



1 May 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, 14 May 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 - 14)

To confirm the minutes of the meeting of the Committee held on 9 April 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 one minute. 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 but 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. **21/01892/FUL - Outbuilding to the East of Poplars Barn, Moreton-in-Marsh.**
(Pages 17 - 52)

Proposal

Demolition of existing outbuilding and erection of new dwelling

Case Officer

Charlotte Van De Wydeven

Ward Member

Councillor David Cunningham

Recommendation

PERMIT

9. **25/00505/FUL - Land off Kingshill Lane to Witpit Lane, Cirencester**
(Pages 53 - 70)

Proposal

Change of use of the site to a mixture of agriculture and equestrian.

Case Officer

Helen Cooper

Ward Member
Councillor Mike Every

Recommendation
PERMIT

10. **24/00981/FUL - The Barn, Hills Farm, Chedworth** (Pages 71 - 92)

Proposal
Construction of an agricultural building

Case Officer
Graham Smith

Ward Member
Councillor Paul Hodgkinson

Recommendation
PERMIT

11. **Sites Inspection Briefing**
Members for 4 June 2025 (if required)

Councillors Ray Brassington, Daryl Corps, Mark Harris, Dilys Neill, Michael Vann

12. **Licensing Sub-Committee**
Members for 29 May 2025 (if required)

To be confirmed.

(END)



Planning and Licensing Committee
09/April2025

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 9 April 2025

Members present:

Ray Brassington (Chair)	Patrick Coleman (Vice Chair)	David Fowles
Dilys Neill	Julia Judd	Daryl Corps
Mark Harris	David Fowles	

Officers present:

Helen Blundell, Interim Head of Legal Services	Amy Hill, Senior Planning Officer
Harrison Bowley, Head of Planning Services	Geraldine LeCointe, Assistant Director - Planning Services
Nickie Mackenzie-Daste, Senior Democratic Services Officer	Helen Martin, Director of Communities and Place
Julia Gibson, Democratic Services Officer	Joanne Reeves, Senior Planning and Conservation Officer
Malcolm Jones, Gloucestershire County Council Highways	

114 Apologies

Apologies were received from Councillor Michael Vann.

115 Substitute Members

There were no substitute Members.

116 Declarations of Interest

Councillor Mark Harris informed the Committee that he had been acquainted with one of the speakers from the Parish Council.

Councillors Mark Harris and David Fowles declared their candidacy for the County Council division relevant to the first application.

Councillor Daryl Corps declared his candidacy for the County Council division relevant to the second application.

117 Minutes

The minutes of the meeting held on 12 March 2025 were discussed. Councillor Ray Brassington indicated for the Chair and Vice-Chair positions to be labelled in the Members present list.

Councillor Patrick Coleman proposed accepting the amended minutes and Councillor Mark Harris seconded the proposal which was put to the vote and agreed by the Committee.

RESOLVED: To APPROVE the amended minutes of the meeting held on 12 March 2025.

To confirm the minutes of the meeting of the Committee held on 12 March 2025. (Resolution)		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Julia Judd and Dilys Neill	7
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

118 Chair's Announcements

The Chair, on behalf of the Committee, thanked Gary Selwyn who had recently stepped down as a Councillor, for his dedicated service, attention to detail, and valuable contributions. His diligence in reviewing minutes and planning applications had been greatly appreciated, and he would be missed.

Helen Martin was introduced as the new Director of Communities and Place, alongside Geraldine LeCointe, Assistant Director for Planning Services. The Chair welcomed them both and extended best wishes for their time at Cotswold District Council.

The Chair informed Members that a training session titled "five-year housing and land supply" was scheduled for 14 May 2025 at 12pm.

The Chair announced that, after nearly four years of service, he would be stepping down as Chair of the Committee. Councillor Brassington's final Planning and Licensing Committee meeting as Chair would take place in May.

Questions were asked by Mr Geoff Tappern, Deputy Chair of the Down Ampney Neighbourhood Plan, a former Parish Councillor and resident of Down Ampney.

Question 1

Mr Tappern extended an invitation to the Chair and all committee members to visit Down Ampney, where three developments were currently underway. He highlighted issues arising from poor planning decisions in recent years, resulting in long-term problems such as serious flooding. He emphasised the need for collaboration to address these concerns and offered to demonstrate how poor site layout, decision-making, and lack of enforcement had negatively impacted the village. He asked whether the invitation would be accepted?

It was noted that the Chair would consult the Legal Department to determine whether approval could be given.

Question 2

At the Planning and Licensing Committee meeting on 12 March 2024, an application for 13 affordable houses near the football club was approved. Concerns were raised that the Down Ampney Neighbourhood Plan had not been given sufficient weight in the decision, with policies such as Cotswold District Council (CDC) Local Plan Policy H1 and Neighbourhood Plan Policy HP2 reportedly overlooked.

Issues relating to housing density were also highlighted, with the Parish Council having proposed a lower number of dwellings. While the village supported development, it was emphasised that planning decisions should align with the Neighbourhood Plan, CDC policies, and the National Planning Policy Framework (NPPF).

Further concerns were raised about the handling of sewage and surface water issues, as well as the underrepresentation of resident objections.

A question was raised as to why key planning documents, including the CDC Local Plan, Down Ampney Neighbourhood Plan, Design Guide, and NPPF, had not been fully considered in the decision-making process, and whether this set a precedent for future applications.

The Chair responded that all relevant factors are taken into consideration when making a decision including local plans, the NPPF and design codes. Each application was judged on its own merits and decisions were not based on precedent.

Councillor Fowles declared that he knew the public speaker as a Parish Councillor.

A written response was offered to Mr Tappern who declined the offer.

120 Member questions

There were no submitted Member questions.

121 24/03864/FUL Grove Piece Duntisbourne Leer Cirencester

The application was to convert an existing stable building to a two-bedroom residential dwelling.

Case Officer: Joanne Reeves

Ward Member: Councillor Julia Judd

Original Recommendation: PERMIT

The Chair invited the Case Officer to introduce the application:

- There were no additional pages nor updates provided.
- Various location maps, aerial photographs, plans of existing and proposed barn, elevations and planting scheme, and site photographs were shared.

Public Speakers:

Public Speaker 1

Jane Edwards – Parish Council Chair.

Duntisbourne Parish Council maintained its strong objection to this application on the following grounds:

- The building, constructed in 2015 for equestrian use, was neither redundant nor disused. Its proposed residential conversion raised concerns about the original intent and was seen to set a worrying precedent for development in open countryside.
- The structure had not been built in accordance with its original planning permission, and no retrospective application had been submitted. Its lawfulness was therefore in question.
- In 2020, a storage barn was approved due to fire safety concerns, requiring separation of horses and equipment. The current claim that this barn met all equestrian needs undermined the application.
- No lawful rural enterprise existed on-site; therefore, the applicant's stated need to live on the premises for equestrian welfare was not considered a valid planning justification.
- The proposal constituted a change of use and conflicted with the NPPF which discourages isolated homes in the countryside. The design, particularly the large glass facade, was considered domestic in character and visually intrusive, with a negative impact on views from the Grade II listed Nutbeam.

- The development increased vehicle traffic on narrow lanes and further eroded the landscape character of this part of the Cotswolds National Landscape, which formed an important part of the approach to the historic village of Duntisbourne Leer.
- Claims that the proposal would “tidy the site” were not considered valid planning reasons.

Given the building’s short lifespan, its deviation from approved plans, and inconsistencies in the application’s justifications, the Parish Council expressed concerns that the proposal may represent an incremental strategy to secure residential development, contrary to established planning policy.

Public Speaker 2

Claudia Jones – Agent

The applicant sought to live on-site to provide continuous care for her horses, which had ongoing health issues requiring frequent attention.

The horses had been relocated to an approved storage barn elsewhere on the site, rendering the stable building surplus to requirements. The building was reported to be structurally sound and capable of conversion without significant alteration or extension. The proposal made use of existing openings to create a modest two-bedroom home using locally appropriate materials.

The speaker stated that the principle of development was supported by Policy EC6 and the NPPF, both of which allowed residential conversions of existing rural buildings. The design was said to comply with the Cotswold Design Code, incorporated energy-efficient measures, and was supported by a Landscape Mitigation Strategy demonstrating no harm to the Cotswolds National Landscape.

Although the Highways Authority had objected on grounds of sustainability and pedestrian safety, the representative noted that Policy EC6 did not require demonstration of site accessibility, and that national policy permitted development in isolated rural areas.

It was stated that all other planning matters, including ecology, heritage, and amenity, had been addressed. The proposal was described as sustainable development that reused existing resources and met a local housing need.

The applicant requested that planning permission be granted.

Ward Member

Councillor Julia Judd

The Ward Member referred to the Highways Authority’s objection to the application, citing repeated and hazardous incidents involving HGVs on Crabtree Lane, often misdirected by satellite navigation from the A417. The lane was described as narrow, steep, and hazardous and particularly dangerous in winter, with multiple documented instances of lorries reversing uphill, posing serious risk to pedestrians.

The route was also noted as part of two popular circular walks used regularly by local residents, dog walkers, cyclists, and horse riders. It was felt that additional residential traffic would further increase these risks.

The Ward Member raised concerns regarding the cumulative impact of residential development within the Cotswolds National Landscape. The site was located near several listed buildings, and it was noted that existing equestrian development had already impacted the setting. It was argued that the introduction of further domestic features, such as garages, bins and children's toys would erode the rural character of the area.

Additional concerns were raised about inconsistencies in the original use of the stable and the potential for a gradual change of use beyond what had initially been permitted.

The Interim Head of Legal Services questioned the Ward Member's ability to consider the application impartially. The Ward Member confirmed that they would assess the information presented by the Case Officer in an unbiased and open-minded approach.

Feedback from Site Inspection.

Members noted the following points:

- Although the lane was narrow, very few cars were observed during the site visit.
- There were limited passing places along the single-track road.
- The most striking feature of the site was the beauty of the Cotswold National Landscape.
- No other dwellings were visible from the site.
- Horses were present on the land, confirming its use for equestrian purposes.
- The footprint of the building remained unchanged
- The original stable building did not contain any internal partitions.
- The stable building was set back from the road.

Gloucestershire Highways Officer Feedback:

- The Highways Officer highlighted that the road was narrow with steep banks, making it hazardous for pedestrians. It was noted that the area experienced higher pedestrian traffic than expected due to nearby walking routes.
- It was observed that existing traffic associated with horse care might decrease if residents were to live onsite. However, in the absence of a personal consent condition, the property could potentially be sold, and horse-related traffic might continue.
- The Highways Officer acknowledged the presence of conflicting policies within both the National Planning Policy Framework (NPPF) and the Local Plan. While certain policies emphasised the importance of accessibility by walking and cycling, others supported the conversion of existing rural buildings.
- From a transport sustainability perspective, the site was considered to lack adequate access to walking, cycling, and public transport options.
- It was noted that the definition of "unacceptable impact on highway safety" remained subjective. The officer expressed concerns about changes in the

nature of traffic, including a potential increase in deliveries and pedestrian activity.

- The Highways Officer concluded that the overall situation was fundamentally unsafe, regardless of the projected scale of traffic increase, and emphasised the importance to balancing the relevant policy considerations.

Members Questions

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

- The Highways Officer was not aware whether refuse and postal deliveries currently used the road.
- The Highways Officer explained that residential use of the site traffic may not lead to more traffic at the applications site but there may be more vulnerable road users.
- The Highways Officer was unsure whether conditions regarding vehicular user visibility or the property surface could be added.

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

- The traffic that used the road at present included the horse owner resulting in four journeys per day, a limited bus service and a small refuse collection lorry. Crabtree Lane was noted as one of the main routes into Duntisbourne Leer from the A417.
- The Case Office explained that the existing stable building, constructed in 2015, replaced an earlier structure from the late 1990s. A riding arena received planning permission in 2018, followed by a storage barn in 2020, indicating incremental development over time. They explained that due to the site's topography, the modest scale of the building, and existing planting, the wider visual impact was considered limited. The site was reported to be contained, with no encroachment into the surrounding landscape beyond the existing built form.
- The Case Officer clarified that any future application to convert the storage barn into a dwelling would be assessed on its own merits.
- The Case Officer agreed that the self-build exemption would permit the applicant to sell the property on the open market after occupying it as a principal residence for three years.
- It was explained that the application site was outlined in red on the site location map. If planning permission was granted for the conversion of the stables to a dwelling, conditions were recommended to remove permitted development rights within the red outline.
- The Case Officer noted that, were permission to be granted, an equestrian tie could have been considered. This would have restricted occupancy to individuals connected with the established equestrian use on the site, similar to an agricultural worker's tie.

- The Case Officer acknowledged that there would be limited planning control over the placement of moveable garden paraphernalia and domestic planting.
- It was confirmed that the condition could be added requiring the provision of Swallow nesting cups.
- The Case Officer agreed that there was potential for light spill from the proposed glazing, though the impact was considered minimal due to the building's modest size. A condition was recommended to prevent the installation of roof lights, thereby minimising upward light spill.
- The Case Officer confirmed that a new-build dwelling in this location would not have been permitted.
- The Head of Planning explained that residential curtilage was tightly drawn around the building and the extent of the garden was tucked away to the side, behind the building. Whilst this was not considered to cause harm to the National Landscape, it would nevertheless alter its character.

Member Comments:

Members made the following comments on the application:

- Members expressed concern that the terms redundant and disused could present a potential loophole in policy interpretation.
- There was acknowledged difficulty with the interpretation of Local Plan Policy EC6, as the building in question had received planning permission in 2015 as a stable block and was therefore not considered redundant.
- It was noted that the Highways Authority had issued an unusual recommendation for refusal based on safety concerns.
- Officers had advised that the proposal would inevitably have an impact on both the Cotswold National Landscape (Area of Outstanding Natural Beauty) and the nearby Conservation Area.
- Whilst Members expressed sympathy regarding the reported instances of crime on the site, it was acknowledged that rural crime was not unique to this location.

The Head of Planning referenced paragraph 11(d) of the National Planning Policy Framework (NPPF), which required the Council to favour approval unless certain criteria were met. Two key exceptions were identified:

1. Where the proposal would impact a protected area, such as the National Landscape, this may still provide a clear reason for refusing an application.
2. Adverse impacts relating to highways safety would need to be considered to significantly and demonstrably outweigh the benefits of permitting the application.

Further reference was made to paragraph 115 of the NPPF, which emphasised the importance of sustainable transport and the provision of safe and suitable access for all users. The Head of Planning acknowledged that concerns had been raised regarding highway safety, particularly due to the limited support for walking and cycling infrastructure in the area.

Councillor Mark Harris proposed refusing the application against the officer recommendation, and Councillor David Fowles seconded the proposal.
The proposal was put to the vote and agreed by the Committee.

