



29 August 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, 10 September 2025 at 2.00 pm.**

Jane Portman
Interim Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Dilys Neill, Ian Watson, Ray Brassington, Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Andrew Maclean, Michael Vann and Tristan Wilkinson)

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 7 - 12)

To confirm the minutes of the meeting of the Committee held on 13 August 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. **25/01621/OUT - Land North East of Mickleton** (Pages 15 - 96)

Proposal

Outline application for up to 120 dwellings

Case Officer

Martin Perks

Ward Members

Cllrs Gina Blomefield and Tom Stowe

Recommendation

REFUSE

9. **25/01194/OUT - Land Parcel North of Olimpik Drive** (Pages 97 - 160)

Proposal

Outline application for residential development of up to 30 dwellings.

Case Officer

Martin Perks

Ward Members

Cllrs Gina Blomefield and Tom Stowe

Recommendation

REFUSE

10. **25/01717/FUL - Land West of Hatherop Road** (Pages 161 - 232)

Proposal

Erection of 98 dwellings

Case Officer

Martin Perks

Ward Member

Cllr Michael Vann

Recommendation

PERMIT subject to no objection from Gloucestershire County Council Lead Local Flood Authority, completion of S106 legal agreement(s) covering affordable housing, custom/self-building housing, Biodiversity Net Gain monitoring, financial contribution to North Meadow and Clattinger Farm Special Area of Conservation, provision of public open space, access connection to field to west, financial contributions to library services, public transport and travel plan.

11. **25/01970/PLP - Land At Ethans Orchard** (Pages 233 - 256)

Proposal

Permission in Principle for the erection of 1 self-build dwelling

Case Officer

Amy Hill

Ward Member

Cllr Paul Hodgkinson

Recommendation

PERMIT subject to agreement of appropriate assessment by Natural England.

12. **Sites Inspection Briefing**

Members for 1 October 2025 (if required)

Councillors Dilys Neill, Ian Watson. Nick Bridges, Tristan Wilkinson, Andrew Maclean.

13. **Licensing Sub-Committee**

Members for 25 September (if required)

Councillors Dilys Neill, David Fowles, Ray Brassington.

Planning and Licensing Committee
13/August2025



COTSWOLD
District Council

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 13 August 2025

Members present:

Dilys Neill (Chair)	David Fowles (Vice-Chair)	
Ray Brassington	Patrick Coleman	David Fowles
Nick Bridges	Daryl Corps	Len Wilkins

Officers present:

Harrison Bowley, Head of Planning Services	Kira Thompson, Election and Democratic Services Support Assistant
James Tyson, Tree Officer	Marie Barnes, Lawyer
Julia Gibson, Democratic Services Officer	

165 Apologies

There were apologies for absence from Councillors Ian Watson, Julia Judd, Michael Vann and Andrew Maclean.

166 Substitute Members

Councillor Len Wilkins substituted for Councillor Julia Judd.
Councillor David Fowles acted as Vice-Chair.

167 Declarations of Interest

The Chair stated that they had consulted with the legal team as they knew several people who lived in Westcote, including one who had submitted a written objection. The Chair confirmed that they had no pecuniary interest. The Legal Advisor was satisfied that the Chair could remain.

168 Minutes

The minutes of the meeting held on 09 July 2025 were discussed. Councillor Ray Brassington proposed accepting the minutes and Councillor David Fowles seconded the proposal which was put to the vote and agreed by the Committee.

RESOLVED: To APPROVE the minutes of the meeting held on 09 July 2025.

04. Approve minute of meeting 9 July 2025. (Motion)

For	Ray Brassington, Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles and Dilys Neill	6
Against	None	0
Conflict Of Interests	None	0
Abstain	Len Wilkins	1
Carried		

169 Chair's Announcements

There were no Chair's Announcements.

170 Public questions

There were no public questions.

171 Member questions

There were no member questions.

172 Appointment to Sub-Committee

The purpose of the report was to confirm the appointments of the Licensing sub-committees for the current council year.

In relation to taxis, private hire, and street trading sub-committee, it was proposed that five members from the committee form a subcommittee in accordance with political proportionality.

The Licensing sub-committee (Licensing 2003 Act Matters) would be formed from a rota of Planning and Licensing Committee Members.

Training for new Members was requested.

Councillor Ray Brassington proposed appointing members to sub-committees as set out in Annex A and Annex B and Councillor David Fowles seconded the proposal.

RESOLVED: to ACCEPT the recommendations of the appointments to the Licensing Sub-Committees as set out in Annex A and Annex B.

- 1. Appoint Councillors Ian Watson (Chair), Julia Judd (Vice-Chair), Ray Brassington, David Fowles and Michael Vann to the Licensing Sub-Committee (Taxi, Private Hire and Street Trading);**
- 2. Note that Licensing Sub-Committee (Licensing Act 2003) membership will comprise the Chair or Vice Chair of the Planning and Licensing Committee and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to**

participation in a Licensing Sub Committee (Licensing Act 2003) meeting), as set out in Annex B.

8. Approve appointments to Licensing Sub-Committees (Motion)		
For	Ray Brassington, Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Dilys Neill and Len Wilkins	7
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

173 Tree Preservation Order 25/00001/IND

Proposal

To consider comments of objection and support to the making of Tree Preservation Order 25/00001/IND Corner Cottage, Church Westcote, Chipping Norton, Gloucestershire.

Tree Officer: James Tyson

Ward Member: David Cunningham

Original recommendation: Confirm TPO 25/00001/TPO

The Chair invited the Tree Officer to introduce the Tree Preservation Order.

The Tree Officer introduced the Tree Preservation Order (TPO) by sharing:

- The history behind the proposal for the TPO.
- Various site location maps and photographs of the tree from various directions.
- A risk assessment of the tree had been made by Tree Officer and deemed low risk.

Public Speaker

Objector - David Lewis

Objection points raised included:

- concerns about the long term stability and the associated risk to the property and personal safety due to the close proximity of the tree to the dwelling. It was argued that the Council's risk assessment had not accounted for the exposed location and that the tree should be considered a moderate risk, with removal being the preferred option.
- questioning the tree's public amenity value, citing its lean, unbalanced form, disproportionate size, and lack of aesthetic appeal, and noted that it already had protection under the conservation area designation.

Members Questions

In questioning it was noted that:

- The tree (Corsican Pine) was approximately 25m in height and 8–10m from the property.
- Any appeal against a decision made at the meeting would be with the Planning Inspectorate.
- The previous tree that had been removed had not been replanted.
- A replanting condition could not be considered if the TPO was rejected.
- The altitude and exposure of the position had not been specifically noted in the risk assessment of the Corsican pine.
- When permission was granted for the removal of the initial tree, the exposure of the site for the remaining tree had been taken into account.
- The prevailing winds were South-Westerly and there would not have had any previous protection from the previously removed tree.
- There would be no new growth from the trunk to compensate for the bare areas but other branches might grow into that space.
- The Corsican Pine (Black Pine) was brought to the UK in 1759 and was a common timber tree often planted as stand-alone specimens.
- There were no figures for tree losses in the village; the only incidents known were those reported at the meeting.
- If the TPO was confirmed, and disease was later discovered by the applicant, a further application by the applicant could apply for removal of the tree and a replant agreed.
- The amenity assessment determined that removal of the tree would detract from the amenity and the character of the conservation area.
- The Corsican Pine species was not particularly susceptible to falling with strong winds.
- If the tree did fall while a TPO was in place, the Council would not be accountable as the responsibility remained with the owner.
- It was confirmed that causing anxiety to the applicant or neighbours was not a material planning consideration in deciding whether to confirm the TPO.

Members Comments:

Members made the following comments:

- The tree was close to the house, was leaning and was not thought to be particularly attractive.
- That the Corsican Pine location was causing anxiety to the owner and the Council had a duty of care to its residents.
- Many local residents had communicated their safety concerns which were weighed against the tree's amenity value.
- Climate change was increasing the frequency of intense winds, which should be taken into consideration.
- Discussion took place regarding the potential precedent for the removal of future TPOs.

Planning and Licensing Committee

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Councillor Patrick Coleman proposed refusing the Officer recommendations and to not confirm the Tree Preservation Order 25/0001/TPO and Councillor Ray Brassington seconded the proposal.

The reasons not to confirm the TPO were:

- The tree was 25 metres tall and located only 8 metres from the house.
- The tree was already leaning and in a prominent position on a ridge.
- Given the prevailing wind direction, the tree was considered to pose a potential danger.

RESOLVED: To REFUSE the making of Tree Preservation Order 25/00001/TPO.

9. Tree preservation Order 25/00001/IND - Refuse (Motion)

For	Ray Brassington, Patrick Coleman and Daryl Corps	3
Against	Dilys Neill	1
Conflict Of Interests	None	0
Abstain	Nick Bridges, David Fowles and Len Wilkins	3
Carried		

174 Sites Inspection Briefing

The Chair advised members to keep the 3 September 2025 free for a possible Site Inspection Briefing.

Councillors Dilys Neill, Ray Brassington, Daryl Corps, Julia Judd, Michael Vann.

175 Licensing Sub-Committee

There were no licensing sub-committees planned.

The Meeting commenced at 2.00 pm and closed at 3.00 pm

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PLANNING AND LICENSING COMMITTEE 10 September 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 10 September 2025
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order No.
Mickleton	Land North East of Mickleton Gloucestershire GL55 6UF 25/01621/OUT Outline Application	1
Chipping Campden	Land Parcel North of Olimpick Drive Chipping Campden Gloucestershire 25/01194/OUT Outline Application	2
Fairford	Land West of Hatherop Road Fairford Gloucestershire 25/01717/FUL Full Application	3
Chedworth	Land At Ethans Orchard Middle Chedworth Gloucestershire 25/01970/PLP Permission in Principle	4

Outline application for up to 120 dwellings with all matters reserved with the exception of access at Land North East of Mickleton Gloucestershire GL55 6UF

Outline Application 25/01621/OUT	
Applicant:	Brookworth Homes
Agent:	Ridge And Partners LLP
Case Officer:	Martin Perks
Ward Member(s):	Councillor Gina Blomefield Councillor Tom Stowe
Committee Date:	10 September 2025
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Residential Development Outside a Principal or Non-Principal Settlement
- (b) Housing Mix and Affordable Housing
- (c) Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage
- (h) Archaeology

2. Reasons for Referral:

- 2.1 This application has been referred to Planning & Licensing Committee as it falls into the major development category for the purposes of the Town and Country Planning (Development Management Procedure) Order 2015.

