



31 March 2025

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### 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, 9 April 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, 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 relating to items to be considered at the meeting.

4. **Minutes** (Pages 5 - 12)

To confirm the minutes of the meeting of the Committee held on Wednesday 12 March 2025.

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 in which they were 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.

### **Schedule of Applications**

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

8. **24/03864/FUL Grove Piece Duntisbourne Leer Cirencester** (Pages 15 - 78)  
Proposal  
Convert an existing stable building to a two-bedroom residential dwelling.

Case Officer  
Joanne Reeves

Ward Member  
Councillor Julia Judd

Recommendation  
Permit

9. **24.03740.FUL Land Parcel Adj To 10 De Havilland Road Upper Rissington**  
(Pages 79 - 112)  
Proposal  
The erection of a 5 bed, two-and-a-half-storey detached dwellinghouse, including new entranceway.

Case Officer  
Amy Hill

Ward Member

Councillor Andrew Maclean

Recommendation

Permit subject to completion of S105 legal agreement to secure self-build.

10. **Sites Inspection Briefing**

Members for 7 May 2025 (if required)

Councillors Ray Brassington, Patrick Coleman, David Fowles, Andrew Maclean,  
Michael Vann

11. **Licensing Sub-Committee**

Members for 24 April 2025 (if required)

To be confirmed.

(END)



Planning and Licensing Committee  
12/March2025

## **Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 12 March 2025**

### Members present:

Ray Brassington

Dilys Neill

Mark Harris

Gary Selwyn

Patrick Coleman

Julia Judd

David Fowles

Daryl Corps

Daryl Corps

Andrew Maclean

Dilys Neill

### Officers present:

Helen Blundell, Interim Head of Legal  
Services

Adrian Harding, Interim Head of Planning  
Harrison Bowley, Head of Planning Services  
Martin Perks, Principal Planning Officer

Graham Smith, Planning Case Officer  
Julia Gibson, Democratic Services Officer  
Kira Thompson, Election and Democratic  
Services Support Assistant

### **I03 Apologies**

Apologies were received from Councillor Ian Watson and Councillor Michael Vann.

### **I04 Substitute Members**

There were no substitute members.

### **I05 Declarations of Interest**

8. 24/01608/FUL - Land West of Down Ampney Football Club.

David Fowles, Personal, Councillor Fowles was the Ward Member for Down Ampney 2003 - 2019.

9. 24/02125/FUL - The Barn Hills Farm.

Julia Judd, Personal, The applicant is known as a fellow Cotswold District Councillor.

### **I06 Minutes**

The Minutes of the meeting held on 12 February 2025 were considered.

The acceptance of the minutes subject to a minor spelling adjustment was proposed by Councillor Mark Harris and seconded by Councillor Andrew Maclean.

This proposal was put to the vote and agreed by the Committee.

**03. To confirm the minutes of the meeting of the Committee held on 12 February 2025.  
(Resolution)**

|                       |   |   |
|-----------------------|---|---|
| For                   | Patrick Coleman, David Fowles, Mark Harris, Julia Judd, Andrew Maclean, Dilys Neill and Gary Selwyn | 7 |
| Against               | None  | 0 |
| Conflict Of Interests | None  | 0 |
| Abstain               | Ray Brassington and Daryl Corps   | 2 |
| <b>Carried</b>        |   |   |

**107 Chair's Announcements**

The Chair informed the Committee that the National Planning Policy Framework (NPPF) feedback would be updated very shortly.

The Chair, on behalf of the Committee, thanked Adrian Harding, Interim Assistant Director of Planning, and Richard McEllistrum, Interim Development Management Manager, as they concluded their roles within Cotswold District Council.

**108 Public questions**

There were no public questions.

**109 Member questions**

There were no member questions

**110 24/01608/FUL - Land West of Down Ampney Football Club**

The application was for the erection of thirteen affordable homes with associated work at Land West of Down Ampney Football Club.

Case Officer: Martin Perks

Ward Member: Councillor Lisa Spivey

Original Recommendation:

PERMIT Subject to no objection from Gloucestershire County Council Lead Local Flood Authority and completion of S106 legal agreement covering provision of affordable housing and financial contributions towards school transport and North Meadow and Clattinger Farm Special Area of Conservation.

The Chair invited the Case Officer to introduce the application:

- There were additional pages as supplementary documents to include a Cabinet Report dated 22 November 2022
- Various maps and photographs of site location, housing layout scenescape.

Public speakers:

Public Speaker 1.

The Parish Council Member, Councillor Richard Busby made the following points:

- He was not against social housing but opposed this plan as it disregarded the Down Ampney Neighbourhood Development Plan (2024).
- The proposed density exceeded village norms; fewer dwellings would align better with local policies.
- The plans contradicted parking local regulations and created safety risks due to off-plot parking arrangements.
- The area already suffered from flooding; the drainage strategy in the application was unclear and inadequate.
- Residents felt that the local sewage system was overloaded and that the application provided no timeline for essential upgrades.
- Concerns were raised about a potential conflict of interest regarding Cotswold District Council's involvement in the application.

Public Speaker 2.

Mr Geoffrey Tappern spoke to object to the application:

- Objections were made to the overruling of the Down Ampney Neighbourhood plan and a possible conflict of interest related to the development of land owned by the Council.
- Concerns about a lack of housing mix as all units were affordable housing and the proposed density exceeding the village standard of 12.5 dwellings per hectare.
- Concerns were also raised about the Ampney St. Peter sewage plant being able to support additional housing with no confirmed upgrade to date.

Public speakers 3.

Robert Weaver, Chief Executive stood in for Alan Hope, the Strategic Housing Manager.

The following points were raised:

- The Council has partnered with Bromford, a major UK housing association, to develop genuinely affordable housing.
- Bromford would own and manage the homes, aiming to support thriving communities.
- This project would build on a 2022 collaboration agreement between Bromford and Cotswold District Council for sustainable affordable housing.
- The development included 13 social rented homes, a play area, open space, and a financial contribution for school transport.

Chris Moore, (Agent)

- The development aimed to address two urgent issues in the Cotswolds: affordable housing shortages and the impact of climate change.

- The development provided 100% affordable, social rented housing with a mix of two and three-bedroom homes.
- The Cotswolds had a significant gap between average income and house prices, and the development helped to address this issue with a new type of affordable housing for the local area.
- The design focused on sustainability, using a fabric-first approach and renewable energy sources to reduce energy bills and lower running costs.
- The applicant addressed concerns about foul and surface water drainage in direct communication with the Local Lead Flood Authority (LLFA).

Helen Blundell, Interim Head of Legal Services, clarified the concerns about a conflict of interest. The Committee was legally permitted to determine a planning application for Council-owned land, as long as the Committee handling the application was separate from those managing the land.

#### Ward Member.

Councillor Lisa Spivey (read out by Democratic Services in her absence):

- The site in Down Ampney was currently neglected, and the development of good-quality housing would improve the area and contribute positively to the village. The housing plans incorporated traditional Cotswold materials, green features, and a zero-carbon tag, enhancing the village's future.
- The village had experienced disruption from previous developments, including flooding and sewage issues. The community had been active in addressing these concerns, and the proposed development should leverage support for upgrading sewage treatment works.
- While the parish council had concerns about the density of the new homes, the development of 13 homes for social rent helped meet the district's housing needs and contribute to the regeneration of the area, offering safe, affordable homes and improving communal spaces.

#### Members Questions

Members asked questions of the Case Officer, who responded as follows:

- The Case Officer shared that GCC Highways had raised no highway safety objection following concerns raised about parking design and location.
- There may be instances where a proposal may conflict with guidance or policy in a Neighbourhood Plan. However, it was necessary to consider an application against all policies and guidance including the Local Plan and NPPF and weigh the benefits and impacts of the proposal accordingly.
- The Case Officer explained how the drainage of surface water on site would drain to the attenuation pond and then be released into the existing surface water sewage system.



- Thames Water was satisfied that it could deal with the water supply but the Ampney St Peter treatment plant had not got the capacity to deal with the extra homes at present.
- The proposed condition regarding the 'no occupancy' caveat until Thames Water had completed the upgrade to the foul water treatment, or had agreed an infrastructure phasing programme was a standard recommended by Thames Water.
- Plans showed that the air source heat pumps were enclosed. The Case Officer explained that the developer would have to accord with the approved plans and it would be for the developer to ensure that this could be achieved.
- The Case Officer expressed doubts whether any occupation of the completed buildings would occur within 12 months with the Ampney St Peter's Sewage works due to be upgraded by 2028 if planning permission were to be granted by the Committee.
- Down Ampney was a Principal Settlement in the Local Plan and the application site was allocated for residential development. Affordable housing on the site was intended to meet the District's affordable housing needs, however, preference would be given to people with a local connection to Down Ampney parish.
- Social rented units in Down Ampney were not being delivered as part of the ongoing housing developments currently being undertaken in the village.
- Bromford housing would have five year permission within which to implement the scheme. This would provide the applicant with more time to deal with matters such as water treatment improvements.
- The developer would pay £803 per dwelling towards the management of the North Meadow and Clattinger Farm Special Area Conservation (SAC) due to the site location within the Zone of Influence of the SAC.
- The Case Officer agreed that a traffic management plan could be placed as a condition to minimise disruption to residents of Down Ampney and nearby villages during construction works.

Member Comments:

Members made the following comments on the application:

- There were low levels of concern in the community based on the number of objection comments received.
- There was a need for more social housing by 2027.
- It was important for landscaping conditions to be enforced to protect biodiversity.
- Low-carbon, energy efficient housing was welcome.
- Conditions were requested to involve traffic-management controls during construction and in-roof solar panels to enhance the appearance of the scheme.

- Concerns were raised about the issues around flooding and the sewage water treatment upgrade by Thames Water.

Councillor Mark Harris proposed accepting the officer recommendation, and Councillor Andrew Maclean seconded the proposal. The proposal was put to the vote and agreed by the Committee.

Resolved: To Permit the application subject to the inclusion of Construction Management Plans.

| <b>24/01608/FUL - Land West of Down Ampney Football Club. To Permit subject to Construction Management Plans. (Resolution)</b> |   |   |
|--|---|---|
| For  | Ray Brassington, Patrick Coleman, Daryl Corps, Mark Harris, Andrew Maclean, Dilys Neill and Gary Selwyn | 7 |
| Against  | None  | 0 |
| Conflict Of Interests  | None  | 0 |
| Abstain  | David Fowles and Julia Judd   | 2 |
| <b>Carried</b>   |   |   |

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### **III 24/02125/FUL - The Barn Hills Farm**

The application was for the erection of a first storey extension and ground floor alterations.

Case Officer: Graham Smith

Ward Member: Cllr Paul Hodgkinson

Original recommendation: Refuse

The Chair invited the Case Officer to introduce the application:

- There was a minor amendment proposed to the ground floor to replace a window with the door.
- The Case Officer shared site location, floor plans and elevations and photographs of building.

Public speakers:

Speaker 1

Chedworth and Withington Parish Council – Councillor David Broad

The Parish council had no objections to the extension application subject to no unnecessary external lighting and found nothing to object to regarding the design.

Speaker 2

Supporter – Helen Bridge

Helen Bridge described the need for the extension for extra room and they gave very careful consideration to the character of the barn and the impact on the conservation area.

Speaker 3

Applicant – Councillor Jeremy Theyer

Councillor Jeremy Theyer explained how they had kept their design in keeping with the hay barn design.

Members questions:

Members asked questions of the Case Officer, who responded as follows:

- There was no pre-application submitted prior to the planning application.
- Although the Conservation Officer had not visited the site prior to producing the consultee comment, they had visited with previous building applications for the dwelling.
- The distance between the application dwelling and neighbouring properties was a reasonable distance and officers did not have concerns about being overlooked.
- The twin gable design was deemed uncharacteristic of the agricultural setting as confirmed by the Conservation Officer.
- The Head of Planning described the Local Plan Policies EN2, AN12 and EN13 that related to the decision to refuse the application but noted that all policies referred to within the refusal reason were relevant.

Member Comments:

Members made the following comments:

- Members felt that it would be unfair to bypass the usual planning process due to the applicant being a Cotswold District Councillor.
- Some members felt that the lack of visual pictures of the gable end made it difficult to appreciate the potentially disproportionate addition to the existing building.
- Members commented that, although not a listed building, barns were a non-designated heritage asset.

Councillor Mark Harris proposed refusing the application.

The proposal was seconded by Councillor David Fowles and was put to the vote and was agreed by the Committee.

Resolved: To REFUSE the application.

| <b>24/02125/FUL - The Barns Hills Farm. Proposal to Refuse. (Resolution)</b> |   |   |
|--|---|---|
| For  | Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Dilys Neill and Gary Selwyn | 7 |
| Against  | Julia Judd and Andrew Maclean   | 2 |
| Conflict Of Interests  | None  | 0 |
| Abstain  | None  | 0 |
| <b>Carried</b>   |   |   |

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## **112 Sites Inspection Briefing**

The Chair advised members that there would be a Site Inspection Briefing on 2 April 2025 with Councillor Ray Brassington, Councillor Mark Harris, Councillor Andrew Maclean, Councillor Dilys Neill and Councillor Gary Selwyn.

## **113 Licensing Sub-Committee**

There were no licensing sub-committees planned.

The Meeting commenced at 2.00 pm and closed at 4.07 pm

Chair

(END)

## PLANNING AND LICENSING COMMITTEE 9 April 2025

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### 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 9 April 2025**  
**INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION**

| Parish                 | Application  | Schedule<br>Order No. |
|------------------------|--|-----------------------|
| Duntisbourne<br>Abbots | Grove Piece<br>Duntisbourne Leer<br>Cirencester<br>Gloucestershire<br>GL7 7AS<br>24/03864/FUL<br>Full Application                            | 1                     |
| Upper Rissington       | Land Parcel Adj To 10 De Havilland Road<br>Upper Rissington<br>Cheltenham<br>Gloucestershire<br>GL54 2NZ<br>24/03740/FUL<br>Full Application | 2                     |

## Conversion of existing stables to self-build dwelling and associated landscaping works at Grove Piece Duntisbourne Leer Cirencester Gloucestershire GL7 7AS

| <b>Full Application<br/>24/03864/FUL</b> |                        |
|--|------------------------|
| Applicant:                               | Ms Bryony Barraclough  |
| Agent:                                   | Morgan Elliot Planning |
| Case Officer:                            | Joanne Reeves          |
| Ward Member(s):                          | Councillor Julia Judd  |
| Committee Date:                          | 9 April 2025           |
| <b>RECOMMENDATION:</b>                   | <b>PERMIT</b>          |

### 1. Main Issues:

- (a) Principle
- (b) Scale and design and impact on setting of heritage assets
- (c) Residential amenity
- (d) Cotswolds National Landscape
- (e) Highway safety
- (f) Biodiversity
- (g) Impact on Cotswold Beechwoods Special Area of Conservation
- (h) Other matters

### 2. Reasons for Referral:

- 2.1 The Ward Member for Ermin has referred the application to Planning and Licensing Committee for the following reasons -

- (a) Character and Appearance
  - (b) Impact on the AONB
  - (c) Highway Safety
  - (d) Archaeology
- In particular, Policies DS4 and EC6.

- 2.2 The above reasons were accepted by the Planning Committee Review Panel on 21st February 2025 'on the grounds that consideration should be given to the impacts on highways safety, and the character and appearance of the Cotswolds National Landscape.'

### **3. Site Description:**

- 3.1 The application site comprises a modern, albeit redundant, stable building to the north-east of the hamlet of Duntisbourne Leer. The stable building occupies an elevated position to the south of Crabtree Lane and is accessed via a pair of 'field-style' entrance gates. There is an associated barn and horse exercise area (manège) to the south and south-east, respectively. The barn is used for stabling and the storage of hay.
- 3.2 The site is outside but adjacent to the Duntisbourne Abbots / Duntisbourne Leer Conservation Area. There are several Grade II listed buildings approximately 100 metres to the south-west of the application site, and a Grade II\* listed farmhouse approximately 300 metres to the south-east across the valley. An historic ford across the Dunt forms the focus of the hamlet.
- 3.3 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty), and Flood Zone 1 (an area at low risk from fluvial flooding).

### **4. Relevant Planning History:**

- 4.1 CT.7876 - Wooden stable block - Permission 21/09/1998.
- 4.2 CT.7876/A - Erection of a hay store - Permission 03/10/2001.
- 4.3 15/00276/FUL - Erection of replacement stabling facilities - Permission 06/05/2015.
- 4.4 15/02192/COMPLY - Erection of replacement stabling facilities - compliance with conditions 4 (samples), 6 (design) and 8 (landscaping) - Approval 03/07/2015.
- 4.5 18/01450/FUL - Formation of horse exercise area bounded by traditional post and rail fence - Permission 08/08/2018.
- 4.6 18/03309/COMPLY - Compliance with Condition 6 (details of the proposed seed mix) & Condition 9 (finish of fencing/gates) - 18/01450/FUL (Formation of Horse exercise area bounded by traditional post and rail fence) - Approval 06/09/2018.
- 4.7 20/01361/FUL - Erection of a storage barn - Permission 29/10/2020.



- 4.8 21/04688/COMPLY - Discharge of conditions 3 (landscape scheme), 6 (lighting scheme) and 8 (samples) of permission 20/01361/FUL - Erection of a storage barn - Approval 04/05/2022.

## **5. Planning Policies:**

- DS4 Open Market Housing o/s Principal/non-Pr
- EC6 Conversion of Rural Buildings
- EN5 Cotswolds AONB
- EN2 Design of Built & Natural Environment
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- INF4 Highway Safety
- INF5 Parking Provision
- INF8 Water Management Infrastructure
- TNPPF The National Planning Policy Framework
- INF10 Renewable & Low Carbon Energy Develop't

## **6. Observations of Consultees:**

- 6.1 Council's Biodiversity Officer - *No ecological objection, subject to conditions.*
- 6.2 Council's Drainage Officer - *Additional Information Required/No objection subject to conditions.*
- 6.3 Gloucestershire County Council Local Highway Authority - *The application should be refused on sustainability and highway safety grounds.*
- 6.4 Natural England - *Designated site [European] - No objection subject to securing appropriate mitigation.*

## **7. View of Town/Parish Council:**

- 7.1 The Duntisbournes Parish Council (Objection) -

*7.1.1 "The Duntisbournes Parish Council have read and reviewed the planning application 24/03864/FUL Conversion of existing stables to self-build dwelling and associated landscaping works.*

*7.1.2 We note the recent changes to the NPPF which were published on December 14th 2024.*

- 7.1.3 *From the planning website it is clear that there is a long history of previous planning applications on this site, dating back to 1998.*
- 7.1.4 *Applications since 2015 submitted under the present ownership. To date, development on the site has been justified by its use for private equestrian pursuits: Excerpt from 15/00276/FUL Covering letter:*
- 7.1.5 *This new application represents a complete departure from this original progression and a change of use from what was formerly agricultural land to an application for a domestic dwelling. This is an application for a residential dwelling in open countryside.*
- 7.1.6 *It undermines the justification for all the preceding equestrian developments since 2015, as, if permitted, it would eliminate stabling for horses. The application in 2020 20/01361/FUL, permitted October 2020 was for a hay barn storage not stabling.*
- 7.1.7 *Prior to the establishment of a stable and tack room this was an open landscape field with a pleasant natural visual aspect across the valley to the Dunt stream and the residential farm complex Grade II listed building known as Nutbeam. This and the subsequent buildings and constructions within the field known as Grove piece has permanently changed that aspect and its open tranquillity on the approach to Duntisbourne Leer has been eroded.*
- 7.1.8 *We understood that the Council favoured timber outlying buildings over stone, to avoid the issue of domestic conversion later on.*
- 7.1.9 *Councillors feel it does not accord with the ethos of sustainable development and will have an unacceptable cumulative impact on the local road network (see NPPF added journeys).*

*Policies considered relevant from the Local Plan:*

- 7.1.10 *Open Market Housing Outside Principal and Non-Principal Settlements (POLICY DS4)*

*6.4.1 To promote sustainable development in the countryside, paragraph 55 of the NPPF expects housing to be located where it will enhance or maintain the vitality of rural communities. In the absence of special circumstances, local planning authorities should avoid permitting new isolated homes in the countryside.*

*7.1.11 Policy EC6 CONVERSION OF RURAL BUILDINGS planning statement point 4.8 The conversion of rural buildings to alternative uses will be permitted provided:*

*a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;*

*7.1.12 The alteration to the south facing facade to large open glassed areas would be substantial alteration and not in keeping with the traditional stable design.*