Resolved: To REFUSE the application

24/03864/FUL Grove Piece Duntisbourne Leer Cirencester - Refuse. (Resolution)		
For	Daryl Corps, David Fowles, Mark Harris, Julia Judd and Dilys Neill	5
Against	Ray Brassington	1
Conflict Of Interests	None	0
Abstain	Patrick Coleman	1
Carried		

122 24.03740.FUL Land Parcel Adj To 10 De Havilland Road Upper Rissington

The application was for 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.

Original recommendation: PERMIT – Subject to completion of S106 legal agreement to secure self-build.

The Chair invited the Case Officer to introduce the application:

- There were no additional pages or updates provided.
- Various location maps, aerial photographs, plans of existing and proposed elevations, planting scheme, site photographs were shared.

Member Questions:

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

- A previous application on the site had been approved and was noted to be similar in terms of planning constraints.
- No comments had been received from the Parish Council regarding the current application.
- It was confirmed that planning conditions could not be applied to control the length of time required to complete the building.
- The Case Officer noted that there were minimal concerns regarding parking and highway safety, as on-site parking was provided and residential traffic was expected to travel at low speeds.

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Councillor David Fowles proposed accepting the officer recommendation to permit the application, and Councillor Daryl Corps seconded the proposal. The proposal was put to the vote and agreed by the Committee.

Resolved: To Permit the application subject to the completion of S106 legal agreement to secure self-build.

24/03740/FUL Land Parcel adj. to 10 De Havilland Road Upper Rissington - Permit (Resolution)		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Julia Judd and Dilys Neill	7
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

123 Sites Inspection Briefing

There were no site inspection briefing planned.

124 Licensing Sub-Committee

A meeting of the Licensing Sub-Committee (Taxis, Private Hire and Street Trading Consent) was expected to be required on 24 April 2025.

The Meeting commenced at 2.00 pm and closed at 3.36 pm

Chair

(END)

PLANNING AND LICENSING COMMITTEE 14 May 2025

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

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

PLANNING AND LICENSING COMMITTEE 14 May 2025
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order No.
Evenlode	Outbuilding to the East of Poplars Barn Green Lane Evenlode Moreton-In-Marsh Gloucestershire GL56 0NN 21/01892/FUL Full Application	1
Preston	Land off Kingshill Lane to Witpit Lane Preston Cirencester Gloucestershire GL7 5PR 25/00505/FUL Full Application	2
Chedworth	The Barn Hills Farm Calveshill Chedworth Gloucestershire GL54 4AH 24/00981/FUL Full Application	3

Demolition of existing outbuilding and erection of new dwelling at Outbuilding to the East of Poplars Barn Green Lane Evenlode Moreton-In-Marsh Gloucestershire GL56 0NN

Full Application 21/01892/FUL	
Applicant:	Clarissa Astor
Agent:	LPC (Trull) Ltd
Case Officer:	Charlotte Van De Wydeven
Ward Member(s):	Councillor David Cunningham
Committee Date:	14 May 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Character and Appearance of Moreton-in-Marsh Surrounds
Special Landscape Area
- (c) Impact on Setting of Evenlode Conservation Area
- (d) Residential Amenity
- (e) Access and Parking
- (f) Biodiversity
- (g) Other considerations
- (h) CIL

2. Reasons for Referral:

- 2.1 Not relevant

3. Site Description:

- 3.1 This application relates to an existing timber building located on a parcel of land measuring approximately 650sqm hectares in size located on the north-eastern side of the village of Evenlode. The site lies to the north-east of Poplars Barn and is accessed via a track between this and Pump Green House. The access track is also a PROW; serves a parking area to Pump Green House; and provides access to the rear of Martlett House to the northwest and agricultural land beyond the site to the north. The building on the site is of timber construction and the supporting information with the application states that it is used for covered parking, storage and studio use having previously been stabling.

- 3.2 The north-eastern boundary of the site adjoins agricultural fields, to which the access track leads with a 5-bar gate providing access into the fields. The eastern boundary abuts land in the ownership of Pump Green House which was (June 2020) granted planning permission for use as residential curtilage under 20/01632/FUL. The northeastern boundary of this site is formed by a tall, established hedgerow with it being concluded that the land had residential characteristics and its use as domestic garden would not adversely impact upon either the Moreton-in-Marsh Surrounds Special Landscape Area or the Evenlode Conservation Area. To the northwest of the site is the substantial garden to Martlett House.
- 3.3 The site is located within Moreton-in-Marsh Surrounds Special Landscape Area.
- 3.4 The site is located outside Evenlode Conservation Area (CA). The boundary of the CA extends along the south-western boundary of the application site.
- 3.5 A Public Right of Way (HEV6) extends in a north-east to south-west direction along the north-western side of the application site.

4. Relevant Planning History:

- 4.1 97.01793 - Erection of timber loose box and associated storage, erection of timber field shelter - Permitted

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN6 Special Landscape Areas
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- INF4 Highway Safety
- DS3 Small-scale Res Dev non-Principal Settle
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 GCC Highways: Objection as it was considered that the proposed dwelling would increase peak hour vehicle trips on the existing outbuilding in an unsustainable location without regular commutable bus services nearby to

significant settlements and associated education, shops, employment and amenities.

6.2 CDC Drainage: No objection subject to condition

6.3 Biodiversity Officer: No objection subject to condition

6.4 Environmental Health: No objection

7. View of Town/Parish Council:

7.1 Evenlode PC object to the application on the following grounds:

- (i) Over-development of the Poplars Barn property. Already a guest annexe adjacent to the main property.
- (ii) Widening of the building on the site brings it closer to the farm access track and PROW.
- (iii) For such a small village an additional AirBnB type property is excessive.

8. Other Representations:

8.1 Five letters of objection have been received from 4 households within the village raising the following concerns:

- (i) Design
- (ii) Highways access and parking
- (iii) Over development
- (iv) Privacy, Light and Noise
- (v) Other issues not considered material planning considerations (restrictive covenants, financials)

9. Applicant's Supporting Information:

- Design and Access Statement
- Bat Survey and Report
- Preliminary Ecological Appraisal

10. Officer's Assessment:

Proposed Development

10.1 This application is for the demolition of the existing timber outbuilding, and the erection of a single storey detached dwelling, comprising two bedrooms, an

open plan living, kitchen, dining area, shower room and utility area following the demolition of the existing timber outbuilding on the site. An area of private amenity space is proposed to the southeast side, adjacent to the recently extended garden at Pump Green House. Off-street parking provision for 2 no. vehicles, along with a turning area, would be provided to the northeast end of the site, where there is currently an area of concrete hard standing.

(a) Principle of Development

- 10.2 The application site is located within the village of Evenlode. The village contains 40-50 dwellings, a church and a village hall. It is also served by a very limited bus service. However, it has no other services or facilities that would typically be used by residents on a day-to-day basis. Future occupiers of the new dwellings would therefore be reliant on the use of the motor car to undertake most day-to-day activities. Notwithstanding this, the site is located midway between two Principal Settlements (Moreton-in-Marsh and Stow-on-the-Wold). A range of services and facilities can be found in the aforementioned settlements including a railway station, hospital, primary schools, foodstores and employment estates. Paragraph 83 of the National Planning Policy Framework (NPPF) also states that 'housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.
- 10.3 In light of the size of the settlement and its proximity to two Principal Settlements, it is considered that the village could reasonably be classed as a Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031.
- 10.4 When viewing the site in the context of the surrounding uses, including the previously approved residential garden land to the rear of Pump Green House, it is considered that the site lies within the village of Evenlode, which is a non-principal settlement.
- 10.5 Policy DS3 of the Local Plan supports small-scale residential development in non-principal settlements subject to a number of criteria:
- (a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.

(b) is of a proportionate scale and maintains and enhances sustainable patterns of development;

(c) complements the form and character of the settlement;

(d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

- 10.6 The village of Evenlode has a church and village hall but there is no shop or public house and so there are limited facilities. However, the erection of the proposed dwelling will seek to support and enhance these services and may also help support services in nearby villages, as suggested within paragraph 83 of the NPPF. The proposal will also provide a small home, which the NPPF says can make an important contribution meeting the housing requirement of an area, as they are often built-out relatively quickly. The type of dwelling that is proposed for this site is capable of being constructed quickly and therefore point (a) is met.
- 10.7 The provision of one additional unit would be of a proportionate scale to the village and the services and facilities within the village would be accessible from the proposed dwelling. The proposal would therefore accord with point (b) of DS3.
- 10.8 The proposed dwelling would be single storey in height and a simple linear layout as per the existing outbuilding on site. The existing outbuilding is 15m x 5.4m and the proposed dwelling would be 17.6m x 5.9m. As such, while the proposed dwelling would be marginally wider and longer than the existing outbuilding it is considered that its scale, simple linear layout and use of materials conducive to the original outbuilding would complement the form and character of this part of the settlement in accordance with point (c) of DS3 given the existing building on site.
- 10.9 With regard to point (d) of Local Plan Policy DS3, no other new-build dwellings have been permitted in the Local Plan period in the village of Evenlode although it is noted that there is a currently application for a replacement dwelling and one additional dwelling currently in the planning system at Little Orchard. The proposal is not considered to have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.
- 10.10 Taking the above into account, the proposal is considered to comply with the Local Plan Policy DS3 and paragraph 83 of the NPPF.

(b) Impact on the Character and Appearance of Moreton-in-Marsh Surrounds Special Landscape Area

10.11 The site is located within Moreton-in-Marsh Surrounds Special Landscape Area (SLA).

10.12 Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. 'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.
2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'

10.13 Local Plan Policy EN6 Special Landscape Areas states:

'Development within Special Landscape Areas will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity'.

10.14 In addition, paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'. On the basis of the SLA designation, it is considered that the site would fall within a valued landscape. Paragraph 187 of the NPPF would therefore be applicable when considering this proposal.

10.15 The site is located within the village and between existing residential dwellings and associated gardens. The site is seen in context with existing village development and the proposal will not result in an encroachment of development into the open countryside. Subject to the existing vegetation located along the boundaries of the site being retained or replaced with a suitable alternative, the proposal is also unlikely to have a material impact on the setting of the village within the SLA landscape. It is therefore considered that the proposals would not have an adverse impact on the character or appearance of the SLA.

10.16 Overall, it is considered that the proposed development will not have an adverse impact on the character or appearance of the SLA. The proposal is considered to accord with Local Plan Policies EN4 and EN6.

(c) Impact on Setting of Evenlode Conservation Area

10.17 The south-western boundary of the site adjoins Evenlode Conservation Area.

10.18 The following Local Plan policies are considered relevant to this proposal:

10.19 Local Plan Policy EN10 Designated Heritage Assets states:

- 1 'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 2 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.
- 3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:
 - The importance of the asset;
 - The scale of harm; and
 - The nature and level of the public benefit of the proposal.'

10.20 Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

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

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

- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.
- d. Have regard to the relevant Conservation Area appraisal (where available); and
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'

10.21 In terms of national guidance, paragraph 212 of the National Planning Policy Framework (NPPF) 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.'

10.22 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.'

10.23 The site lies adjacent to existing residential gardens and has a number of residential characteristics. At present, it appears as a transitional area between the existing houses and the open fields to the north-east. The site provides a relatively soft edge to both the settlement and the CA. Notwithstanding this, it is not truly agricultural in character or appearance and as such the boundary of the CA does not appear as if it lies immediately adjacent to agricultural land. The current character of the site means that the CA boundary appears to be located adjacent to existing village development rather than the open countryside.

10.24 In light of the current managed character of the existing site, it is considered that the proposed garden use will not be materially different in character or appearance to the existing land use. In addition, the proposal is considered not to have an adverse impact on the setting of the CA when viewed from the Right of Way to the north. The existing boundary hedgerow is residential in character and already has an influence on the setting of the CA. The proposed use does

not involve the erection of any buildings and as such the existing verdant nature of the site will remain.

- 10.25 It is considered that the proposed change of use is considered not to have an adverse impact on the setting of the CA or its relationship with the designated heritage asset. The proposal is considered to accord with Local Plan Policies EN10 and EN11 and guidance in Section 16 of the NPPF.

(d) Impact on Residential Amenity

- 10.26 (i) Nationally Described Space Standards and Amenity of Future Occupiers

The proposals are for a single storey 2 double bedroomed property. The NDSS requires a minimum internal space of 70sqm plus 2sqm of built in storage. The proposals would provide a total internal floorspace of 89sqm. In addition, the 2 double bedrooms exceed the minimum width of 2.75m for the 1st room and 2.55m for the 2nd. Therefore, the proposals would provide adequate internal living space to serve the future occupants and as such comply with the NDSS and Policy H1 of the Cotswold District Local Plan.

- 10.27 (ii) Amenity of Neighbouring Properties

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regard to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

- 10.28 The proposed development would not impinge on the residential amenities of the neighbouring properties having regard to loss of light, overlooking or have an overbearing impact. The proposed works would be set away from other neighbouring properties and would not cause unacceptable harm to the residential amenities of the neighbouring properties. The building is single storey which limits any potential overlooking and there is also limited fenestration on the elevations with the use of rooflights proposed for additional light. The proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF referred to previously in the report.

(e) Access and Parking

- 10.29 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.
- 10.30 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.31 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.
- 10.32 The application site enjoys existing vehicular access from Green Lane to the existing building and the farmland to its northeast. The field access to the applicant's land to the northeast will be retained, as will the area where vehicles park to the northeast of the existing building.
- 10.33 The proposed dwelling will be accessed on foot in the same manner that the existing building is accessed but the entrance will be on the southeast side where it will be accessible to pedestrians or visitors in a car.
- 10.34 There is provision within the curtilage of the dwelling for the parking and turning of two cars so that each vehicle will be able and leave the site in a forward gear. There is adequate room within the curtilage for the parking of cycles.
- 10.35 The Highways Officer raised concerns stating that the proposed dwelling would increase peak hour vehicle trips on the existing outbuilding as there are limited regular commutable bus services nearby to significant settlements and associated education, shops, employment and amenities. Whilst this may be the case, based on the analysis of the information submitted, it is considered that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion as a result of an increase in peak hour vehicle trips. There are no justifiable grounds on which an objection could be maintained. Overall, it is considered that the proposal accords with Local Plan Policies INF4 and INF5 and the NPPF.

(f) Biodiversity

- 10.36 The submitted bat report has confirmed likely absence of roosting bats; therefore, this constraint does not need to be considered further. However, the bat report did identify the presence of two swallow nests and a disused blackbirds' nest in the open fronted section of the existing outbuilding.
- 10.37 To secure appropriate mitigation for nesting birds, Cotswold District Council's Precautionary Method of Working document will need to be adhered to. To secure compensatory bird nesting features, the above enhancement condition is recommended; swift bricks are also recommended as these features are known to support a number of bird species that feature of the Red List, and will deliver a biodiversity enhancement in accordance with Chapter 15 of the NPPF and local plan policy EN8.
- 10.38 Two ponds were identified within 250m of the proposed development. The submitted great crested newt survey returned a negative eDNA result from Pond 1, indicating great crested newts are likely to be absent from this pond. Pond 2, identified within 50m of the proposed development is no longer present, and therefore an assessment was not undertaken. The results of the phase 1 and 2 surveys indicate great crested newts are highly unlikely to be a constraint to the proposed development, nevertheless, there are other ponds present in the wider landscape and as such, precautionary mitigation outlined in Section 5 of the submitted ecology report will need to be adhered to.
- 10.39 As such the proposal is considered to accord with Section 15 of the NPPF, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

(g) Other Considerations

- 10.40 As mentioned previously, there is a public footpath along the northwestern boundary of the application site and this proposal will ensure that this is retained. It will be fenced off with an appropriate fencing.

