their cattle have access to a well-draining lying area (a requirement when animals are not kept within a building).

- 10.15 Within the letter submitted from Benson & Babb (The Forum Veterinary Surgery) this has been reiterated with regard to the difficulty in providing dry bedding, as well as raising issues around limiting TB within the herd and the requirement that the barn is located close to the current parlour facilities, due to issues around lameness and mastitis caused by longer walks in winter on wet, mucky and uneven tracks.

- 10.16 The letter from Senior Veterinary Inspector from the Animal and Plant Health Agency stressed the current arrangement on the farming results in difficulties adhering to the requirements of the codes of recommendation for the welfare of livestock which are based on the Welfare of

Farmed Animals (England) Regulations 2007. This reiterated the difficulties in proving clean dry lying areas without the provision of buildings.

- 10.17 A letter of support has also been provided by the agent from Savills, which also stressed the issues around TB in the area and the need to separate the cattle from wildlife, and advised this is best achieved through the provision of secure winter housing. They also highlighted the benefits of the farm brings to the local economy, its environmental schemes, and the requirement for the amount of housing provided.
- 10.18 The agent has also advised that the location proposed was selected due to existing slurry and buildings (including dairy), as well as considering it a less sensitive location due to the proximity to the former airfield and other environmental enhancements on the wider farm holding.
- 10.19 The rural economy is historically focused on agriculture and remains a key rural employer. The agent as provided a case for the requirement for the building, primarily based around continuing the existing business on the site and allowing for some expansion of the herd. The requirement for providing housing for cattle on the unit is considered justified, both in regard to welfare of the cattle and ongoing viability of the business.
- 10.20 Policies EC1 and EC3 support businesses which maintain and enhance the vitality of the rural economy, whilst also allowing for the retention of local employment opportunities, which the proposal is considered to do. Paragraph 88 (b) supports the development of agricultural land-based rural businesses, which the proposal would achieve.
- 10.21 Paragraph 88(a) supports sustainable growth through well-designed, beautiful buildings. The building has been designed in a practical manner which meets the requirement for the business needs; however, there are design concerns as discussed below.

(b) Design and Impact on the National Landscape

- 10.22 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

10.23 **Local Plan Policy EN1: Built, Natural and Historic Environment:**

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;

b. contributing to the provision and enhancement of multi-functional green infrastructure;

c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;

d. seeking to improve air, soil and water quality where feasible; and e. ensuring design standards that complement the character of the area and the sustainable use of the development.

10.24 **Local Plan Policy EN2: Design of the Built and Natural Environment:**

Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

- 10.25 The Design Code specifies that large agricultural buildings *should be sited scaled and designed sensitively, using appropriate materials and finished. The impact of associated features should also be minimised.* It includes some key considerations, this includes:
- e. breaking the mass of a new building into modules, with varying roof lines and vertical articulation, is often valuable, especially within historic contexts.*
 - g. For large industrial or agricultural buildings in less sensitive settings some modern forms of cladding may be permissible, but often traditional and higher quality materials are still appropriate, such as timber boarding.*
 - h. These buildings should be finished in appropriately subdued colours, to assist in blending into their surroundings. This may include untreated timber or an equivalent grey stain.*
 - i. In rural settings, the placement, scale and massing of new buildings should also respond to their landscape context.*
 - j. Care should be taken to assess, for example, the impact on views within the AONB and on the settings of any heritage assets.*
 - k. Buildings should be carefully positioned to fit in with the landform in that particular location, and not should not be sited where they will dominate the surroundings (for example on the skyline or in the middle of a flat plateau).*
 - l. A low profile should be maintained and consideration should be given to breaking up the mass of a large new building (by varying its height, or using two small units rather than one).*
 - m. New farm buildings should generally be integrated within existing farmsteads.*
- 10.26 **Local Plan Policy EN4: The Wider Natural and Historic Landscape** states:
- 1. 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) of Cotswold District or neighbouring areas.*
 - 2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.*
- 10.27 **Local Plan Policy EN5: Cotswolds Area of Outstanding Natural Beauty (AONB)** states:
- 1. 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.*
 - 2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in national Policy and Guidance.*
- 10.28 Supporting **Paragraph 10.5.3** advises that *Major development can be defined in quantitative terms - a threshold number of dwellings, for example. However, it follows from appreciation of the area's varied natural form that consideration of what constitutes 'major' development is both a matter of context and a matter of fact and degree: what is deemed to be 'major' in one area may not be deemed to be so in another. The local plan therefore does not provide a quantitative definition of 'major development' here as this would be misleading and inflexible within the context of a policy largely concerned with qualitative issues. It will therefore be a*