*7.1.13 We acknowledge the existing dimensions of the stables are to be used, however consider the very large expanse of glass which is out of keeping with the traditional and current facade of wood with small window areas and stable doors as is traditional for stables. A large area of glass as proposed would cause glare across the valley towards Nutbeam.*

*Ref - Planning Statement - Historic Matters*

*7.1.14 The Duntisbournes are in the National Cotswolds Landscape, previously AONB. As you approach Duntisbourne Leer down the single track lane several listed buildings come into view, these are all nestled around the meandering Ford which passes through all four Duntisbournes within the Conservation Area.*

*7.1.15 The proposed conversion of the length of stabling in Grove Piece is visible on the left along this approach towards the village from the A417. This was originally a pasture/paddock a large area of grassland with a view across the valley towards the Grade II listed dwelling known as Nutbeam.*

*7.1.16 This open landscape has changed beyond recognition and forms part of the important approach to the village and therefore the perception of a settlement.*

*Comments re Ref page of Planning Statement Historic Matters*

*7.1.17 Section 5.4 of the Planning Statement. We challenge the statement that the site is not near listed buildings. The comments make light of what is considered to be an iconic unspoilt important historical cluster of village*

*houses and cottages, many originating in the 17th Century. We consider that it will have a harmful impact on the local landscape. Such a development is completely out of character for the area and will in our view impact the listed buildings that make up Duntisbourne Leer.*

*7.1.18 Paragraph 5.48 the building will create visual improvement which will effectively tidy the site.*

*7.1.19 We do not consider the statement / comment to be a justification or a valid material reason for permitting this conversion.*

*7.1.20 In conclusion, the proposed change of use of the site to residential would be detrimental, as it has a large footprint with inevitable domestic paraphernalia which is materially different to that generated by agricultural usage and would not enhance the landscape. Biodiversity mitigations do not overcome the harm. We note further biodiversity and habitat considerations are to be submitted.*

*7.1.21 Parish Council consider the application harmful to the nearby historic cluster of heritage listed buildings, which are of high importance both locally and nationally. The area is seen as tranquil and unspoilt appearing in many guide books and its beauty unharmed as time stood still.*

*7.1.22 The Parish Council strongly objects to this application.*

*7.1.23 The PC considers the harm caused to the open landscape is significant and detrimental to the tranquillity in this particular important setting.*

*7.1.24 If the planning officer is minded to permit this application. We would ask the following points to be considered.*

*[i] To remain a private establishment with no further permitted development rights.*

*[ii] No further additional sheds or outbuildings.*

*[iii] Lighting to be low key in line with Dark Skies policy."*

## **8. Other Representations:**

8.1 One third party letter of support has been received -

*"Having seen the owner carry out a sympathetic tidying up of the site since she arrived I feel she will be a huge asset to the village. The design of the plans is sympathetic and from the outside nothing will change. It can only be advantageous to allow her to live on site as she has animals that need constant attention and has also proven herself to be a hugely valuable member of the community. The increase in rural crime is huge and to have another set of eyes on the village can only be a good thing. The site itself has seen massive improvements in the last few years as the owner has worked tirelessly to keep it looking smart and tidy. Having studied the plans at length I feel they have been well thought out and designed to have minimal impact, if any, on the surroundings. I fully support this application and cannot see any reason not to allow it..."*

**9. Applicant's Supporting Information:**

- Bat Emergence Survey Report
- Design and Access Statement.
- Landscape Mitigation Strategy
- Planning Statement
- Preliminary Ecological Appraisal
- Technical Note
- Visual Structural Inspection and Subsequent Assessment.

**10. Officer's Assessment:**

- 10.1 The application seeks planning permission to convert an existing stable building to a two-bedroom residential dwelling. The dwelling would be used in connection with the established equestrian use on the site.
- 10.2 The existing timber frame and clad stable building has an external footprint of approximately 129 square metres (21.5 metres by 6 metres); an overall ridge height of 4 metres; and an eaves height of 2.5 metres.
- 10.3 The site area is approximately 0.2 hectares, although the applicant also owns adjoining pastureland.
- 10.4 Planning permission was granted for the erection of the stable building in 2015. In 2018, a further application was granted for the erection of a horse exercise area/riding arena approximately 30 metres to the south/south-east of the stable building. This was followed by an application for the erection of a storage barn on land between the stable building and the riding arena in 2020. Consequently,

the site has had an established equestrian use for more than 10 years, with stables having first been erected on the site back in the late 1990s.

**(a) Principle**

- 10.5 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 is therefore the current development plan for the district, which is the adopted Cotswold District Local Plan 2011- 2031.
- 10.6 The Local Planning Authority must also have regard to other material considerations when reaching its decision. It is therefore necessary to have regard to the policies in the National Planning Policy Framework (NPPF), and any relevant international obligations and statutory requirements.
- 10.7 The application site is located outside a Principal or Non-Principal Settlement as identified in the Cotswold District Local Plan 2011-2031. The provision of housing on the site is therefore covered by Local Plan Policy DS4 'Open Market Housing outside Development Boundaries and Non-Principal Settlements'. This policy states that new-build open market housing will not be permitted outside Principal and Non-Principal Settlements, unless it is in accordance with other policies that expressly deal with residential development in such locations.
- 10.8 The supporting text to Policy DS4 states that this policy is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings, as is the case with this current proposal.
- 10.9 For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land.
- 10.10 Local Plan Policy EC6 'Conversion of Rural Buildings' supports the re-use of existing rural buildings, which have been surplus to requirements, or are no longer suitable for their original use, as this can help to reduce demands for new building in the countryside.

10.11 Policy EC6 states that the conversion of rural buildings to alternative uses will be permitted provided:

*a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;*

*b. it would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and*

*c. the development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.*

10.12 A structural report has been submitted in support of the application confirming that the timber framed equestrian building is structurally sound, and capable of conversion to a two-bedroom dwelling without substantial alteration, extension, or re-building. Officers have viewed the existing building on site and concur with the findings of the report. Furthermore, the proposed development would not conflict with existing farming operations or cause conflict with extant uses on or near the site, as the applicant owns the existing stable building, the adjacent barn and horse exercise area.

10.13 Policy EC6 primarily deals with the suitability and capability of barns for conversion and the compatibility of the proposed use with existing uses. It does not therefore deal with wider issues such as the sustainability of a location or accessibility.

10.14 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

10.15 In this respect, it is also necessary to have regard to paragraph 84 (Rural housing) of the NPPF, which states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential building; or*

*e) the design is of exceptional quality, in that it:*

*i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

10.16 The proposal would re-use a redundant / disused building. Measures have also been incorporated to enhance its setting. This includes new native species tree and hedgerow planting, including the reinforcement of existing roadside vegetation alongside Crabtree Lane. Please see Landscaping Strategy and planting and further discussion below.

10.17 It is considered that the proposed measures will reasonably enhance the immediate setting of the application building. The creation of a dwelling in this



location is therefore considered to meet one of the special circumstances listed above, and as such, there is a reasonable justification for allowing a new dwelling in an otherwise unsustainable location.

**(b) Scale and design and impact on setting of heritage assets**

10.18 The application site is located outside, but adjacent to, Duntisbourne Abbots / Duntisbourne Leer Conservation Area. Several listed buildings are also located within the hamlet of Duntisbourne Leer to the south-west of the application site.

10.19 The following policies and guidance are considered applicable to this proposal:

10.20 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 a design quality that respects the character and distinctive appearance of the locality.

10.21 Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset, such as a listed building or conservation area, or its setting, great weight should be given to the asset's conservation. 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 lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.22 Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' also states that development proposals that would affect conservation areas and their settings, will be permitted provided they will 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.

10.23 Chapter 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 210 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.24 Chapter 12 of the NPPF seeks to achieve well-designed places and considers good design to be a key aspect of sustainable development.
- 10.25 As noted above, this application relates to the conversion of a timber framed equestrian building to a two-bedroom dwelling. The existing stable building is considered structurally sound, and capable of conversion to a dwelling without substantial alteration, extension, or re-building.
- 10.26 The building has a simple linear form and is orientated with its rear elevation 'fronting' Crabtree Lane. As noted above, no extensions or substantial alterations are proposed. The existing openings to the south elevation would be retained and glazed. Consequently, it is considered that the proposed dwelling would retain the plain and functional appearance of the existing equestrian building. It would not have an overtly domestic appearance and would be respectful of its rural location and its existing setting and location. Existing roadside vegetation also provides a significant degree of screening of the site.
- 10.27 Paragraph 167 of the NPPF states that local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.
- 10.28 As part of the conversion works it is proposed to insulate the existing timber clad and breeze block building and install a mechanical ventilation with heat recovery unit. Solar panels would also be installed on the south facing roof slope.

- 10.29 Given the minimum interventions required, and the relatively modest scale and character of the existing building, the proposed development would not harm the setting, character or appearance of the adjacent conservation area, nor would it harm the settings of the nearby listed buildings to the south-west, or across the valley to the south-east.
- 10.30 The new use is therefore considered sympathetic to the rural character of the area. Furthermore, it would not be tantamount to the erection of a new building, thereby helping reduce the demands for new building in the countryside.
- 10.31 Consequently, for the reasons outlined above, the proposed development is considered to accord with Local Plan Policies EN2, EN10 and EN11, and chapters 12 and 16 of the NPPF.

**(c) Residential amenity**

- 10.32 Local Plan Policy EN2 ('Cotswold Design Code') also states that 'development proposals should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight, and overbearing effect. Similarly, paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive, and accessible, with a high standard of amenity for existing and future users.
- 10.33 The proposed dwelling would be of size that meets minimum floor space standards for a 2-bed property in accordance with Local Plan Policy H1.
- 10.34 As noted above, the existing building is orientated 'rear-on' to Crabtree Lane, with its principal elevation facing south / south-east towards Nutbeam Farm approximately 300 metres away. Consequently, the proposed development would not give rise to an unacceptable level of overlooking, loss of daylight, or overbearing effect, by virtue of its distance from the nearest residential properties.
- 10.35 A sufficient amount of private amenity space would also be provided, in accordance with guidance in the Cotswold Design Code.

**(d) Cotswolds National Landscape**

- 10.36 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty) wherein the Local Authority in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty must seek to further the purpose of

conserving and enhancing the natural beauty of the area of outstanding natural beauty in accordance with section 85(A1) of the Countryside and Rights of Way Act 2000.

- 10.37 Local Plan Policy EN4 'The Wider Natural and Historic Landscape' 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. 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.
- 10.38 Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' 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.
- 10.39 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 187 states that planning decisions should contribute to and enhance the local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.
- 10.40 Paragraph 198 states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 10.41 The Cotswolds is a collection of different types of landscapes. The Cotswold National Landscape Character Assessment describes the different character types, including the landscape character and key features of the High Wold Dip-slope, which includes the Duntisbournes -

*10.41.1 "The High Wold Dip-Slope is a transitional landscape, with many of the characteristics of the High Wold and the Dip-Slope Lowland. It is a gentle, rolling landscape dissected by predominantly south-east flowing rivers and punctuated by numerous dry valley formations. Widespread arable farming lends it a well maintained, productive character, with a strong framework of hedges and woodland defining a complex mosaic*

*of small scale arable and pastureland. Settlement is sparse, and is generally confined to intermittent, isolated farmsteads and hamlets. There is much evidence of small-scale quarrying in 'delves', which are often overgrown, although stone walls are less prevalent than on the High Wold. Where present, the course of old Roman roads has influenced the grain of landscape patterns..."*

10.41.2 Identified landscape sensitivities include -

*"The wide, elevated, gently undulating Dip-Slope landscape is sensitive to landscape change. Characteristic features such as wide panoramic views, a high degree of inter-visibility and limited woodland cover increase the sensitivity of the landscape. It is particularly sensitive to large scale developments or elements that may introduce tall vertical elements such as pylons and telecommunication masts..."*

10.42 A comprehensive landscape appraisal and mitigation strategy has been submitted in support of the current application. As part of the mitigation strategy, it is proposed to locate the 'domestic curtilage' (for example, patio area) associated with the new dwelling within the immediate confines of the existing stable building, where it would not be publicly visible. The functional 'agrarian' character of the existing stable's north and west elevations would also be maintained through suitable architectural detailing, complemented by simple landscape treatments in the form of native tree and hedge planting. It is also proposed to enhance the tree cover along Crabtree Lane through the planting of extra trees within the roadside hedge, thereby providing additional screening and privacy. Low level roadside vegetation along the northern boundary of the wider landholdings would also be reinforced, thereby improving the visual enclosure of the extant equestrian uses within.

10.43 Consequently, the proposed development, by virtue of its relatively modest scale, nature, and location, together with the incorporation of appropriate mitigation in the form of planting, would not encroach into the wider landscape to any greater extent than the existing stable building. Limited openings, and the removal of permitted development rights regarding any new openings, would also minimise the potential impact from light pollution on dark skies. The character and special qualities of this part of the Cotswolds National Landscape would therefore be conserved in accordance with the requirements of Local Plan Policies EN4 and EN5 and chapter 15 of the NPPF.

**(e) Highway safety**

- 10.44 Local Plan Policy INF4 'Highway Safety' seeks to permit development that creates safe and secure layouts, which minimise conflicts between traffic and cyclists or pedestrians, and avoids street clutter. It also seeks to provide safe and suitable access. Local Plan Policy INF5 relates to parking provision.
- 10.45 Chapter 9 of the NPPF seeks to promote sustainable transport. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 10.46 The proposed development would utilise an existing vehicular access off an unclassified road. The existing access is used in connection with an established equestrian use and is therefore already subject to a degree of vehicular activity. Access visibility is also considered to be acceptable. Adequate off-road parking provision would also be provided within the curtilage of the site, thereby meeting the requirements of Local Plan Policies INF4 and INF5.
- 10.47 This notwithstanding, Gloucestershire County Council's Principal Highway Development Officer has recommended that the application should be refused on the following sustainability and highway safety grounds:
- 10.47.1 "The roads leading to the site are unsuitable to cater for the additional traffic generated by the proposed development by reason of the restricted width, restricted forward visibility and substandard junctions and the resultant increase in vehicle movements will increase the likelihood of conflicts between vehicles and manoeuvring on the carriageway to the detriment of highway safety."*
- 10.47.2 The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable occupiers to reasonably choose sustainable modes of transport to access the site and local services as required by national and local planning policies.*
- 10.47.3 The proposed development would exacerbate the risk of conflict between vehicles and vehicles and pedestrians and cyclists by reason of the lack of segregated pedestrian facilities and street lighting on comparatively narrow roads with restricted forward visibility, substandard junctions and subject to the national speed limit, and does*

*not "minimise the scope for conflicts between pedestrians, cyclists and vehicles" as required by NPPF leading to an increase in the likelihood of danger to highway users particularly those considered vulnerable and this reduction in highway safety means the development does not comply with national and local policies."*

- 10.48 The Local Highway Authority raised no objection to the previous application for the provision of the storage barn, which was granted planning permission in 2020. This barn is now used for both stabling and the storage of hay.
- 10.49 The Transport Assessment submitted in support of the current application identifies the number of vehicle journeys associated with the established equestrian use across the wider site, and considers the number of vehicle journeys generated by a single dwelling to result in a development proposal that would either reduce the total number of vehicle movements to and from the site, or at worst, have a neutral impact on the local highway network compared to the existing use. This is because the owner / applicant would live on site, rather than travel to it.
- 10.50 As noted above, paragraph 84 of the NPPF also establishes the principle of new isolated homes in the countryside via the conversion of redundant or disused buildings.
- 10.51 This notwithstanding, due to the site's rural location, it is acknowledged that there is limited access to a range of services and amenities, and that there are no pedestrian footways along Crabtree Lane. Consequently, given the rural location of the site it is inevitable that car journeys would be made. However, the NPPF also recognises that not all new development can be situated in locations that can be readily accessed on foot, bicycle, or by public transport. Paragraph 110 also states that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.
- 10.52 As previously noted, vehicular access to the site would be from Crabtree Lane via the existing gated junction serving the proposed development and the established equestrian use. The existing access is 6.5 metres wide with gates set back 5.5 metres from the carriageway edge and inward opening providing clear visibility in both directions.
- 10.53 Consequently, the proposed development, by virtue of its relatively modest scale, and low-level intensity, is unlikely to have an unacceptable impact on highway safety. Furthermore, the residual cumulative impacts on the road

network would not be severe when compared / measured against the extant equestrian use across the wider site. The proposal is therefore considered not to conflict with Local Plan Policies INF4 and INF5 and guidance in Chapter 9 of the NPPF.

**(f) Biodiversity**

10.54 Local Plan Policy EN8 seeks to safeguard biodiversity within the district. Development proposals where the primary objective is to conserve or enhance biodiversity will be encouraged. Where there are opportunities for enhancements, which benefit nature conservation and biodiversity, appropriate measures to secure them will be sought. Development that would cause significant harm to biodiversity, which cannot be mitigated or (as a last resort) adequately compensated for, will be refused.

10.55 Chapter 15 (paragraph 186) of the NPPF states that when determining applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Conversely, development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

10.56 The Council's Biodiversity Officer has reviewed the Preliminary Ecological Appraisal and Bat Emergence Survey Report submitted in support of the application, and commented as follows:

*10.56.1 "The Preliminary Ecological Appraisal (Abricon, December 2024) states that habitats onsite to be affected comprise primarily a barn structure, hardstanding, with an area of ruderal/ephemeral habitat along the northern site boundary. An area of woodland to the west of the site, which appears on the Priority Habitats inventory as deciduous woodland, will not be directly affected by the proposed works but may be subject to indirect effects from additional lighting.*

*Bats -*

*10.56.2 The barn to be affected was assessed to be of low suitability to roosting bats, and one further emergence survey was undertaken which*



*determined that the barn does not support roosting bats. The Bat Emergence Survey Report (Abricon, December 2024) states that any additional lighting installed on site could indirectly impact commuting and foraging bats and therefore, a lighting strategy should be followed. Although the BESR offers suitable recommendations for lighting type and specifications, there is no finalised strategy provided. Therefore, a finalised strategy should be secured by condition once all other matters are resolved.*

*Badgers, hedgehogs, and otters -*

*10.56.3 The PEA recommends precautionary measures to safeguard badgers, hedgehogs, and otters within section 5.3 of the report which are deemed to be sufficient in this instance.*

*Birds -*

*10.56.4 The PEA reports that the barn supports old and active swallow nests, and the conversion of the barn will result in the loss of these nests. To compensate for these losses, the PEA recommends that two no. double swallow nest cups are installed on the northern elevation of the building. It is also recommended that works are undertaken outside of the bird nesting season (March to August inclusive)."*

10.57 The proposed development, subject to conditions, is therefore considered to accord with Local Plan Policy EN8, chapter 15 of the NPPF, and the relevant legislation and guidance.

#### **(g) Impact on Cotswold Beechwoods Special Area of Conservation**

10.58 The application site lies within the 15.4km of the Cotswold Beechwoods Special Area of Conservation (SAC), which is internationally important for its biodiversity. Local Plan Policy EN9 'Biodiversity and Geodiversity: Designated Sites' states that internationally designated wildlife sites (including proposed site and sites acquired for compensatory measures) will be safeguarded from development that could cause significant effect that would adversely affect their integrity.

10.59 Over recent years recreational pressures from visitors to the site have increased and are now causing considerable damage to the wildlife value of the SAC. Visitor surveys have been undertaken at the Cotswold Beechwoods, and this has shown that most visitors come from within 15.4km of the SAC.

- 10.60 Under the Conservation of Habitats and Species Regulations 2017 (as amended) and other relevant legislation and guidance, local planning authorities must assess whether any development proposal could harm the biodiversity value of a SAC. This works on the precautionary principle. Therefore, to permit any proposals there must be certainty that the proposals will not cause any significant likely effects (i.e. negative impacts) on the SAC either on their own or in combination with other proposals. As such, a Habitat Regulations Assessment (HRA) is required regarding the potential impacts. This is due to the likely significant effects resulting from an increase in residential pressure, particularly in combination with other development projects.
- 10.61 A mitigation strategy has been developed by this Council in conjunction with Natural England and neighbouring councils to ensure that the impact on the SAC arising from new residential development is mitigated. The mitigation strategy requires the submission of a financial contribution towards on and off-site mitigation at the SAC. The onus is on the applicant to meet the requirements of the mitigation strategy to enable the Local Planning Authority, as the competent authority, to undertake an Appropriate Assessment as required under the Conservation of Habitats and Species Regulations 2017.
- 10.62 The applicant has submitted a section 111 agreement demonstrating that the relevant mitigation for the adverse effects to the Cotswold Beechwoods SAC has been secured. The Council's Biodiversity Officer has undertaken an 'Appropriate Assessment' in accordance with the Habitats Regulations, and Natural England has reviewed the assessment and raised 'no objection subject to securing the appropriate mitigation'.
- 10.63 For these reasons, the proposed development is considered to accord with the requirements of Local Plan Policies EN8 and EN9, chapter 15 of the NPPF, and the Conservation of Habitats and Species Regulations 2017 (as amended).