(h) CIL

- 10.41 This development is liable for CIL because it is a new build that results in the creation of a dwelling.

11. Conclusion:

- 11.1 Overall, it is considered that the proposed change of use will not have an adverse impact on the character or appearance of Moreton-in-Marsh Surrounds Special Landscape Area or the setting of Evenlode Conservation Area. It is therefore recommended that the application is granted 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 approved shall be carried out in accordance with the following drawing number(s): LPC,5077,21,03 A; 807_PL_404_SE-2; 807_PL_403_SE-1; 807_PL_402_RE; 807_PL_401_FE

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other statutory instrument amending or replacing it, no extensions, structures, hardstandings, openings, buildings, fences, walls or other means of enclosure shall be erected, constructed or inserted in the building the subject of this permission, other than those permitted by this Decision Notice.

Reason: The site has a distinct and attractive character and appearance which should be maintained. In order to protect these qualities, it is essential for the Local Planning Authority to maintain control over the types of development listed above, in accordance with Cotswold District Local Plan Policy EN2 and the NPPF.

4. Prior to the commencement of development, details of a sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out fully in accordance with approved details prior to the first occupation of the development and shall be maintained in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve water quality and to maximise the value for wildlife of drainage features in accordance with Cotswold District Local Plan and the National Planning Policy Framework. It is important that these details are established prior to the commencement of development so that the measures can be fully incorporated into the development scheme as it progresses thereby reducing the risk of flooding in the locality.

5. The development shall be undertaken in accordance with the recommendations contained in Section 5 of the consultancy report (Great Crested Newt eDNA Analysis, prepared by All Ecology, dated May 2022) and Cotswold District Council's Precautionary Method of Working document. All of the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To ensure great crested newts and nesting birds are 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, Section 15 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.

6. Prior to the erection of any external wall, details of the provision of 2no. swallow nest cups and 2no. universal swift bricks on north or east-facing elevations of the new dwelling shall be submitted to the local planning authority for approval. The details shall include a technical 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 within 3 months of completion of the development hereby approved, and thereafter permanently retained.

Reason: To provide additional opportunities for nesting birds as biodiversity enhancements in accordance with Section 15 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Informatives:

1. This development is liable for CIL because it is a new build that results in the creation of a dwelling.

2. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the

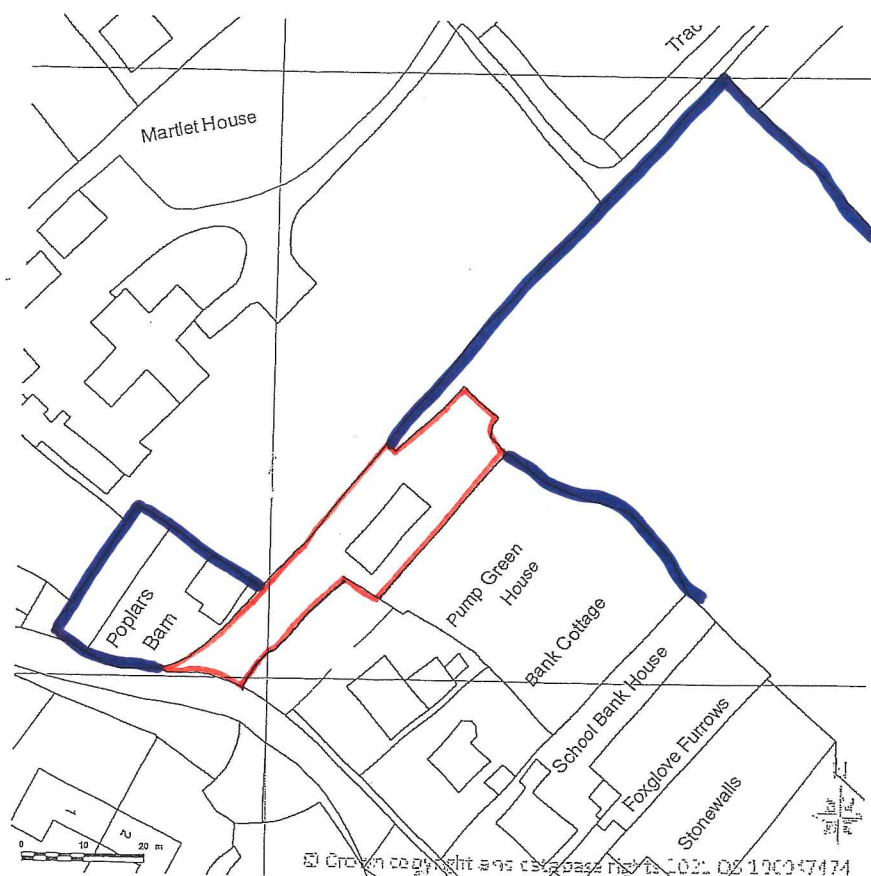
species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority, then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works. Cotswold District Council's Precautionary Method of Working document can be found here:

<https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversityspecifications/>

3. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

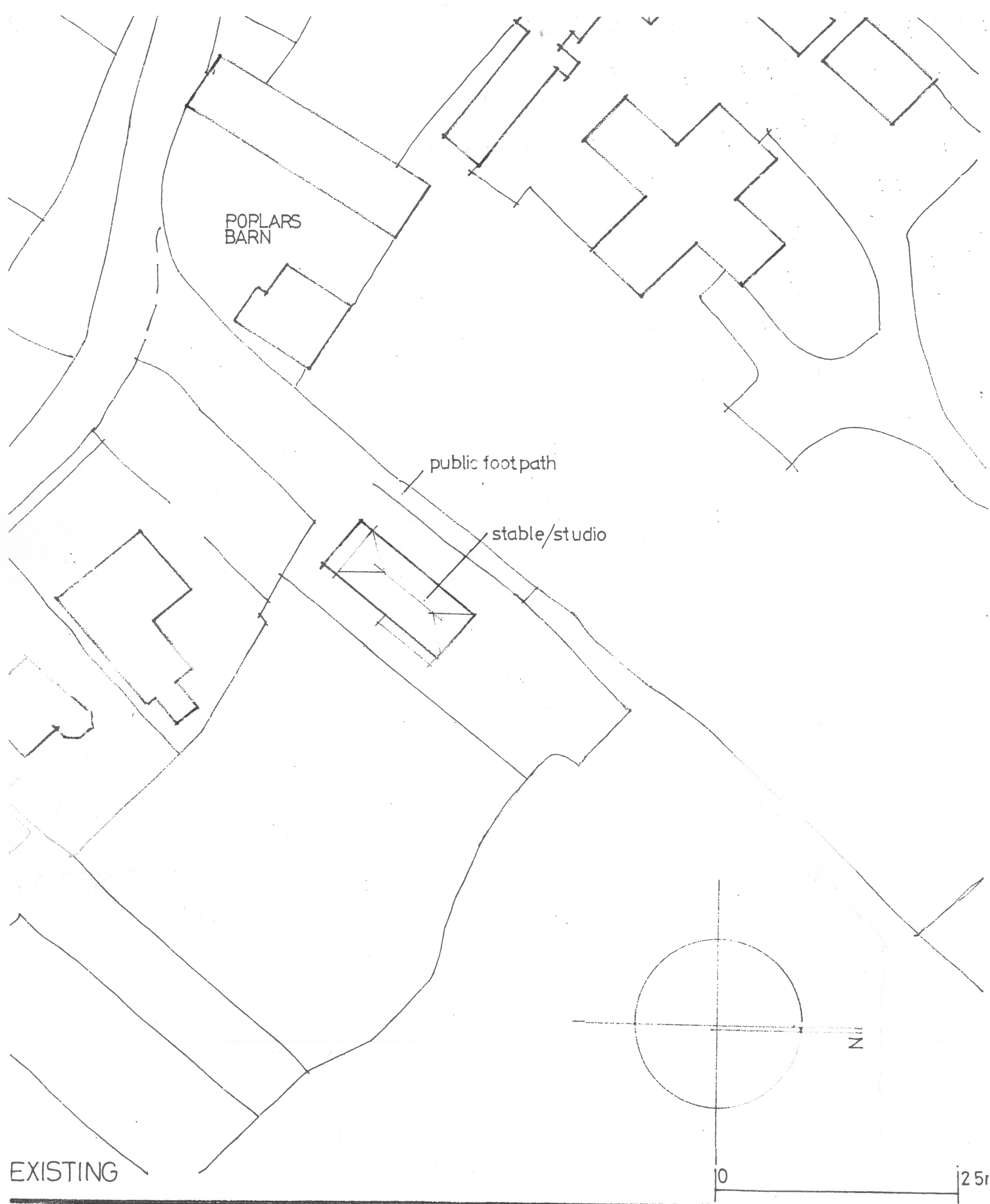
- Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and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

SITE LOCATION PLAN
 AREA 2 HA
 SCALE 1:1250 on A4
 CENTRE COORDINATES: 422329, 229238



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POPLARS BARN, EVENLODE
SITE PLAN - EXISTING

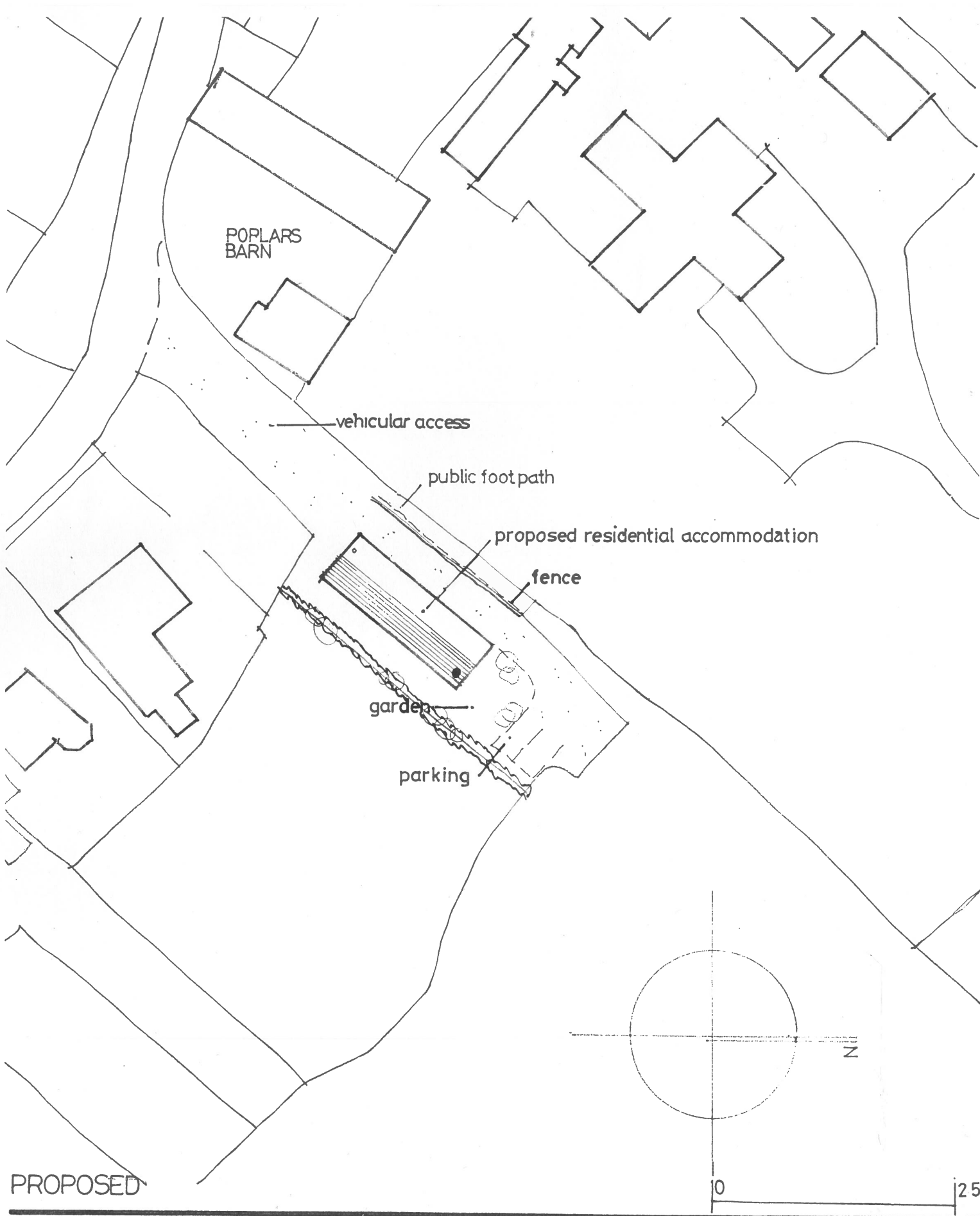
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DRG No LPC,5077,21,02 A
DATE 12 APRIL 2021



TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS

Trull ■ Tetbury
Gloucestershire
GL8 8SQ
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Fax: 01285 841489

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POPLARS BARN, EVENLODE
SITE PLAN - PROPOSED