matter for the development management process to determine whether or not a given proposal constitutes major development.

10.29 **NPPF Paragraph 187** states *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

10.30 **NPPF Paragraph 189** states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

10.31 **NPPF Paragraph 190** also states *When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development⁶⁷ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

67 For the purposes of paragraphs 190 and 191, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

- 10.32 The Cotswold Landscape Character Assessment (CLCA) identifies the site as lying within the Landscape Character Type (LCT) 7 High Wold and the Landscape Character Area (LCA) 7c Cotswolds High Wold Plateau. The LCT and LCA have elevated areas of plateau surrounded by deeply incised valleys, and are characterised by predominantly arable land use with some improved pasture/grass leys, and very limited permanent pasture mainly confined to valley bottoms provides seasonal variations in colour and texture. Large scale, regular fields mainly enclosed by dry stone walls, together with hedgerows with very occasional hedgerow trees, and post and wire fencing create a patchwork effect across wide areas of the landscape.
- 10.33 The CLCA identifies agricultural intensification and diversification as a Local Force for Change. The CLCA states that the Potential Landscape Implications of such development can include:
- *Construction of large scale industrial style agricultural 'sheds', silos, AD plants etc on the skyline or in prominent locations.*
- 10.34 The LCA's Landscape Strategies and Guidelines section states:
- *Ensure that new farm buildings including silos and AD plants etc do not have an adverse visual impact on the wider landscape.*
 - *Maintain the appearance and characteristic of isolated farmsteads and oppose proposals that will become dominant in the landscape"*
- 10.35 The Design Code advises *"breaking the mass of a new building into modules, with varying roof lines and vertical articulation"* and that *"A low profile should be maintained and consideration should be given to breaking up the mass of a large new building (by varying its height, or using two small units rather than one)."*
- 10.36 The building is proposed appears agricultural in design, with concrete panels at the lower section with Yorkshire Boarding above a relatively common approach for housing livestock within the area. However, its scale is extensive at 103.6m in length by 32.4m in width. This would result in excessive bulk, which the design does little to break up or lessen. This length would also be greatly perceived from close distance views along the bridleway and ones at a further distance from the road and footpath.
- 10.37 The requirement for the floorspace requested is noted, however, little has been done to break up the mass of the proposed building, which appears out of proportion within the context.
- 10.38 The Design Code also advises that *"In rural settings, the placement, scale and massing of new buildings should also respond to their landscape context."* and *"Care should be taken to assess, for example, the impact on views within the AONB and on the settings of any heritage assets."* It also advises that *"Buildings should be carefully positioned to fit in with the landform in that particular location, and not should not be sited where they will dominate the surroundings (for example on the skyline or in the middle of a flat plateau)."*
- 10.39 The proposed building would be set within an existing open pasture field set within a relative flat open wider area. The flat nature of surroundings was utilised for the Chedworth airfield. The Landscape Consultant has advised this was *"built in 1941 as part of the war effort it was a satellite airfield that ceased all operations in the 1980's."* The perimeter track to the airfield is still evident and the Airfield Buildings set to the south-east of the proposed barn are remnants

of the airfield. To the north of the site is a recently constructed bund and what appears to be a slurry or silage clamp.