**(h) Other matters**

*Biodiversity Net Gain*

- 10.64 Biodiversity net gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. In England, BNG is a mandatory requirement. Under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least

a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

10.65 Whilst 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 developments are not subject to BNG.

10.66 This application is for a self-build dwelling and is therefore exempt from mandatory BNG. A unilateral undertaking (under Section 106 of the Town and Country Planning Act 1990) has been submitted in support of the application whereby the applicant has confirmed that the development subject to the application would consist only of self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (or any legislation amending or updating the definition), and following construction, the commissioning or building household will occupy the plot as a principal residence for a minimum of three years.

#### *CIL*

10.67 Please note that the proposed development as 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.

## **11. Conclusion:**

9.1 Notwithstanding the objections received, the proposed development is considered to accord with the objectives of Local Plan Policies DS4, EC6, EN2, EN5, EN8, EN9, EN10, EN11, INF4, INF5 and INF10, and the design, highway safety, landscape (including Biodiversity) and historic environment considerations set out in chapters 12, 14, 15 and 16 of the NPPF, and thereby recommended for permission.

## **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 permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No. 415/P/01 Rev B), Proposed Site Plan (Drawing No. 415/P/05 Rev D), Proposed Ground Floor Plan (Drawing No. 415/P/06 Rev D), Proposed Roof and First Plans (Drawing No. 415/P/07 Rev D), Proposed North and South Elevations (Drawing No. 415/P/08 Rev D), Proposed East and West Elevations (Drawing No. 415/P/09 Rev B), Detailed Planting Plan (Drawing No. 240790-RAP-XX-XX-DR-L-4001 Rev P06), and Detailed Planting Plan (Drawing No. 240790-RAP-XX-XX-DR-L-4002 Rev P05).

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

3. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, dormers, porches, outbuildings, containers, chimneys or flues, shall be erected, constructed or installed on the site, other than those permitted by this Decision Notice.

**Reason:** To protect the visual amenity and rural character of the area in accordance with Cotswold District Local Plan Policies EN4, EN5, EN10 and EN11, and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other statutory instrument amending or replacing it, no additional window or door openings, including rooflights, shall be inserted in the building, other than those permitted by this Decision Notice.

**Reason:** To protect the visual amenity and rural character of the area in accordance with Cotswold District Local Plan Policies EN4, EN5, EN10 and EN11, and the National Planning Policy Framework.

5. 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 details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365,

with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. 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 (National Planning Policy Framework and Planning Practice Guidance. If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

6. The materials to be used for the external walls and roof of the development hereby permitted shall match those used in the existing building.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN5, EN10 and EN11, and the National Planning Policy Framework, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

7. Prior to the installation/insertion of the fully glazed doors and new solid front door, details of their design, materials, construction and finish, in the form of scale drawings and sections, or manufacturer's technical details/specification, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details and 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 Policies EN2, EN4, EN5, EN10 and EN11, and the National Planning Policy Framework.

8. The entire landscaping scheme shall be completed by the end of the first planting season immediately following the completion of the development or the site being occupied/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 objectives of Cotswold District Local Plan Policies EN4 and EN5, and the National Planning Policy Framework.

9. 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 objectives of Cotswold District Local Plan Policies EN4 and EN5, and the National Planning Policy Framework.

10. The development shall be undertaken in accordance with the recommendations contained within the Preliminary Ecological Appraisal (Abricon, December 2024) and the Bat Emergence Survey Report (Abricon, December 2024). All 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 wildlife 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 187, 192 and 193 of 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.

11. Prior to the installation of external lighting for the development hereby permitted, 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 illuminate bat roosting features, disturb foraging and commuting bats 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 187, 192 and 193 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.

12. Prior to the first occupation/use of the development hereby permitted, a finalised biodiversity enhancement plan based on the provision of at least one bat box shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

**Reason:** To protect and enhance the site for biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Council Local Plan, and for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

13. Within 3 months of the cessation of their use for electricity generating purposes, the solar panels and all other associated components shall be permanently removed from the application site.

**Reason:** To protect the visual amenity of the area in accordance with Cotswold District Local Plan Policies EN2, EN5, EN10, EN11 and INF10, and the National Planning Policy Framework.

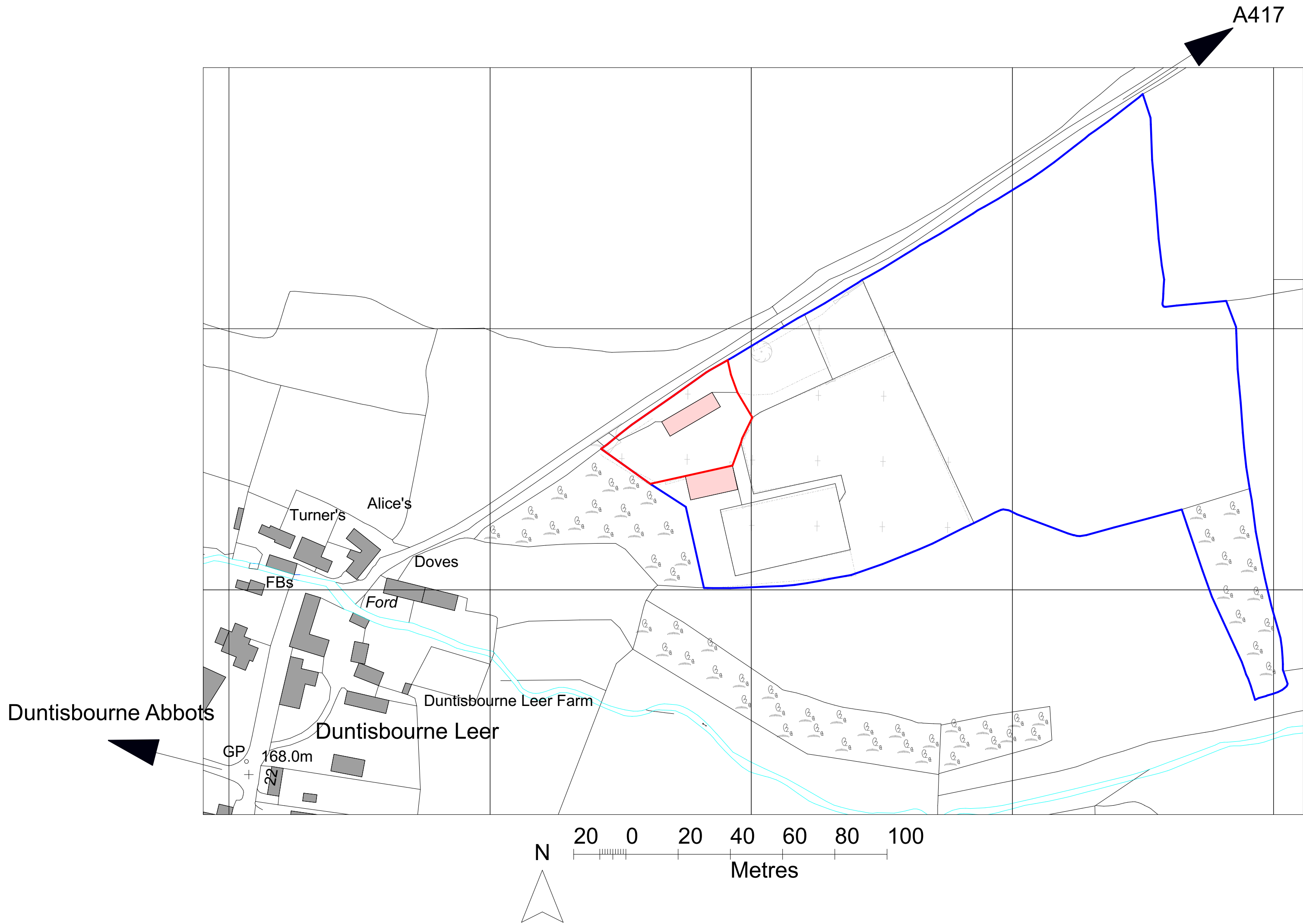
**Informatives:**

1. Please note that the proposed development as 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 <https://www.cotswold.gov.uk/planning-and-building/community-infrastructure-levy/>

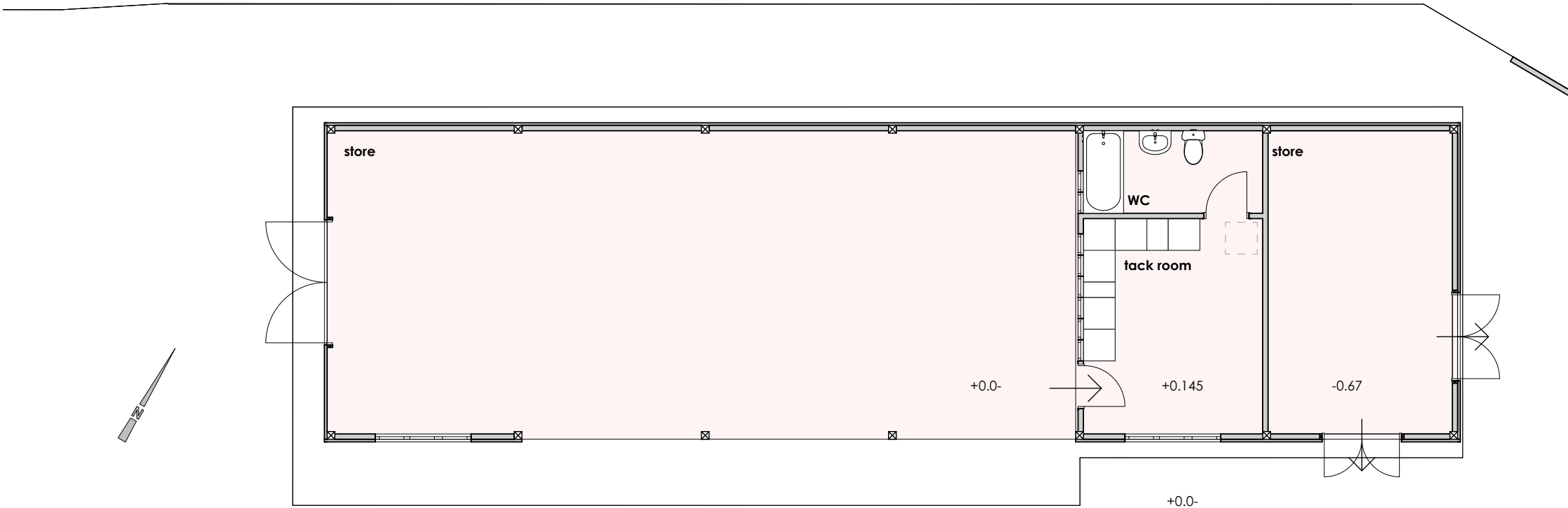
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| Drawing Numbers  | Drawing Issue  |
|--|--|
| <b>SK</b> Sketch Scheme<br><b>P</b> Planning<br><b>GA</b> General Arrangement<br><b>A</b> Assembly<br><b>V</b> Visual<br><b>ID</b> Interior Design<br><b>D</b> Detail  | Comment<br>Information<br>Approval<br>Tender<br>Building Regulations<br>Construction |
| · This drawing must not be used for construction or installation purposes unless stated.<br>· Do not scale from this drawing except for planning and building regulations.<br>· All dimensions must be verified on site before completing shop drawings and setting out the work.<br>· This drawing is to be read in conjunction with the technical specification and associated schedules prepared by DOVE architecture.<br>· This drawing is to be read in conjunction with other architectural and engineering drawings associated with this project. |  |
| Copyright on this drawing is held by<br><b>DOVE architecture</b>   |  |
| REV B - 27/11/24 - red line amended<br>REV A - 11/11/24 - blue line amended  |  |
| <b>DOVE</b><br>ARCHITECTURE  |  |
| www.dovearchitecture.co.uk<br>Tel. 01925 387 072   |  |
| client<br><b>Bryony Barraclough</b>  |  |
| Job Title<br><b>Residential Conversion</b><br>Grove Piece,<br>Duntisbourne Leer<br>.<br>GL7 7AS  |  |
| Drawing Title<br><b>Location Plan</b>  |  |
| Drawing Status<br><b>PLANNING</b>  |  |
| Drawn by<br>LS   | Checked by<br>DE   |
| Drawing Size<br>A2   | Date<br>JULY 2024  |
| Drawing Number<br><b>415 /P/01</b>   | Revision<br><b>B</b>   |

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Ground Floor Plan

1:100

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Tel. 01925 387 072

client  
**Bryony Barraclough**

Job Title  
**Barn Conversion**  
Grove Piece,  
Duntisbourne Leer  
.  
GL7 7AS

Drawing Title  
**Ground Floor Plan**

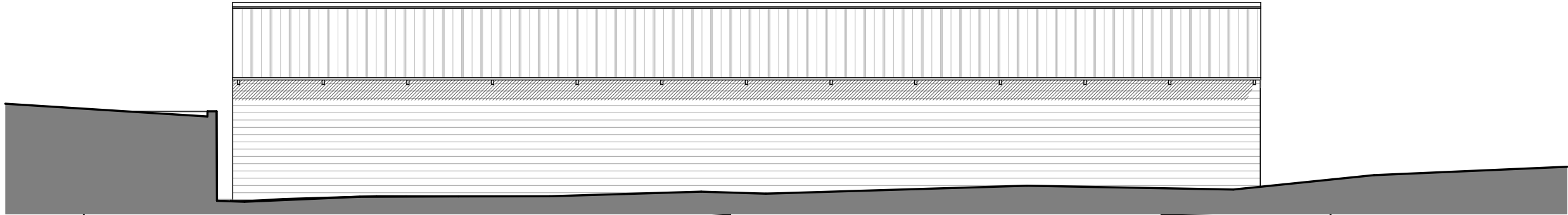
Drawing Status  
**PLANNING**

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| Drawn by<br>LS | Checked by<br>DE |
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| Drawing Size<br>A3 | Date<br>JULY 2024 |
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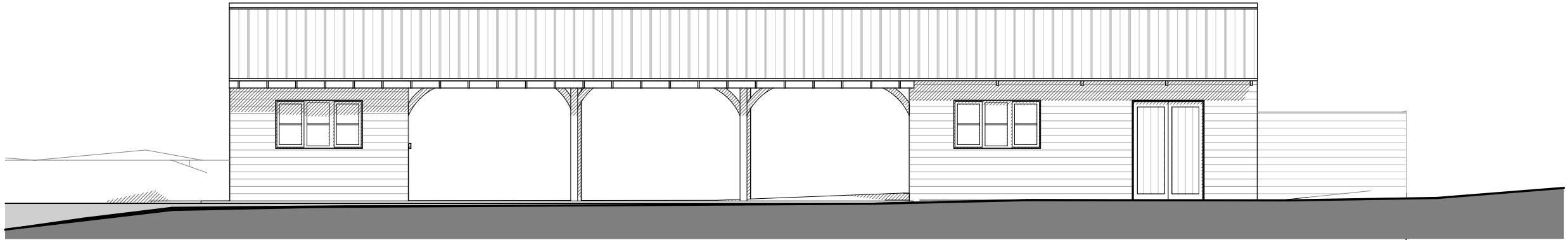
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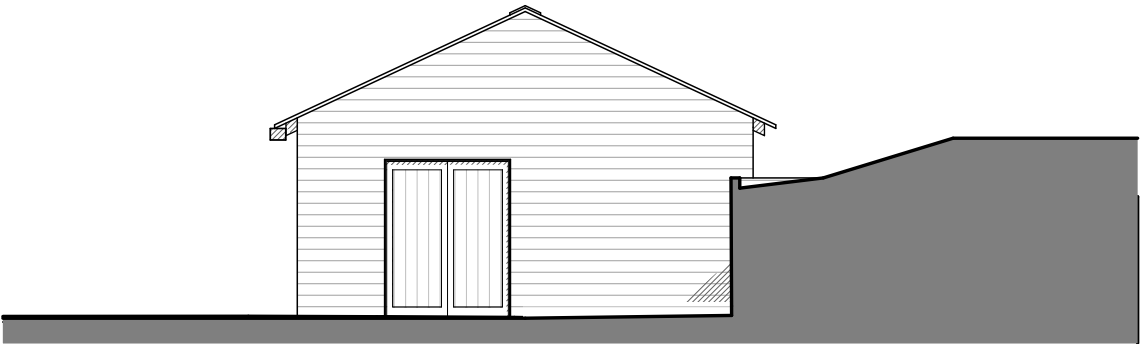
North Elevation

1:100



South Elevation

1:100



East Elevation

1:100



West Elevation

1:100



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client  
**Bryony Barraclough**

Job Title  
**Barn Conversion**  
Grove Piece,  
Duntisbourne Leer  
.  
GL7 7AS

Drawing Title  
**Elevations**

Drawing Status  
**PLANNING**

Drawn by  
LS

Checked by  
DE

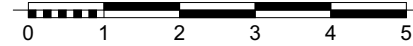
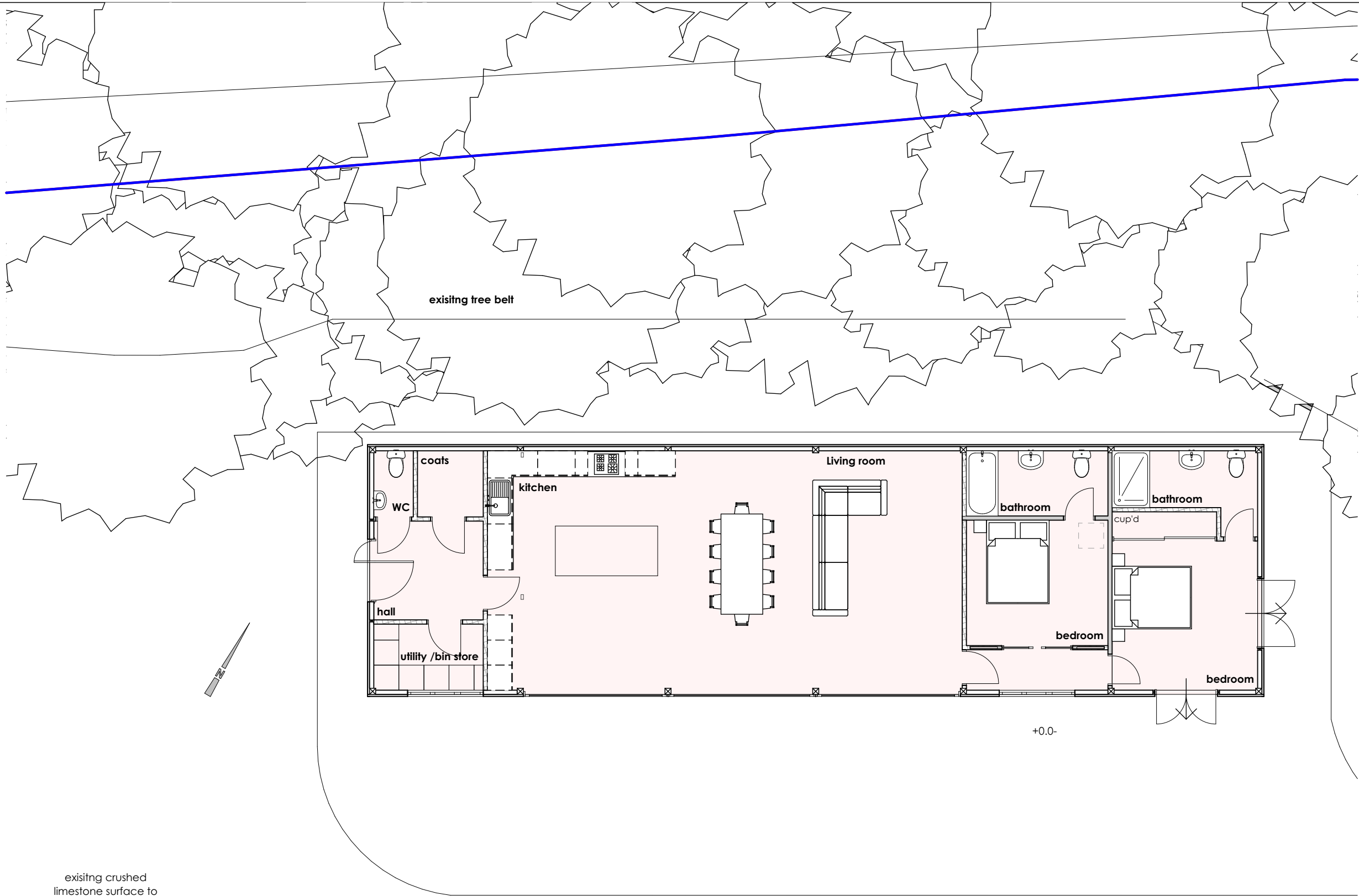
Drawing Size  
A3