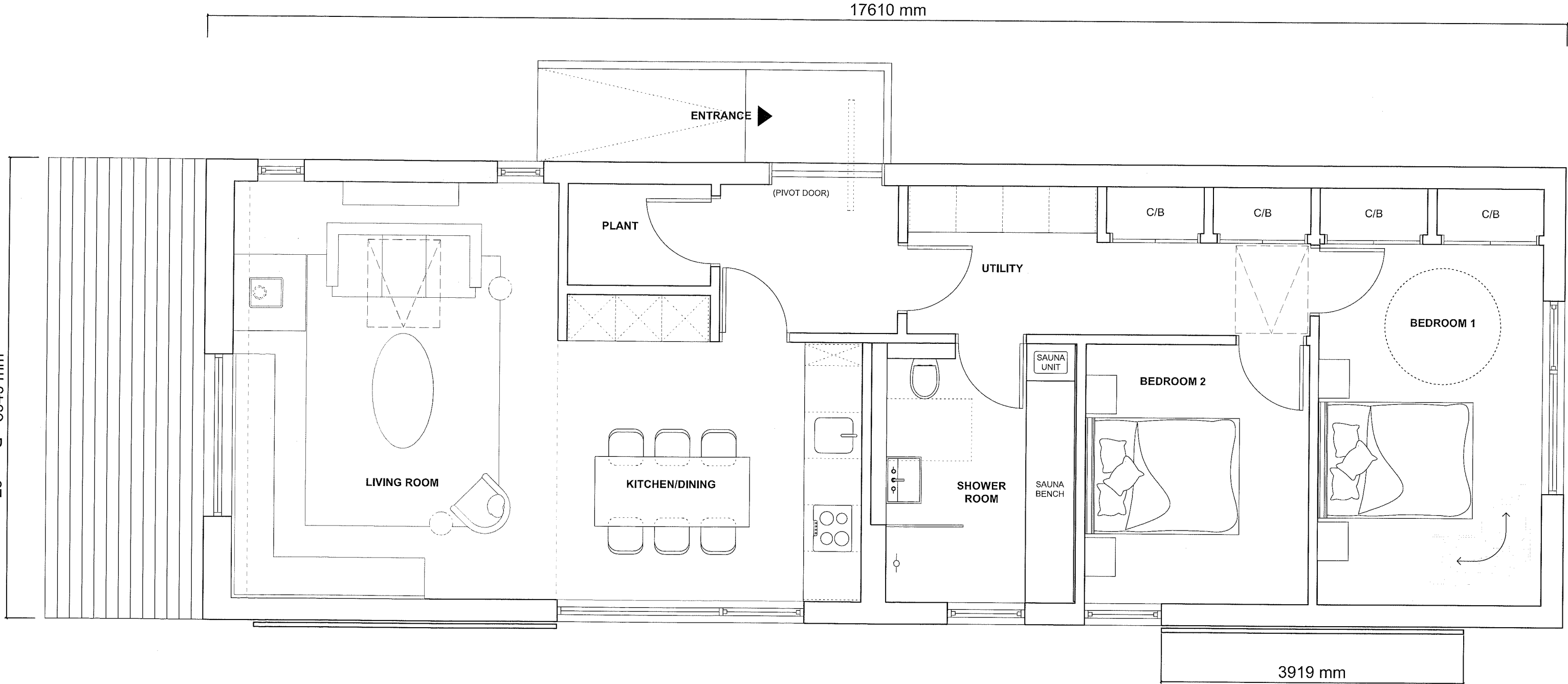
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DATE 12 APRIL 2021



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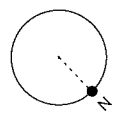


PROPOSED HOUSE FOR:
CLARISSA BERNING
SITE ADDRESS:
POPLARS BARN
EVENLODE
MORETON-IN-MARSH
GL56 0NN



Proposed External Finishes

Walls: Vertical untreated siberian larch
Roof: Profiled aluminium in dark grey
Gutters: Galvanised metal
Windows: Timber framed windows in dark grey





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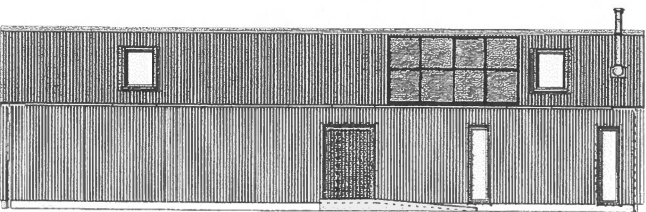
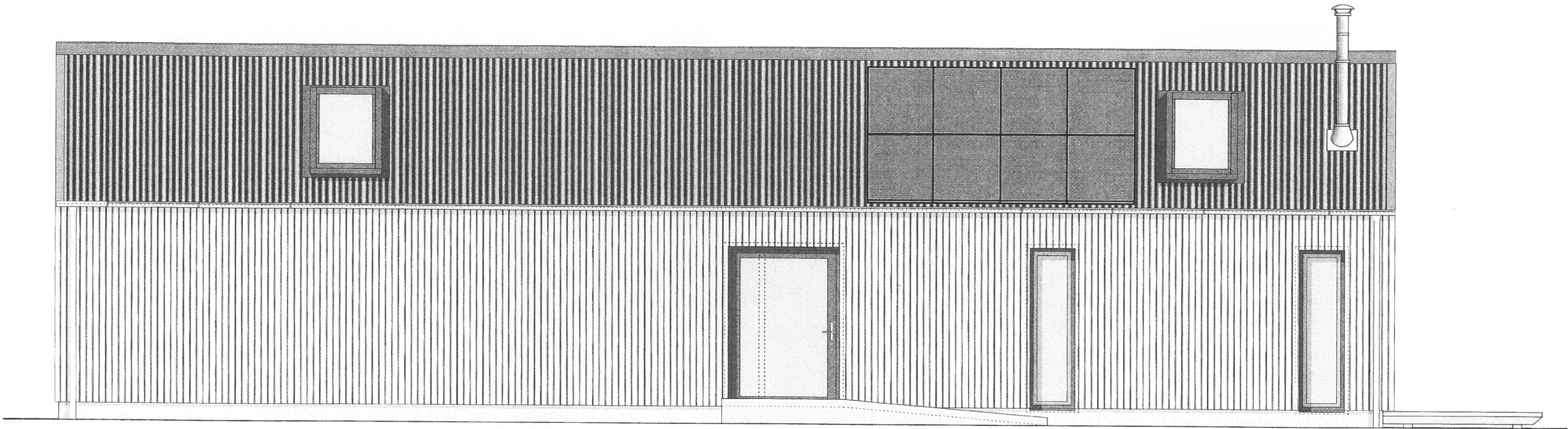
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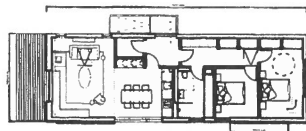
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NON GLAZED PIVOT DOOR

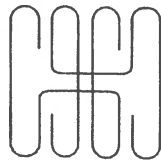
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EVENLODE
MORETON-IN-MARSH
GL56 0NN



0 0.5 2.5m

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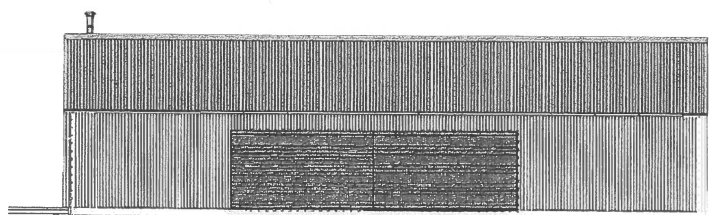
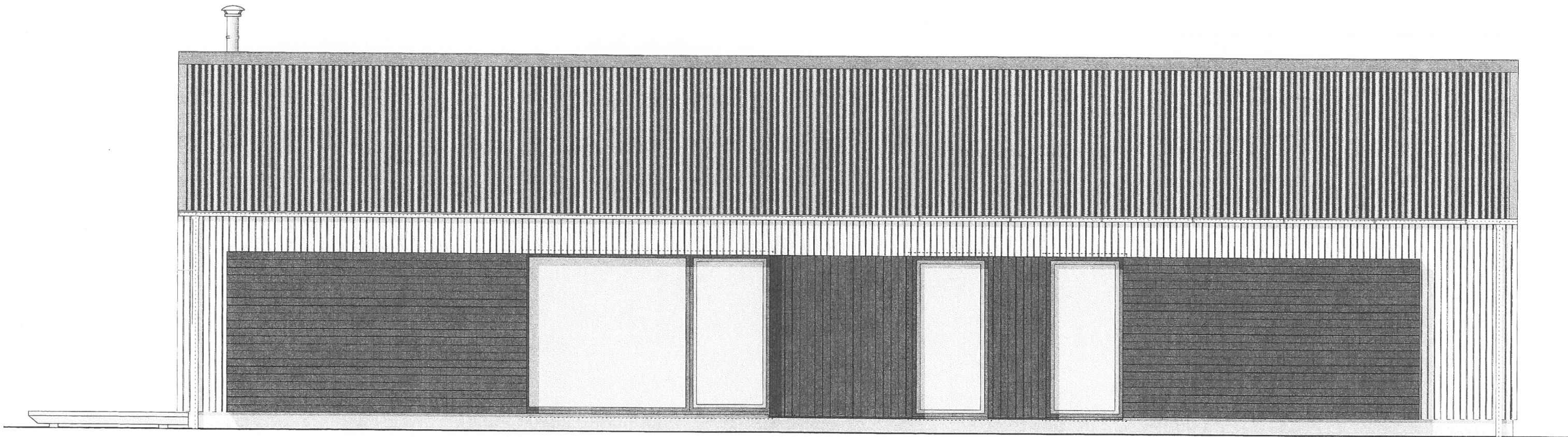
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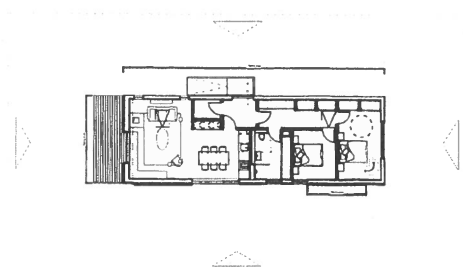
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DRAWING NUMBER 807_PL_401_FE	DRAWN BY JW	DATE 20/04/2021
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REAR ELEVATION WITH SHUTTERS CLOSED

PROPOSED HOUSE FOR:
CLARISSA BERNING
SITE ADDRESS:
POPLARS BARN
EVENLODE
MORETON-IN-MARSH
GL56 0NN



0 0.5 2.5m

Proposed External Finishes

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- Gutters: Galvanised metal
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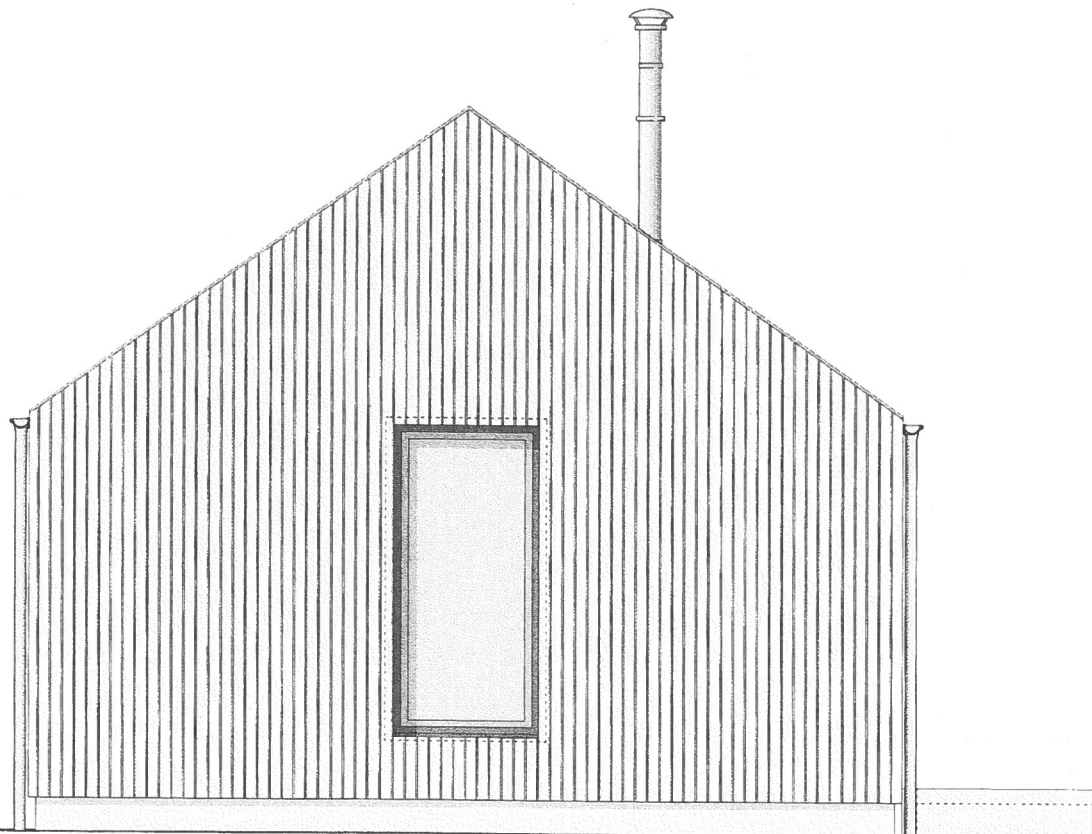
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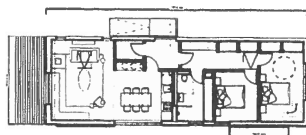
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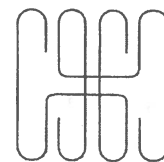
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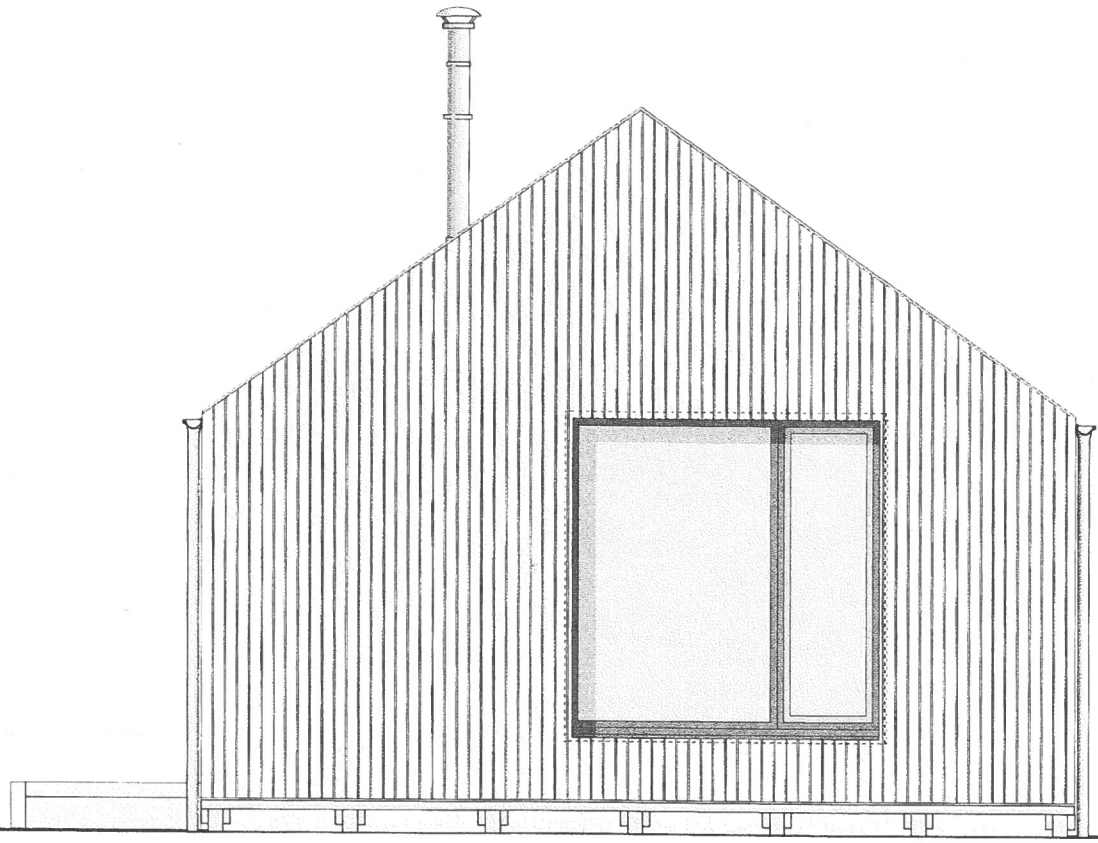
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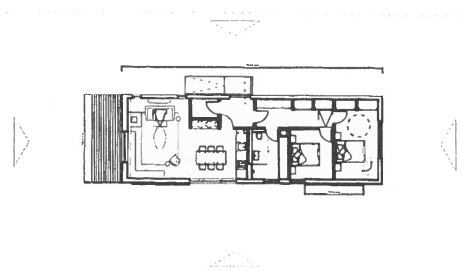
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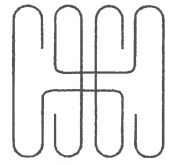


PROPOSED HOUSE FOR:
CLARISSA BERNING
SITE ADDRESS:
POPLARS BARN
EVENLODE
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Proposed External Finishes

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View from entrance/highway looking towards proposed site



Exit from site onto highway



Existing building



Towards rear of existing building



Rear of existing building



Rear of existing building



Rear of existing site, looking towards neighbouring boundary



Rear of building, showing neighbouring boundary



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Change of use of the site to a mixture of agriculture and equestrian (Retrospective) at Land off Kingshill Lane to Witpit Lane Preston Cirencester Gloucestershire GL7 5PR

Full Application 25/00505/FUL	
Applicant:	Mrs Angela Percival
Agent:	The Rural Planning Practice
Case Officer:	Helen Cooper
Ward Member(s):	Councillor Mike Every
Committee Date:	14 May 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Design, Appearance and Landscape Impact
- (c) Impact on Residential Amenity
- (d) Biodiversity and Geodiversity
- (e) Highways
- (f) Flood Risk
- (g) Other Matters

2. Reasons for Referral:

- 2.1 The application has been brought before the Planning and Licensing Committee as required by the Scheme of Delegation and Planning Protocol as the site relates to the development of 1 hectare or more land (Please refer to 3.A Types of applications not to be determined under delegated powers).