3. Site Description:

- 3.1 This application relates to an area of agricultural land located adjacent to the north-eastern edge of the village of Mickleton. The application site measures approximately 5.09 hectares in size. It comprises 2 fields which are separated by an agricultural track, which runs in a roughly south-west to north-east direction through the site. The south-western and south-eastern boundaries of the application site adjoin Mickleton Development Boundary. The aforementioned village is designated as a Principal Settlement in the Cotswold District Local Plan 2011-2031.

- 3.2 The application site is bordered by post war residential development to its south-east and south-west. Agricultural fields are located to its north-west and north-east. A group of portal framed agricultural buildings are located approximately 70m to the east of the application site.
- 3.3 The site is located outside of the Cotswolds National Landscape (CNL). The southern/south-eastern boundary of the application site is located approximately 110m to the north of the CNL. The easternmost part of the application is located approximately 180m to the west of the CNL.
- 3.4 The site is located outside of Mickleton Conservation Area. The boundary of the conservation area is located approximately 350m to the south-west of the application site. There are no listed buildings within the immediate vicinity of the application site.
- 3.5 Multivallate Hill Fort on Meon Hill Scheduled Ancient Monument (SAM) is located approximately 1.2km to the north-east of the application site.
- 3.6 A Public Right of Way (HMN5) extends in a roughly east-west direction through the application site. The aforementioned Public Right of Way forms part of the Heart of England Way. It runs around the lower part of Meon Hill, to its west, north and east.
- 3.7 The site is located in Flood Zone 1.
- 3.8 An avenue of poplar trees extending along either side of the farm access track which runs through the application site has recently been made the subject of a Group Tree Preservation Order.

4. Relevant Planning History:

Application Site

- 4.1 None

Land to South-West

- 4.2 13/03539/OUT Demolition of packhouse building, No.1 and No.4 Canada Lane, store building and other structures, and erection of up to 80 dwellings (Class C3); up to 346 square metres Business Use (Use Class B1); together with access; surface attenuation pond; landscaping and all other associated works (Outline application). Permitted 2014

- 4.3 14/01578/REM Construction of 77 dwellings, garages, associated road and access infrastructure (Reserved Matters). Approved 2014
- 4.4 15/00698/REM Variation of Condition 7 (timber windows) of approval 14/01578/REM to allow the use of UPVC windows in rear elevations of Plots 1-11, 20-39, 64-70. Approved 2015
- 4.5 15/00699/REM Erection of HV sub station and associated works. Approved 2015
- 4.6 15/01357/FUL Erection of 5 dwellings and associated infrastructure works. Permitted 2015
- 4.7 15/01358/OUT Removal of Condition 14 (B1 timing of occupation) of Outline permission 13/03539/OUT (Demolition of packhouse building, No.1 and No.4 Canada Lane, store building and other structures, and erection of up to 80 dwellings (Class C3); up to 346 square metres Business Use (Use Class B1); together with access; surface attenuation pond; landscaping and all other associated works (Outline application). Permitted 2016
- 4.8 15/01359/FUL Demolition of No.'s 2 & 3 Canada Lane and erection of 2 no. replacement dwellings, 2 no. garages and all associated infrastructure works. Permitted 2015

5. Planning Policies:

- DS1 Development Strategy
- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- INF1 Infrastructure Delivery
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites

- EN10 HE: Designated Heritage Assets
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: Objection - *'The site as shown on the red line plan submitted with the application does not have a connection to the adoptable highway and cannot therefore demonstrate a safe and suitable access as required by the NPPF.'*
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection
- 6.3 Gloucestershire County Council Community Infrastructure: Requests contributions of £166,598.64 to secondary education and £23,520 to library services.
- 6.4 Gloucestershire County Council Archaeology: *'advise that field evaluation is necessary in order to fully understand the significance of the heritage assets of archaeological interest which will be impacted by the proposals.'*
- 6.5 Gloucestershire County Council Public Rights of Way: Comments incorporated into Officer report.
- 6.6 Severn Trent Water: No objection subject to condition
- 6.7 Warwickshire County Council: No objection
- 6.8 Stratford-on-Avon District Council: *' As an adjoining District Planning Authority, Stratford-on-Avon wishes to offer no representation to the planning application. Matters inclusive of (but not limited to) the impact on highways, ecology and wider impacts on amenity shall of course need to be carefully considered and consulted upon as appropriate.'*
- 6.9 Biodiversity Officer: Objection - insufficient information.
- 6.10 Environmental and Regulatory Services Air Quality: Objection - comments incorporated into Officer report.
- 6.11 Environmental and Regulatory Services Contamination: No objection subject to condition.

- 6.12 Environmental and Regulatory Services Noise: No objection subject to conditions.
- 6.13 Tree Officer: No objection subject to conditions.
- 6.14 Landscape Officer: Objection - comments incorporated into Officer report.
- 6.15 Housing Officer: Comments incorporated into Officer report.
- 6.16 Active Travel England: Refer to standing advice.
- 6.17 Newt Officer: It is considered that there is a reasonable likelihood that great crested newts will be impacted by the development proposals and before granting planning permission great crested newts must be addressed via one of the two licensing options
- 6.18 Historic England: *Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.'*

7. View of Parish Council:

Response received on the 31st July 2025:

'Mickleton Parish Council (MPC) wish to object to this application. Further details of our objection are set out below.

7.1 National Planning Policy Framework

7.1.1 The NPPF (December 2024) states that the planning system should contribute to the achievement of sustainable development including the provision of homes and supporting infrastructure in a sustainable manner.

7.1.2 Sustainable development requires ensuring land of the right type is available to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. New homes must have accessible services and open spaces to support health, social and cultural wellbeing. It also requires the protection and enhancement of our natural, built and historic environment.

7.1.3 It is MPC's contention that the proposed development at Mickleton is not sustainable development for the following reasons.

7.2 Impact on traffic through the village

7.2.1 The number of vehicles travelling through the village has increased enormously over the last few years as a result of the recent developments at Oak Grange and Shepherds Fold as well as the large developments at Meon Vale and Long Marston Airfield. This can be evidenced from data recorded by the MPC camera on Stratford Road which records the number of vehicles coming into the village. The type of vehicles include not only cars but also farm vehicles and many large lorries.

7.2.3 In order to access the A46 at Evesham and the A44 towards Moreton-in-Marsh vehicles travelling from north or east of Mickleton have to travel through the village along the High Street (B4632). This part of the village is in a conservation area with many historic Grade 2 listed buildings fronting onto the High Street. In places the road is reduced to single file due to parked cars. This particularly applies at the junction with Chapel Lane. Access to other parts of the village including the village hall, primary school, playing field, multi-use games area and pub are via Chapel Lane, Mill Lane and Back Lane all of which are within the conservation area, congested and reduced to single file by parked cars.

7.2.4 The main High Street through the village has a number of bends which makes crossing for pedestrians very difficult. There is only one zebra crossing which is at the far end of the village some distance away from where most pedestrians need to cross in order to access village amenities.

7.2.5 The Apex Transport Planning Report submitted with the planning application estimates that the proposed new development will generate 147 extra vehicle trips in the rush hours between 8-9am and 5-6pm each day. The number of vehicle trips for the entire day will be considerably in excess of this. It also estimates that around 65% of this extra traffic will come through the High Street. That will result in many more vehicles having to come through the village increasing congestion and the detrimental impact on the conservation area and historic buildings.

7.2.6 Despite the planning application including a number of documents which suggest that there should be "no concerns" with respect to differing forms of transport, the experience of current residents is almost the opposite.

7.2.7 The bus service is not frequent enough nor reliable enough, hence only used by people who do not have access to a vehicle. Traffic volumes, narrow

roads, and a complete lack of cycleways means that residents do not cycle to local amenities for safety reasons. Many residents do not walk either for the same reason. The nearest train station is at Honeybourne which realistically can only be reached by car, cycling not being viable for distance and safety reasons.

7.2.8 The High Street and other roads through the village were never designed to cater for the large increase in traffic which has occurred over the last few years. The basic infrastructure is the same as it was 50 years ago when the volume and type of traffic using the road was considerably lower and different. The roads are already heavily congested due to recent development and this is having a detrimental effect on the character of what is a typical Cotswold village (albeit that part of the village is technically on the border of the Cotswolds National Landscape (formerly known as the Area of Outstanding Natural Beauty)) and the historic buildings which line the road.

7.3 Access to the public highway

7.3.1 There is only one access to the proposed development which is via Furrow Way at the junction with Stratford Road. Furrow Way is an unadopted estate road which was originally designed to cater for traffic at the existing Shepherds Fold development. The proposed development would more than double the volume of traffic using Furrow Way. It is not capable of supporting this extra traffic without causing a significant risk to users.

7.3.2 Furthermore the junction with Stratford Road is already busy, particularly during rush hours, and it can be difficult turning right from Furrow Way onto the Stratford Road due to the increase in volume of traffic using that road and the junction layout. The extra traffic generated by the proposed new development will compound this problem.

7.3.3 As Furrow Way is unadopted who would pay for the additional maintenance which would undoubtedly arise as a result of it being used by additional traffic?

7.4 Lack of essential village amenities

7.4.1 The village does not have a medical practice, a dentist or a post office. The nearest ones are at Lower Quinton and Chipping Campden. These medical practices are already operating at capacity which makes it very difficult to get appointments. The new developments at Meon Vale and Long Marston Airfield are also putting extra strain on the medical and dental practices at Lower Quinton.

7.4.2 If the proposed development was to proceed that it is highly likely that new residents would not be able to obtain adequate local medical and dental care, and certainly nothing would be available to them within the village.

7.5 Education

7.5.1 The village primary school is a single form entry and is already operating at capacity. It does not have the space to be enlarged so construction of additional classrooms is not an option. Nearby primary schools at Meon Vale, Lower Quinton and Chipping Campden are also at capacity. The secondary school at Chipping Campden is full and has a waiting list.