Date  
JULY 2024

Drawing Number  
**415 /P/04**

Revision  
**A**

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REV B - 11/11/24 - plan amended

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client  
**Bryony Barraclough**

Job Title  
**Residential Conversion**  
Grove Piece,  
Duntisbourne Leer  
GL7 7AS

Drawing Title  
**Proposed Ground Floor Plan**

Drawing Status  
**PLANNING**

Drawn by  
LS

Checked by  
DE

Drawing Size  
A3

Date  
JULY 2024

Drawing Number  
**415 /P/06**

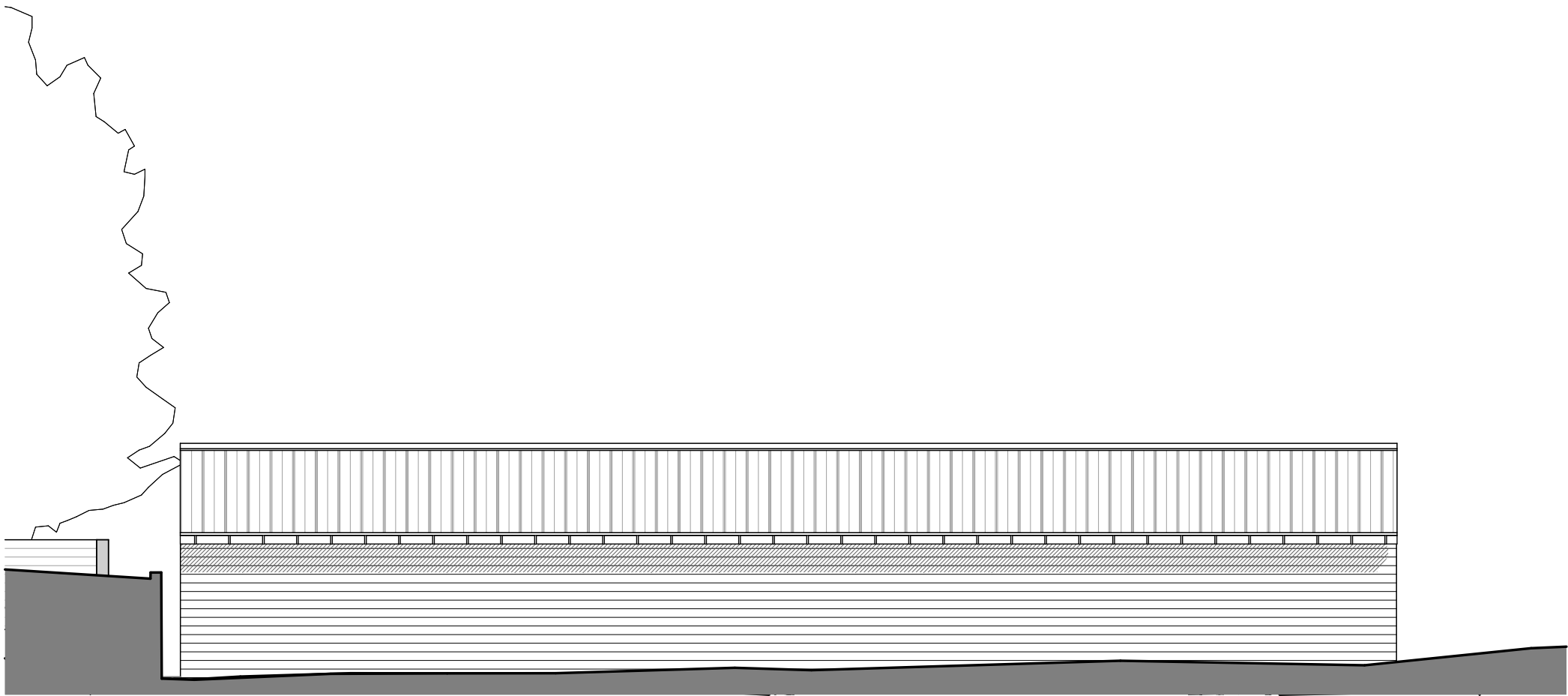
Revision  
**D**

Ground Floor Plan

1:100

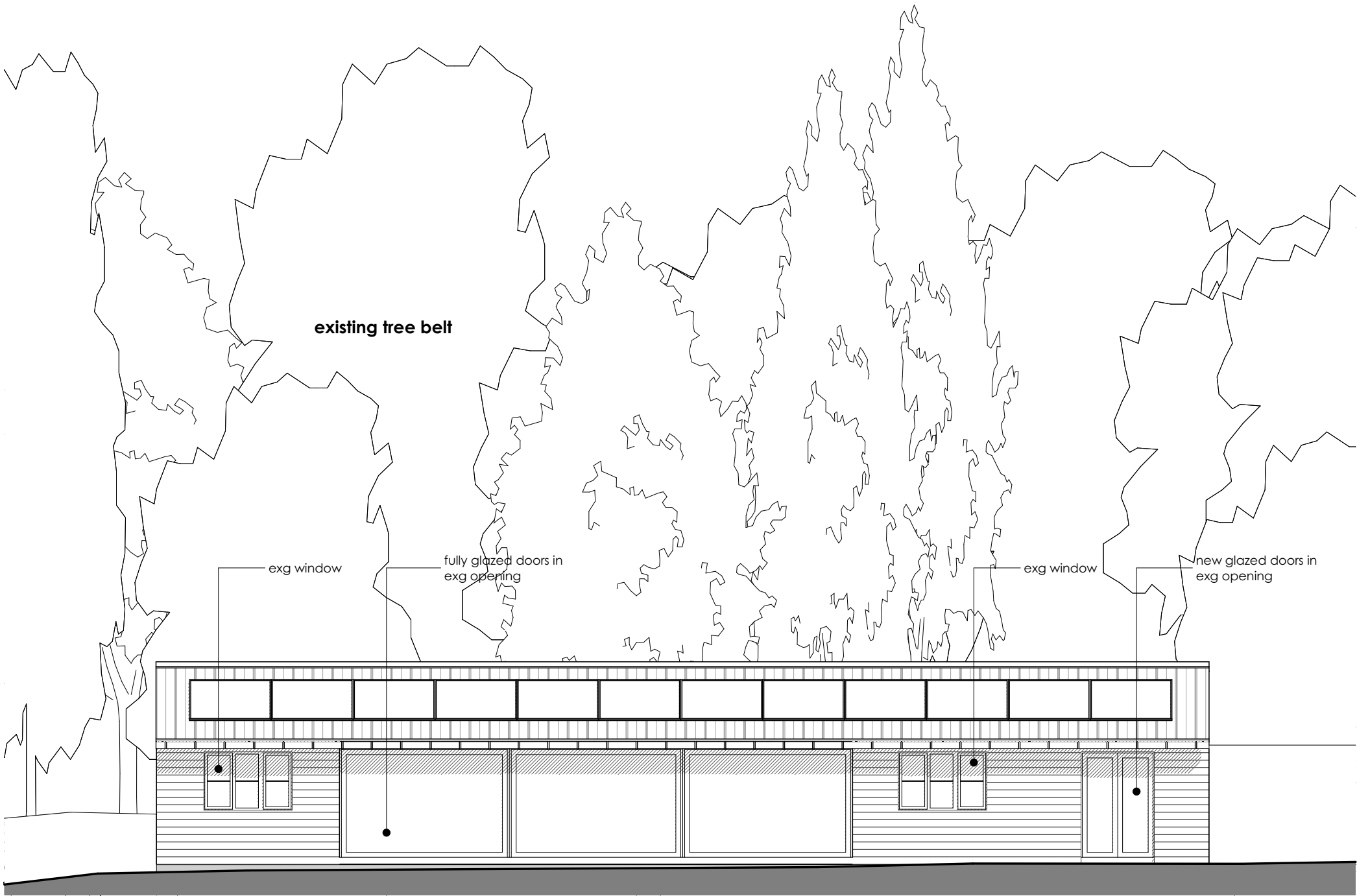
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North Elevation

1:100



South Elevation

1:100

REV C - 27/11/24 - solar panels added

DOVE  
ARCHITECTURE

Drawing Title  
**Proposed North and South  
Elevations**

Bryony Barraclough

Job Title  
**Residential Conversion**

Grove Piece,  
Duntisbourne Leer

GL7 7AS

Drawing Status  
**PLANNING**

Drawn by  
LS

Checked by  
DE

Drawing Size  
A3

Date  
JULY 2024

Drawing Number

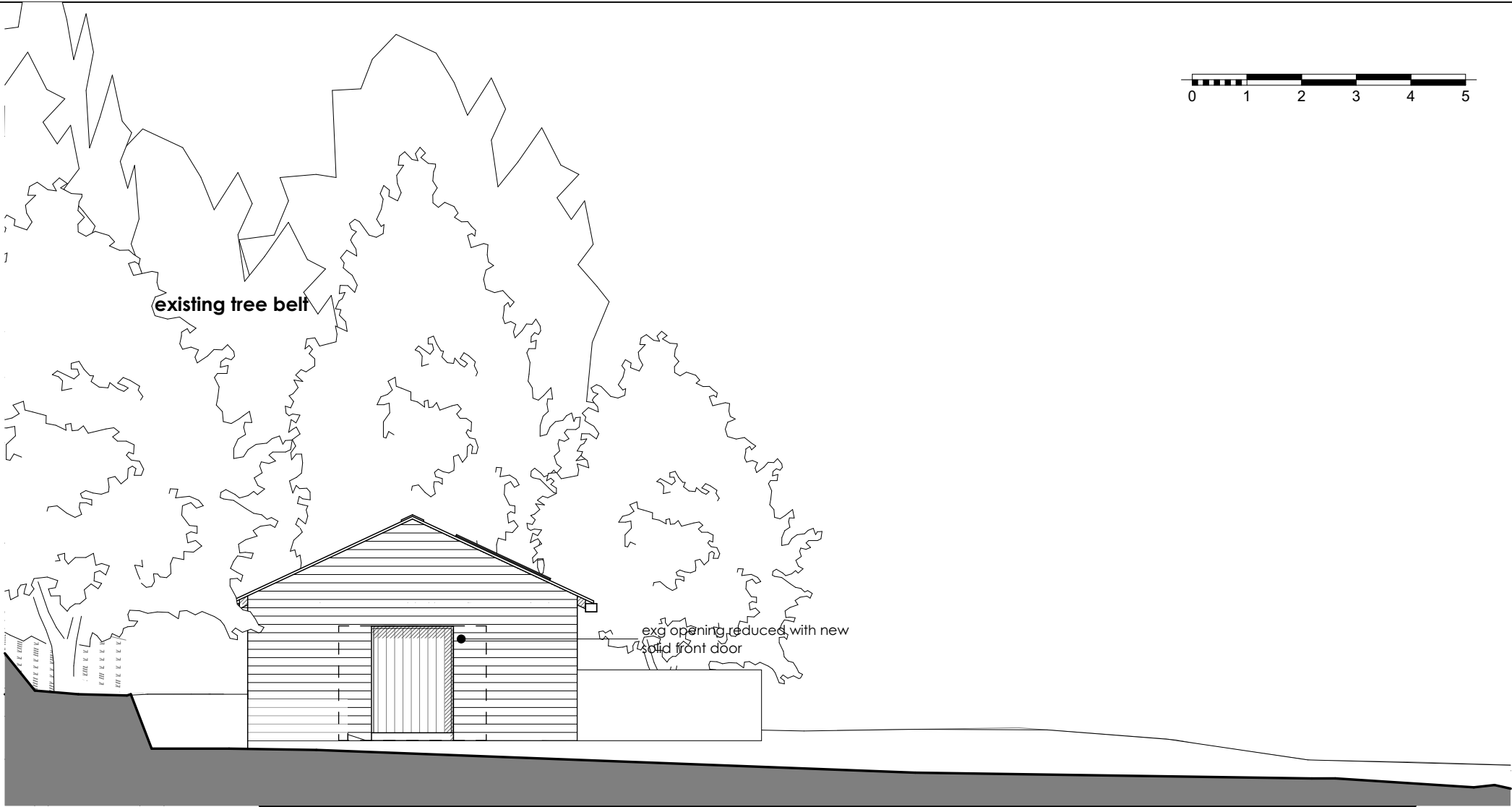
**415 /P/08**

Revision

**D**

Tel. 01925 387 072  
info@dovearchitecture.co.uk

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W West Elevation 1:100



E East Elevation 1:100

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info@dovearchitecture.co.uk

Drawing Title  
**Proposed East and West  
Elevations**

Bryony Barraclough  
Job Title  
**Residential Conversion**  
Grove Piece,  
Duntisbourne Leer  
GL7 7AS

|                                    |                      |
|------------------------------------|----------------------|
| Drawing Status<br><b>PLANNING</b>  |                      |
| Drawn by<br>LS                     | Checked by<br>DE     |
| Drawing Size<br>A3                 | Date<br>JULY 2024    |
| Drawing Number<br><b>415 /P/09</b> | Revision<br><b>B</b> |

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Notes |

1. Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
2. This drawing is based on the Architect's layout by Dove Architecture, 415/P/05, July 2024.
3. Ordnance Survey, (c) Crown Copyright 2023. All rights reserved. Licence number 100022432.
4. Drawing to be read in conjunction with all other drawings. Any discrepancies are to be reported to the landscape architect 5 working days in advance of undertaking any work.

Key |

- Land Ownership Boundary
- Site Boundary
- Existing Trees To be retained in accordance with BS5837
- Proposed Tree  
Type: 12-14 & 14 & 16 H & EHS  
Fixing: Wooden Stake with Expandable Tree Tie  
Accessories: Irrigation System
- Proposed Native Hedge Planting  
Double staggered row @ 300 mm centres, 450mm offset  
Topsoil depth 450mm
- Infill Planting  
Topsoil depth 450mm
- Garden area  
Fine Lawn Grass Mixture Emorsgate EG21  
Sowing rate: 25 g/m<sup>2</sup>  
Topsoil depth: 150 mm
- Chestnut pale, post & rail fence
- Existing physical boundary
- Proposed extent of residential garden

|     |          |   |    |      |
|-----|----------|---|----|------|
| P06 | 03.12.24 | Minor revisions                         | GD | NH   |
| P05 | 29.11.24 | Minor revisions                         | GD | NH   |
| P04 | 25.11.24 | Minor revisions to layout               | GD | NH   |
| P03 | 12.11.24 | Minor revisions and new building layout | GD | NH   |
| P02 | 07.11.24 | Steps added and patio extended          | DC | NH   |
| P01 | 21.10.24 | First Issue                             | GD | NH   |
| Rev | Date     | Details                                 | By | Chkd |

rappor



CLIENT: Bryony Barraclough

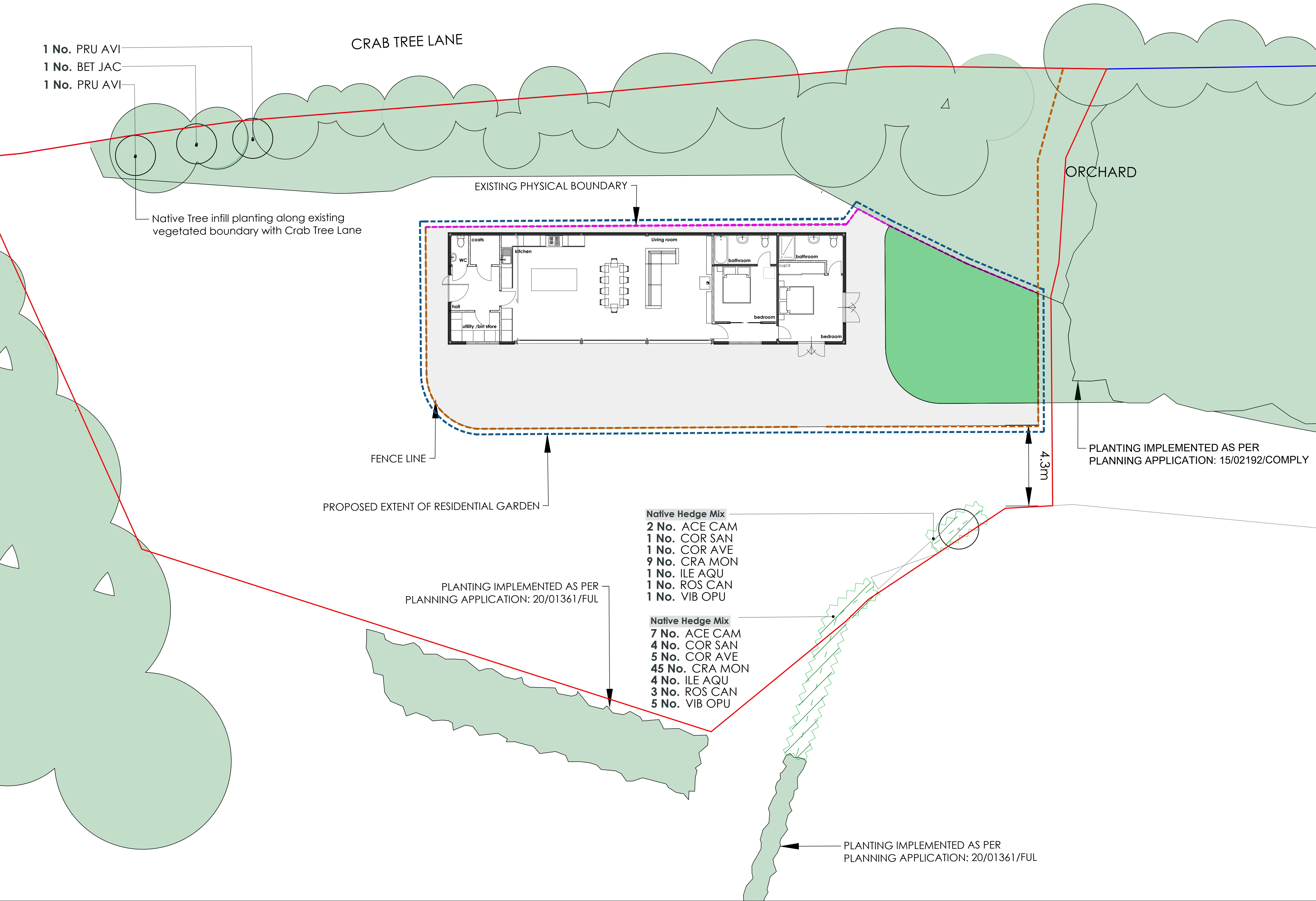
PROJECT: Land adjacent to Crab Tree Lane  
Duntisbourne Leer

TITLE: Detailed Planting Plan

|             |        |        |          |           |
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| SCALE @ A1: | DATE:  | DRAWN: | CHECKED: | APPROVED: |
| 1:100       | OCT 24 | GD     | NH       | NH        |

|         |             |
|---------|-------------|
| STATUS: | INFORMATION |
|---------|-------------|

|                            |           |
|----------------------------|-----------|
| DRAWING NO:                | REVISION: |
| 240790-RAP-XX-XX-DR-L-4001 | P06       |



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20 March 2025

Joanne Reeves  
Planning Department  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

Sent via email: [REDACTED]

Dear Joanne,

[Response to comments for the Planning and Licensing Committee in relation to planning application 24/03864/FUL at Grove Piece, Duntisbourne Leer.](#)

I write in relation to the above planning application on behalf of the Applicant, which is due to be heard at Planning and Licensing Committee on 9<sup>th</sup> April 2025. I understand the planning application is being recommended for approval by the Local Planning Authority (LPA). At this point, we wish to thank the LPA for working positively and proactively with the Applicant.

It is understood that the Council's Review Panel consider the application should be referred to the Council's Planning and Licensing Committee (thereafter referred to as planning committee) on the grounds that further consideration should be given to:

- Potential impact on highway safety;
- Potential impact of the proposed development on the character and special qualities of the Cotswold National Landscape; and
- Intensification of the established equestrian use on the site.

It's also noted that the local ward member asked that the application is referred to planning committee for the following reasons:

- Character and appearance
- Impact on the Cotswold National Landscape
- Highway safety
- Archaeology
- Reference to Local Plan Policies DS4 and EC6 – *no reference was made as to what part of the policies the local ward member considered the proposals conflicted with.*

The following letter seeks to respond to each of these matters in turn.