3. Site Description:

- 3.1 The application site comprises an agricultural field which measures approximately 5.5 hectares in area. The field is located in the open countryside on the edge of the Non-Principal settlement of Preston. The field is accessed in the northwestern corner and this section of the field has a compact gravel access, with a metal field gate. An existing area of hardstanding constructed from the same material, is set in this corner of the field adjacent to the access and this provides space for vehicular parking and manoeuvring.

- 3.2 Mature hedgerow is the primary boundary treatment at the site, with timber post and rail fencing sitting forward of the hedgerow in some sections around the site.
- 3.3 The A419 runs parallel and adjacent to the eastern field boundary and a country lane runs alongside the western boundary of the site. Several residential properties are situated in proximity to the access on the other side of the lane. Agricultural buildings lie to the north of the site near to the existing access.
- 3.4 A Public Right of Way, Preston Footpath 10, is located within the field and this runs along the breadth of the northern boundary.
- 3.5 Preston Conservation Area lies approximately 170 metres to the west of the site.
- 3.6 The site is neither located within the Cotswold National Landscape nor within a Special Landscape Area as identified on the Local Plan Proposals Map.

4. Relevant Planning History:

- 4.1 25/01240/FUL Erection of a barn for agricultural purposes - Pending Consideration

5. Planning Policies:

- NPPF National Planning Policy Framework
- EC5 Rural Diversification
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN15 Pollution & Contaminated Land
- NPP Preston Neighbourhood Development Plan 2
- NPP1 Policy 1: Preston Countryside and Landsc
- NPP2 Policy 2: Design
- NPP7 Policy 7: Transport and Village Amenity

6. Observations of Consultees:

- 6.1 Lead Local Flood Authority: No objection raised.
- 6.2 GCC PROW Officer: No objection raised.

6.3 GCC Highways: No objection subject to conditions.

7. View of Town/Parish Council:

7.1 The Parish Council has no objections.

8. Other Representations:

8.1 One representation has been received from Pine Corner, Preston. The following comments have been made:

'Overall, we are happy with the change of use but we were concerned when the stable (field shelter) was erected and located close to the hedge and near our house and garden, with the whole large field to choose from. This location unnecessarily impacts us - the smell of manure etc (especially in the warm summer weather). We would prefer that it was moved further away and I believe it is moveable as proposed in the application design statement.'

9. Applicant's Supporting Information:

- Flood Risk Assessment
- Design and Access Statement
- Location Plan
- Photograph of Field Shelter

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 and the Preston Neighbourhood Development Plan 2020-2031.

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

Background and the proposal

- 10.4 The application site is currently in agricultural use and the application seeks full planning permission for a 'Change of use of the site to a mixture of agriculture and equestrian (Retrospective)'. The applicant intends to use the site for personal use only in connection with the horses and currently three horses are being kept on the site (since December 2024), which is why retrospective planning permission is being sought.
- 10.5 The proposal seeks to utilise the existing access and parking area in the northwest corner of the site. A field shelter for the stabling of horses is currently set within the field, although the application does not explicitly seek planning permission for this element and a case has been put forward that the structure does not require planning permission as it is a moveable structure. This is considered in more detail in section b) of the report.
- 10.6 The applicant seeks to regularise the mixed use of the land for agricultural and equestrian activities, and this would enable the applicant to permanently keep their horses at the site. The applicant has confirmed that no jumps are proposed, and the proposal does not seek permission for a manege or stable block.
- 10.7 It should be highlighted that agricultural land can be used pastorally for the grazing of horses without requiring a change of use. However, a change of use can be required if horse related activities intensify. For instance, an intensification of use might result in jumps being erected, field shelters or white tape being present at the site and a change of use may also occur if the land in question is used permanently for the keeping of horses. This can be a grey area in planning terms and there can be a finely balanced distinction as to when a change of use from agricultural to an equestrian use has occurred. In this instance, to regularise the keeping of horses for personal use at the site, the applicant is formally seeking planning permission.

(a) Principle of Development

- 10.8 The Cotswold District Local Plan does not contain any planning policies which specifically relate to equestrian development. However, Local Plan Policy EC5 and paragraph 88 of the NPPF are considered to be relevant in respect of rural diversification.
- 10.9 Policy EC5 'Rural Diversification' states:

Development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be permitted provided that:

- a) the proposal will not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;*
- b) existing buildings are reused wherever possible; and*
- c) the scale and design of the development contributes positively to the character and appearance of the area.*

10.10 The NPPF section 6 'Building a strong, competitive economy' paragraph 88 is also of relevance. This states:

Planning policies and decisions should enable:

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

10.11 The proposal is considered to accord with Policy EC5 a) as the applicant is seeking a mixture of agricultural and equestrian uses at the site which should not sever or prejudice any existing farming operations. A use restriction condition is recommended to ensure the equestrian use is for private use only and this will further ensure compliance with criteria a). Policy EC5 criteria b) is not of relevance to the proposal. It is considered that the proposed mixed use of agriculture and equestrian is in character with the rural appearance of the area and no conflict is identified in respect of Policy EC5 criteria c).

10.12 The diversification of the agricultural use at the site is considered to comply with criteria b) of paragraph 88 of the NPPF.

10.13 In principle, it is therefore considered that the proposed mixture of agricultural and equestrian use of the land would appear in keeping with the rural setting and is in accordance with the relevant criteria of Policy EC5 and Section 6 of the NPPF.

(b) Design, Appearance, Heritage and Landscape Impact

10.14 Local Plan Policy EN1 'Built, Natural and historic environment' seeks to ensure new development promotes the protection, conservation and enhancement of the historic and natural environment.

10.15 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.16 Local Plan Policy EN4 'The Wider Natural and Historic Landscape' states:

1. *Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*
2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.*

10.17 Local Plan Policy EN10 states:

- 1 *'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.*
- 2 *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.*
- 3 *Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and*

convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:

- *The importance of the asset;*
- *The scale of harm; and*
- *The nature and level of the public benefit of the proposal.'*

10.18 Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

10.19 Policy 1 of the NDP 'Preston Countryside and Landscape' seeks to promote replanting, managing shelterbelts, restoring historic hedgerow lines, maintaining the existing network of open ditches and streams, protecting views, establishing a footpath link.

10.20 Policy 2 of the NDP 'Design' advises that *Proposals for new development, including extensions to existing buildings, and conversions of farm buildings, should be of the highest design standards in accordance with the relevant policies of the Cotswold District Local Plan, including the Cotswold Design Code.*

10.21 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.

10.22 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment.

10.23 It is considered that due to the large separation distance of approximately 167 metres between the site and Preston Conservation Area, there would be a

neutral impact upon the Conservation Area and the listed buildings within Preston in accordance with Policies EN10 and EN11 of the Local Plan.

- 10.24 As outlined in the NDP, despite Preston's *proximity to Cirencester, the fact that most of the land is arable farmland and subject to rotational cropping helps to maintain the distinctly rural feel of the parish.* The NDPs vision for Preston seeks in part to *retain its Cotswold character within its rural setting, preserving the surrounding countryside and wildlife.* It is considered that the proposal complies with the vision outlined in the NDP as the keeping of horses and retained agricultural use is in character with the rural setting.
- 10.25 The site is not set within a designated landscape area. However, the field and surrounding countryside holds local value as evidenced within the NDP.
- 10.26 The NDP advises that Preston Parish Council commissioned a Landscape Character Assessment for Preston Neighbourhood Plan (LCA) and this includes an appendix on key views.
- 10.27 The application site lies within the Landscape Area identified as Area 4b within the NDP. The NDP Appendix A advises that *Sensitive receptors include the residents of the village, the users of both the Ermin Way and Witpit Lane, and of the PRow network.* Appendix A advises:

10.27.1 In terms of landscape detractors, these can be summarised as largescale development along the Ermin Way, both recent residential and less recent commercial, the trafficked A417 and the military base just south of the parish boundary. Approaching the parish from the south, the rural character of the landscape is obfuscated by the presence of the airfield and barracks located south of the Ermin Way. As one drives towards Cirencester, the historic town and the church the church tower appear in view, and the village, separated by the Kingshill Estate with its dense and urban character. The developed edge of Cirencester was already part of the picture from views along Ermin Way, however the new development has brought it further into view and reduced the extent of open landscape and the physical distinction between the distinctive rural character of the village and the urban densities of the new estate, which is even more prominent as is located on high ground. The large scale of buildings to the south-west of the A419 Ermin Way (Garden centre, Tesco, recent housing) also comes in view as one approaches the town, creating a strong contrast with the tranquil character of the agricultural fields and village to the north-east of the A419.

10.27.2 The character of this sub-area is very rural in contrast to the largely developed landscape south of the Cirencester Road, this provides a visible strong edge to the built development. Any proposed development within this sub-area would be very hard to incorporate within the agricultural landscape without negatively affecting the openness and the setting of the village and the visual amenity of users of the footpaths.

10.27.3 The character of Cirencester is strongly informed by areas of open landscape which, though varying degrees of parkland and agricultural character, reach close to the town centre from various directions, principally from the west (Bathurst estate), the north-east (Abbey Home Farm estate) and the south-east (Preston parish). The largely unspoilt agricultural section of the parish serves this important 'green wedge' purpose, which is described by the Local Plan as follows: 'The 'green wedges' and views of Cirencester Parish Church tower are particular characteristics of Cirencester when approaching the town from various directions.' (para 7.2.3)

10.27.4 On the approach to Cirencester, the open landscape of this sub-area is then visually linked to Kingshill Meadow Country Park and the small area of parkland south of the A419, which is perceived as a whole entity. Any proposed development in this subarea would need to respect the importance of this open rural landscape and maintain a meaningful green wedge that continues to provide this setting function for Cirencester.

10.28 It is considered that a mixed agricultural and equestrian use at the site is acceptable and open views and the rural character of the field will be adequately retained by the proposal in accordance with Policies EN1, EN2 and EN4 and of the Local Plan and Policies 1 and 2 of the NDP.

Field Shelter

10.29 The supporting information advises that the field shelter at the site is mobile with no hard standing or foundations and it has a sledge of heavy-duty galvanised steel with anti-flex gussets with a towing and anchoring point at both ends. The structure is timber with a pitched roof measuring approximately 2.95 metres at its highest point.

10.30 As outlined above planning permission is not sought for this structure and the intention is to move it around the field with the horses rotational grazing

pattern. The applicant has advised that the structure should be considered as a chattel, which is a temporary structure rather than a permanent building. They have advised that it may be located for shorter periods of time over winter when the ground is muddy or for a slightly longer period of time during spring/summer when the grass is growing. Again, this is a grey area in planning terms and if such a structure were to be located in a certain position for a significant period of time, the local planning authority might consider it to be operational development where planning permission would be required.

- 10.31 Planning conditions prohibiting the use of horse jumps and permanent walls and fences at the site is recommended. This would not prevent the applicant using the temporary white tape fencing for the rotational grazing system as this management approach is considered acceptable for private equestrian use across such a large field. The recommended conditions will ensure that the equestrian use does not result in a proliferation of associated equipment and horse paraphernalia on the field. It is considered that such a condition is reasonable and will ensure that the valued local landscape is protected from visual clutter thereby retaining its open character. It should be noted that any further structures such as a manege for the exercising of horses or a permanent stable block at the site would be considered to be operational development, for which planning permission would be required. Subject to condition, it is considered that the appearance of the site is acceptable and accords with Policies EN1, EN2 and EN4 of the Local Plan and Policies 1 and 2 of the NDP.

(d) Impact on Residential Amenity

- 10.32 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regard to garden space, privacy, daylight and overbearing effect.
- 10.33 Local Plan Policy EN15 'Pollution and Contaminated Land' paragraph 1 is relevant and this states:

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

- a. pollution of the air, land, surface water, or ground water sources; and/or*
- b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.*

- 10.34 Policy 1 'Design' of the NDDP seeks compliance with the relevant Local Plan Policies.
- 10.35 Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.
- 10.36 The nearest residential property to the site is Pine Corner which is set on the other side of the road near to the site access. This dwelling is approximately 9 metres away from the site at its closest point. Comments have been received from this neighbouring property in respect of the moveable field shelter highlighting that due to the size of the field it could be positioned further away from this residential property which would help minimise smells etc.
- 10.37 As advised permission is not being sought for the field shelter as the applicant considers it to be a chattel, and as such no controls can be applied to its position on the site. Notwithstanding this, due to the scale of the structure and separation distance of the site to neighbouring properties and by virtue of the large field area it is considered that there would be no overbearing impact, or loss of light or privacy to neighbouring properties. However, a key consideration relates to the storage of manure and odours that may arise from the horses being kept on the field.
- 10.38 The applicant has explained that this is a very large site for three horses and the applicant's system of rotating the horses around the field enables the areas that they leave to be harrowed over. This avoids the requirement for a muck heap or a trailer. Due to the large size of the field, it is considered that odours are unlikely to become a significant issue at the site. However, an informative is recommended in respect of manure storage to ensure care is taken so as not to cause a justifiable complaint.
- 10.39 The recommended condition relating to private use, will also help ensure the local planning authority is able to retain control over the use of the site and this restricts commercial equestrian activities. This is considered a reasonable measure to protect residential amenity, as additional movements and horses could have further amenity implications. Subject to condition, any impact to neighbour amenity is considered to be very low level and would not warrant refusal in respect of Policies EN2 and EN15 of the Local Plan.