- 10.40 The siting of the building within the field also appears arbitrary with regard to the landscape, with it not aligned to any of its boundaries. To the north and south of the building would be a concrete apron, with the remainder of the field indicated (within the Biodiversity Net Gain Statement) as being left as neutral grassland with a few trees (9 indicated) to the either side.
- 10.41 The planning statements indicates its siting is in proximity to other farm management buildings and to visually associate the shelter with other built form. The site is near some existing agricultural buildings; however, is distinctly separate, and is considered not to be within an existing yard. In addition, these buildings are significantly smaller than that proposed, with the largest one nearby approximately 27m by 32m in size.
- 10.42 The Landscape Consultant also advised *"It is not unusual to see barns built at farms, they are a feature of the rural landscape in and outside of the CNL. However the overall scale and repetitious nature of the proposal's built form is such that it will appear incongruous and unattractive in this location. It does not relate well to other buildings or the shape of the field and could lead to a deterioration of the appearance of remaining field around the shelter"*.
- 10.43 It is noted that some mitigation, with the planting of trees identified within the Biodiversity Net Gain Assessment, was not identified clearly as part of the Landscape Appraisal, although this is limited. Along with existing trees, they would provide a degree of softening and backdrop to the building; however, given the scale of the building, these trees to the east of the building would largely be blocked from public views, especially from the bridleway. Whilst in maturity the trees to the east would add some distraction and softening in views, their effect would be limited in the scale of the building, as well as likely requiring decades to become substantial in size.
- 10.44 Overall, the Landscape Consultant's view that a building of this scale could not be successfully assimilated into the open landscape of the proposed location, is agreed with.
- 10.45 Concern was raised by the agent with regard to the Landscape Consultant having not visited the site; however, the Case Officer has visited the site and the concerns raised by the Landscape Consultant correspond to those of the Officer.
- 10.46 In conclusion, the scale of the building, even though agricultural in style will make it appear incongruous in the proposed location. The proposal neither protects, nor enhances the landscape character or appearance of this part of the Cotswolds national Landscape. Given the Cotswolds National Landscape is of national significance, great weight should be given to conserving and enhancing landscape and scenic beauty.
- 10.47 It is noted that the agent has raised both previous development allowed on the site and other agricultural development near public rights of way; however, it is the design, scale and positioning of the proposal is unacceptable, rather than the principle of agricultural development on the site.
- 10.48 The application is a major application with regard to the definition with the Town and Country Planning (Development Management Procedure) (England) Order 2015 due to the floor space proposed. However, given the agricultural nature of the proposal and its setting within an agricultural context, whilst its scale, siting and impact on the Cotswolds National Landscape is considered unacceptable, it is considered that the site proposal would not be major in regard to whether it would have a significant adverse impact on the purposes for which the area has been designated or defined.

10.49 The proposal is therefore considered to cause harm to the character and appearance of the Cotswolds National Landscape and is therefore contrary to the requirements of Local Plan Policies EN1, EN2, EN4 and EN5, and NPPF paragraphs 187 and 189.

(d) Pollution

10.50 **Local Plan Policy EN15: Pollution and Contaminated Land** states:

1. Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

a. pollution of the air, land, surface water, or ground water sources; and/or

b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

2. Unless proposals would result in no unacceptable risk to future occupiers of the development and/or the surrounding land, development will not be permitted:

a. that is located on or in the vicinity of land that is contaminated or suspected of being contaminated; and/or

b. on land that contains or which potentially would create through development a pathway for migration of a potentially hazardous substance into a sensitive receptor.

3. In respect of affected sites the developer and/or landowner will be required to undertake appropriate investigation(s) and to carry out necessary remedial works.