### Highway Safety

It is understood that the Local Highways Authority raised an objection to the proposals on 4<sup>th</sup> February 2025 in relation to the sustainability of the site and highways safety. In particular, the comments conclude that the site is in an unsustainable location in “purely transport terms” as they consider the proposals would “rely entirely on the private car to access all services.” Coming to this conclusion, the Local Highways Authority state that there is a “lack of safe provision for pedestrians and cyclists, and street lighting will result in a decrease in highway safety...”.

They then go on to state:

“The roads leading to the site are unsuitable to cater for the additional traffic generated by the proposed development by reason of the restricted width, restricted forward visibility and substandard junctions and the resultant increase in vehicle movements will increase the likelihood of conflicts between vehicles and manoeuvring on the carriageway to the detriment of highway safety.”

“The proposed development would exacerbate the risk of conflict between vehicles and vehicles and pedestrians and cyclists by reason of the lack of segregated pedestrian facilities and street lighting on comparatively narrow roads with restricted forward visibility, substandard junctions and subject to the national speed limit, and does not “minimise the scope for conflicts between pedestrians, cyclists and vehicles” as required by NPPF leading to an increase in the likelihood of danger to highway users particularly those considered vulnerable and this reduction in highway safety means the development does not comply with national and local policies.”

The above comments can be summarised into the following two points to be addressed:

Detriment to highway safety in respect of the additional vehicular traffic on the local highway network.

The risk of conflict between vehicles and pedestrians and cyclists and the increase in the likelihood of danger to highway users.

Accompanying the submission of the planning application is a Transport Technical Note which dealt with both points in detail. Chapter 6 of the Technical Note considers the existing trip generation compared to the forecast trip generation. Currently the Applicant visits the site multiple times a day to tend to her horses. As per the accident data contained within the Technical Note, there has been no record of any collisions in the last five years such that there is no existing highway safety concerns within the vicinity of the site and therefore, it can be concluded that there is no existing safety issues on the local highway network that could be exacerbated by the proposals.



As an additional sense check, a review has been undertaken to consider historical collisions that have occurred within proximity to the site dating back to 1999, which is as far back as the CrashMap database extends. This information is merely for the benefit of the LPA and does not alter the conclusions previously detailed in the supporting Technical Note submitted as part of the application.

The additional review confirms that there have been no recorded collisions along Crabtree Lane from 1999, which definitively concludes that there is no existing safety issue of vehicle and pedestrian conflict or historic highway safety pattern or concern within the vicinity of the site, which need to be considered further as part of this assessment.

The proposed development will naturally reduce the number of vehicle trips to and from the site by providing living accommodation for the Applicant. Notwithstanding this, to provide a robust assessment the Transport Technical Note also considered the impact if the number of trips were not reduced, concluding that the proposed development would have a neutral impact on the local highway network in comparison with the existing use on site. As there will be no material difference between trip generation, it's worth drawing members' attention to the previous planning application south of the site (ref. 20/01361/FUL) where the Local Highways Authority concluded that "the proposal will utilise an existing access with inward opening gates which do not project onto the highway. The access gate is considered to be a sufficient width to enable adequate visibility for vehicles accessing and egressing from the site. As such, the proposal would not be detrimental to highway safety which complies with policy INF4 of the Cotswold District Local Plan." The same conclusions therefore, can be applied in this case.

Consequently, the Transport Technical Note concludes that the proposals will not have an unacceptable impact on highway safety and the residual cumulative impacts of the development would not be severe and therefore, the proposals will not be contrary to Paragraph 116 of the NPPF. In this context, and with specific reference to the Local Highway Authority's comments, it is considered the proposals will minimise the scope for conflicts between pedestrians, cyclists and vehicles as per Paragraph 117 c) of the NPPF.

The Local Highway Authority's response references that the proposals will attract "on average around six to eight trips per day" however, there is no evidence to back up where these figures have come from. Comparing this to the technical work that has been undertaken in the accompanying Transport Technical Note, this is the data that should be relied upon.

It should also be recognised that the proposals sit within a rural location where sustainable transport opportunities are limited. This is a matter that is considered at Paragraph 110 of the NPPF:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making." [own emphasis added].

Here, there is clear direction from the Government that not all locations will benefit from sustainable transport solutions and that this matter should be considered on balance during the decision-making process.

Paragraph 115 a) of the NPPF requires that opportunities to promote sustainable transport modes are prioritised taking account of the vision of the site, the type of development and its location. As set out in the Transport Technical note, it does not require all development to be held to the same standard in accessibility terms. Additionally, Paragraph 117a caveats access to high quality public transport by stating “so far as possible”. Therefore, these two paragraphs are not precluding development that is not in a highly accessible location.

To conclude, it is the Applicant’s primary contention that there is no reason to refuse the proposals on highway safety grounds, as well as no other highways related grounds, such that the proposals are not contrary to Paragraph 116 of the NPPF. Consequently, the proposals therefore comply with Policy INF4 of the Local Plan.

#### Cotswold National Landscape

The site sits within the Cotswold National Landscape where local and national policy seeks to conserve and enhance its special landscape qualities and characteristics.

Accompanying the planning application is a Landscape Mitigation Strategy which concludes that the proposals will meet this policy test. Any potential negative effects can be mitigated through careful placement of the residential curtilage to the property, with a suitable planting strategy employed to create enhancement to the fabric of the landscape and to ensure that the proposal does not compromise the essential quality and character of the area. With regards to visual amenity, due to the limited extent of the Application Site’s visual influence, there will be no perceived change within the landscape from a visual amenity perspective with the proposed scheme in place.

Detailed planting plans accompany the planning application that can be secured by way of condition. On detailed planting plan ref. 240790-RAP-XX-XX-DR-L-4001 a blue dashed line is included which defines the extent of the proposed extent of residential garden, which will be secured via planning condition. A similar condition (condition 9) was added to planning permission 24/00315/FUL at Scrubditch Farm, North Cerney which was allowed on appeal on 4<sup>th</sup> December 2024 (appeal ref. 3346869). A copy of this appeal decision is attached at Appendix 1 of this letter.

As such, it is concluded that the proposals comply with Paragraph 189 of the NPPF, and consequently, Policies EN4 and EN5 of the Local Plan.

#### Intensification of equestrian use

The following provides certainty that the proposals will not intensify the private equestrian use on site.

As set out in the Planning Statement, the purpose of the proposed new dwelling at this location is so the Applicant can live on her private land that comprises a private equestrian use, allowing the Applicant to

provide greater care for her horses. Currently on site, there are four horses which the Applicant is visiting at a minimum twice a day currently to care for them, both in the day and night. Towards the end of 2022, the Applicant started to relocate the horses to the storage barn, that is ancillary to the private equestrian use<sup>1</sup>, such that the storage barn now comprises stabling and ancillary storage to the private equestrian. The horses were moved to the storage barn for the following reasons:

- 1) The arena for the horses sits where the storage barn is located. For ease and medical reasons, the horses are better situated within the storage barn. This is explained further below.
- 2) There has been a high rise of burglaries locally and therefore, the Applicant felt the horses would be safer away from the road. Unfortunately, the Applicant was party to a theft in 2016 (crime reference CR/19589/16) where tack and equipment associated with the equestrian use was stolen, and then again in 2020 (crime reference GC-20200707246).
- 3) Whilst not a primary reason, the Applicant was aware of complaints from neighbours who felt that the stabling of horses in the original stable building caused an eyesore.

To elaborate on point 1) above, accompanying this response is a letter from the Applicant's Veterinary Practice which details the medical reasons why the horses are better situated in the storage barn (see Appendix 2). This provides detailed justification for why it is important that the Applicant can live on site and for why the horses are better situated in the storage barn.

The proposed development will not result in an intensification of the private equestrian use on site, rather it will help aid the Applicant provide greater care for horses already on site.

#### Character and appearance

As per the Planning Statement that accompanies the planning application, paragraphs 5.28 to 5.39 demonstrate that the proposals comply with Policies EN1 and EN2 by retaining the character and appearance of the existing stables with minimal intervention. The building is capable of conversion without extension or any significant degree of re-building, and there are no new openings. Existing openings are being utilised and no new outbuildings are proposed or other domestic paraphernalia.

As above, detailed planting plan ref. 240790-RAP-XX-XX-DR-L-4001 outlines the extent of the domestic curtilage proposed which is broadly confined to the building itself.

Taken the above into account and as set out in the accompanying Planning Statement, the proposals align with Paragraph D.67 point 5 of the Cotswold Design, along with Policies EN1 and EN2 and Paragraphs 131, 135 and 139 of the NPPF.

#### Policies DS4 and EC6

Paragraphs 5.3 to 5.16 of the Planning Statement clearly demonstrate how the proposals comply with Policies DS4 and EC6. I do not intend to repeat myself here and therefore I refer members to these paragraphs when assessing the principle of development.

---

<sup>1</sup> Acknowledged in the officer's report attached to planning permission ref. 20/01361/FUL for the storage barn.

As a result, the proposals comply with the development plan in principle.

**Archaeology**

No comments have been provided by the County Council's Archaeologist for this application. However, it should be noted that the planning application relating to the storage barn (ref. 20/01361/FUL) was accompanied by an Archaeological Evaluation. The assessment included the site subject of this application. The Archaeological Evaluation recorded nothing of archaeological interest and therefore it was recommended no further archaeological investigation was required. The same conclusions can be applied in this case.

I trust the above will be considered during the determination of the application along with the supporting documentation that accompanies the planning application. Should you wish to discuss matters further, please do not hesitate to contact me.

Yours Sincerely,



Claudia Jones MRTPI  
**Morgan Elliot Planning**  
[claudiajones@morganelliott.co.uk](mailto:claudiajones@morganelliott.co.uk)  
07760351647

# Appendix 1 – Appeal decision ref. 33468869

## Appeal Decision

Hearing held on 2 October 2024

Site visit made on 2 October 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

---

Appeal Ref: APP/F1610/W/24/3346869

Scrubditch Farm, North Cerney, Cirencester, Gloucestershire GL7 7DZ

The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.

The appeal is made by Mr and Mrs France against the decision of Cotswold District Council.

The application Ref is 24/00315/FUL.

The development proposed is the conversion of former agricultural building to residential use.

---

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of former agricultural building to residential use at Scrubditch Farm, North Cerney, Cirencester, Gloucester GL7 7DZ, in accordance with the terms of the application Ref 24/00315/FUL, subject to the conditions in the attached schedule.

### Applications for Costs

2. Prior to the Hearing, an application for costs was made by Mr and Mrs France against Cotswold District Council. This application is the subject of a separate decision.

### Procedural Matters and Main Issues

3. The address in the banner heading above is taken from the Council's decision notice, following agreement by the parties at the Hearing that it more accurately and succinctly identifies the appeal site.
4. In November 2023, all designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes.' However, the legal designation and policy status remain the same.
5. At the Hearing, the Council confirmed that the proposal is not considered to conflict with criterion b) or c) of Policy EC6 of the Cotswold District Local Plan (CDLP) 2018. Based on all that I have seen and the discussions I heard, I have no reason to take a different view. I therefore consider the main issues in relation to this appeal to be;

Whether the building is capable of conversion without substantial alteration or re-building;

The effect on the character and appearance of the area, having regard to the Cotswold National Landscape (CNL);

Whether the proposal would be in a suitable location for residential development having regard to the development plan; and

The effect on the Cotswold National Beechwood Special Area of Conservation (SAC).

## Reasons

### Substantial Alteration

6. The appeal site comprises a steel portal framed agricultural building with lower block work walls and timber cladding, under a corrugated sheet roof. It is common ground that the appeal site lies outside of any Principal or Non-Principal Settlements as defined within the CDLP. For planning policy purposes it is located in the countryside, where Policy DS4 precludes new build open market housing unless it is in accordance with other policies of the development plan.
7. Policy EC6 supports the conversion of rural buildings to alternative uses subject to compliance with 3 criteria. The matter in dispute relates to criterion a) of the policy which requires the building to be structurally sound, suitable for and capable of conversion for the proposed use without substantial alteration, extension or re-building.
8. The supporting text to Policy EC6 advises that buildings should be physically capable of being converted in terms of their size, soundness and structural stability, without recourse to extensive re-building, alteration or extension. The conversion should be just that, and not a pretext for what would be tantamount to the erection of a new building in the countryside.
9. The appellants have provided a structural report (SR) which concludes that the appeal building is suitable for conversion without the need for any significant structural improvement of the floor slab, foundations, steel framing or the masonry walls<sup>1</sup>. The Council accepts that the building is structurally sound<sup>2</sup> and I have no reason to disagree with the conclusions of the structural report. No extensions are proposed in this instance.
10. However, the Council considers that the proposed alterations are substantial such that the scheme fails to comply with Policy EC6(a). I acknowledge that the structural soundness of a building does not alone determine that a building is capable of conversion without significant alteration. It remains necessary to consider the totality of the works involved and whether it would still amount to a conversion of the building, as opposed to a new or re-build. Policy EC6 does not clearly define what works would amount to substantial alteration. It is therefore a matter of planning judgement based on the evidence presented.

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<sup>1</sup> Structural Report authored by Mark Walsh dated 30.06.23.

<sup>2</sup> As set out in the Council's officer report.



11. The proposal is not a Class Q development<sup>3</sup>, such as that considered in Hibbitt<sup>4</sup>. However, the judgement is relevant to understanding the distinction between the level of works required for the conversion of an existing agricultural structure or building to a dwelling, and works amounting to its rebuilding.
12. The Planning Practice Guidance (PPG) indicates that the rights attributed under Class Q of the GPDO may include building operations such as the installation or replacement of windows, doors, roofs, exterior walls and services required to function as a dwelling<sup>5</sup>. Whilst there is no Class Q fallback here, due to the location of the appeal site within the AONB/National Landscape, the appellants have indicated that permitted development (PD) rights would allow a number of works that would affect the external appearance of the building. These include maintenance or repairs to the perishable materials of the appeal building, including re-cladding the upper sections of the walls. This was not disputed by the Council at the Hearing. It seems to me that the upper walls could be re-clad regardless of the proposed development. Moreover, internal works would not constitute development<sup>6</sup>.
13. In any event, the evidence before me indicates that the steel frame, lower blockwork walls, roof purlins and sheeting would be retained, other than for the insertion of doors, windows and replacement rooflights. These would be in scale with openings typically found on such agricultural buildings. The appellants amended their proposal to include the retention of the roofing material and the Council accepted at the Hearing that the proposed works would not be so extensive as a result. Moreover, there is no evidence that the proposed works would include new structural elements including foundations. Whilst the proposal is finely balanced, I find that the degree of works proposed would not amount to substantial alteration or a re-build.
14. The Council has referred to a number of proposals for barn conversions that have been refused<sup>7</sup>. Without full details of the specific sites, proposals, plans and decisions I am unable to determine to what extent, if any, the degree of works in those schemes are comparable to that before me. I have made my own judgement on the evidence available to me.
15. I find that the appeal building is capable of conversion without substantial alteration or re-building such that the proposal would comply with Policy EC6(a) of the CDLP as set out above.

#### Character and Appearance

16. The appeal site consists of a modern agricultural shed and an adjacent paddock. Whilst described by the appellants as being a visual detractor, its appearance is typical of a modern farm building found within countryside locations. Access is via an existing road which terminates for vehicles adjacent the appeal site, but continues as the North Cerney public right of way (PROW) Footpath 16. To the south and east are a loose group of buildings including a

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<sup>3</sup> Permitted development as established by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

<sup>4</sup> Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

<sup>5</sup> PPG Paragraph: 105 Reference ID: 13-105-20180615.

<sup>6</sup> As set out at section 55(2)(a)(i) of the Town and Country Planning Act 1990.

<sup>7</sup> As set out in paragraphs 5.1 – 5.4 of the Council's statement of case.



small number of dwellings, other ancillary outbuildings and a traditional threshing barn with extensive hardstanding. These buildings are arranged in different positions and orientations relative to the road. This sporadic form of development along with the extensive network of surrounding fields, enclosed by occasional mature tree planting or woodland belts presents a distinctly rural character to the area.

17. Within the CNL designation, there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing its natural beauty<sup>8</sup>. I have determined the appeal with these duties and responsibilities in mind.
18. The Cotswolds Landscape Character Assessment (CLCA) identifies the appeal site as lying within the High Wold Dip Slope character type. This area is characterised by large-scale, open, productive arable farmland leading to a more complex mosaic of smaller, undulating scale pasture contained within a strong framework of hedges and woodland. Development is sparse and confined to intermittent farmsteads and hamlets<sup>9</sup>.
19. I observed that the appeal site is well contained within the wider landscape due to the natural, gently undulating topography and presence of mature landscaping. The site has a closer visual connection with the adjacent buildings formerly comprising the Scrubditch farmsteading, than with the more expansive fields and wider countryside beyond.
20. At the Hearing the Council explained that the most significant views of the site would be those from the track/road and the PROW. This chimed with my observations during the site visit. Views from points along the PROW to the north and the Woodmancote to North Cerney Road would be occasional glimpses obtained at a distance. In such views, the building nestles down and is viewed against a backdrop of tall, dark mature trees. Intervening vegetation and the rolling topography would limit visibility from many medium and longer-range views, which corresponds with the findings of the appellants Landscape Appeal Statement. Where it may be seen, it would be viewed at close range in the context of the other nearby buildings.
21. The Council has raised concerns about the urbanising effect of the scheme on the character of the area. The proposed conversion has been designed to be discrete when seen from the track. The careful treatment of the elevations would be supplemented by native tree planting to the eastern boundary to further assimilate the building's presence over time. This would take time to establish and would offer less coverage during winter months. The proposed dwelling would nonetheless only be clearly visible in very immediate views, almost directly adjacent to the appeal site.
22. The majority of windows would be located in the northern and southern elevations. They would only be visible in very localised views from the gaps between the building and the densely landscaped Scrubditch Dyke to the south and the start of the landscaping to the footpath to the north. Any new

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<sup>8</sup> Paragraph 182 of the Framework.

<sup>9</sup> Key features of the High Wold Dip Slope Character Area as set out in Landscape Character Type 9 within the CLCA.

materials for the external walling and hard landscaping could be secured by condition to prevent any detrimental visual impact through inappropriate finishes or domestic surfacing materials. Stone walling is found along the public footpath and track within the vicinity of the site, such that new boundaries would not appear out of place.

23. Whilst inconsistencies between the proposed landscape masterplan and site plan were identified by the Council, it agreed with the appellant at the Hearing that the landscaping masterplan could be taken as the foremost drawing relating to the treatment of the building's immediate surroundings.
24. It is not clear from the evidence before me that the advice set out in 'development proposal 5' of the Cotswold Design Code<sup>10</sup> (the Design Code) applies to the conversion of modern agricultural buildings, as well as traditional barns. Even if I was to apply the advice, it is apparent that the proposed development would conserve the agricultural character of the existing building<sup>11</sup>. This would mostly arise from the retention of the building's overall form without extension, the existing blockwork, exposed steelwork and corrugated sheeting to the roof which would be supplemented by the use of hit and miss timber cladding to replace the existing.
25. The Design Code does not preclude the insertion of new openings. Rather it suggests that new openings should be avoided to preserve the often-blank character of agricultural structures. Where new windows are to be inserted, they would be treated with recessed glazing of a simple functional design. Those to be inserted into the northern elevation, would not interfere with the lower blockwork wall which is to be retained. The elevation in general would maintain a high wall to window ratio due to its overall scale, such that it would not be overtly domestic in appearance.
26. The proposed rooflights would be of a modest scale and reduced from the current situation. The low profile of the roof and the lack of wider visibility of the building beyond the appeal site would limit their impact. The utilitarian and plain appearance of the building would be maintained overall.
27. At the Hearing concerns were raised regarding the possibility of light spillage from the proposed openings. However, the building already benefits from lighting such that a degree of light spillage is already likely to occur. It has not been robustly evidenced that the proposed conversion would have a greater effect on the dark skies of the CNL than the existing situation.
28. The Design Code suggests that the residential curtilage should be tightly drawn where a close relationship survives between a barn and its open field setting. I acknowledge that the size of the application site is large. However, the appeal building relates visually to a smaller enclosed paddock than an open field. It is the clear intention of the appellant that the land to the north of the dwelling be planted as a species rich grass area with additional native shrubs and orchard trees, such that it would not appear domestic in character<sup>12</sup>.

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<sup>10</sup> Appendix D of the CDLP.

<sup>11</sup> Visual 1 submitted to accompany the appellant's appeal submission.

<sup>12</sup> As shown in the Landscape Masterplan drawing number 230382-RAP-XX-XX-DR-L-3101 Rev P04.