7.5.2 The proposed development has been designed to attract families. Where are the children going to be educated because there is little to no vacancies within schools which are within easy reach?

7.5.3 Furthermore the road outside Mickleton Primary School already gets very congested in the morning and afternoon when children arrive and depart as there is limited parking and drop off points. There is no capacity at this school to take extra children.

7.6 Employment

7.6.1 Mickleton is a rural village. The nearest towns are Evesham and Stratford-upon-Avon (both about 9 miles away). Neither of these towns are major centres of employment.

7.6.2 More major centres of employment are much further afield at Worcester, Cheltenham, Gloucester, Oxford, Coventry and Birmingham but none of these locations are easily accessible for people living in Mickleton.

7.6.3 As such we would argue that the proposed development at Mickleton is not likely to support growth, innovation and improve productivity and question whether there would be adequate local employment opportunities available for people moving into the development.

7.6.4 The working from home culture which arose due to necessity during COVID is now reversing as employers realise that productivity has been detrimentally impacted so any argument that employment opportunities can be satisfied by home working is not sustainable in the long term.

7.7 Population Increase

7.7.1 Between 2011 and 2021 the population of Mickleton increased by 38%. Taking account of all towns and larger villages within the Cotswold District Council's region, this was the second largest increase with only Moreton-in-Marsh recording a larger increase.

7.7.2 The population increase in other towns and villages within the region was much lower - for example the increase in Cirencester was only 6%. The total population increase across the whole of the CDC region was 9.6%.

7.7.3 It is quite clear that Mickleton has already incurred a disproportionate increase in population. We would suggest that the village is seen as a "soft touch" for development because technically the main part of the village is just outside the Cotswolds National Landscape and there are less restrictions on development than areas which are within it.

7.7.4 It is simply not fair or reasonable for Mickleton to continue to take the brunt of new development when it has already suffered large scale development over the last 10 years. If the proposed development is allowed to proceed then it is likely that this would result in the population of the village increasing by well over 50% since 2011 but with virtually no change to the village infrastructure and amenities.

7.7.5 Future development should be focused on those locations which have not already suffered such large population increases and where the infrastructure and necessary amenities are already in place to support growth. This is what is meant by sustainable development.

7.8 Effect on Environment

7.8.1 We have already commented on the increased traffic flow along the High Street and other village roads and the detrimental effect this would have on the character of the village, the conservation area and the historic/Grade 2 listed buildings.

7.8.2 In addition the section of the Heart of England Way (HOEW) between Mickleton and Lower Quinton runs right through the centre of the site of the proposed development and the site is also close to Meon Hill and the Iron Age Fort (a Scheduled Monument) which are within the Cotswolds National Landscapes. This is part of the village's natural and historic environment which should be protected.

7.8.3 The proposed development includes an estate road which cuts across the HOEW. According to the plans this road will be required to give access to at least 50 houses so the daily traffic using the road and having to cross the HOEW will be considerable. This will have a significant detrimental effect on the tranquil character of the HOEW as there would be large scale development on both sides of it. Also there would be a potential hazard to users where the estate road crosses the HOEW.

7.8.4 It is not clear from the Land Registry documents who actually owns this section of the HOEW so we would question whether the developer has the right to construct an estate road which cuts across the HOEW.

7.8.5 The design of the proposed development shows high density housing with little open space. This would result in a significant reduction in the area of the agricultural buffer land which currently exists between the existing Shepherds Fold development and Meon Hill and would present as a harsh urban looking perimeter to the eastern boundary of the village visible particularly from Granbrook Lane coming from Ilmington with inadequate transition between housing and open fields. This would have a detrimental impact on the rural aspect of this part of the village and the views between this area and the adjacent Cotswolds National Landscape.

7.8.6 The high density nature of the design with lack of open space looks more appropriate for a brownfield inner city site rather than a rural Cotswolds village on the edge of the Cotswolds National Landscape. The most recent large development at Mickleton was the Oak Grange development where housing density is much lower and there are far more open spaces and footpaths. The proposed design shows a total disregard for the environment.

7.8.7 For these reasons we would argue that the proposed development fails to provide adequate open spaces and does not adequately protect this part of the village's natural and historic environment.

7.9 Local Plan

7.9.1 The CDC Local Plan 2011-2031 concluded that due to environmental constraints and the size of the village, recent growth and lack of developable and deliverable land, no further housing allocations would be made in Mickleton. Furthermore the site of the proposed development falls outside the village's development boundary as shown on the Local Plan.

7.9.2 Although certain parts of the Local Plan now carry less weight due to the publication of the NPPF, this does not in any way alter the conclusions which CDC reached in the Local Plan about future development in Mickleton and the development boundary which should apply to the village. Those constraints still apply notwithstanding that central Government has increased CDC's housing target.

7.9.3 So if CDC concluded that development in the village was not sustainable when the Local Plan was published, why should it suddenly become sustainable now just because housing targets have altered?

7.10 Conclusion

7.10.1. The key question is whether the benefits of this proposed development outweigh the adverse impacts.

7.10.2 In practice what are the benefits? We would suggest that the only conceivable benefit is that it would increase the region's housing stock by 120 and create some affordable homes for those people who want to live in the village but cannot afford to buy an existing property. It is difficult to see what other benefits would arise given the location of the site.

7.10.3 On the other hand and as already demonstrated, the adverse impacts include increased traffic and congestion in the village, additional strain on overstretched essential services such as medical and dental practices and schools and a detrimental effect on the overall character of the village, the conservation area and the village's natural and historic environment.

7.10.4 The proposed development does not support growth nor improve productivity. It also does nothing to improve village infrastructure - on the contrary it puts additional strain on it. It harms rather than protects or enhances the village's natural and historic environment.

7.10.5 Mickleton is a rural village some distance away from local towns. It is not a town or a suburb and should not become one. Although parts of the village are not technically in the Cotswolds National Landscape it does border it and most visitors and objective people would see it as a typical Cotswolds village which needs to be protected. You only have to walk around the village to see that. It has already suffered extensive development, disproportionate compared with other nearby towns and villages. It cannot and should not be expected to accommodate further development.

7.10.6 In our view the adverse impacts of this proposed development would significantly outweigh the very limited benefit and as such the application for outline planning permission should be refused.'

8. Other Representations:

8.1 Approximately 148 objections, 8 support and 3 general comments received.

8.2 Main grounds of objection are:

- i) The views and land that will be ruined as well as the impact it will have on so many people and houses makes this utterly ridiculous. Absolutely no need for any more houses in this section of Mickleton and an alternative area should be found that is less invasive on some many people.
- ii) Mickleton is over-developed. There have been 3 recent huge developments.
- iii) Inadequate infrastructure.
- iv) Difficult to obtain doctor and dentist appointments.
- v) Mickleton school is not big enough.
- vi) Mickleton is a small village that does not have the amenities to support more developments. These additional houses will put more pressure on roads not suitable to support. The traffic through the village is unsustainable for more housing. There is already significant development taking place in the area with Meon Vale and the airfield nearby with huge developments and houses constantly for sale. We do not have the infrastructure to support more developments in this area. We need the green spaces and fields for farming. We do not need more light pollution for the wildlife that are already struggling. There are not sufficient bus routes and traffic in each direction is already a huge challenge.
- vii) Last year there was a fire on my drive due to my neighbours car having a fault. It took the fire department nearly 45 minutes to get to my house due to them coming from Stratford upon Avon & Broadway. Warwickshire and Worcestershire. There are 2 fire stations less than 10 minutes away from Mickleton but due to funding from the government they can't afford to be on call all the time. I was told by the firemen that it takes longer for them to come as it's over the border. I nearly lost my home.

viii) The area is approximately 1 mile from any services. Hence living in this area will involve constant car travel as most households involve all members working with limited time to walk to the amenities. The properties will have 1 to 4 vehicles so minimum additional vehicles on struggling roads will be 200.

ix) This application is close to AONB with The Cotswolds AONB Management Plan Policy CE5 seeks to increase the areas of dark skies in the Cotswolds and requires proposals to avoid and minimise light pollution. Adverse impact on dark skies and nocturnal species.

x) This proposal represents overdevelopment and places further strain on the village's limited infrastructure, services, and amenities, which are already struggling to meet the needs of our growing population. The scale of this development is unsustainable and will irreversibly change the character and rural identity of our community.

xi) Adverse impact on the surrounding landscape. The proposed site borders the Heart of England Way, a cherished walking route that offers both residents and visitors stunning views of the countryside, including the iconic Meon Hill a documented historic fort. This development would seriously degrade these views, undermining the natural beauty and heritage value of the area. Once lost, this valued landscape and its visual amenity cannot be recovered.

xii) The field in question provides a vital green buffer and contributes to the openness and rural setting of the village. To remove this is to erode the very fabric that makes our village special. There is no landscape buffer on the South side of the development which reflects the developers' attitude towards existing people in the village.

xiii) The proposed site lies on productive farmland that contributes significantly to the rural character of Mickleton. Developing this land would result in the permanent loss of open countryside and severely compromise the stunning, unspoiled views toward Meon Hill - a cherished local landscape. This visual and environmental impact would be irreversible and entirely inappropriate for such a sensitive location.

xiv) The Heart of England Way, a nationally recognised long-distance footpath, runs directly through this area. Any development here would undermine the integrity and enjoyment of this important public route, which is widely used by both residents and visitors. The character of this well-loved trail would be lost to housing encroachment.

xv) Adding 120 dwellings to this part of Mickleton represents a disproportionate and unsustainable expansion of the village. Such a scale of development is entirely out of keeping with the size, character, and historic form of the settlement. Rather than enhancing the village, it would overwhelm it, eroding the very qualities that make Mickleton a desirable and distinctive place to live.

xvi) This proposal would also significantly impact the amenity of nearby residents, particularly those living on Nursery Close. The close proximity of the new development would lead to a loss of privacy, daylight, and general quality of life for existing households.

xvii) Mickleton's local infrastructure is already under pressure. Services such as schools, GP surgeries, and dental practices are struggling to meet current demand. Introducing 120 new homes would only worsen the situation - and there is no clear evidence that the necessary infrastructure improvements will be delivered, or even planned.