10.51 The site is located away from the village of Chedworth, with the closest houses appearing to be within the applicant's ownership approximately 300m to the south of the site. Given the separation and clear agricultural context, this is considered a sufficient separation such that the occupants' amenity won't be unacceptably harmed due to the proposal.

10.52 The previous use of the proposed development site as an airfield presents a medium risk of contamination, construction could result in the pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer.

10.53 The Environment Agency have advised that "the nature of the application means that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken."

10.54 They have gone on to suggest two pre-commencement conditions which it is considered would suitably address the concerns regarding water contamination.

10.55 The proposal directs any slurry to an underground slurry system which will feed into its own standalone slurry management system which would be covered with concrete. No objections have been raised in relation to contamination risks by the Council's Environmental Health Team, following the submission of further information relating to the storage of slurry and how odour emissions would be controlled. Natural England were consulted due to potential nitrogen deposition; however, have raises no objections.

10.56 Overall, it is considered that the proposal would be able to comply with the requirements of Local Plan Policy EN15, subject to suitable conditions.

(e) Biodiversity and Geodiversity

10.57 **Local Plan Policy EN8: Biodiversity And Geodiversity: Features, Habitats And Species** states:

1. *Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.*
2. *Proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.*
3. *Proposals that reverse habitat fragmentation and promote creation, restoration and beneficial management of ecological networks, habitats and features will be permitted, particularly in areas subject to landscape-scale biodiversity initiatives. Developer contributions may be sought in this regard.*
4. *Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.*
5. *Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity" will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.*

10.58 **Local Plan Policy EN9: Biodiversity and Geodiversity: Designated Sites** relates to the protection of designated sites.

10.59 A Biodiversity Net Gain Assessment and Ecological Impact Assessment were submitted with the application. The Ecological Impact Assessment concluded that "*it is anticipated that the proposal will have negligible impact on designated sites or priority habitats.*"

10.60 A lagoon/pond is present approximately 50m to the southwest of the location of the proposed building; however, this feature was assessed as poor suitability for great crested newts. The Biodiversity Officer has advised that "*Due to the extent of the proposed development and the sub-optimal habitats which will be affected (poor neutral grassland), it is felt that in this instance, reasonable avoidance measures are sufficient to ensure individuals are safeguarded in the event one is discovered.*" A condition to ensure this was suggested, and if the application were otherwise considered suitable would be conditioned.

10.61 Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain. The applicant has demonstrated at least a 10% net gain in habitat units can be achieved on-site (10.39%). It is considered that if the application was otherwise acceptable a condition could adequately secure this.

(f) Highways

10.62 **Local Plan Policy INF4: Highway Safety** states:

Development will be permitted that:

- a. *is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*

b. creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;

c. provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;

d. avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and

e. has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.

- 10.63 The proposed building is intended to serve an existing herd (with a potential modest increase in numbers), and the proposal does not appear to be an "intensive" unit that would generate significant levels of traffic. The Highways Officer has therefore confirmed that they consider it unlikely that the development will have a severe impact on the network capacity or an unacceptable reduction in highway safety.

(g) Flooding

- 10.64 **Local Plan Policy EN14: Managing Flood Risk** states:

The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).

- 10.65 The site is within Flood Zone 1 is not indicated to be at any significant risk of flooding from other sources. The application proposes surface water soakaways are installed. The Lead Local Flood Authority has advised that *"Given the nature of the geology at the site location there is no reason to suppose this will not work and will satisfy the requirements of the SuDS hierarchy, mitigating any risk of causing increased flood risk elsewhere. The LLFA has no objection to the proposal and would derive no benefit from drainage conditions being applied to any consent granted against this application."*