29. The Council confirmed at the Hearing that an orchard would be considered to be agricultural in use. There would be no direct access from the building to this area, which would limit the practicality of everyday use for residential purposes. Moreover, the proposed masterplan identifies that the area of domestic garden would be limited to a smaller area wrapping around the front and side of the converted building. The parties agreed that this could be controlled by way of a plans condition and I have no reason from the information provided, to take a different view. The proposal would not result in a significant domestic encroachment into the CNL. Overall, the design of the scheme appears to reflect the objectives of the Design Code.
30. Reference is made to the refusal of a proposed barn conversion at Windrush Farm that was upheld at appeal<sup>13</sup>. The Inspector found that the extensive residential curtilage would be harmfully domesticating and detrimental to the close visual relationship between the barn and its open field setting and the wider agricultural high wold landscape character. It was also considered that the proposed landscaping scheme failed to enhance the setting of the building. That is not the case here for the reasons given above. On the evidence before me, there are distinctions between the 2 cases that indicate a different position would not be irrational.

#### Conclusion – Character and Appearance

31. I am satisfied that the proposed scheme would safeguard the distinctiveness of the area and the existing landscaping within and around the appeal site, would prevent harm to the peripheral views of the countryside beyond. The resultant dwelling would read as an honest conversion of a modern agricultural shed, read in the context of the neighbouring built form which is that of a farmsteading. It would not therefore appear unduly intrusive or incongruous in this setting. For these reasons, the proposal would not result in a degree of urbanisation and encroachment into the countryside which would harmfully erode the rural characteristics of the locality, including the strong rural character of the CNL.
32. The proposed development would accord with Policies EN1, EN2, EN4, EN5 and EN6 of the CDLP. Together these policies seek amongst other things, to protect the natural landscape and ensure that designs complement the character of the area. This is consistent with the National Planning Policy Framework (the Framework) objective of conserving and enhancing the landscape and scenic beauty of the area<sup>14</sup>.

#### Suitable Location

33. Policy EC6 of the CDLP does not set any locational criteria for the conversion of rural buildings to alternative uses. Nonetheless, the Council contends that the proposal would fail to comply with paragraph 84 of the Framework, which seeks to avoid the development of isolated homes in the countryside. The Council has raised concerns about the location of the development relative to the accessibility and proximity to a settlement. Whether or not I could consider the appeal site to be isolated, paragraph 84 allows exceptions where a number of circumstances apply. Criterion (c) supports development where it

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<sup>13</sup> Appeal reference APP/F1610/W/23/3324143.

<sup>14</sup> Paragraph 182 of the Framework.

would re-use a redundant or disused building and enhance its immediate setting.

34. At the Hearing interested parties suggested that the existing building is not redundant. It was put to me that the failure to implement 2 recent permissions for new agricultural buildings of a similar size elsewhere on the holding demonstrates that the appeal building is not at capacity or redundant<sup>15</sup>. There was also disagreement over whether the buildings could be considered as replacements for ones previously removed as part of redevelopment proposals for other buildings nearby.
35. Even if I could accept these viewpoints, those permissions have already been granted and are extant, such that they can be implemented by the appellants if they choose. The Council accepts that the building is redundant or disused. Although a snapshot in time, I observed that the building was not in active use at the time of my visit. Furthermore, there is no substantive evidence before me that existing farm operations would be conflicted by the proposal, such that its continued viable operation would be compromised by the proposed conversion.
36. As discussed above, the utilitarian appearance of the appeal building is typical of modern agricultural buildings, readily found within and accepted as part of the rural landscape. The proposed conversion would ensure that the agricultural character of the building would be retained and although creating a more domestic setting, it would not result in urbanisation or harmful encroachment into the countryside. The removal of the concrete pad and the implementation of the proposed landscaping scheme would result in a slight visual improvement, helping to assimilate the building into its surroundings by reflecting the hedging, trees and walls that form part of the landscape character of the surrounding area.
37. Consequently, I find that the proposal would enhance the immediate setting of the building. The proposal would therefore be a suitable location for residential development and comply with paragraph 84(c) of the Framework as set out above.

#### Special Area of Conservation

38. The site is within the catchment zone of the Cotswold Beechwoods SAC. The SAC is protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Its qualifying features are semi-natural dry grasslands and scrubland facies and its Beech forests. These features rely on limited disturbance by people, which the increase in population that would be provided by the proposed dwelling and other residential development could adversely affect.
39. A likely significant effect on the SAC resulting from the proposal, in combination with the other planned development cannot therefore be ruled out. Consequently, in accordance with the Habitats Regulations and as the competent authority in the context of this appeal, I must undertake an Appropriate Assessment (AA)<sup>16</sup>. Having undertaken that assessment, it is clear that without mitigation, the development, in combination with other

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<sup>15</sup> Planning references 22/03844/AGPA and 23/02461/AGPA.

<sup>16</sup> Conservation of Habitats and Species Regulations 2017 (as amended).

planned residential development, would have an adverse effect on the integrity of the SAC as a result of increased recreational pressure and disturbance.

40. The Council has prepared and adopted a recreation mitigation strategy (RMS) in conjunction with Natural England<sup>17</sup>. Mitigation essentially includes strategic access management and monitoring, and the provision of Suitable Alternative Natural Greenspace (SANGs) on land outside of the European site. These measures are to be funded by financial contributions. Such provisions would seek to meet the conservation objectives by reducing recreational pressure on the SAC.
41. In this case, a S111 agreement has been provided by the appellant and a payment of £798 has been made to the Council. It was confirmed at the Hearing that the appellants and the Council consider that this financial contribution would mitigate the individual or in-combination adverse impact of the proposal on the European site, as required by the RMS. Natural England has since confirmed that the contribution and mitigation would be sufficient to prevent harm to the integrity of the European site. I am satisfied that the provisions of the S111 agreement means that the contribution could only be used by the Council for the purposes of mitigating the effect of the development on the SAC.
42. In undertaking the AA, the information before me indicates that with mitigation, the proposal would not result in a significant harmful effect on the integrity of the SAC. I have no reason to find otherwise. I am satisfied that the S111 agreement is necessary, related directly to the development and fairly related in scale and kind. The provisions of Regulation 122 of the CIL Regulations 2010 and the Framework tests for planning obligations are therefore met<sup>18</sup>.
43. Consequently, the proposal would comply with Policies EN8 and EN9 of the CDLP which amongst other things, seeks to avoid adverse effects on European sites. It would also comply with the Framework's aim to conserve and enhance the natural environment.

#### Other Matters

44. The appeal site lies close to the northern boundary of the scheduled monument (SM) referred to on the National Heritage List as Scrubditch Dyke<sup>19</sup>. Whilst not forming part of the Council's reason for refusal, as a designated heritage asset of national importance, the proposal's effect on its significance is a relevant consideration<sup>20</sup>.
45. Scrubditch dyke is a bank and ditch formation dated to the iron age (approximately 2700 years ago), that relates to a wider series of earthworks in the surrounding area<sup>21</sup>. I heard at the Hearing that the bank was designed to be a dominating feature and would have originally been much taller and the ditch much deeper. Colonised by trees, the dyke is no longer an obvious

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<sup>17</sup> Cotswold Beechwoods SAC Recreation Mitigation Strategy May 2022.

<sup>18</sup> Paragraph 57 of the Framework.

<sup>19</sup> Historic England National Heritage List Entry Number 1003437.

<sup>20</sup> Paragraph 205 of the Framework.

<sup>21</sup> As described in Historic England's consultation response dated 8 March 2024.

attribute. Its significance therefore lies primarily in its historical and archaeological interest.

46. Both the SM itself and its setting, have altered over time with the incursion made by the nearby farm buildings and domestication of Scrubditch Farm Bungalow. The current setting is nonetheless a rural one to which the modern farm building makes a negligible contribution.
47. A concrete pad existing beyond the southern elevation of the barn is to be removed and replaced with the proposed vehicular access, car parking area and domestic curtilage. However, this only relates to the section that falls within the appeal site and outside of the extent of the SM. The County Archaeologist and the appellant's Archaeological Advisor agree that a prior to commencement condition requiring the provision of a written scheme of archaeological investigation, would ensure that the proposed works would not be harmful to the SM. I have no reason to take a different view.
48. The proposed conversion would create a more domesticated setting than is presently the case. However, the removal of the concrete pad and its replacement with carefully controlled hard and soft landscaping would result in a slight visual improvement to the rural setting of the SM overall. I note that this view is shared by Historic England. For these reasons, I am satisfied that the proposal would not have a harmful impact on archaeological remains and that the SM's setting would be preserved.
49. Interested parties have raised concerns regarding the visibility of the access track onto the main road. Whilst the future occupants of the dwelling would utilise this junction, the level of traffic movements from a single dwelling are likely to be limited. The main road whilst narrow and rural in character with tall hedgerows to either side, was not particularly heavily trafficked at the time of my site visit. Although a snapshot in time, there is no evidence to suggest that the main road carries significant volumes of traffic at other times.
50. The Council has confirmed that although the Highway Authority was not consulted at the time of the application, it determined that there was no highway safety concern arising from the proposal. Whilst visibility may be somewhat reduced when the hedgerows are in full leaf there is no substantive evidence before me to indicate that the proposal would result in an unacceptable impact on highway safety.

#### Conditions

51. The suggested conditions contained within the Statement of Common Ground have been considered and the wording varied where necessary, to ensure precision and compliance with the PPG and paragraph 56 of the Framework.
52. Along with the standard time limit and to list the plans in the interests of certainty, conditions are imposed to require the submission of external walling and roof repair materials, and implementation of the landscaping masterplan in the interests of consistency of appearance. Conditions relating to compliance with the ecological appraisal, the submission of a precautionary working method statement for roman snails, details/provision of bat roosting features and a lighting design strategy are necessary and reasonable, to



ensure that biodiversity is protected and enhanced. Similarly, conditions to ensure that car parking spaces are laid out and retained within the appeal site for their intended use and the provision of a contamination assessment, would be reasonable and relevant to the development permitted.

53. Prior to the commencement of development conditions are required to secure a written scheme of archaeological investigation and a surface water drainage scheme. The appellants have accepted the need for these conditions which are required in the interests of protecting the SM and ensuring effective drainage from the appeal site. A condition requiring the removal of permitted development rights is considered necessary to retain control over the appearance of the appeal site given its location within the CNL.
54. Informatives are not added to appeal decisions. The appellants should be aware of these from the Council's evidence.

#### Conclusion

55. The proposal accords with the development plan. There are no other material considerations, including provisions of the Framework, which override this finding or indicate that my decision should not be otherwise than in accordance with the development plan.
56. For the reasons set out above, the appeal is allowed.

*M Clowes*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

|                    |  |
|--------------------|--|
| Paul Fong          | Managing Director at Morgan Elliot Planning          |
| Claudia Jones      | Associate Director at Morgan Elliot Planning         |
| Nick Harman        | Associate Director at Rappor                         |
| Jonathan Nettleton | Director and Owner of Blake Architects               |
| Mark Walsh         | Structural Engineer                                  |
| Richard Morriss    | Director and Owner of Richard K Morriss & Associates |
| Mrs Maria France   | Appellant  |

### FOR THE LOCAL PLANNING AUTHORITY

|              |  |
|--------------|--|
| Helen Cooper | Senior Planning Officer, Cotswold District Council |
|--------------|--|

### INTERESTED PARTIES

Yogeeta Deshpande

Tim Barker

Michael Costley-White



\*\*\*\*\* Schedule of Conditions \*\*\*\*\*

1. The development shall be started by 3 years from the date of this decision notice.
2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 23.12.03.01 Rev A, 23.12.03.15 Rev E, 230382-RAP-XX-XX-DR-L-4101 Rev P04.
3. Prior to the construction of any external wall above slab level of the development hereby approved, samples of the proposed walling materials shall be approved in writing by the Local Planning Authority. Only the approved materials shall be used, and retained and maintained for the lifetime of the development.
4. The existing roof covering as present on the date of this permission shall be retained with any necessary insulation provided internally. Where repairs are required, they shall be carried out to match the existing roof covering in terms of material, texture, shape and colour. The rooflights shall be of a design which when installed, shall not project above the plane of the roof slope. The roof and rooflights shall be retained as such thereafter.
5. No development shall take place, including vegetation clearance, until a precautionary working methods statement for Roman snails has been submitted to and approved in writing by the local planning authority. The strategy shall include, but is not limited to the following:
  - Precautionary working methods;
  - The timing of works;
  - The roles and responsibilities on site of an ecological clerk of works or similar person;
  - Protocols in the event a Roman snail is discovered.The approved strategy shall be implemented in full in accordance with the approved details.
6. No development above slab level shall take place prior to details of the provision of at least 2 no. bat roosting features (e.g. bat boxes/tubes/bricks on south or south-west facing elevations) and at least 2 no. nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) externally mounted on the dwelling hereby approved or within a suitable tree, being submitted to the local planning authority for written approval. The details shall include a drawing showing the types of features, their locations within the site, including elevations and heights 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.
7. The development shall be undertaken in accordance with the recommendations in section 4.0 of the consultancy report (Ecological Appraisal. Prepared by All Ecology, dated December 2023). All of the recommendations shall be implemented in full and permanently retained thereafter.

8. Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy 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 their territory. All external lighting shall be installed only in accordance with the approved specifications and locations and shall be retained as such thereafter.
9. The development hereby permitted shall be carried out in accordance with the approved Landscape Masterplan, drawing number 230382-RAP-XX-XX-DR-L-4101 Revision P04, and the detailed planting plans, drawing numbers: 230382-Rap-XX-XX-DR-L-4201 Revision P02 and 230382-RAP-XX-XX-DR-L-4202 Revision P02 and the accompanying document entitled 'Outline Planting Specification /Establishment'.

The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the barn conversion.

A five-year maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to the Landscaping scheme being completed. This shall then be adhered to for the aforementioned time frame.

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that 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.

10. No development shall take place until further information is submitted, notwithstanding the 'Oakshire Environmental, Phase 1 Preliminary Risk Assessment, Barn at Scrubditch Farm, North Cerney, Cirencester, Gloucestershire, GL7 7DZ, 07 February 2024', to assess the nature and extent of any contamination, whether or not it originated on site and the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On

completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

11. Prior to any below ground works at the site, including the removal of the concrete slab adjacent to the Scheduled Ancient Monument (list entry number 1003437), the appellant, or their agents or successors in title, must secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The approved programme of archaeological work must be adhered to during any below ground works and for the removal of the concrete slab.
12. 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 details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. 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.
13. Prior to the first occupation of the development hereby permitted, the parking spaces shall be provided on site in accordance with drawing number 23.12.03.10 Rev D and shall be retained thereafter for the lifetime of the development.
14. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or outbuildings shall be erected within the application site nor any new windows, doors or rooflights installed/inserted in the dwelling hereby permitted other than those permitted by this decision.

# Appendix 2 – Vets letter



# Waterlane Equine Vets

Fourways Farm, Waterlane, Oakridge, Stroud GL6 7PH

Tel: 01452 770268 Out of hours: 07796 338979

Email: [waterlaneequine@gmail.com](mailto:waterlaneequine@gmail.com) Web: [www.waterlaneequinevets.co.uk](http://www.waterlaneequinevets.co.uk)

## **RE: Horses at Grove Piece**

To whom it may concern,

Miss Barraclough, whose horses reside at Grove Piece, is registered with us at Waterlane Equine Vets.

Over the years we have undertaken the usual health checks but unfortunately have had to attend a number of emergency call outs. Some of these have required Miss Barraclough to be onsite 24/7 to oversee the welfare of the horses whilst they are unwell.

I am monitoring the long term health of one of Bryony's horses, who has a condition called Equine Metabolic Syndrome (EMS). As part of his management he needs to be kept at a healthy weight and often needs dietary restrictions. Being in the lower barn allows for easier management of his diet as he has to stay off grass for periods of time. Spring is an especially risky time for these horses, EMS can predispose horses to laminitis which in severe cases can be life threatening. The arena also allows the horse to move without having any grass, he has age related arthritis and becomes very stiff with no grazing time. Additionally, it is important for his welfare to be able to exhibit normal behaviours according to the five freedoms of animal welfare (National Equine Welfare Council, 2009).

Miss Barraclough's other horse also needs to be carefully managed. He was diagnosed and treated for gastric ulcers recently which can be triggered by stress. The horses are bonded and to be separated can be a very stressful event. As a result they do need to be housed together.

Regardless of the number or type of horses, they can all incur injuries in the field/stable or become unwell. For this reason, it is advisable that someone should live on site as an essential need for a horses' health and welfare.

Yours faithfully,

Dr Georgia Heap BVSc MRCVS

## Reference

National Equine Welfare Council (2009), 'Equine Industry Welfare Guidelines Compendium for Horses, Ponies and Donkeys'. Available at:  
[https://newc.co.uk/article\\_category/equine-health/?\\_advice\\_type=equine-law](https://newc.co.uk/article_category/equine-health/?_advice_type=equine-law)

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**Erection of a self-build dwelling at Land Parcel Adj To 10 De Havilland Road  
Upper Rissington Cheltenham Gloucestershire GL7 7AS**

| <b>Full Application<br/>24/03740/FUL</b> |  |
|--|--|
| Applicant:                               | Mrs Elizabeth Maclean  |
| Agent:                                   |  |
| Case Officer:                            | Amy Hill   |
| Ward Member(s):                          | Councillor Andrew Maclean  |
| Committee Date:                          | 9 April 2025   |
| <b>RECOMMENDATION:</b>                   | <b>PERMIT - Subject to completion of S106 legal agreement to secure self-build</b> |

**1. Main Issues:**

- (a) Principle of Development
- (b) Design
- (c) Impact on the Cotswolds National Landscape
- (d) Impact on Residential Amenity
- (e) Highways Safety
- (f) Trees and Biodiversity
- (g) Drainage

**2. Reasons for Referral:**

- 2.1 The applicant is a close relative of a Ward Member and as such the application is required to be considered by the Planning and Licensing Committee.

**3. Site Description:**

- 3.1 The application site is located within Upper Rissington, within a housing estate. It lies within the Development Boundary of Upper Rissington, a Principal Settlement. It comprises a section of garden land to the north (rear) of a detached red-brick dwellinghouse (5 Avro Road).
- 3.2 The site is within the Cotswolds National Landscape, albeit a built-up section of it.
- 3.3 Also, within the plot are a number of trees of varying sizes and species, three of which are protected by individual tree protection orders (two of which are replacement trees).

#### **4. Relevant Planning History:**

- 4.1 02/02514/FUL: One two-bed house. Refused 20.12.2002
- 4.2 20/03198/FUL: Erection of 1no. detached dwelling and associated works. Permitted 19.04.2021

#### **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- CDCLP CDC LOCAL PLAN 2011-2031
- DS1 Development Strategy
- DS2 Dev within Development Boundaries
- 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
- INF5 Parking Provision
- INF10 Renewable & Low Carbon Energy Develop't

#### **6. Observations of Consultees:**

- 6.1 Drainage Engineer: Additional information sought or pre-commencement condition
- 6.2 Albion Water: No response received
- 6.3 Tree Officer: No objection subject to condition.

#### **7. View of Town/Parish Council:**

- 7.1 No comments received



## **8. Other Representations:**

8.1 Two third party representations have been received, objecting to the application on the grounds of:

- Parking issues on the street (congestion and access for refuse collection and emergency vehicles)
- Area has already been extensively developed
- Materials not in keeping with the area
- Strain to sewerage system

## **9. Applicant's Supporting Information:**

- Arboricultural Assessment (Revision A 13th May 2020)
- Design and Access Statement
- Biodiversity Self Assessment

## **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 National Planning Policy Framework (NPPF) are also a material planning consideration.

## **Background and Proposed Development**

10.4 The application seeks permission for the erection of a 5 bed, two-and-a-half-storey detached dwellinghouse, including new entranceway.

10.5 Following feedback from the Case Officer, the proposal has been amended such that the property would be constructed with red bricks to the east and south elevations, render to the west and north elevations, and tile roof (zinc standing seam on the single-storey).

- 10.6 The dwellinghouse would have a footprint of approximately 9.8m by 10.5m (including 3.4m single-storey rear extension). The main building would have eaves and ridge heights of 5.7m and 9.3m respectively. It would comprise two-and-a-half storeys, with dormer windows to the front of the property.
- 10.7 The application permitted in 2021 (20/03198/FUL) was similar to the current proposal, albeit of a different design. The application was granted by the Planning and Licensing Committee. The permission has now lapsed as it was not commenced within three years of the grant of permission.

**(a) Principle of Development**

- 10.8 The application site falls within the Development Boundary of Upper Rissington, which is identified as a Principal Settlement within the Cotswold District Local Plan Policy DS1. Local Plan Policy DS2 states that within the development boundaries indicated on the policies maps, applications for development will be permissible in principle.