xviii) Horrified that plans of this nature could even be considered with already proposals to build more houses over by Cotswold edge, taking into account the fairly recent development by Newlands, Miller homes and Cala homes.

xix) Adverse highway impact. It would more than double the amount of houses already on Furrow Way and funnel them all out of one road. It would cause havoc for existing residents and severely impact on traffic turning left or right out of Furrow Way.

xx) Furrow way itself already has an over proportionate level of traffic, some of which travels at excessive and dangerous speeds which has been reported to the Police on a number of occasions, add another few hundred cars and associated delivery drivers speeding up and down the road and accidents will occur. This proposal is another example of over development with no real consideration on the impact to the village or local area, with no amenities or the infrastructure to cope, no space at local schools, no space at local doctors/dentists, and as has been already mentioned the Police are constantly having to attend major incidents in Mickleton already which are massively disproportionate to size of the village and number of residents, so adding more fuel to that bonfire will continue to add more misery to residents as the proposed development will create a rabbit warren for criminality that the Police just simply do not have the manpower or resources to deal with, giving criminals even more easy targets for burglary etc. The fact the development is also proposing building up to the base of Meon Hill is heart-breaking in itself as its

massively going to ruin the outlook and views over the local countryside , and bring with it more noise and light pollution not to mention a loss of general amenity as the majority of residents use that land for regular walking and exercise.

xxi) Furrow Way is still not an adopted road. It has three or four right-angle turns which makes it very unsatisfactory as a through road for construction traffic and then for an additional 240 odd extra cars. Parked cars along the road are also an additional problem, as are children who play in the street.

xxii) The existing Estate around Furrow Way was designed for 78 houses. The proposed development of a further 120 house would mean that its thoroughfare would have to cope with cars from 2 1/2 times the number of dwellings.

xxiii) Houses in Furrow Way are also very near the curb and would suffer noise and air pollution from the additional traffic.

xxiv) Canada Lane which runs adjacent to Furrow Way is a public footpath with a children's play area along it. It is not a public right of way. The proposed development straddles Canada Lane, and it is obvious cars and vans will use it instead of Furrow Way, even if they are prohibited as it is a straight path. Canada Way is well used by walkers - it forms part of the Heart of England Way, and children. It also provides access for farm machinery to the farm buildings at the end of the lane. It would not, therefore, be possible to fence off Canada Lane between the two sides of the proposed development, and that would leave open access from the new development.

xxv) Road Access to Stratford Road. There is already a huge issue as cars turning into the main road have restricted sightlines, especially of the traffic coming at speed into the village. The plan claims that there will be no significant impact on the traffic in Mickleton which is palpably false. Road traffic figures used in the proposal date from 2019. There has been considerable increase in traffic flow since then, not least in delivery vans.

xxvi) Lack of services to cope with the 200+ extra people in these houses. No doctors, dentists, irregular bus services, poor access to Emergency Services, lack of space in local schools. There are also extremely limited employment opportunities locally.

xxvii) An ongoing problem with social housing has been its allocation to people who are not from this area.

xxviii) We simply do not have the infrastructure to accommodate another 120 homes in the village. The local GP and school is not equipped to accommodate this increase. We have very few amenities in the village as it and we do not have good transport links. The increased traffic through the village would be hazardous and the crime rate is sadly already increasing and this has the potential to make it worse. We hardly see any police presence in the village and being in the location we are it seems to take forever to access emergency services.

xxix) Seems like this planning permission is based on a requirement to hit number targets as to how many new builds can be crammed into available area. No consideration seems to be given to either the provision of wider infrastructure, which will be required with the resulting population increase, or the potential destruction of an area of beautiful countryside giving a negative effect on our beautiful old English village (Mickleton).

xxx) Unsustainable Greenfield Location: The site is outside the settlement boundary, conflicting with sustainable development principles and rural landscape protection. A district housing shortfall doesn't justify such harmful development.

xxxi) The proposed development relies on a single access point via Furrow Way, which is a narrow and winding road. This route already presents challenges for existing residents, and the increased traffic, particularly from construction vehicles, would pose a serious safety risk.

xxxii) The land at the back of Meon Hill, where the development is proposed, has a known history of flooding due to runoff from the hill. Introducing 120 new homes and the associated infrastructure on this site would likely worsen this issue. Without a robust and evidence-based solution to manage water runoff and protect nearby properties, this development could lead to severe environmental and structural problems in the future.

xxxiii) Furrow Way and the surrounding development roads are privately owned, unadopted roads which I believe were not up to standard for the council to adopt and are an ongoing nightmare for residents with numerous repairs to date. As such there are a number concerns regarding the impact of a large volume of additional vehicular traffic including construction vehicles and an additional c.240 vehicles for the new properties.

xxxiv) As an existing resident Furrow Way itself is subject to many access issues already - the end of the estate has plants growing which completely obstruct

views onto the Stratford Road (seasonal) and a waiting disaster as ownership/responsibility is not known . Stratford Road grass verges also obstruct view and overgrown making the footpath impassable at times. Further the 'S' bend or 'chicane' at the beginning of the estate is very poorly designed for traffic flow and a near miss/ regular issue as it is difficult to navigate the bends without going on the wrong side of the road in a standard car and with residents also parking on the corners it is impossible to see to go around cars - more than doubling traffic flow will be a significant problem and it's not fit for purpose as it is.

xxxv) There are issues relating to the management of the existing development, such as landscaping and roads being unadopted. How would two different Management companies interact and who is responsible for what? We still have issues outstanding /unresolved with Cala Homes on the current estate 8 years on from completion.

xxxvi) It is beyond dispute that this Iron Age hillfort is a Designated Heritage Asset and also a component of the Cotswold National Landscape (formerly AONB) since 1990. It is also one of only two scheduled monuments in Warwickshire.

xxxvii) I would contend that the existing vista of Meon Hill from Canada Lane /the Heart of England Way at the field edge of the Cala development will be lost, thus impacting on the setting of the heritage asset and National landscape. Furthermore, views from Meon Hill over the village and beyond to the greater escarpment between Ilmington and Ebrington will also be adversely impacted to the detriment of their respective settings. Nothing can be done to ameliorate such damaging consequences.

xxxviii) Adverse noise and light pollution and pollution from vehicles.

xxxix) The Cala development, in around 2016, entailed the construction of some 80 dwellings on a site of 4.65 hectares. The present proposal envisages 120 houses being built on 5.09 hectares. To achieve the same density in the present circumstances the developer would need to have around 7 hectares to build on and so is nearly two hectares light. This illustrates that there must be a considerably higher and inappropriate density involved in the present case. I suggest that the scale and density are inappropriate in relation to both the built and natural environment and unsympathetic and out of character with these surroundings.

xl) Previous flooding issues on the site.

xli) Back in 2013, there was a Development Strategy Evidence paper, produced by CDC, which stipulated that 80 dwellings should be built in Mickleton during the Local Plan period between 2011 and 2031. In reality, over three times this amount, some 257 dwellings, were constructed during the five years or so thereafter. This resulted in a 30 per cent rise in the village population and represented a disproportionate contribution to the District's housing targets/needs. There was no commensurate alignment of infrastructure to absorb such a huge increase. Another 120 dwellings will swell the population by a further 14 per cent, which exacerbates the existing disproportionality and undermines social cohesion and a sense of community, better achieved by gradual and organic incremental growth that can be more readily absorbed by the existing settlement. The present large scale, bolted on estate, at the North-Eastern extremity of the village, beyond its development boundary, is far from the school and village centre with limited facilities and services and will not integrate well with the existing community.

xlii) Impact on privacy and amenity of occupiers of neighbouring properties.

xliii) Cotswold District Council's 'Policy S17: Mickleton states: '7.20.2 Whilst there is limited employment within Mickleton, employment opportunities are available at Weston-sub-Edge, Willersey and Chipping Campden, all within five miles. Tourism also plays an important role locally.' & '7.20.5 Planning permission has been granted for a substantial development of 1,050 houses; self-catering lodges; and holiday homes at the Long Marston Estate (now called Meon Vale) in Stratford-on-Avon District, north of Mickleton. The development provides 367 affordable homes (a 35% affordable housing requirement) and residents from the Campden Vale Ward qualify. (ii) No additional employment is proposed as part of the development over and above the existing storage and distribution uses, although it will include a leisure hub, grass and astro-turf sports pitches, which will benefit residents in the north of the District.' This policy acknowledge the fact that there are currently limited local employment opportunities with no current and/or future employment expansion plans in the local area. It also acknowledges the significant Meon Vale development that already has 367 affordable homes that 'residents from the Campden Vale Ward qualify' for. Considering this policy and the other nearby and significant housing development at Fernleigh Park, I do not believe a further 120 dwellings are required in Mickleton. From the facts presented, I can only conclude that there is currently no significant and/or immediate requirement for additional dwellings in Mickleton.

xliv) Residents in Furrow Way and Mattock Mews were told by Cala Homes on purchase that these roads would be adopted by Gloucestershire County

Council for ongoing repair and maintenance. I understand from the site managing company REMUS that this did not happen. 1. Therefore, as these roads have not been adopted it is unclear as to who will be responsible for their ongoing repair and maintenance.