Other Matters

- 10.66 The CIL rate for this type of development is zero and therefore no CIL is payable.
- 10.67 The Scheduled Ancient Monument (SAM) Chedworth Roman Villa is located approximately 1.2km to the north east of the site. It is separated by fields along the flat land, followed by an area of Ancient Woodland on the valley slopes, down to the SAM. Given the degree of separation from the SAM and agricultural use, it is considered that the proposal would not harm the setting of it.
- 10.68 Waste Management: Gloucestershire County Council have requested the submission of a site Waste Management Plan (or equivalent) is submitted in accordance with their Supplementary Planning Document: Waste Minimisation in Development Projects. This seeks the information on figures of types of waste from the construction process; along with a commitment "that at least 10%* (by value) of the materials to be used will be comprised of recycled content". Whilst a Waste Management Plan was submitted Gloucestershire County Council noted that the Waste Minimisation Statement should provide information on whether consideration has been given to secondary and recycled material as part of the construction e.g. in areas of hardstanding. As such, further information is required, however, given application is otherwise considered unacceptable, further details have not been sought.

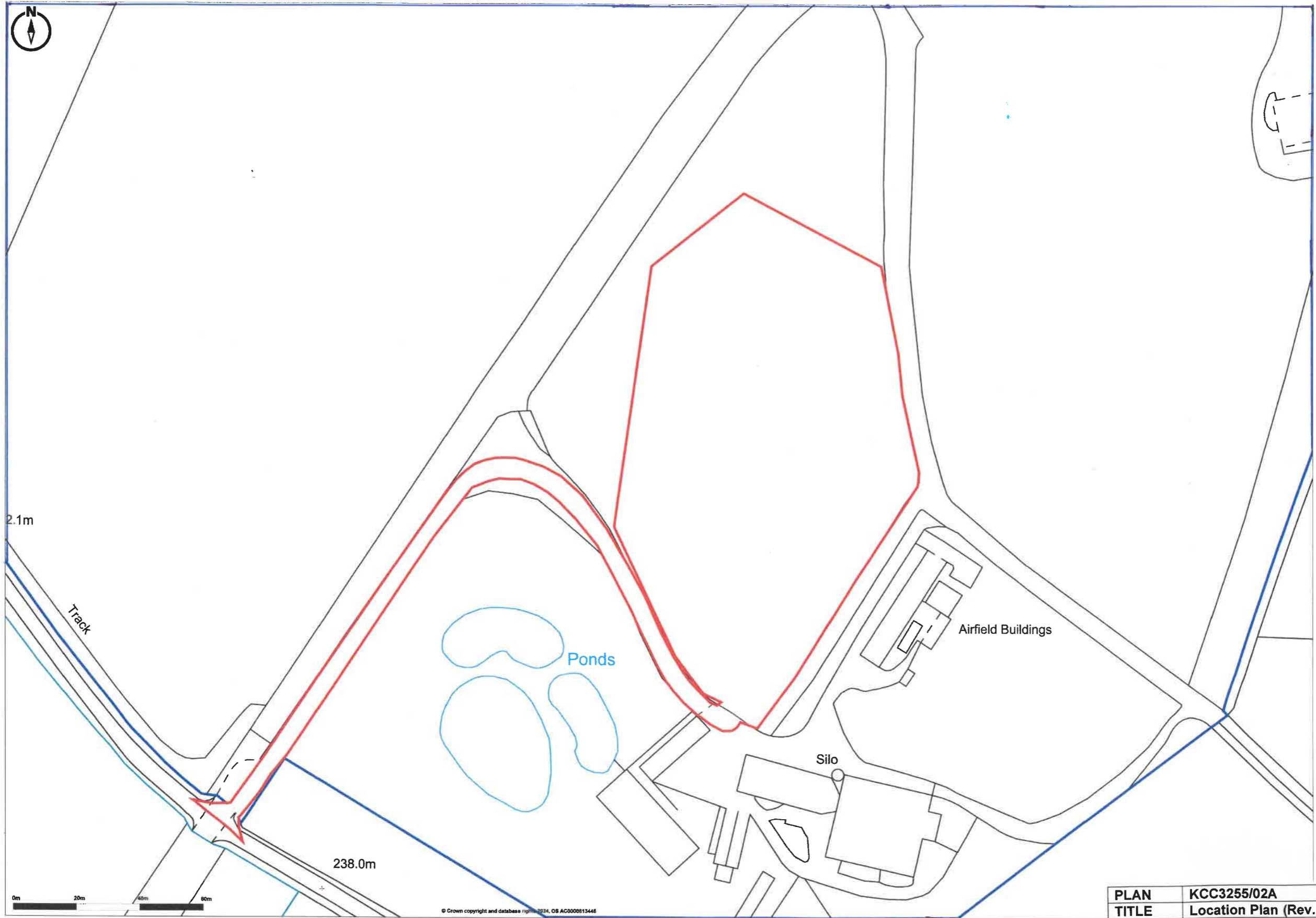
11. Conclusion:

- 11.1 The proposal is supported by Local Plan Policies EC1 and EC3, and the need for housing for the applicant's cattle are evident regarding livestock welfare and the business needs. Nevertheless, the site is within a nationally important landscape, which the proposal does little to address or accommodate. Its scale, design and positioning in relation to other landscape features results in a building which appears awkward and incongruous, thereby resulting in harm to the character and appearance of the Cotswolds National Landscape. Great weight is required to be given to conserving and enhancing landscape and scenic beauty of the National Landscape, and as such the economic and welfare benefits to the proposal are considered not to outweigh the harm caused by the proposal.
- 11.2 The application is therefore recommended for refusal, as it does not comply with Local Plan Policies EN2, EN4 and EN5 and NPPF Paragraphs 187 and 189.

12. Reasons for Refusal:

The site comprises an open field located within the Cotswolds National Landscape which is prominent within views from Public Rights of Way. The proposed building is of a scale, design and position which fails to relate to its sensitive setting and existing landscape features. The scale and form of the proposed building fails to accord with the Cotswold Design Code due to its excessive mass which is not meaningfully broken up. The proposal is therefore considered to result an unacceptable harm to the Cotswolds National Landscape. Whilst the proposal provides economic and animal welfare benefits, given the conservation and enhancement of the natural beauty of the landscape, its character and special qualities are given great weight, on balance these benefits are considered not to outweigh the harm to the Cotswolds National Landscape.

The proposal is considered contrary to the requirements of Local Plan Policies EN2, EN4 and EN5, and National Planning Policy Framework paragraphs 187 and 189.



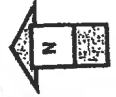
Promap
LANDMARK INFORMATION

© Crown copyright and database rights 2024. OS AC0000813445
Plotted Scale - 1:1250, Paper Size - A3

PLAN	KCC3255/02A		
TITLE	Location Plan (Rev. A)		
SITE	Manor Farm Dairy		
CLIENT	Manor Farm Chedworth		
NUMBER	KCC3255/02A 09/24ec		
DATE	September 2024	SCALE	1:1250 at A3

KERNON COUNTRYSIDE CONSULTANTS LTD
Greenacres Barn, Purton Stoke, Swindon SN5 4LL
Tel 01793 771333 Email info@kemon.co.uk
This plan is reproduced from the Ordnance Survey under copyright
licence 100015226