**(b) Design**

- 10.9 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.10 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 135 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.
- 10.11 Section 14 of the NPPF addresses climate change. Paragraph 162 of the NPPF states that, *'in determining planning applications, local planning authorities should expect new development to:*
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
  - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

- 10.12 Additionally, paragraph 167 of the NPPF states that *'Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).'*
- 10.13 The Cotswold Design Code provides design guidance on dwellings, of particular relevance are:
- 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.20** *The design approach selected should respond to each site and its setting. The success of different design approaches, and in particular architectural styles, is very dependent on location. There are many valid approaches to the design of buildings, depending on their context. Due to the distinctive and consistent traditional architecture of the Cotswolds, a vernacular design approach is commonly successful. On some sites a contemporary approach, well-executed, can be appropriate. These two design approaches are discussed further below.*
- 10.14 Paragraphs D.59 - D.62 provide guidance regarding sustainable design and states that 'the potential impacts of climate change can be addressed through a variety of means, from the incorporation of better insulation and renewable energy technologies, to adaptations for severe weather events, and the use of local and recycled building materials.' The Design Code also stresses that sustainable design needs to be responsive to the character of the area and the sensitivities of the site.
- 10.15 The Cotswold Design Code advises that new development should pay attention to the density, grain, scale and form of the site, its setting, and the landscape surrounding it. To the north of the dwelling (on both sides of De Havilland Road), is a strong linear character of detached dwellings that front the road. Most of these dwellings benefit from relatively open frontages, most with parking areas and front gardens or landscaping located between the principal elevation and the road.
- 10.16 The proposed dwellinghouse would reflect this pattern of development, sitting set back from the road, broadly in line with the dwellings immediately to the

north. In terms of the general scale of the proposal, in footprint terms this would also be broadly in line with the dwellings in the area. Furthermore, a modest amount of landscaping with a driveway is proposed between the dwelling and the roadside.

- 10.17 In terms of materials and details, the applicant has confirmed that notwithstanding the submitted plans, that the property would be constructed with brick rather than Cotswold stone with tile roof similar to the materials present in the area. Bricks are the main building material in the immediate area, with render also present on several properties nearby. The amended materials are therefore considered suitable.
- 10.18 Officers acknowledge that the proposed dwelling would not benefit from the front gables that are prevalent in the immediate area, and that the dwelling would include two front dormers which are not typical of the area in the immediate streetscene. However, this is a relatively high density area with a number of varying designs and alterations present throughout the development. Furthermore, the area has no historic interest or designations that warrant protection or would warrant a pastiche of the dwellings in the immediate area, especially as what is proposed is quite modest, is of a suitable scale, and is of a design and appearance that would successfully integrate into its surroundings.
- 10.19 As such, Officers are satisfied that the new dwelling would read comfortably as part of the streetscene and would integrate successfully into the site and its immediate surroundings, with no harm caused to the character and appearance of the area.
- 10.20 The applicant has advised that the proposed building has been designed to exceed the building regulation requirements for insulation in order to minimise the carbon demands of heating. They intend to *"install energy efficient heating with an air-source heat pump and keep heat losses to a minimum by using low U-value walls, triple glazed windows and a SIP [Structural Insulated Panel] panel roof. There will be a large array of in-roof solar PV panels on the south western facing roof and a solar water heater on the lower single storey roof."* These measures are welcomed.
- 10.21 The proposal therefore accords with Local Plan Policy EN2 of the Local Plan and the provisions of the NPPF which seeks to achieve well-designed places.

**(c) Impact on the Cotswolds National Landscape (Area of Outstanding Natural Beauty)**

- 10.22 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds 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 EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas, and 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, the setting of settlements, settlement patterns and heritage assets.
- 10.24 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) 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.
- 10.25 The site is located with housing in all directions and as such has a built-up residential character. The proposed development would not encroach into the open countryside and is considered not to be harmful to the character or appearance of the Cotswolds National Landscape.

**(d) Impact on Residential Amenity**

- 10.26 Local Plan Policy EN2 seeks to ensure adequate residential amenity for neighbours and the proposed dwellinghouse.
- 10.27 New windows are proposed within the principal and rear elevations of the new dwelling. To the front, these would look out upon the public highway. To the rear the windows would face over the associated garden area, then the garden area of no. 3 Avro Road. It would be separated from the nearest directly facing windows, the rear elevation of 11 Bristol Road, by over 50m at first floor level. This is well beyond 22m distance, which is the minimum distance advised between facing windows of one and two storey dwellings by Local Plan Policy EN2.

- 10.28 The proposed dwellinghouse would sit directly to the south of 10 De Havilland Road. Given the orientation, and location of windows, the proposal is considered not to harm the residential amenity of this neighbour with regard to loss of light, privacy, or increased overbearing effects. Concerns were raised in regard to loss of light to the garden area of nearby properties, however, whilst the property may result in some loss of morning light, given its location and scale, it is considered that it would not result in unacceptable harm.
- 10.29 Some views of the garden area of 3 Avro Road may be possible, although this is currently, and intended to remain, obscured by trees and hedgerows. Additionally, the rear elevation (at two storey level), would be approximately 13m to the boundary, and is therefore at a sufficient distance for the impact on loss of privacy to be considered not be unacceptably harmful.
- 10.30 Regarding the relationship between 5 Avro Road and the proposed dwellinghouse, it is noted that the applicant and owner of 5 Avro Road have a family connection, and that the proposal is similar to a previously approved application for a dwellinghouse in this location with a similar relationship.
- 10.31 The rear of 5 Avro Road primarily contains windows to rooms which are not considered primary living accommodation. It does include a kitchen at ground floor level, although this benefits other windows on the side and front elevation of the dwelling house. A further bedroom to the west would look over the garden area of the proposed dwellinghouse. As such, the impact on loss of light on 5 Avro Road is considered acceptable.
- 10.32 5 Avro Road would overlook the garden area of the proposed dwellinghouse (primarily from the far western bedroom), with limited separation between the rear elevation and the garden area. Noting the relationship between the two properties, the proposed occupiers in this case are content with a more limited amount of privacy to their garden areas than would usually be sought. The proposal is for a self-build, with any further occupier able to see the physical relationship between the properties.
- 10.33 The new dwelling would reduce the garden available to serve 5 Avro Road. However, the existing dwelling benefits from a large garden to the side, and some to the rear such that this loss would still leave around 200sqm of garden to serve 5 Avro Road. The new dwelling is proposed to benefit from a 110sqm garden area. These amounts of garden area will provide appropriate private amenity space, space for the drying of washing and domestic storage to accommodate the needs of each dwelling respectively.

10.34 Taking all of this into account, officers are satisfied that the development will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition sufficient private external amenity space is proposed for each dwelling. The proposal therefore accords with Local Plan Policy EN2 of the Local Plan.

**(e) Highways**

10.35 Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets. Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

10.36 Paragraph 116 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*

10.37 The dwellinghouse is proposed to have five bedrooms with space for two parking spaces. Whilst the roads around the site area busy, and a neighbour has raised concerns relating to this, there are no parking restrictions in the immediate area. The site is in a principal settlement with a school, village hall, vets, shops and park within walking distance, and as such to require additional parking would be unreasonable.

10.38 As a turning circle is not proposed, it is acknowledged that vehicles may reverse onto the highway from these parking spaces. However, this is a relatively high density area which is subject to a 30mph speed limit. In addition, De Havilland Road is approximately 140m in length, with a relatively sharp turn to the north, and a 'T' junction to the south. With that in mind, vehicles are likely to be travelling at low speeds, and vehicular movements either in a forward or reverse gear either into, or out of the site is unlikely to cause conflict. Indeed, a number of properties in the immediate area utilise similar parking spaces, as such, these vehicular movements are common in the area.

10.39 To encourage more sustainable forms of transportation, it is considered reasonable and necessary to require cycle storage to be provided on the site.

- 10.40 Taking all of the above into account, officers are satisfied that a new dwelling in the proposed location would not result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. As such, the development is acceptable in transport terms.
- 10.41 It is noted that whilst no electric charging points are shown on the proposed plans, these are required by building regulations.

**(f) Biodiversity and Geodiversity**

- 10.42 The site comprises an area of existing garden, which appears to be actively maintained as such, and as such is considered to have a limited potential for ecology. Nevertheless, it is considered reasonable to require enhancement works, in accordance with Local Plan Policy EN8.
- 10.43 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 said the development is exempt on the grounds that the application is a self-build development, it is felt that this justification is satisfactory. This would be secured by a Unilateral Undertaking.

**(g) Trees**

- 10.44 Local Plan Policy EN7 states *development will not be permitted that fails to conserve and enhance:*
- a. trees of high landscape, amenity, ecological or historical value;*  
*b. veteran trees;*  
*c. hedgerows of high landscape, amenity, ecological or historical value; and/or*  
*d. woodland of high landscape, amenity, ecological or historical value.'*
- 10.45 Whilst the site has several TPOs indicated, this was based on a preservation order that covered a large area of trees, rather than based on the merit of the individual trees. The applicant has advised that of the original trees with a TPO, only one remains, with two others replanted (a cherry and a whitebeam) elsewhere on the site which are unaffected by the development.
- 10.46 The remaining tree is a mature rowan (mountain ash) tree, which is intended to be protected with protection of the root zone and minor canopy pruning to



accommodate scaffolding. This is considered acceptable, although a condition shall be attached to require the specific protection measures.

#### **(h) Drainage**

10.47 Local Plan Policy EN14 requires that proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding, through the appropriate application of the sequential and exception tests, and the provision of site specific flood risk assessments where applicable. It requires the incorporation of flood risk management and mitigation measures in the design and layout of development proposals that provide adequate provision for the lifetime of the development, and that include a Sustainable Drainage System unless this is demonstrably inappropriate. This is in accordance with Section 14 of the NPPF.

10.48 The applicant has advised that *"all 4 downpipes from the gutters will be fitted with water butts and the runoff will be taken to soakaways positioned a minimum of 5m from the house. The driveway will be constructed of concrete blocks to allow all surface water to be absorbed on site. The underlying soil is cotswold brash overlying limestone and all surface water will be absorbed on site."*

10.49 The Drainage Engineer has noted the above, but has also advised that a condition should be added to require a full surface water drainage scheme. This is considered reasonable and necessary to ensure suitable and adequate drainage provision.

#### **Other Matters**

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

#### **11. Conclusion:**

11.1 The proposal is considered to accord with the above Local Plan Policies and material considerations. As such, it is recommended for permission subject to the completion of a legal agreement to ensure the building is a self-build.

## **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 number(s):

Location Plan - received 11th December 2024

Elevations 1a; Elevations 2a; Ground Floor Plan; First Floor Plan; Second Floor Plan; Roof Plan; Street Scene - Received 17th February 2025

Block Plan - Received 3rd March 2025

**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 (and notwithstanding the details submitted with the application) samples of the proposed walling and roofing materials shall have been submitted to and 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 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.

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 & EN7 and pursuant of section 197 of the Town and Country Planning Act 1990.

5. 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 details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. 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 (National Planning Policy Framework and

Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

6. The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

**Reason:** To ensure that adequate off-road parking is provided, in accordance with Cotswold District Local Plan Policy INF4.

7. Prior to the first occupation of the development hereby approved, details of secure and covered cycle storage facilities for a minimum of 2 no. cycles shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in line with the approved details and shall be retained as such thereafter.

**Reason:** To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with Local Plan Policies INF3 and INF4; and the National Planning Policy Framework.

8. Before the erection of any external walls, details of the provision of at least 2 bat roosting features (e.g. bat boxes/tubes/bricks on south or south-west facing elevations) and at least 2 nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) integrated externally on the dwelling or within a suitable tree, shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site, including elevations and heights 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 opportunities for roosting bats and nesting birds as biodiversity enhancements in accordance with paragraphs 187, 185 and 186 of the revised National Planning Policy Framework, Policy EN8 of the local plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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# Location Plan

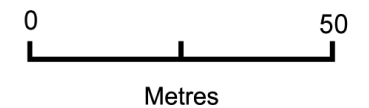
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Date Produced: 10-Dec-2024

Scale: 1:1250 @A4

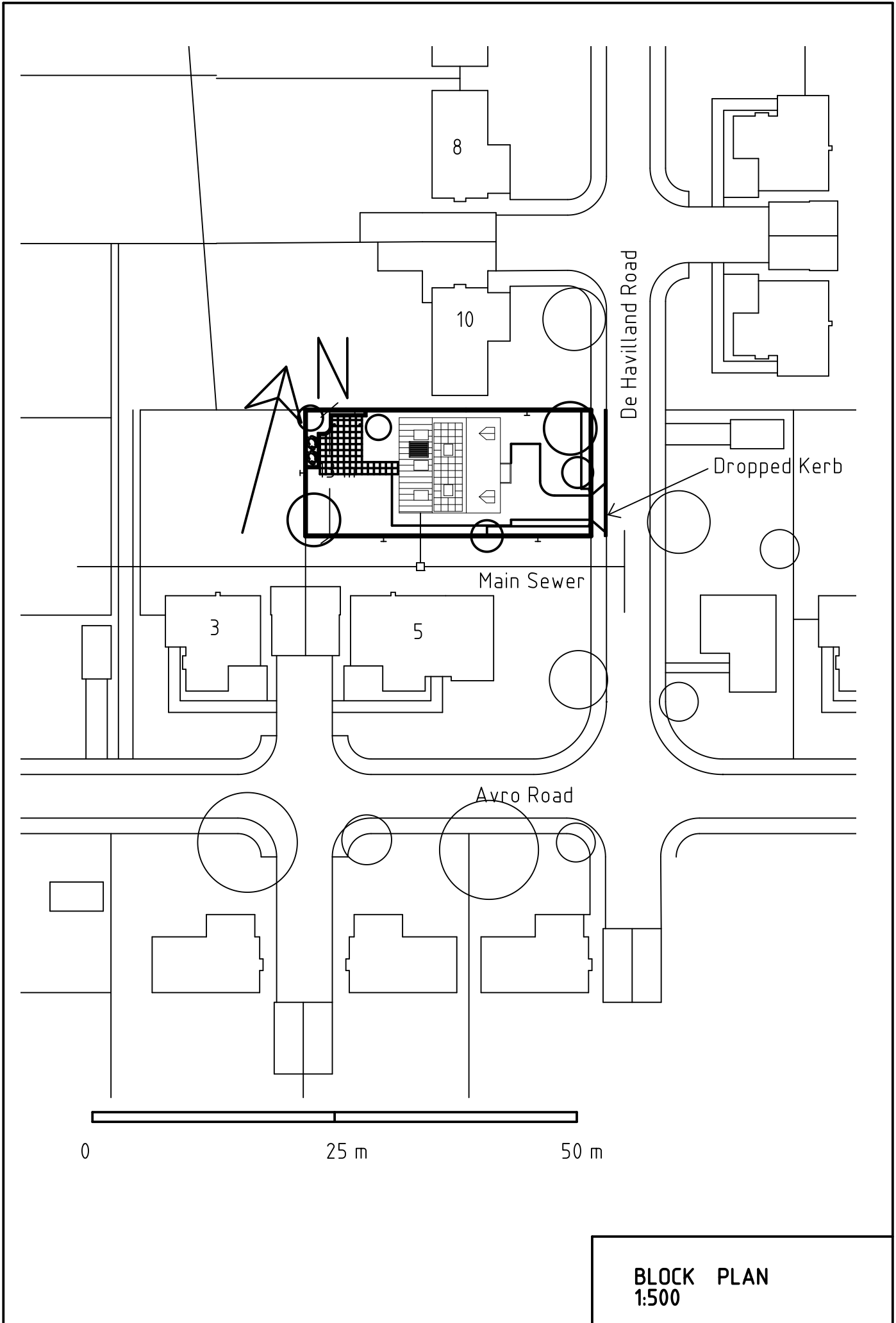


Planning Portal Reference: PP-13629533v1



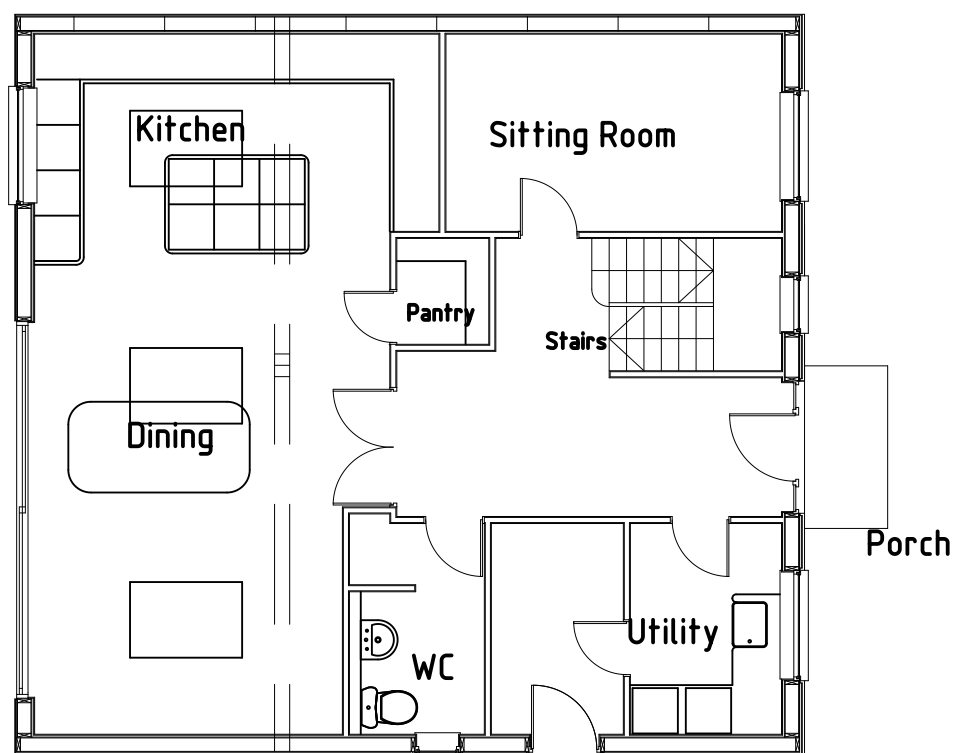
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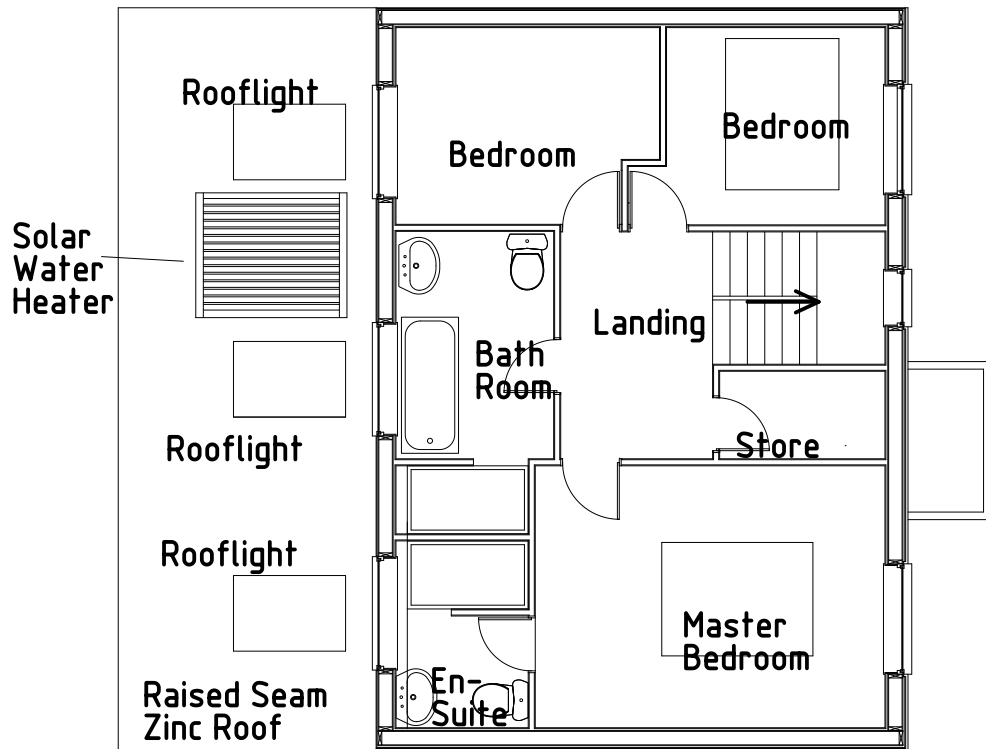
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Lift and Slide Doors