2. Any consideration of access to this site via Furrow Way should be put on hold until this road has been adopted by Gloucestershire County Council.

xlvi) Impact on protected species such as great crested newts.

xlvi) Having worked within Environmental Consultancy and written numerous LVAs, I believe that the LVA submitted for this development is sub-par in standard. The report disregards several negative impacts that the development will have on the surrounding visual environment and the Historical Monument upon Meon Hill. This is confirmed by the consultee response from Planscape which states that a selection of 'the judgements regarding visual sensitivity and the magnitude of change appear understated'. Additionally, the LVA places significant emphasis on the mitigation planting within the landscape design to reduce the developments impact. However, the absence of a substantial landscape margin within the design, coupled with the fact that the planting would take several years to provide any level of visual buffer, undermines the LVA's conclusion. Additionally, the photography used within the LVA is limited which, coupled with the lack of wireframes or verified visualisations, seeks to understate the level of visual impact that the development would have in order to provide a beneficial outcome for the developer - in this case, that the development would be of little impact, when this is clearly incorrect. The methodology employed for the sensitivity ratings and its effects are also inconsistent throughout the report, demonstrating a lack of attention to detail that this development proposal as a whole consistently demonstrates.

xlvi) The singular access road to the proposed development is also inadequate as it passes through Shepherds Fold. This is a housing area that is already under exceeding amounts of pressure from high vehicle traffic, with cars regularly parked on both sides of the road making the road one way. The access road will not be able to accommodate road traffic for an additional 120 houses and as such, the access road is highly inadequate for use.

xlvi) A road will have to cross the Heart of England Way.

xlvi) Loss of agricultural land.

l) Impact on tourism.

li) Meon Hill is a breathtaking, farmed, natural landscape that is admired from people all over the world. Its rich history dates to the iron age of which numerous archaeological finds have been discovered. Trading farm land for a housing development at the base of this historic and picturesque site would cause irreversible damage to the landscape and huge distress to the local community.

lii) On two separate occasions I have found Great Crested Newts at the front of our property, meters away from the boundary fence. These sightings have been recorded with Amphibian and Reptile Conservation. The only way these beautiful creatures could have accessed our property is via the proposed development site.

liii) I can confirm that large quantities of surface water run-off has caused significant flooding; requiring the Shepherds Fold developer (Cala) to provide additional drainage (despite having installed the swales and ponds as per their design). A significant number of new properties is likely to increase the amount of surface water run-off, which in turn is likely to overwhelm the original Cala infrastructure as well as the additional drainage channel along the back of the development

8.3 **Main grounds of support are:**

i) I fully support this development with the provision of social housing. I am one of many families in social housing in Mickleton who have outgrown our homes and are in need of 3 bedroom housing. There is no such affordable social housing in this village or other nearby Cotswold villages so there is a huge demand for this. And I hope that provisions can be made for this to happen and be allocated to those with a strong local connection to the village. However, the village does need better facilities such as a bigger school and help with repairing / building the club at the sports field. In addition to this the playing field on the existing estate would need better play equipment for all ages as currently only has one or two pieces of play equipment and is spread out so not even a real play area. I genuinely hope this proposal is passed and we can make the village even better.

ii) I'm all for this development, it is something I feel is needed as at this moment in time my partner and I can't get a 3 bedroom house for our 2 teenage boys and 14 month old baby anywhere near where our family and work places are. we need to make sure the village gets what it needs! We need a Dr's surgery, Meon Surgery can only take so much before that starts to not work, we will need a new primary school with better facilities to accommodate pick up

and drop off because it is crazy at the moment. I'd like to see some funding or development for a proper sports club down at the sports field to help the younger generation with at least something to do.

iii) Fully support. Big social housing need for the children who have grown up in the village now wanting to stay in the village. There is no affordable rented accommodation here for them, house prices are too high and there are no houses to buy for 1st time buyers. Green spaces and a doctors' surgery is a must as well as a bigger or additional school.

iv) It is my belief that there is insufficient housing available for those living in the northern edges of the Cotswolds. Young adults are not able to take advantage of Help To Buy schemes due to a lack of available qualifying properties. Many objectors suggest other land be used but this is not available or prohibitively expensive, resulting in properties that are not suitable for first time buyers. I also believe that the number of dwellings proposed is relatively minimal, and that the people moving to the area will provide revenue to local businesses. It will also provide a source of employment in the local area.

v) I support this development because it will give local people a chance to live in the village where they've been bought up.

vi) I don't think 120 houses is the right number of properties for that plot of land but the village does need more affordable housing. My daughter can't get a social rented house within 25 miles of Mickleton and she's lived here her entire life, my grandson will also be at the age he wants to leave home in a few years and there's no rental properties for him either. There also isn't a drs surgery in the village either and something needs to be done about this before anything is built.

vii) The village is in dire need of a doctor's surgery, better traffic calming measures and a mixed use centre for its young people. You cannot bring families to the village unless you give them something to do, a safe place to do it and the ability to get help should they break something whilst doing it. It is also in need of socially rented housing for the young persons of this village to be able lay their own roots in which they themselves have grown. Now, 120 houses is ridiculous and far too vast a number for the space in which you plan to build it. Fewer houses, bigger gardens and more open green spaces to allow for a better landscape fitting to its current surroundings would be far more acceptable than the current proposal. Boarders would also need to encourage and protect the existing wildlife.

viii) Now you take into consideration that there is a doctor's surgery 2 miles away servicing the village. This is also servicing 6000 houses that are being developed across the border and is not acceptable to use this as part of your "good infrastructure" a new local surgery is a must. However there are plans for 2 local primary schools and a high school within this 2 miles across the border so that should alleviate some of the issues relating to the schools here. To summarise: A better revised proposal with good sized socially rentable housing, softer borders, more green spaces with sympathy to the view of Meon hill and a substantial contribution to providing a social hub and sports facility for the village would absolutely get my support. And probably more of the village too.

8.4 **General comments are:**

i) I live on Stratford Road and the traffic from all of the new building within and around Mickleton has grown considerably making the Stratford Road and through the village very dangerous. This development is obviously going to be built and always has been so we would like an improvement to the foot path all the way along the Stratford Road to make it safe for all to use and either lower the speed limit or put speed cameras in the 40. There also needs to be some control to traffic through the village. This is a Village and needs to be kept as one.

ii) Whilst I am very much in favour of some limited affordable housing to enable young people to stay in the village and for young families to have access to larger accommodations as their families grow, the infrastructure of the village needs to be significantly improved before further developments are considered. There is already huge strain on the already saturated road infrastructure to towns such as Stratford and the Motorway network, and the bus services are not sufficient. i.e. there are no busses on a Sunday, irregular busses (4hrs apart) during the week and those just in one line of travel, and no busses to get young people to school / college in Stratford.

iii) We have lost many facilities in recent years: the Doctor's surgery, the Post Office, numerous shops and the Bank. The current amenities are not sufficient to deal with existing demand. Before further development is considered a sustainable plan needs to be developed whereby the needs of the current residents are adequately met. Two key issues here are the access to medical and educational facilities.

iv) Would brown field sites be better used?

8.5 Heart of England Way Association

8.5.1 I am the Secretary for the Heart of England Way Association and am responding under the authority of the Association. The Heart of England Way is a long established, 100-mile long distance path running from Cannock Chase to Bourton-on-the-Water. The Association supports the promotion and maintenance of the route, which is waymarked and shown on OS maps. It has also been incorporated into the "E2" European Long Distance path running from Stranraer to Athens. The European Ramblers Association has plans to promote route "E2" in 2026. So this is a public right of way of substantial significance and not merely of local interest. It is very popular among long distance walkers and attracts people from all parts of the UK and Europe, bringing economic as well as health and recreational benefit to the towns and villages on its route.

8.5.2 The Heart of England Way passes right through the centre of the proposed development and as such the between the development site and Upper Quinton that do not involve major diversions comprising substantial distances of road walking, which is both hazardous and unpleasant. Therefore, maintenance of the route both during and post-construction will need to be managed within or near to the boundary of the development.

8.5.3 I note the comments of the Public Rights of Way Officer regarding protection of the right of way through the site, and subject to one amendment the requirements set out in their comments should be incorporated into a planning condition if the development is to proceed. The one amendment to their requirements is where they say that it is "preferable" to provide a suitable alternative route if the existing route needs to be temporarily closed. In view of the nature of this right of way and my above comments about a lack of off-site alternative routes in this case it is not acceptable to temporarily close the route without providing a viable alternative within or near to the boundary of the development. Therefore I am asking for a condition that a temporary closure should not take place unless an alternative route that does not involve extensive road walking has been defined and agreed by the Planning Authority in advance of the closure, and that notices describing the alternative route have been posted at each end of the diversion. The Association would welcome consultation prior to any such temporary closure/diversion and will contribute constructively to secure alternatives that meet the needs of both walkers and the developer. We will be willing to post any such diversions on our website to help to avoid any confusion or conflict between walkers and builders.

8.5.4 I note the proposed retention of the public footpath post-development as described in the Indicative Landscape Masterplan (ILM). If the development should proceed, retention of the right of way as described in the ILM should be the subject of a suitable planning condition to ensure it is provided as described.

8.5.5 In the absence of any of the conditions as described above the Heart of England Way Association would be in objection to the development. However, if conditions can be attached as described above, in full, our position would become neutral.'

8.6 Gloucestershire Wildlife Trust

'Site & Ecological Context

8.6.1 The site comprises 5.09 ha of arable farmland divided by Canada Lane, bounded by existing housing to the west and south and open farmland to the north and east. Habitats on site include scattered native trees, bramble margins, dry ditch features, and hedgerows. Great crested newts (GCN) have been confirmed present in a pond immediately adjacent to the southern site boundary. The wider context includes patches of High Priority Woodland Habitat and Network-connected hedgerow corridors, which create a moderate opportunity for local ecological integration. The site lies outside any statutory designations or IRZs, though LWSs are located within 1.5 km.

BNG

Habitat + 10.08%

Hedgerows + 41.31%

Water Courses + 86.72%

8.6.2 All BNG is proposed on-site. Trading rules are satisfied and the delivery mix includes arable-to-grassland conversion, ditch enhancement, and hedgerow creation. However, delivery relies on assumed condition uplift which will require long-term enforcement.

Arboriculture & Green Infrastructure

8.6.3 Eight Category C trees are proposed for removal; none are of high arboricultural quality or legal constraint. An avenue of Poplars along Canada Lane will require crown lifting to 3.5m, which falls within best practice. Approximately 288 replacement trees are proposed as part of a wider landscape

framework including meadow edge planting, hedgerow reinforcement, and a large SUDS basin in the northeast. The GI layout creates structured green corridors along site boundaries and is intended to support GCN movement and provide wider habitat value.

8.6.4 There is opportunity to further strengthen the site's integration with the local Nature Recovery Network, particularly to the north and east, where priority woodland and hedgerow habitats lie beyond the site boundary. If secured through future phasing, off-site planting, or long-term management agreements, these connections could deliver more meaningful landscape-scale ecological function. The existing layout provides a basic structural framework for this, but more deliberate tie-in with external habitat corridors would support NRN objectives and enhance long-term ecological resilience.