This page is intentionally left blank



External concrete pad

Proposed building

Underground slurry system with concrete top

Airfield Buildings

Silo

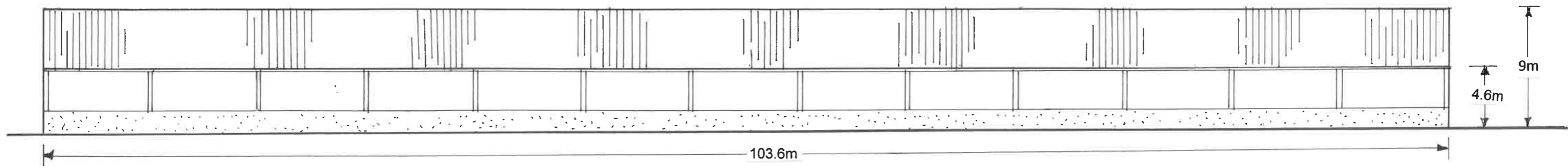


1:500

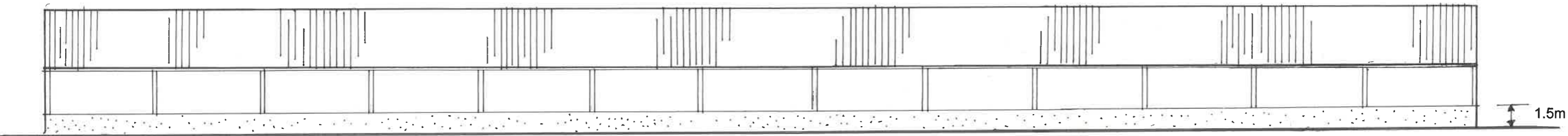
PLAN	KCC3255/03
TITLE	Block Plan
SITE	Manor Farm Dairy
CLIENT	Seb Clarke
NUMBER	KCC3255/03 08/24cb
DATE	August 2024
SCALE	1:500 at A3

KERNON COUNTRYSIDE CONSULTANTS LTD
Greenacres Barn, Purton Stoke, Swindon SN5 4LL
Tel 01793 771333 Email info@kernon.co.uk