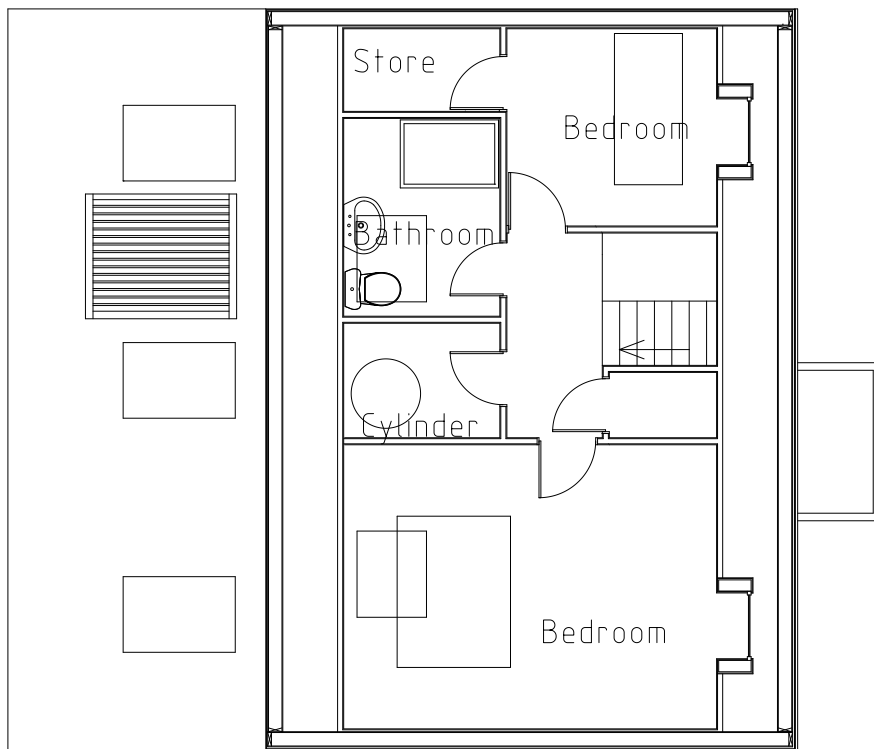
GROUND FLOOR PLAN  
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First Floor  
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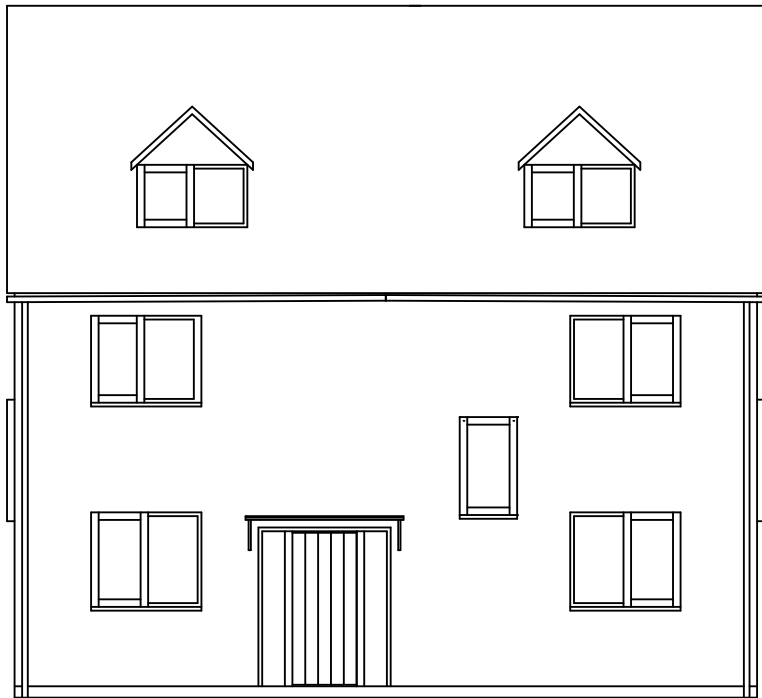
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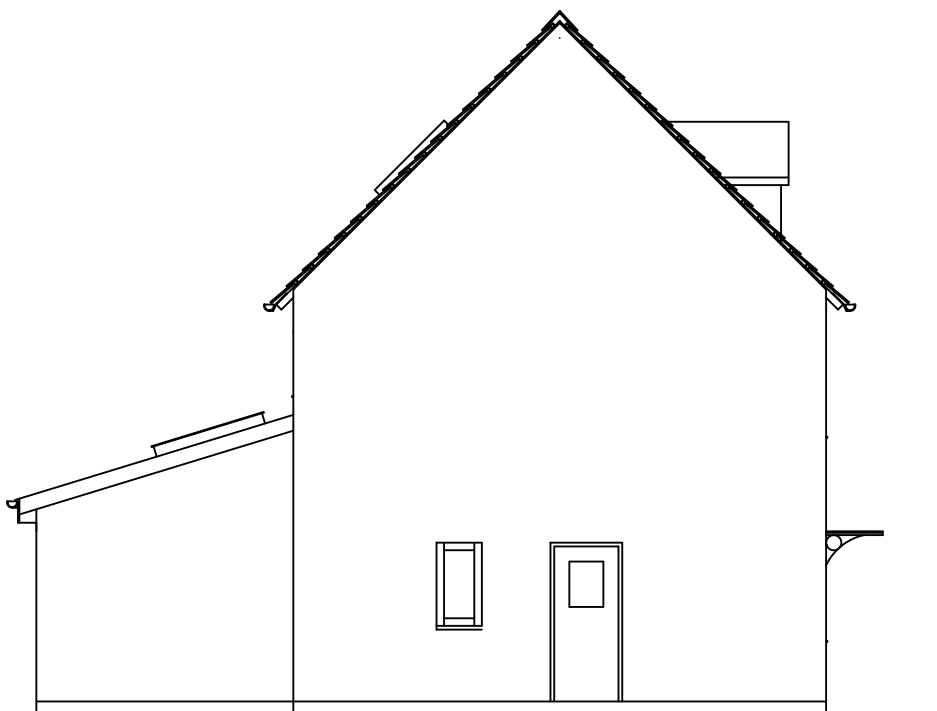
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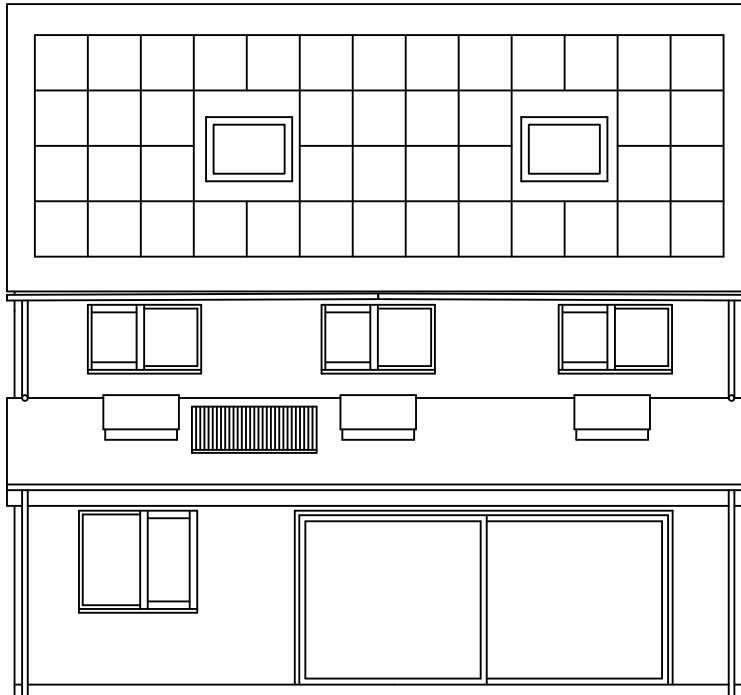
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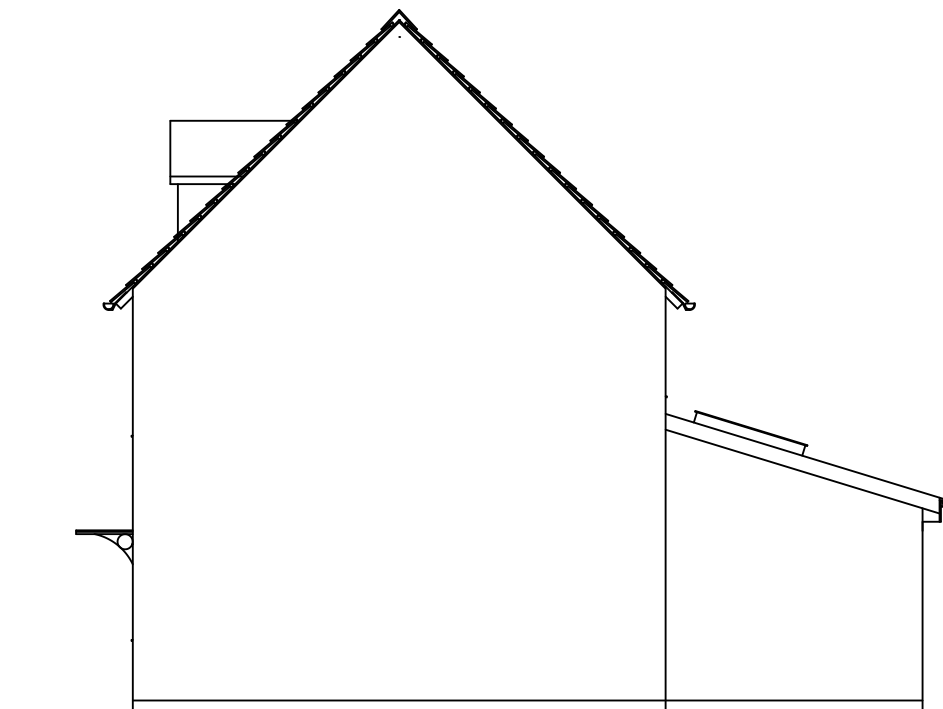
**South Elevation**

**Elevations 1a  
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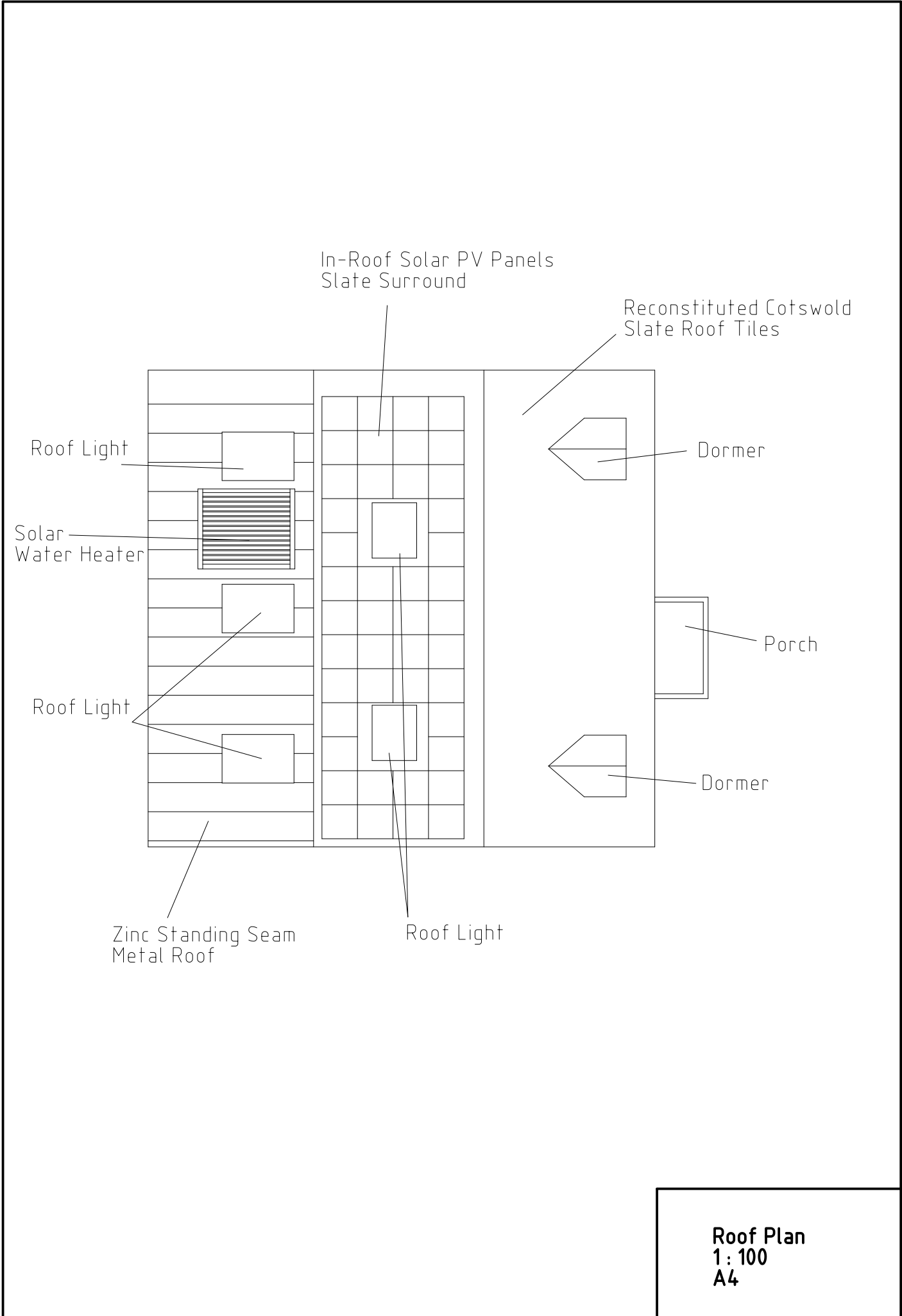
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**North Elevation**

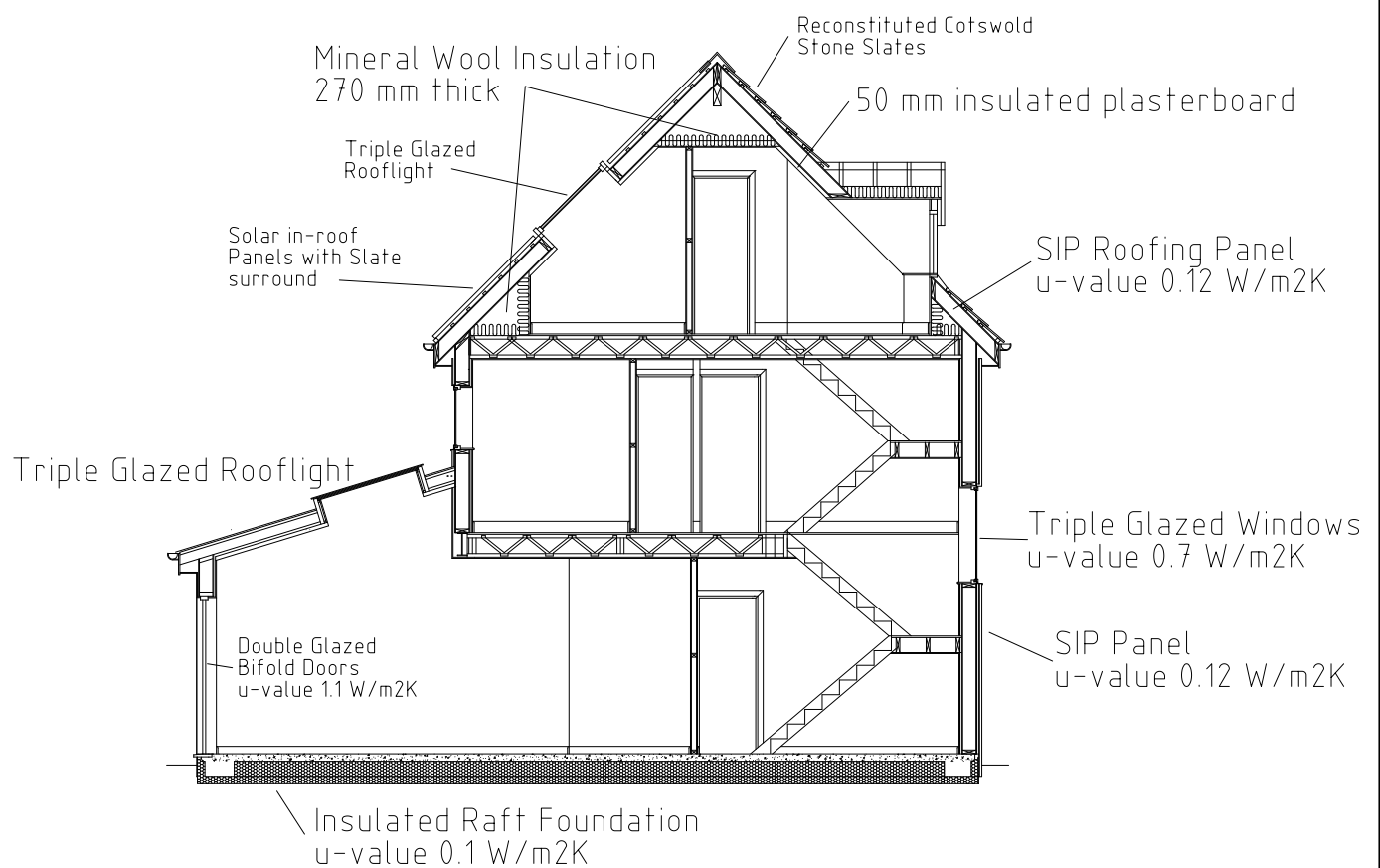
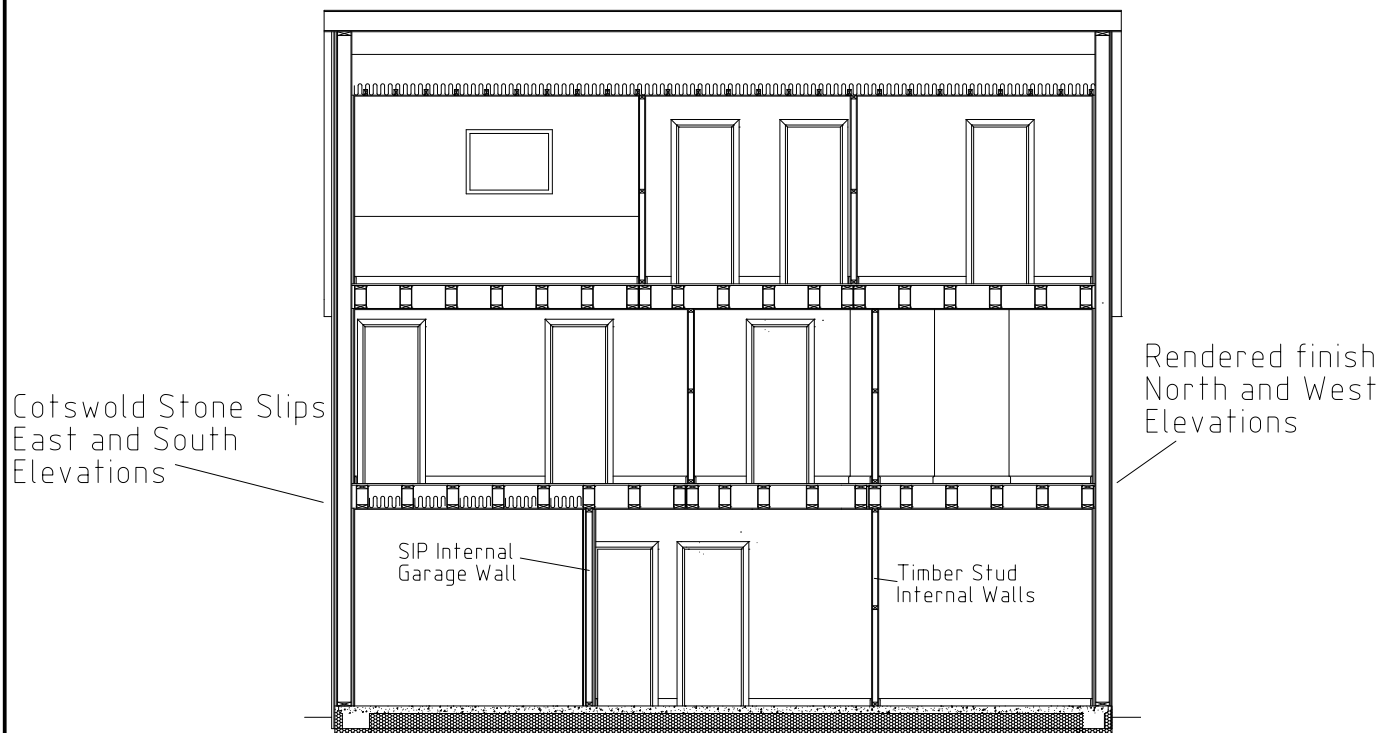
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**Roof Plan**  
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**Cross Sections  
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