Drainage & SUDS

8.6.5 Surface water will discharge to the adjacent watercourse, with infiltration ruled out due to clay subsoils. The strategy includes a large attenuation basin, part-wet with permanent pond features, and designed to QBAR with 1-in-100 year plus 40% climate change storage. A Simple Index Approach confirms pollution mitigation is sufficient. Exceedance routing has been mapped and avoids impact to dwellings.

Recommendations

8.6.6 The proposal achieves the required +10% net gain in habitats and exceeds it for linear features. GCN presence is acknowledged and reasonably mitigated through a network of corridors and refuge features. The SUDS basin offers multifunctional GI if delivered to spec.

8.6.7 Planning consent is supportable on ecological grounds subject to conditions securing:

- A 20+ year LEMP with adaptive management*
- BNG is secured prior to occupation*
- SUDS is secured prior to occupation*
- Prior to commencement of each phase of development, a Construction Environmental Management Plan (CEMP) shall be submitted.'*

8.7 CPRE North Cotswolds District

8.7.1 CPRE recognises that the revised housing targets have left the district vulnerable to speculative development on sites that are not supported by appropriate infrastructure and fall outside the scope of the existing local plan.

8.7.2 In the Applicant's Design and Access Statement, the agent argues that existing policy is superseded by the absence of the required five-year supply of land for housing. Given the increase in the housing requirement from 420 dwellings a year in the adopted Local Plan to 1,036 dwellings a year arising from the revised standard methodology, the lack of a five-year supply is hardly surprising. CPRE has long believed that this measure has a disproportionate influence on the outcome for applications for housing, whether in decisions made by local planning authorities or at appeal.

8.7.3 CPRE acknowledges that the National Policy Planning Framework (NPPF) has, at its heart, a presumption in favour of sustainable development but that NPPF para 11 (d) requires:

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

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

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

ii We do not consider this application to be sustainable development. In our view it would have an adverse impact on the village, a designated heritage asset and the rural landscape adjacent to the Cotswolds National Landscape, previously the Cotswolds Area of Outstanding Natural Beauty.

The Site and its Surroundings

8.7.4 Representatives from CPRE visited the application site and walked the roads and public rights of way in the vicinity on 18th July 2025.

8.7.5 The application site comprises open arable land located at the north-eastern edge of Mickleton, forming part of the rural transition between the settlement and the surrounding countryside.

8.7.6 While the site itself does not fall within any designation, it occupies a visually sensitive edge-of-settlement location which borders the Cotswold National Landscape. There are wide-ranging views between the site and the Cotswold National Landscape and Meon Hill.

Landscape Impact

8.7.7 CPRE supports the view of the landscape officer that:

8.7.8 'In landscape terms, the proposed development would result in a noticeable and permanent change to the character of this part of Mickleton. The site currently plays an important role in defining the rural edge of the village and contributes to the sense of separation between settlement and open countryside, particularly when viewed from the east and south-east. While some adjacent development influences the context, this diminishes with distance, and the openness of the site remains a key part of its character and visual sensitivity'

8.7.9 CPRE is concerned about the high density of housing proposed and the degree to which its impact can be mitigated. The applicant claims that a key aspect of the proposal is 'establishing a more appropriate interface between the settlement and the surrounding countryside..' This would be achieved by a perimeter green buffer intended to soften the interface between the proposed development and the rural landscape. However, large sections of the buffer are not wide enough to achieve this aim and almost non-existent along the southern boundary of the site where the lack of a buffer will have a significant impact on the residents of Nursery Close and Hill View Close.

8.7.10 Our concerns are reinforced by the Biodiversity Officer:

8.7.11 'The indicative plans demonstrate a lack of ecological connectivity across the site and around the peripheries to the wider network, with ecological fragmentation likely. The width of buffer zones is insufficient and unlikely to provide any ecological benefit given the substantial built form proposed. The inclusion of footpaths and play equipment within the majority of these buffer

zones also means that the buffers zones are likely to be subject to frequent disturbance and diverse pressures, and will not provide any ecological benefit'.

Impact on a Heritage Asset

8.7.12 The impact of the proposed development on the views from the village edge and, in particular, from the Heart of England way towards Meon Hill are of significant concern. Meon Hill sits within the Cotswold National Landscape and is designated as a Scheduled Monument. It is a multivallate hillfort and one of only two large multivallate hillforts in Warwickshire. The hillfort and its setting should therefore be protected by the NPPF.

8.7.13 NPPF para 212 states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'

8.7.14 NPPF para 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

8.7.15 In addition, Meon Hill is an escarpment outlier and an important landmark in its own right, being viewed from miles around. Outliers are a distinctive, highly visible landscape type that often retains a remote character. As a result, the hills are highly sensitive to change that would introduce built elements to otherwise agricultural landscapes.

8.7.16 CNL's Landscape and Strategy Guidelines 2016 states that planners should:

'Avoid development that may restrict or obscure views to the upper slope, skylines or sweeping views across the landscape and to distinctive features such as folly towers and hillforts'.

Loss of Recreational Amenity

8.7.17 The proposed site is crossed by two public rights of way. HMN5, known locally as Canada Lane, runs centrally through the existing estate and the proposed estate. Canada Lane is a wide track, lined by trees which were planted

by members of the community to commemorate the late Queen's Diamond jubilee. It forms part of a long-distance route (LDR), the Heart of England Way. In addition to being an important national LDR, the Heart of England Way has also been incorporated into the "E2" European Long Distance path running from Stranraer to Athens. The European Ramblers Association has plans to promote route "E2" in 2026.

8.7.18 The National Planning Policy Framework states in paragraph 105 that:

'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

8.7.19 Canada Lane is very well-used by local residents, walkers and tourists. CPRE contends that the proposed development will not protect or enhance these public rights of way and, indeed they could become hazardous to the public, particularly at the point where the proposed road crosses from one side of the site to the other.

Lack of Infrastructure

8.7.20 CPRE understands that 'Infrastructure First' is a prominent ambition of Cotswold District Council. Development that is not plan-led is less likely to benefit from long-term infrastructure planning and is unlikely to provide infrastructure benefits. Local services, such as hospitals, doctors, schools, transport infrastructure and sewage treatment works would therefore be likely to be further stretched due to the lack of planned investment and new facilities.

8.7.21 Since 2011, Mickleton has seen considerable development, increasing the population by some 38%. The cumulative effect of this recent development on the infrastructure of Mickleton has not been to the benefit of the village. There are very limited employment opportunities and the number of local businesses has, in fact, declined. The primary school is at capacity with no room to expand and there is no GP surgery in the village. Residents describe a lack of social cohesion and sense of community.

Access

8.7.22 The proposed access to the site is through the Shepherd's Fold (Cala Homes) development, via Furrow Way/Ridge Close. Furrow Way and the roads on the surrounding development are privately owned, unadopted roads.

Residents of Shepherd's Fold currently experience problems with access along Furrow Way, which has a number of tight bends and is often reduced to single file by parked vehicles. In our view, Furrow Way would not provide suitable and safe access for vehicles either during the construction phase, or post-development, for an estimated 120 to 240 additional vehicles making multiple trips each day.

8.7.23 As Canada Lane (described above) is wide enough to allow vehicle access to farm buildings, CPRE would want to know how other vehicles would be prevented from using it as an alternative to Furrow Way for access to the proposed development.

Conclusion

8.7.24 CPRE would ask the council to consider this development in the light of other development applications within the village and together with the active consultation for significant expansion of the existing developments at Meon Vale and Long Marston.

8.7.25 We submit that the adverse impacts of permitting this development would significantly and demonstrably outweigh any benefits and respectfully ask that this application be refused.'

8.8 Cotswolds National Landscape Board

8.8.1 'In reaching its planning decision, the local planning authority (LPA) has a duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.³ This duty should be explicitly addressed within the decision including an explanation of how the LPA considers the duty has been discharged. Further information on this new duty is provided in Appendix 1 below and the Board recommends that, in fulfilling this 'duty to seek to further the purpose', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds National Landscape Management Plan 2025-2030 (link);*
- Cotswolds AONB Landscape Character Assessment (link) particularly, in this instance, with regards to Landscape Character Types (LCT) 19 (Unwooded Vale), 2 (Escarpment) and 1 (Escarpment Outliers) from which the site is visible;*

- *Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance, regards to LCT 19 (link) including Section 19.1, LCT 2 (link), including Section 2.1 and LCT 1 (link), including Section 1.1;*
- *Cotswolds AONB Local Distinctiveness and Landscape Change (link); and*
- *Cotswolds National Landscape Board Position Statements (link) particularly, in this instance, the Housing Position Statement (link) and its appendices (link), Development in the Setting of the AONB (link), Tranquillity Position Statement (link), Landscape-led Development Position Statement (link) and its appendices (link) and the Dark Skies and Artificial Light Position Statement (link) and its appendices (link 1, link 2, link 3).*

8.8.2 Having reviewed the application, the Board objects to the application for the reasons expanded upon in Annex 1 below. We consider that, due to the quantum and location of development proposed and lack of effective mitigation and/or enhancement, the proposal would not conserve and enhance the landscape and scenic beauty of the CNL and would potentially harm views to and from the CNL, its dark skies and its tranquillity, these being three of its special qualities.

8.8.3 As such it would conflict with Cotswold District Local Plan Policy EN5 and paragraph 189 of the NPPF and would not accord with Policies CE1, CE5, CE6 and CE13 of the CNL Management Plan. It also conflicts with the requirement of paragraph 189 that development within the setting of National Landscapes "should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas". The Board considers that for the purposes of NPPF paragraph 11d) i), these conflicts provide a strong reason for refusal.

8.8.4 The proposal also provides neither an effective means of mitigating this harm nor any enhancement to the CNL or its setting and would not further the purpose of the CNL's designation, that being the conservation and enhancement of its natural beauty, as required by s.85 of the Countryside and Rights of Way Act 2000 ('CRoW Act').

8.8.5 DEFRA guidance for relevant authorities (referred to in Appendix 1 below) states that as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes. This goes beyond mitigation and like for like measures and replacement. The proposed measures to further the statutory purpose of a

National Landscape should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured.

8.8.6 The 'seek to further' duty does not preclude decisions that are 'net harmful' to the natural beauty of a National Landscape. However, positive evidence is required to demonstrate that the relevant authority has, in all the circumstances, sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. The Board does not consider that all reasonably practicable steps have yet been taken to seek to further the purpose of designation and, therefore, the seek to further duty cannot yet be adequately met.