(d) Highways Safety

- 10.40 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.

- 10.41 Local Plan 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.
- 10.42 Policy 7 of the NDDP 'Transport and Village Amenity' seeks to ensure development proposals that are likely to lead to an increase in motorised traffic in the parish, will be encouraged to mitigate impacts.
- 10.43 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in applications for development, it should be ensured that:
- a) *sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users;*
 - c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and*
 - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
- 10.44 Paragraph 116 states *'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.'*
- 10.45 The site has an existing agricultural access and a parking area in the northwestern corner of the field. This is considered suitable to accommodate any vehicular movement at the site. The proposal has been reviewed by Highways who have made the following comments:
- 10.46 *The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.*

- 10.47 Highways have recommended a personal use condition. This has been amended slightly to ensure that it meets the tests outlined by paragraph 58 of the NPPF. Such a condition is considered reasonable and necessary as a commercial use of the site, for instance, for do-it-yourself livery, would most likely result in a larger number of vehicular movements. This would potentially impact the local road network and residential amenity requiring further consideration by the local planning authority.
- 10.48 Subject to planning condition the proposal is considered to accord with Policies INF4, INF5 of the Local Plan, Policy 7 of the NDDP and Section 9 of the NPPF.

(e) Biodiversity and Geodiversity

- 10.49 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.
- 10.50 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.
- 10.51 The use of an agricultural field for the grazing of horses is in keeping with a pastoral agricultural use. As such it is considered that any potential impact upon Biodiversity would be very low level and existing conditions will be conserved at the site in accordance with Policy EN8 of the Local Plan.

Biodiversity Net Gain

- 10.52 Biodiversity net gain (BNG) is a new approach to development which means that habitats for wildlife must be left in a measurably better state than they were before the development occurred. Under the Environment Act 2021, there will be a mandatory requirement for applicants to deliver at least a 10% net gain from the 12th of February 2024 for major site applications and the 2nd of April 2024 for minor site applications, there are however, exemptions.
- 10.53 One of the exemptions relates to applications where retrospective planning permission is sought, which is the case in this instance. In addition, the site is exempt as the development impacts less than 25 square metres of on-site habitat as no operational development is proposed.

(f) Flood Risk

- 10.54 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.
- 10.55 The site is located within Flood Zone 1 which has a low probability of flood risk. Due to the size of the site (over 1 hectare) the planning application is supported by a Flood Risk Assessment. This has been reviewed by the Lead Local Flood Authority who have no objection to the proposal.

(g) Other Matters

CIL

- 10.56 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

- 11.1 The proposal is considered to comply with Local Plan Policies EC5, EN1, EN2, EN4, EN8, EN10, EN11 and NDP Policies 1, 2 and 7 and sections 6, 12 and 16 of the NPPF. As such the proposal is 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 approved shall be carried out in accordance with the following drawing number: 5158 01

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

3. The equestrian development hereby permitted shall be used solely for private equestrian purposes and shall at no time be used for commercial or business-related activities or for any equestrian events that would be open for the public.

Reason: To protect the character of the landscape and a commercial/equestrian business use at the site would result in increased vehicle movements which may have an adverse impact upon highway safety and residential amenity and would therefore require further consideration. This condition is imposed in light of Cotswold District Local Plan Policies EN1, EN2, EN4 and INF4 and Policies 1, 2 and 7 of the Preston Neighbourhood Development Plan and the relevant sections of the NPPF.

4. Prior to the installation of any external lighting, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and retained in accordance with the approved details. No other external lighting shall be installed on the site other than that agreed as part of the approved lighting scheme.

Reason: In order to preserve the rural character and appearance of the site and in the interests of biodiversity, in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN8.

5. No horse jumps or hurdles shall be erected or sited within the application site.

Reason: To protect the visual amenity of the area and to avoid visual clutter in the landscape in accordance with Policies EN1, EN2 and EN4 of the Local Plan and Policies 1 and 2 of the NDP and section 12 of the NPPF

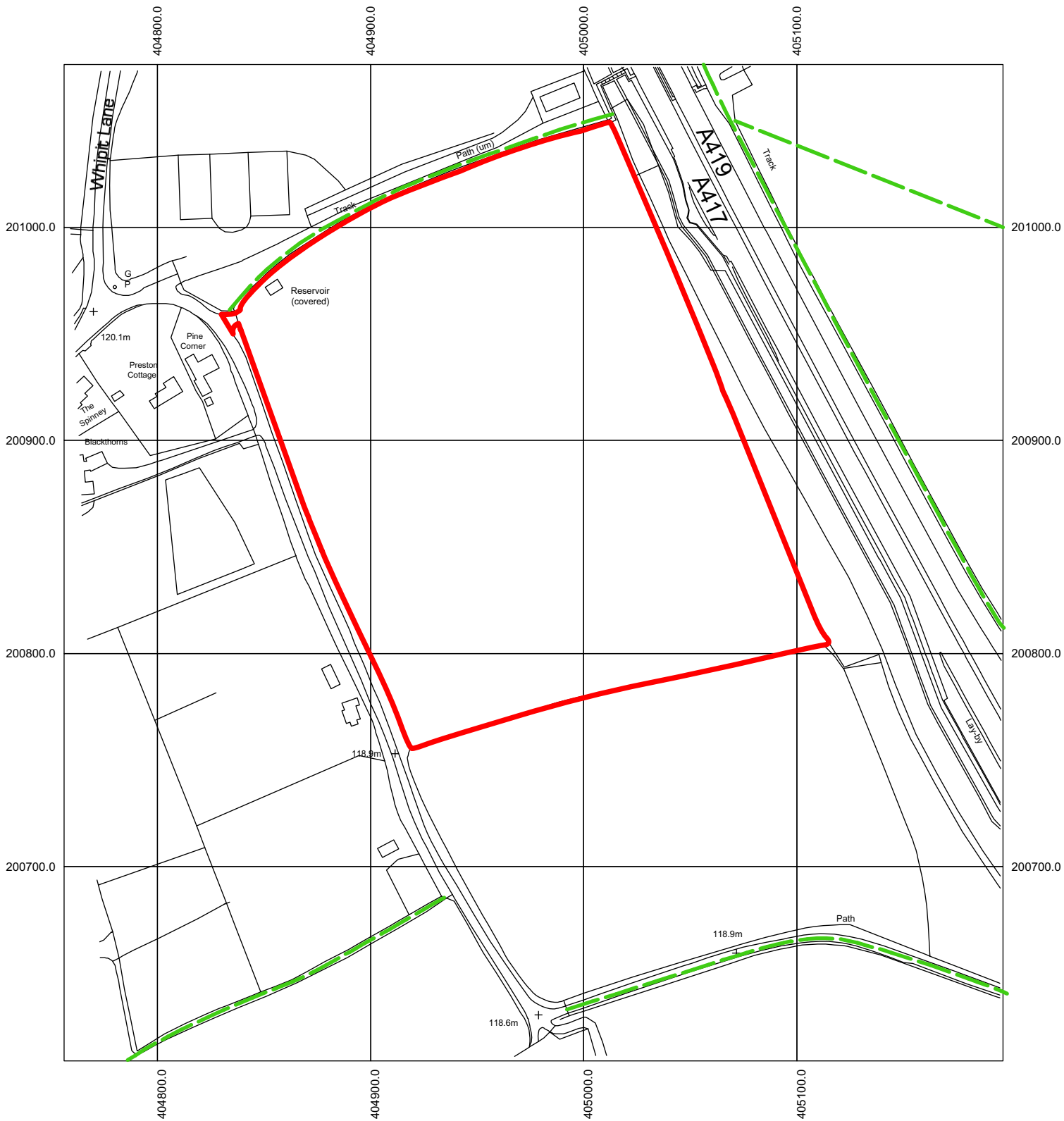
6. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no permanent walls or fences shall be erected, constructed or sited in connection with the development hereby approved, other than those permitted by this Decision Notice.

Reason: In order to preserve the rural character and appearance of the site, in accordance with Cotswold District Local Plan Policy EN4.

Informatives:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100sqm of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.
2. Whilst the supporting documents advise that manure heaps are not required at the site, care should be taken in the siting of manure and any other waste arising from the equestrian use so as not to cause a justifiable complaint (nuisance) to occupiers of nearby premises.

Note : Planning issue only, not for or construction.
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Application area

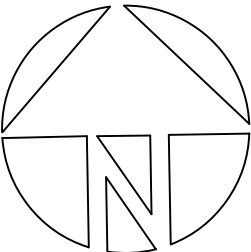
Public Rights of Way

THE
RURAL PLANNING
PRACTICE

CIRENCESTER 01285 323200 | CRANBROOK 01580 201888
office@TheRPP.co.uk www.theruralplanningpractice.co.uk

Client	A Percival		
Site	Land at Preston Cirencester GL7 5PR		
Drawing Title	Change of Use of Land from Agricultural to Agricultural / Equestrian Location Plan		
Scale	1:2500 on A3	Drawing No.	5158 01
Date	Feb 2025	Rev	

ISSUE : PLANNING



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1:2500 SCALE on A3

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Construction of an agricultural building at The Barn Hills Farm Calveshill Chedworth Cheltenham Gloucestershire GL54 4AH

Full Application 24/00981/FUL	
Applicant:	Mr Jeremy Theyer
Agent:	
Case Officer:	Graham Smith
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	14 May 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Impact on the rural economy
- (b) Design and Impact on the Conservation Area
- (c) Impact on the Cotswolds National landscape
- (d) Impact on Biodiversity

2. Reasons for Referral:

- 2.1 The Council's Non-Executive Scheme of Delegation outlines that applications submitted by or on behalf of a Member of the Council must be determined by the Planning and Licensing Committee and may not be determined under delegated powers.

3. Site Description:

- 3.1 The application site is part of a field located to the north of an existing converted Cotswold stone barn (the applicant's residence) located at Chedworth. To the south of the proposed site is a stable buildings single storey constructed of timber. The field can be accessed from a vehicular access onto the adjacent Chedworth Restricted Byway (73). The byway also follows the boundary of the site in a northwestern direction. The boundaries are defined by mature trees and hedges. The application site forms part of a small landholding used for sheep grazing totalling about 1.1ha and rises northwards from a low point to the south.
- 3.2 Aside from the applicant's own residence there are existing dwellings in proximity to the application site. The Orchards is located to the northwest

approximately 95m distant. To the southwest is the Wool Pack some 110m distant.

- 3.3 The site is in open countryside located within the Cotswolds National Landscape and the Chedworth Conservation Area.

4. Relevant Planning History:

- 4.1 19/04225/FUL - Polytunnel for the housing of sheep for a temporary 3-year period (Retrospective). Erection of 3 adjoining stables and tack room, and hay store for horses. Permitted February 2020.

5. Planning Policies:

- NPPF National Planning Policy Framework
- EC1 Employment Development
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN15 Pollution & Contaminated Land

6. Observations of Consultees:

- 6.1 Conservation Officer - Objects to the application.
- 6.2 Biodiversity Officer - No objections subject to conditions.
- 6.3 The observations of consultees are incorporated into the main body of the report.

7. View of Town/Parish Council:

- 7.1 Chedworth Parish Council - has no objection in principle but is concerned with the potential for light pollution and ask that steps are taken to minimise lighting as the location is in a prominent position near the crest of the Chedworth valley and Chedworth Parish Council has a dark skies policy.

8. Other Representations:

8.1 Two third party letters of objection have been received objecting to the application on the grounds of:

- The need for a barn is questioned given the size of the landholding.
- The building is too tall for its prominent position
- The existing stables could be adapted for food storage

8.2 A letter of objection has been received from the Chedworth Society which questions the need for the building given the landholding is relatively small and there are existing stables but no horses. The previous polytunnel was 3.75m high and could be seen above the vegetation, especially from across the valley. This proposed barn is 4.9m to the eaves and will be very prominent in the Conservation Area.

9. Applicant's Supporting Information:

- Plans
- Planning Statement and Agricultural Justification
- Biodiversity Net Gain 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 revised 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 an agricultural building measuring 9.1m by 18.3m. Its height would be 3.7m to eaves and 4.9m to ridge. Until recently the site was occupied by a polytunnel measuring 18.3m by 9.1m to a height of 3.75m. The polytunnel was permitted by application reference

19/04225/FUL on a temporary basis for three years to enable consideration to be given to its impact on the landscape at different times of the year. The applicant did not make an application to extend the temporary three-year period and in accordance with that permission the polytunnel has been removed from the site.

- 10.5 The applicant states that the development is required to provide a permanent structure for the storage of fodder to support the agricultural use of the site related to sheep farming. The stables are understood to provide occasional accommodation for sheep as opposed to the previous use for equine purposes. At the present time neither the stables nor the related landholding is used for equine purposes. However, from discussions with the applicant, it is understood that there is an intention to use the site for equine purposes in the future.

(a) Impact on the Rural Economy

- 10.6 Policy EC1 states that employment development will be permitted where it:

(b) maintains and enhances the vitality of the rural economy.

- 10.7 The proposals would support an agricultural business within the district. The applicant uses the land to support a modest flock of high pedigree sheep (about 10 ewes). The supporting information provided by the applicant demonstrates that this is a genuine agricultural activity undertaken on the site and a need for a building of 157sqm has been demonstrated. This is on the basis of 30sqm for housing the livestock and 100sqm for storing fodder with the remaining 27sqm used for storing of the applicant's machinery.

- 10.8 It is considered that the proposals are in accordance with policy EC1.

(b) Design and Impact on the Chedworth Conservation Area

- 10.9 The site lies within the Chedworth Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.10 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

- 10.11 Local Plan Policy EN11 states that development proposals that would affect Conservation Areas will be permitted provided they 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.
- 10.12 The site the subject of the proposed development is a field at the northeastern extent of the conservation area.
- 10.13 The Conservation Officer objects to the application stating: -

10.13.1 The proposal is located within the Chedworth Conservation Area and there are no listed buildings directly affected by the proposals. The proposal seeks to provide a replacement structure to the now removed poly tunnel which was consented on a temporary basis ref: 19/04225/FUL together with stabling. The character of the conservation area is described in the Chedworth Conservation Area Statement as the following: "Throughout the conservation area there is a constant dialogue between buildings and the open valley landscape: the high wold beyond being nearly excluded from view. This relationship of buildings and open spaces is critical to the appearance and character of the village." The site the subject of the proposed development is a field at the northeastern extent of the conservation area which is visible from various vantage points within the village. The tree line beyond the field on the horizon delineates the edge of the conservation area boundary. Important views can be gained from the centre of the village (Cheap Street) over the open green fields and up towards the site. This openness and the traditional agricultural landscape prevalent in this area contribute positively to the character and appearance of the conservation area. The erection of structure proposed which would result in a larger and more dominant form to that of the previous poly tunnel and as such will be visible from long range views. Concerns are raised that the proposal would detract from the prevailing character and appearance of the conservation area.