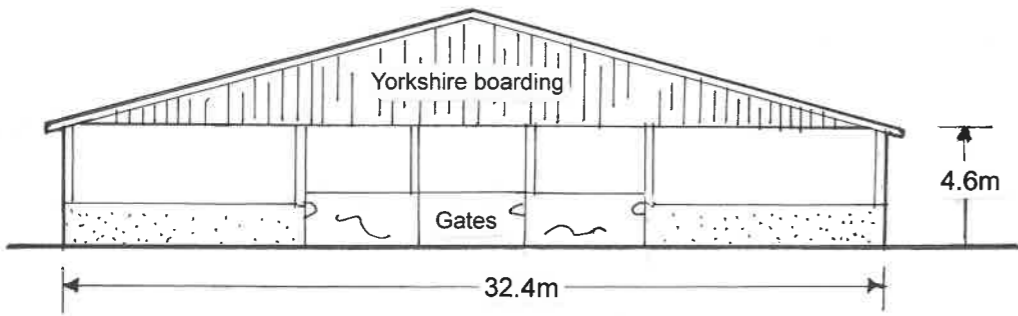
This page is intentionally left blank



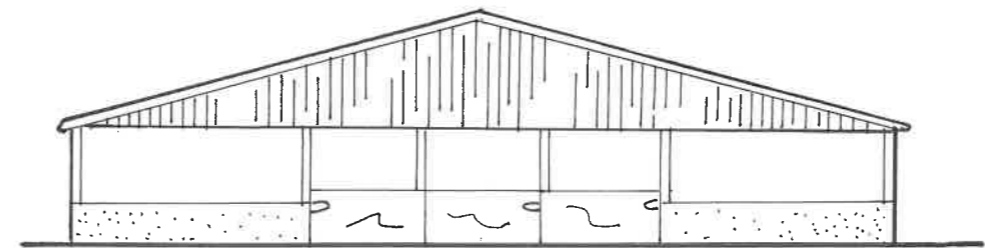
EAST ELEVATION



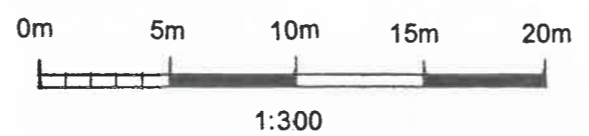
WEST ELEVATION



NORTH ELEVATION



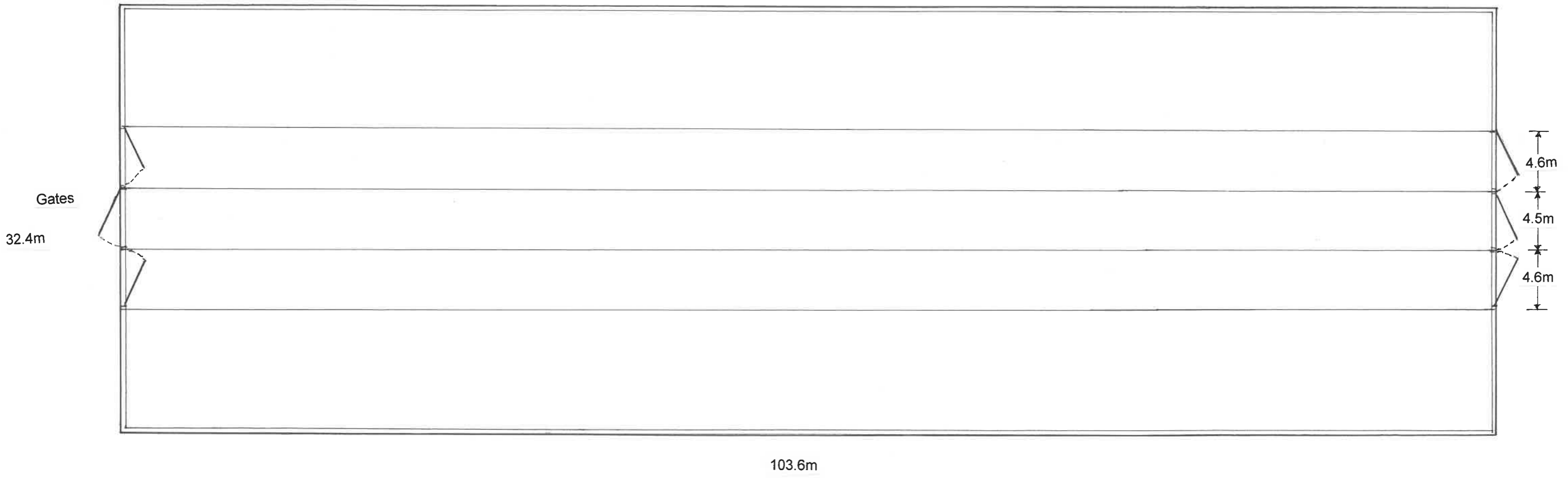
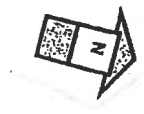
SOUTH ELEVATION



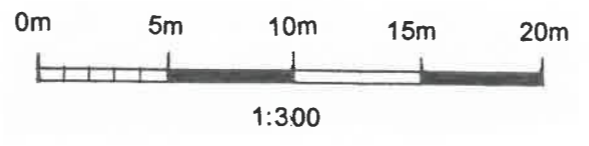
PLAN	KCC3255/04		
TITLE	Proposed Elevations		
SITE	Manor Farm Dairy		
CLIENT	Seb Clarke		
NUMBER	KCC3255/04 08/24cb		
DATE	August 2024	SCALE	1:300 at A3

KERNON COUNTRYSIDE CONSULTANTS LTD
Greenacres Barn, Purton Stoke, Swindon SN5 4LL
Tel 01793 771333 Email info@kernon.co.uk

This page is intentionally left blank



FLOOR PLAN



PLAN	KCC3255/05		
TITLE	Proposed Floorplan		
SITE	Manor Farm Dairy		
CLIENT	Seb Clarke		
NUMBER	KCC3255/05 08/24cb		
DATE	August 2024	SCALE	1:300 at A3
KERNON COUNTRYSIDE CONSULTANTS LTD Greenacres Barn, Purton Stoke, Swindon SN5 4LL Tel 01793 771333 Email info@kernon.co.uk			

This page is intentionally left blank