8.8.7 Without prejudice, if the LPA is minded to permit this application, it should provide proportionate, reasoned, and documented evidence to demonstrate how it sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. If it is not practicable or feasible to take measures to further this purpose, the LPA should provide evidence to show why it is not practicable or feasible.'

9. Applicant's Supporting Information:

- Air Quality Assessment
- Design & Access Statement
- Ecological Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Health Impact Assessment
- Historic Environment Desk-Based Assessment
- Landscape and Ecological Management Plan
- Landscape and Visual Impact Assessment
- Planning and Affordable Housing Statement
- Waste Minimisation Statement
- Energy and Sustainability Statement
- Transport Assessment
- Framework Travel Plan
- Arboricultural Impact Assessment and Method Statement

10. Officer's Assessment:

Proposed Development

- 10.1 This application seeks Outline planning permission for the erection of up to 120 dwellings and associated works. Details relating to Access form part of this application. However, other details relating to Scale, Appearance, Layout and Landscaping are stated on the planning application form as being reserved for later approval should Outline permission be granted for this application. This application therefore seeks to establish the principle of development on the site rather than to obtain detailed planning approval.
- 10.2 Notwithstanding the Outline nature of this application, the applicant has submitted a site plan and a phasing plan with this application which show the layout of dwellings, roads and open space within the development. The aforementioned plans are not annotated as illustrative or indicative. As such, it is necessary to consider the layout plans as being a formal submission for the intended layout of the development. The Government's Planning Practice Guidance states:

Can details of reserved matters be submitted with an outline application?

An applicant can choose to submit details of any of the reserved matters as part of an outline application. Unless the applicant has indicated that those details are submitted "for illustrative purposes only" (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.

Paragraph: 035 Reference ID: 14-035-20140306

Revision date: 06 03 2014

- 10.3 The submitted plans show housing located on the application fields lying to the north and south of the farm track that extends through the application site. The proposed housing is arranged in a relatively uniform manner across the site, with development extending to within 5m of the site's southern boundary and 20m of its eastern/north-eastern boundary. New housing is shown as being approximately 20m-40m from the north/north-western boundary of the application site.

- 10.4 Vehicular access to the proposed development would be via the existing residential housing development located to the south-west of the application site. The principal entrance would join onto the north-eastern end of an existing residential cul-de-sac (Mattocks Mew). Vehicular access would then extend along a residential estate road (Furrow Way) before joining the B4632 Stratford Road, which is located approximately 350m to the south-west of the main body of the application site.
- 10.5 Pedestrian access from the site could also be via the Heart of England Way which extends south-westwards from the application site towards the centre of the village.

(a) Residential Development Outside a Principal or Non-Principal Settlement

- 10.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of this planning application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.
- 10.7 The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2011-2031. It is also located outside a Non-Principal Settlement for the purposes of the aforementioned plan. The erection of new-build open market housing on the site would therefore be covered by the following policy:
- 10.8 Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements:

'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations. '

- 10.9 The supporting text to Policy DS4 states:

'6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings,

or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.

6.4.5: For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land. '

10.10 The current scheme would result in the erection of new build open market housing outside a development boundary and is therefore contrary to the above policy.

10.11 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

10.12 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes *'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'* In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that the criteria set out in paragraph 11 are applicable to this application.

10.13 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that areas or assets of particular importance can include National Landscapes. Harm to such an area could therefore provide a strong reason to refuse an application for housing even if a 5-year supply of housing land cannot be demonstrated. With regard to criterion d) ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

10.14 With regard to the application site itself, an assessment of the site is included in the Council's Strategic Housing and Economic Land Availability Assessment Update October 2021 (SHELAA). The site is included under site reference MK2B. Land to the north-west of the application site has the site reference MK11.

10.15 With regard to the application site, the SHELAA states:

'Today, the part of MK2B that once occupied a greenhouse has been returned to arable farmland. Only the western third of the allotment garden site on MK11, as shown on the 1960s Ordnance Survey plan, appears to be in use. The rest of this allotment garden has returned to agricultural use, although layout of the former allotments, including the central access track, remains intact. The other parts of MK2B, MK7 and MK11 remain as productive agricultural farmland.'

10.16 The SHELAA Summary states:

MK2B: the southern boundary of MK2B abuts late 20th Century housing development, which currently provides a harsh edge to the village and a poor transition between the built-up area and the wider countryside. If MK2B was developed, there may be an opportunity to improve the appearance of the north-eastern edge of the village with a better transitional belt, similar to that achieved in the nearby Oak Grove development off Broad Marston Road, plus landscape interspersed within the built development. A comprehensive Green Infrastructure scheme would be required. This site has a readymade access to Stratford Road through Furrow Way and Ridge Close. It is also reasonably well contained from further development to the east by the significantly higher landscape impact of such development on the setting of the AONB.

Recommendation

MK2B: is a candidate for further consideration for allocation within the Local Plan.

10.17 Whilst the need to deliver new housing is a significant material consideration, this Council also has to consider the longer term implications arising from the delivery of ad-hoc, standalone developments that would potentially prejudice the more strategic and sustainable growth of the settlement that could be achieved through the Local Plan process. The consideration of this site for allocation in the Local Plan would include a holistic assessment of the site and the settlement, the potential development capacity of the site, the availability and capacity of local infrastructure and services as well as the impact of development on the landscape, highways and other planning matters. It would also assess the site in context with other potential development sites in and around the village. There are therefore a wide range of factors that would be considered as part of the site allocation process. The recommendation in the SHELAA does not therefore mean that a development of the size now proposed is automatically acceptable.

- 10.18 In terms of the delivery of 120 dwellings on this site, it is of note that Mickleton has been subject to a significant level of new housing development in the current Local Plan period. The Council's 'Cotswold District Housing Land Supply Report - May 2025' states that 264 dwellings have been built in the village in the period dating from the 1st April 2011 to the 31st March 2024. In addition, as of the 1st April 2024 extant permissions totalled 2 dwellings. This equates to a total of 266 dwellings. The aforementioned figure is noticeably higher than other similar and larger sized settlements in the District such as Andoversford - 74 dwellings, Blockley - 59 dwellings, Chipping Campden - 185 dwellings, Kemble - 80 dwellings, Lechlade - 117 dwellings or Willersey - 97 dwellings. The village has therefore been subject to development pressure in the current Local Plan period. In addition, the growth of the village in residential terms has not been accompanied by any corresponding growth in employment, health or social infrastructure.
- 10.19 The existing village contains a primary school, church, village hall, 2 public houses, butchers, convenience store, garden centre and hotel. It does not offer a GP surgery, secondary school, employment estate and has a limited bus service to Stratford-upon-Avon and Chipping Campden/Moreton-in-Marsh. It is of note that a post office and GP surgery have closed in the current Local Plan period. The village therefore offers a limited range of services and facilities for the size of the development now being proposed. In addition, a number of the facilities are relatively distant from the site, such as the primary school at approximately 1.2km and the garden centre at approximately 2km. The applicant's Transport Statement has provided traffic generation figures for the AM and PM peak periods (77 & 70 two-way movements respectively), but has not provided figures for daily vehicle movements or expected pedestrian or cycle trips. Whilst the latter data is missing, the figures of 77 and 70 two-way movements in the AM and PM peak periods are of note. The majority of trips undertaken to and from the site would therefore be via the private motor car. Moreover, in light of the limited services and facilities in the settlement and the commuting proximity of other large settlements such as Stratford-upon-Avon to the site, it is considered that the proposed scheme could act as a dormitory development or require future occupants to be reliant on the use of the private motor car to undertake most day to day activities. Officers therefore have significant concerns about the ability of the development to provide realistic alternatives to the use of the private motor car. Paragraph 110 of the NPPF states that *'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to*

maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'

- 10.20 In the case of air quality, it is noted that the proposed development would be accessed via an existing residential estate road. A number of dwellings front directly onto the road. The Council's Environmental and Regulatory Services Air Quality Officer has advised:

'I have reviewed the submitted Air Quality Assessment, and agree in principal that the development is unlikely to cause air pollution concentrations which exceed the current UK objectives. However, it is becoming increasingly accepted that any increase in air pollution can have negative impacts on health, even when these the concentrations are below the aforementioned objectives. The existing residents of the village should not be expected to be exposed to significant increases in air pollution, resulting from traffic generated from the proposed development, particularly those residing on Furrow Way, but also those on Stratford Road and Granbrook Lane. To establish if the development may have a significant negative impact on air quality in the vicinity of the development, I request a detailed air quality assessment is undertaken and submitted to the council. In the absence of such an assessment, I object to the development as there is no evidence to demonstrate air quality in the area will not be significantly impacted.'

- 10.21 The number of dwellings now proposed would generate a significant level of additional traffic when compared to that passing through the existing estate and nearby roads, to the detriment of the environmental quality of the locality and the air quality enjoyed by existing residents.

- 10.22 Whilst the rural nature of the area is noted, it is considered that the current proposal would, by virtue of its size and distance from services and facilities, still result in future occupants of the development having a disproportionate reliance on the use of the private motor car to undertake most day to day activities. An increase in vehicle movements would also have an adverse impact on air quality. In addition to the conflict with paragraph 110 of the NPPF, it is also considered that the proposed development would conflict with Paragraph 135 a) of the NPPF, which states that developments '*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.*' A reliance on the use of the private motor car and the significant extension of the settlement into the open countryside are considered not to meet these criteria. Furthermore, paragraph 7 of the NPPF states that the '*purpose of the planning system is to contribute to the achievement of*

sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.' Paragraph 8 of the NPPF states that *'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives.'* The 3 objectives are economic, social and environmental. Whilst housing can contribute to the social and economic objectives, there is also a need to take account of the environmental objectives, such as the impact of development on the natural, built and historic environment. It also of note that the social objective states that homes should be provided *'with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.*' It is therefore evident that the delivery of new homes should be undertaken in a manner that respects the aforementioned aspiration.