10.13.2 As noted with the 2019 scheme its large scale would detract from the open, rural character of the field and the traditional agricultural landscape in the village i.e. field enclosures and hedgerows and generally more isolated farm structures (e.g. field shelters, stables etc.), and the contribution this currently makes to the character and appearance of the conservation area. Is there an alternative location which the agricultural building could be sited outside the conservation area?

10.13.3 While the proposal seeks to provide an agricultural design utilising steel framing, steel sheeting to the roof and timber cladding concerns are raised regarding the prominence of the structure in the conservation area. The harm is assessed as being of less than substantial harm and in accordance with Paragraph 215 this states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

- 10.14 The Conservation Officer has considered the impacts of the development on one aspect, the Conservation Area, and has concluded that the development will have a less than substantial harm and in the absence of any public benefit should be refused.
- 10.15 The Conservation Officer has not considered the application having regard to all of the material considerations. In this respect it is clear that there is a public benefit from the proposals in relation to the farming aspects and this should be supported in accordance with policy EC1. The development proposed supports a business on the site which is wholly within the Conservation Area.
- 10.16 The proposal is for a relatively standard modern agricultural building, not atypical of the district. It is located on the outskirts of Chedworth, nestled within a group of trees, limiting views and the impact of the structure on the wider landscape. There would, nevertheless, be views of the proposed building from close distance through the existing vegetation from the footpath to the northeast. It is possible that the building may be visible from Cheap Street, depending on the time of year, looking across the valley with the existing trees. Nevertheless, the agricultural character and appearance of the site would be retained.
- 10.17 It is considered that the proposals are more acceptable through the use of traditional materials than the plastic structure of the polytunnel. Furthermore, the agricultural building associated with the Orchards and the agricultural development to the east of the Barn are far more prominent in the Conservation Area than this development.
- 10.18 Policy EN2 requires the development to accord with the Design Code. The proposals include for differing types of material (Timber boarding, metal sheeting to break up the mass of the building. The use of green metal sheeting for the roof and untreated timber boarding would assist with the building blending into its surroundings.

10.19 It is therefore considered that the proposals are in accordance with policies EN2, EN10 and EN11.

(c) Impact on the Cotswolds National Landscape

10.20 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85 (1A) 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.

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

10.22 The site is identified as a pastoral field within the Cotswolds National Landscape. The field is bound by post and wire fencing, hedgerow and trees. There are no Public Rights of Way (PRoW) within the site. However, Chedworth Restricted Byway 30, 31 and 73 are all located on the edge of the applicant's land holding and follow the full length of the northern and eastern boundaries and partially along the western boundary.

10.23 With regard to the impact on the character and appearance of the National landscape, the site is located within Landscape Character Type (LCT) 10: High Wold Dip-Slope Valley and Landscape Character Area (LCA) 10B: Middle Coln Valley as identified in the Landscape Strategy and Guidelines for the Cotswolds National Landscape.

10.24 In terms of isolated development that might compromise rural landscape character, particularly on the valley sides the following relevant strategies and guidelines are provided:

- Avoid isolated development, that will intrude negatively into the landscape and cannot be successfully mitigated;
- Conserve areas of dark skies;
- Conserve the distinctive rural and dispersed settlement pattern; and
- Maintain the sense of seclusion and consider the impact of built development, including cumulative development on views along and across the valleys.

- New structures should be carefully sited and designed to minimise their impact on the landscape. Wherever possible they should be located close to existing buildings. They should be constructed from appropriate vernacular materials and should follow the form of the landscape, avoiding prominent skyline sites and slopes;
- Any lighting should be designed to minimise light pollution, e.g. low level and directed downwards and fitted with timers;

10.25 The proposal has been located to minimise its impact on the locality. Having regard to the impact on visual amenity, local views of the site are generally filtered by intervening boundary vegetation and changes in topography. Breaks in the vegetation and a field gate provide some views into the site from the PRoW on the boundaries of the site.

10.26 From further afield views are generally confined to the southern side of the valley and specifically from Cheap Street. However, due to the topography and existing vegetation the views would be largely obscured and not so significant that a refusal reason could be sustained.

10.27 In order to avoid any potential for light pollution it is proposed that should external lighting be required in the future then a scheme should be submitted and approved in writing. This can be controlled by condition.

10.28 It is considered that the proposal is in accordance with policies EN2, EN4 and EN5.

(d) Impact on Biodiversity

10.29 Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

10.30 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) sets out requirements for mandatory Biodiversity net gain (BNG)

10.31 The application is liable for BNG and the applicant has provided the necessary information to demonstrate that the development can provide 10% BNG on site. The biodiversity metric demonstrates at least a 10% net gain, in habitat units, can be delivered on-site, mainly through the creation of other neutral

grassland in moderate condition. A 10-year landscaping condition should be imposed to secure establishment and on-going management details.

10.32 The Biodiversity Officer has considered the application and confirms that it meets the statutory requirements set out above.

11. Conclusion:

11.1 The proposal is considered, on balance, to comply with Local Plan Policies and is recommended for permission.

12. Proposed Conditions:

1. The development hereby approved shall be carried out in accordance with the following drawing number(s):

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

2. 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.

3. The development hereby permitted shall be implemented in strict accordance with the following approved plans:

MJT/24/104

MJT/24/005

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

4. The timber to be used in the construction of the walls of the building hereby permitted shall be left to weather naturally and shall be permanently retained as such thereafter.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policy EN2, EN10 and EN11 of the Cotswold District Local Plan 2011-2031 (Adopted) August 2018 and the National Planning Policy Framework.

5. No external lighting shall be installed unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the development does not result in light pollution and to accord with Policy EN15 of the Cotswold District Local Plan 2011-2031 (Adopted) August 2018 and the National Planning Policy Framework.

6. A 10-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Establishment details, including preparation of the land;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat units;
- v. Appropriate management options for achieving the aims and objectives;
- vi. Prescriptions for all management actions;
- vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5- or 10-year periods;
- viii. Details of the body or organisation responsible for the implementation of the plan;
- ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
- x. Timeframe for reviewing the plan.

The LEMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan policies EN7 and EN8.

Informatives:

IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

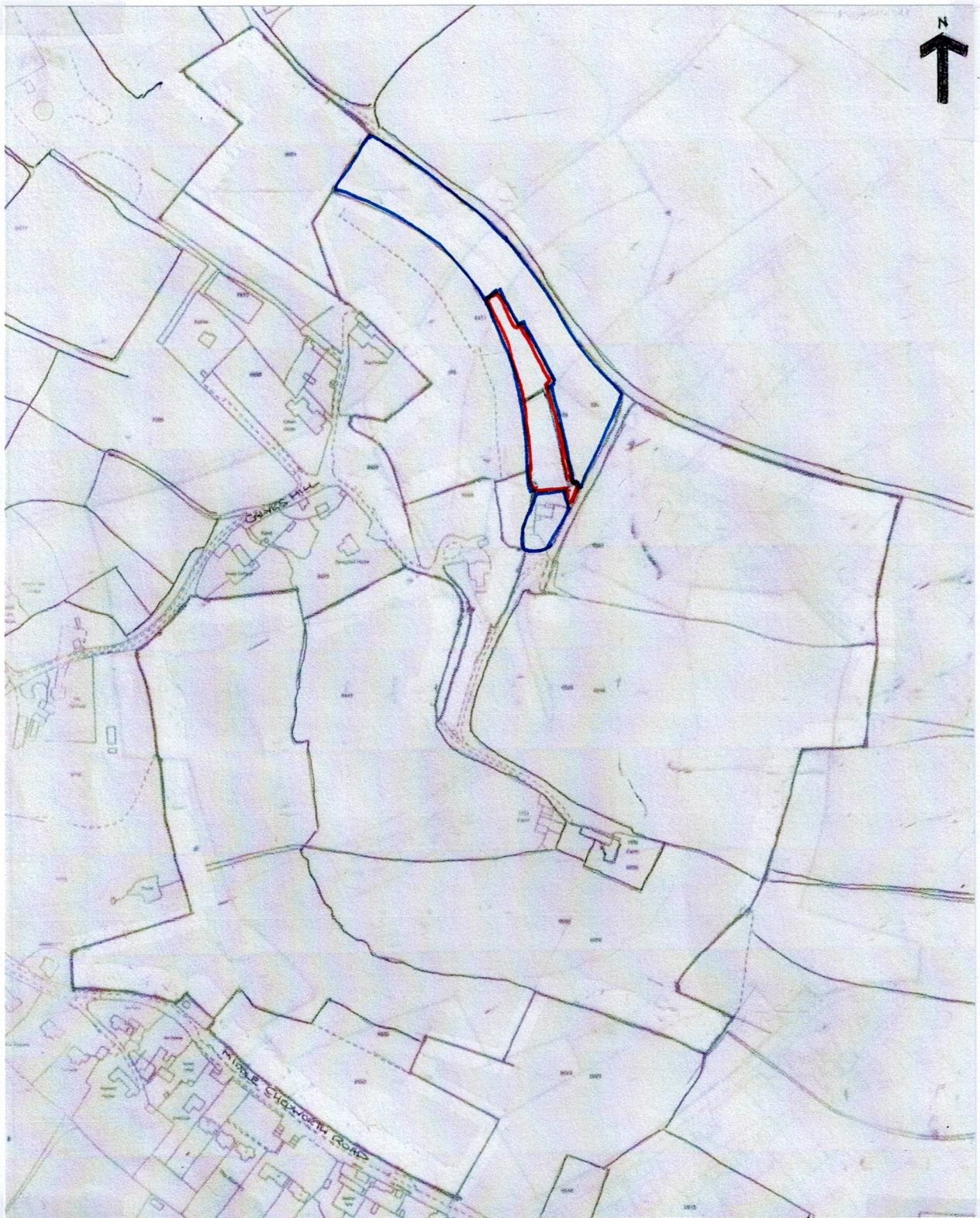
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>. Information on how

to discharge the biodiversity gain condition can be found here:
<https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-netgain-bng/>

Comments: The biodiversity metric demonstrates at least a 10% net gain, in habitat units, can be delivered on-site, mainly through the creation of other neutral grassland in moderate condition. A 10-year landscaping condition should be imposed to secure establishment and on-going management details.

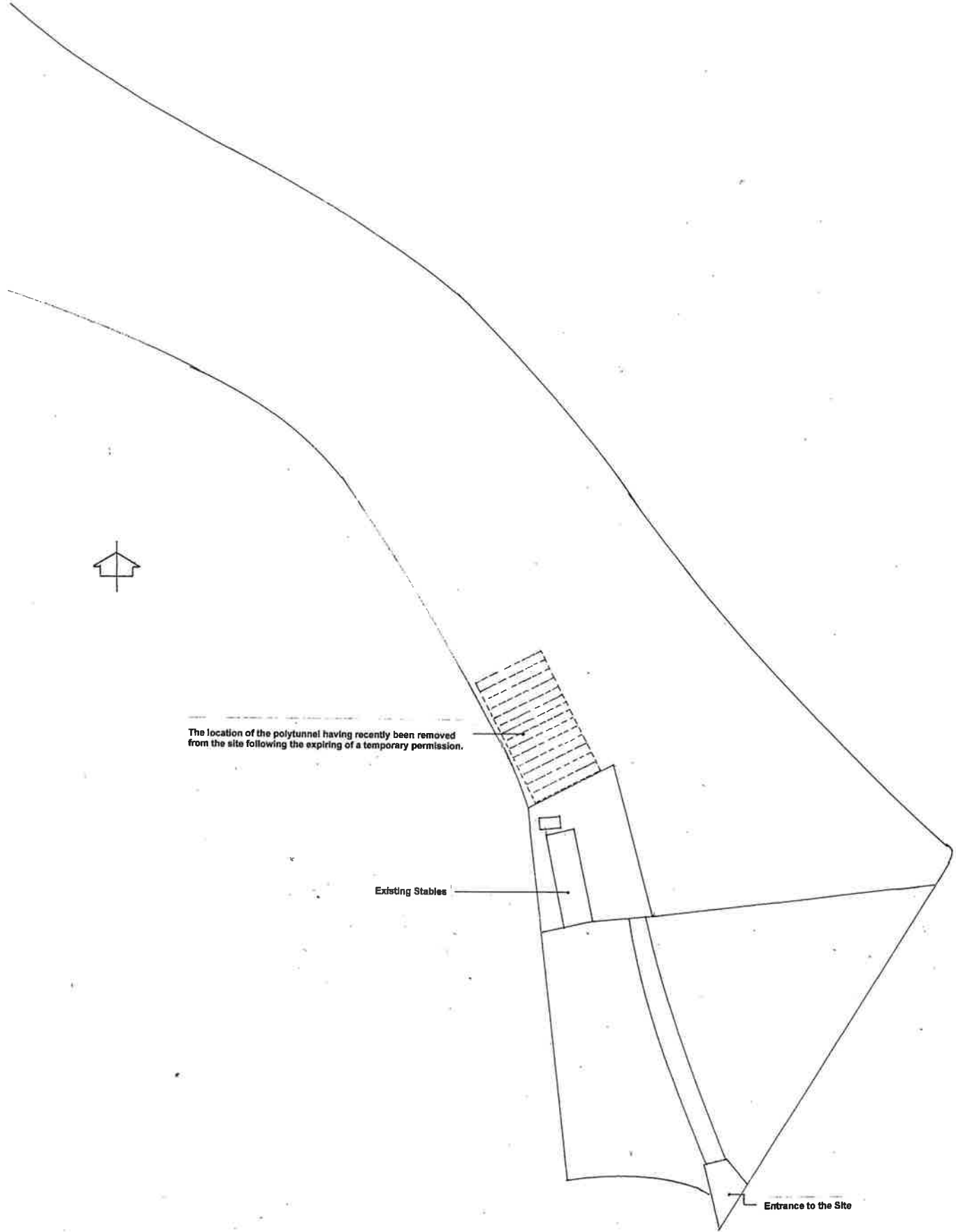


■ **APPLICATION SITE**
■ **ADJACENT LAND IN THE OWNERSHIP OF THE APPLICANT**

LOCATION PLAN:
(Scale - 1:2500 @ A.3)

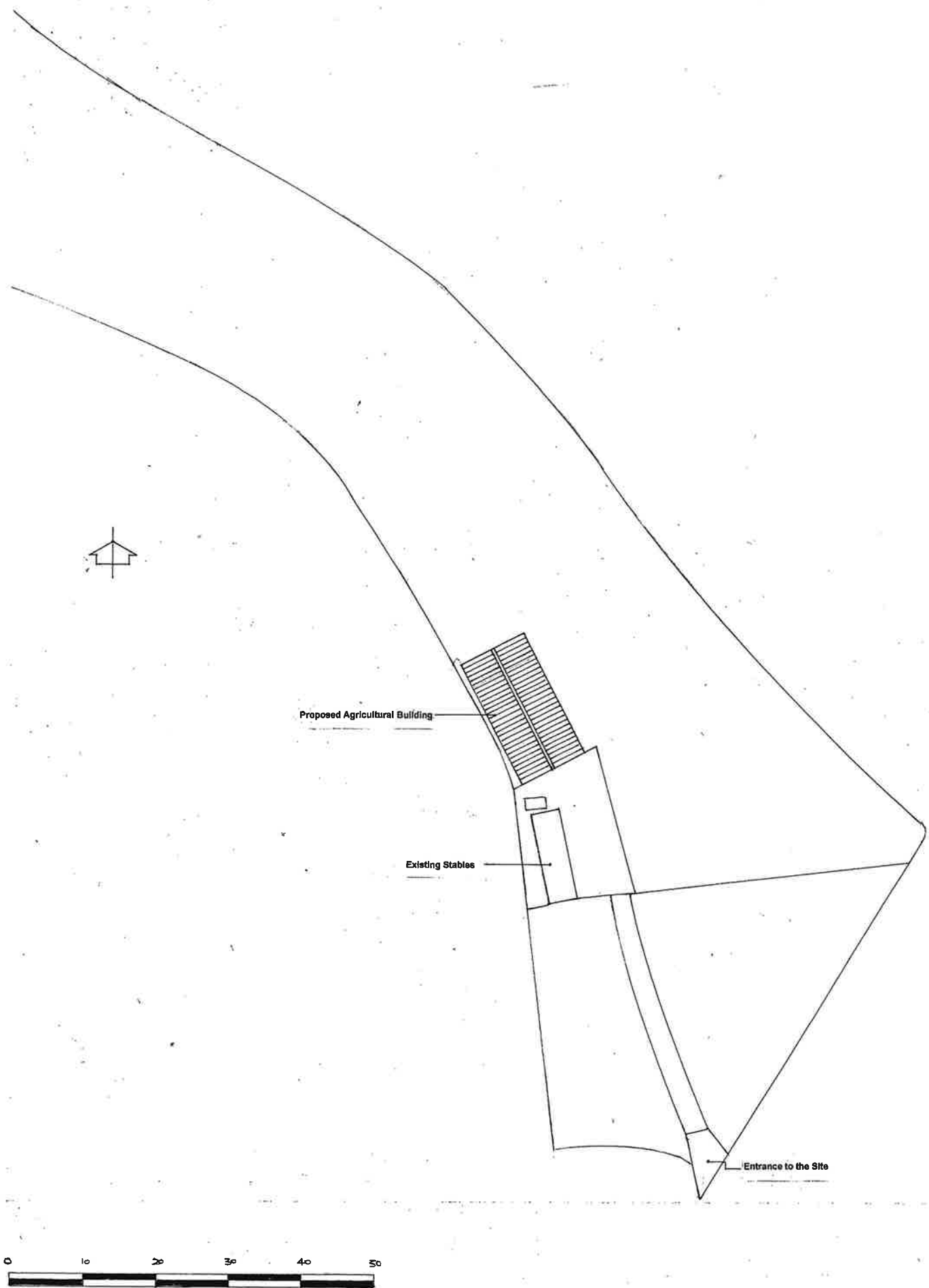
The removal of the existing Poly Tunnel and the construction of a steel framed Agricultural Building. Location Plan.	Mr. J. Theyer.	The Barn, Calves Hill, Chedworth, Glos, GL54 4AH.	Scale - Metric: 1:2500 @ A.3
			Date: August 2024
			Drawing No: MJT/24/020

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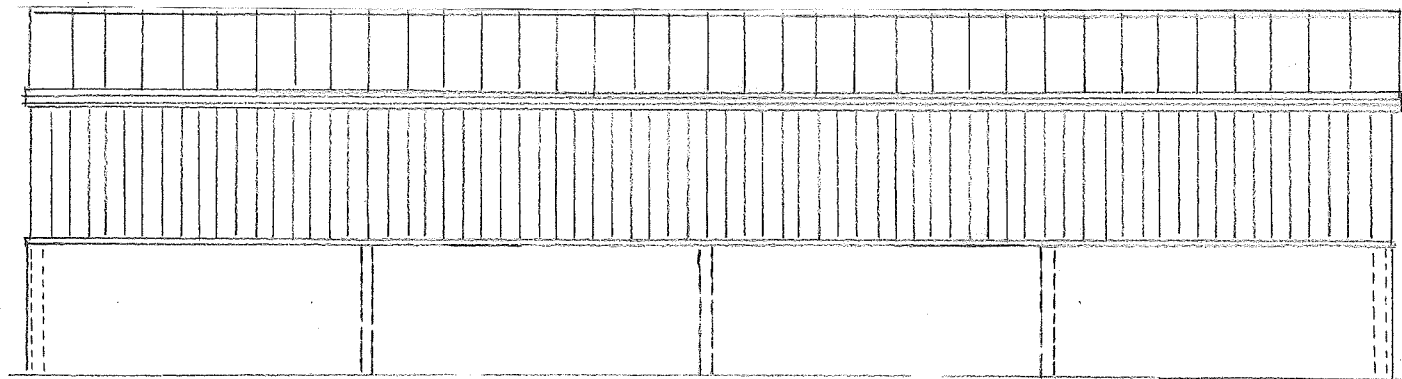
Construction of a Steel Framed Agricultural Building. Revised Existing Site Plan.	Mr. J. Theyer.	The Barn, Calvers Hill, Chedworth, Glos, GL54 4AH.	Scale - Metric: 1:500 @ A3
			Date: April 2024
			Drawing No: MJT/24/006

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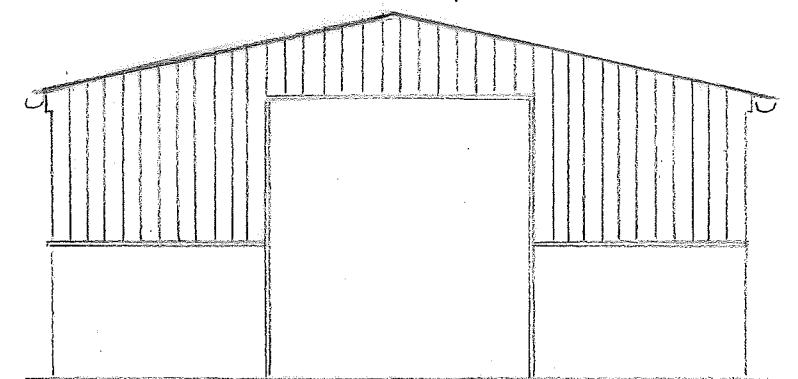


Construction of a Steel Framed Agricultural Building Revised Proposed Site Plan.	Mr. J. Theyer.	The Barn, Calvers Hill, Chedworth, Glos, GL54 4AH.	Scale - Metric: 1:500 @ A.3
			Date: April 2024
			Drawing No: MJT/24/007

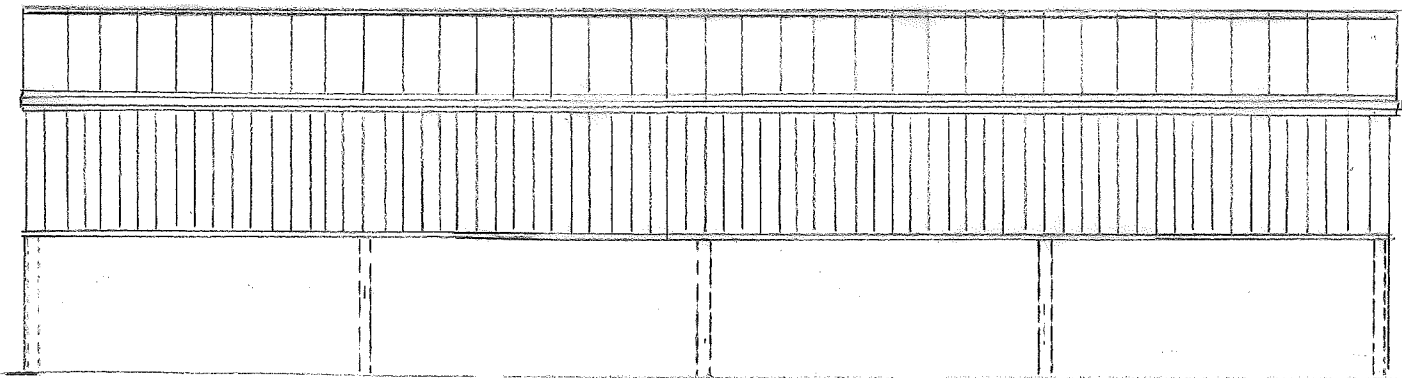
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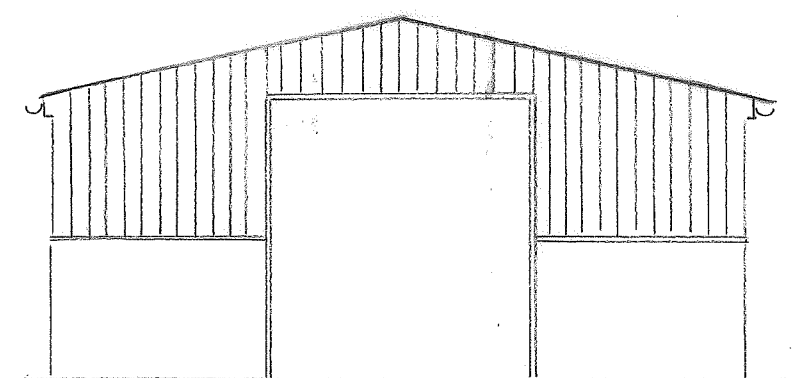
NORTH EAST ELEVATION:
(Scale - 1:100 @ A.3)



SOUTH EAST ELEVATION:
(Scale - 1:100 @ A.3)



SOUTH WEST ELEVATION:
(Scale - 1:100 @ A.3)



NORTH WEST ELEVATION:
(Scale - 1:100 @ A.3)

Planning Materials Specification:

Roof Coverings:

Green colour coated steel profiled sheeting.

Guttering & Downpipes:

Osma or other similar approval 6/4 rainwater system - 150mm half round gutter and 110mm downpipes - colour Black.

Walls - Upper Section:

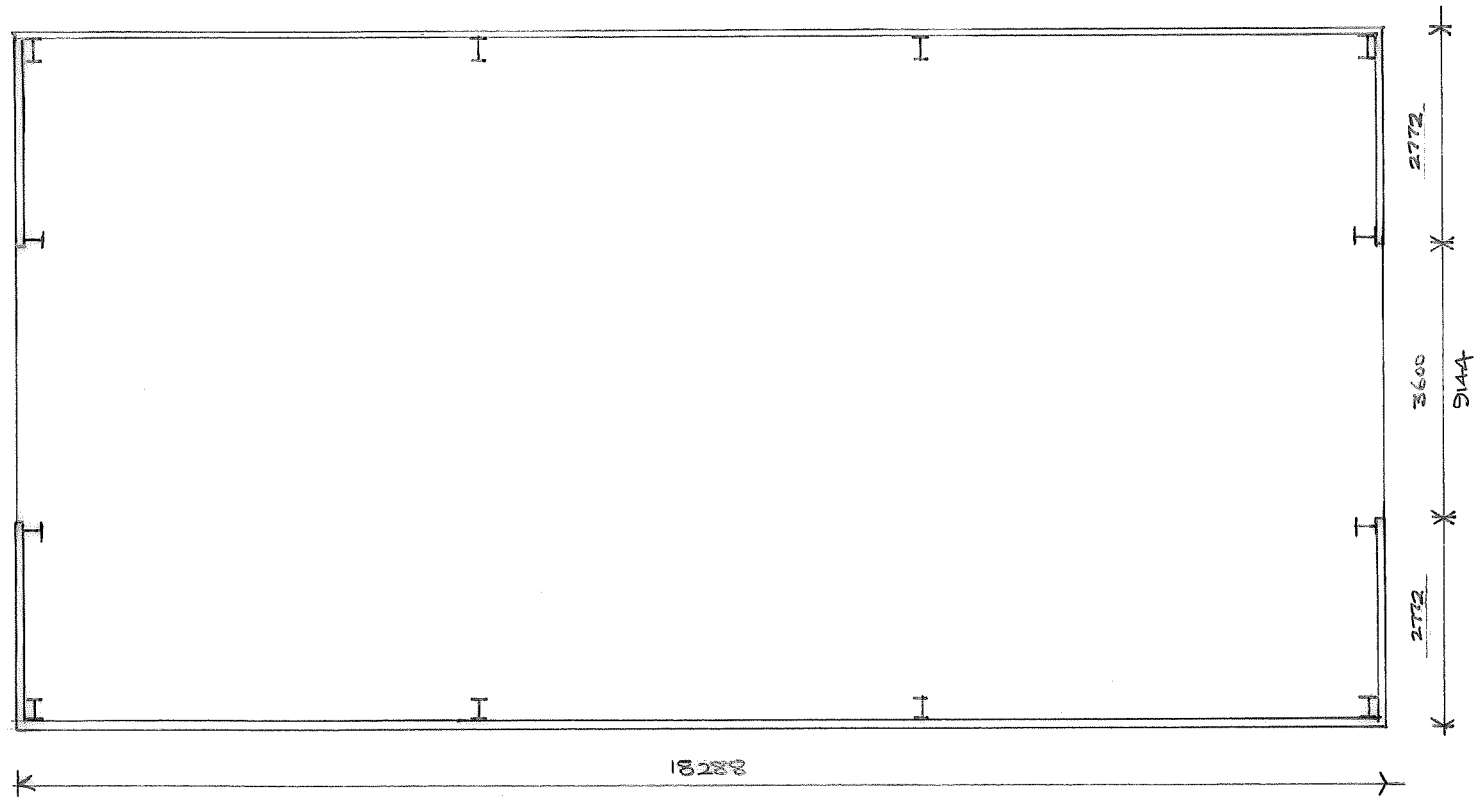
'Yorkshire' type vertical timber boarding.

Walls - Lower Section:

Precast concrete panels/concrete blockwork.

The removal of the existing Poly Tunnel and the construction of a steel framed building on the same 'footprint'. Proposed Elevations.	Mr. J. Theyer.	The Barn, Calves Hill, Chedworth, Glos, GL54 4AH.	Scale - Metric: 1:100 @ A.3	
			Date:	March 2024
			Drawing No:	MJT/24/104

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PROPOSED FLOOR PLAN:
(Scale - 1:100 @ A.3)

The removal of the existing Poly Tunnel and the construction of a steel framed building on the same 'footprint'. Proposed Floor Plan.	Mr. J. Theyer.	The Barn, Calves Hill, Chedworth, Glos, GL54 4AH.	Scale - Metric: 1:100 @ A.3	
			Date:	March 2024
			Drawing No: MJT/24/005	

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