- 10.23 The current proposal, by virtue of its size and its degree of encroachment into the open countryside, combined with previous development allowed in the current Local Plan period, the limited services and facilities on offer in the settlement and the reliance that future residents would place on the use of the private motor car to undertake most day to day activities, would result in a disproportionate increase in the size of the settlement that would fail to respond in a sympathetic manner to its location and its prevailing character. Moreover, the site is considered to have limited accessibility to services and facilities, which is an important element of the social objective set out in paragraph 8 of the NPPF. It is considered that the proposal does not represent a sustainable form of development and that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits arising from the delivery of the proposed housing.

(b) Housing Mix and Affordable Housing

- 10.24 The application site occupies agricultural land. The proposed development is therefore subject to 40% affordable housing provision. The following Local Plan policies are considered relevant to this application in terms of affordable housing, self-build/custom build housing and housing mix.

- 10.25 Policy H1 Housing Mix and Tenure to Meet Local Needs

1. *All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to*

viability. Developers will be required to comply with the Nationally Described Space Standard.

2. Any affordable accommodation with 2 or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.

3. Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots, unless demand identified on the Local Planning Authority's Self-Build and Custom Register or other relevant evidence demonstrates there is a higher or lower level of demand for plots.

4. Starter Homes will be provided by developers in accordance with Regulations and national Policy and Guidance.

5. Exception sites for Starter Homes on land that has been in commercial or industrial use, and which has not currently been identified for residential development will be considered.

10.26 Policy H2 Affordable Housing

1. All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.

2. In settlements in rural areas, as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.

3. The affordable housing requirement on all sites requiring a contribution, subject to viability is:

- i. Up to 30% of new dwellings gross on brownfield sites; and*
- ii. Up to 40% of new dwellings gross on all other sites.*

4. In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable

housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will also be required for each partial number of affordable units calculated to be provided on site.

5. The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots.

6. Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.

10.27 The proposed development seeks to provide 40% affordable housing which would equate to 48 dwellings if 120 dwellings were delivered on the site. The applicant is willing to enter into agreement with the Housing Section in terms of the final mix of tenures and sizes. A mix of 45% social rent, 25% affordable rent, 25% First Homes and 5% shared ownership is a typical starting point for discussion, with 25% 1 bed, 44% 2 bed, 21% 3 bed and 10% 4 bed units being noted by the applicant. It is considered that the scheme can deliver an acceptable level and mix of affordable housing in accordance with Policy H2, subject to the completion of a S106 legal agreement.

10.28 With regard to self-build/custom build housing, the delivery of 120 dwellings would require the provision of 6 serviced plots in accordance with the 5% requirement set out in Policy H1. This would usually be agreed as part of the S106 legal agreement process.

10.29 With regard to the mix of open market dwellings, it is considered necessary to ensure that a mechanism is put in place to secure an appropriate mix of market dwellings, as required by Local Plan Policy H1. It would not be possible to control the mix of the open market housing at the reserved matters stage, which is limited to matters relating to scale, layout, appearance, access and landscaping. The provision of larger, more expensive dwellings for open market sale can increase average house prices across the District, which can then increase the Council's housing needs and its housing affordability issues, both in the affordable and open market sectors. A higher average house price can mean that more persons fall into housing need. In contrast, the provision of smaller 1, 2 and 3 bed open market dwellings can more reasonably address

such an issue. Figures from the Office for National Statistics indicate that the ratio between median house prices and median gross annual earnings in Cotswold District in 2024 (based on a 5 year average) was 14.64 times. In comparison, the difference was 5.63 times in 1997. The provision of a high percentage of 4 and 5 bed dwellings simply adds to the price differential and does little to address the Council's issues relating to house price affordability. The Council's Local Plan Partial Update Issues and Options Consultation document states that *'Building more and more houses to reduce house prices (or "Build, Build, Build", as Boris Johnson puts it) does not work, particularly in Cotswold District. There is much evidence to support this. Cotswold District has delivered significantly more housing than has been required in recent years, yet housing affordability has continued to worsen.'* With regard to potential future Local Plan policy, it goes on to state that *'smaller homes are generally more affordable, so a policy requirement could be introduced for a higher proportion of 1, 2 and 3 bedroom market houses, and fewer 4 and 5 bedroom houses.'* It is noted that Table A2.19 of the Gloucestershire Strategic Housing Market Assessment Update Final March 2014 states that 80% of new market accommodation required in Cotswold District in the period up to 2031 would be 1, 2 and 3 bed units, with just 20% being 4 bed dwellings and above. In order to ensure that an appropriate mix of open market housing is provided, it is considered that the matter is addressed by condition or as part of the S106 agreement.

10.30 Notwithstanding the above, at the present time, a S106 agreement is not in place to secure the provision of affordable/self-build/custom build plots within the development, or a suitable mix and range of housing in terms of size, type and tenure to reflect housing need and demand in both the market and affordable housing sectors. It is therefore considered that the proposal is in conflict with Local Plan Policies H1 and H2.

10.31 If a suitable mechanism, such as a S106 agreement, could be agreed, it is considered that the provision of affordable housing/ self-build/custom build plots and appropriate mix of market housing would represent a benefit and would contribute in a positive manner to the Council's new requirement to provide additional dwellings in the District. It is considered that this would represent a significant material consideration that would weigh in favour of the proposed development.

(c) Impact on the Character and Appearance of the Area

10.32 The application site occupies an area of agricultural land located adjacent to the north-eastern edge of Mickleton. It is bisected by a Public Right of Way

(Heart of England Way). The site forms part of patchwork of fields which define the land to the north-east of the settlement and which lie at the foot of Meon Hill, which is located to the north-east of the application site.

10.33 The application site is not located within a designated landscape. However, it is located in close proximity to the Cotswolds National Landscape (CNL). The aforementioned landscape lies to the south, east and north-east of the application site and covers the rising land occupied by Meon Hill to the east and the Cotswold escarpment to the south.

10.34 The Council, in performing or exercising any functions in relation to, or so as to affect, the Cotswolds National Landscape *'must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* (S85(A1) of the Countryside and Rights of Way Act 2000).

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

10.36 Policy EN1 Built, Natural and Historic Environment

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

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

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

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

d. seeking to improve air, soil and water quality where feasible; and

e. ensuring design standards that complement the character of the area and the sustainable use of the development.

10.37 Policy EN2 Design of the Built and Natural Environment

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

10.38 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.*

10.39 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

- 1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*
- 2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.*

10.40 Policy INF7: Green Infrastructure

- 1. Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.*
- 2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*
- 3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).*

10.41 In terms of national guidance, the following paragraphs from the NPPF are considered relevant to the proposal:

10.42 Paragraph 135 of the NPPF states that decisions should ensure developments:

- a) '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.'*

d) are sympathetic to local character and history, including the surrounding built environment and landscape setting.. '

10.43 Paragraph 187 of the NPPF states that planning policies and decision 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*'.

10.44 Paragraph 189 of the NPPF states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in ... National Landscapes which have the highest status of protection in relation to these issues.*'

10.45 On the basis that the site is not located within the Cotswolds National Landscape nor a Special Landscape Area, it is considered that the site does not constitute a valued landscape for the purposes of paragraph 187. Notwithstanding this, paragraph 187 b of the NPPF states that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. The current site is seen in context with the agricultural landscape lying to the north and east of the settlement and contributes positively to the rural setting of the village and the Cotswolds National Landscape.

10.46 In addition to the above, the Council's Cabinet, at its meeting on the 8th May 2025, resolved to '*endorse the recommendation of the report that the Cotswolds National Landscape Management Plan 2025-2030 be used:*

- 'as a material consideration in the determination of planning applications (where compatible with relevant Local Plan and national policy)'

10.47 The Cotswolds National Landscape Management Plan 2025-2030 includes a number of policies which are considered applicable to this application, including:

10.48 Policy CE1. Landscape

CE1.1 Proposals that have the potential to impact on, or create change in, the landscape of the Cotswolds National Landscape (CNL), should be delivered in a way that is compatible with and seek to further the conservation and enhancement of the landscape character of the location, as described by the CNL Board's Landscape Character Assessment and Landscape Strategy and

Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.

CE1.2 Proposals that have a potential impact on, or create change in, the landscape of the CNL, should seek to further the conservation and enhancement of the scenic quality of the location and its setting, views, including those into and out of the National Landscape and visual amenity.'

10.49 Policy CE4: Local distinctiveness

'CE4.1 Proposals that are likely to impact on the local distinctiveness of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this local distinctiveness. This should include:

- being compatible with the CNL Board's Landscape Character Assessment, Landscape Strategy and Guidelines, Local Distinctiveness and Landscape Change and any relevant position statement or guidance published by the Board.*
- being designed to respect local settlement patterns, building styles, scale and materials in accordance with design guidance prepared by local planning authorities;*
- using an appropriate colour of Cotswold limestone to reflect local distinctiveness.'*

10.50 Policy CE5: Tranquillity

'CE5.1 Proposals that have the potential to impact on the tranquillity of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance.

CE5.3 Proposals that have the potential to impact on the tranquillity of the CNL should have regard to - and be compatible with - the CNL Board's Tranquillity Position Statement.'

10.51 Policy CE6: Dark Skies

' CE6.1 Proposals that have the potential to impact on the dark skies of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these dark skies, by seeking to avoid and where avoiding is not possible, minimise lighting.

CE6.2 Measures should be taken to increase the area of dark skies in the CNL by removing and, where removal is not possible or appropriate, reducing existing sources of lighting.

CE6.3 Proposals that have the potential to impact on the dark skies or dark landscapes of the CNL should have regard to and be compatible with:

- The National Landscapes Board's Dark Skies and Artificial Light Position Statement.*
- Cotswolds National Landscape Technical Lighting Design Guidance*
- Best practice standards and guidance, in particular, that published by the Institution of Lighting Professionals. '*

10.52 With regard to the site's context in terms of its relationship with existing village development, it is noted that a residential development of approximately 80 dwelling to the south-west of the current application site was permitted in 2014. The aforementioned development is now complete. However, it is also noted that the aforementioned site was previously occupied in part by derelict horticultural glasshouses. It therefore had a very different character and appearance to the site now proposed for development. The current site has a distinct agricultural character and appearance, with the application fields extending seamlessly into the wider agricultural landscape. The current proposal would therefore represent a far more discernible encroachment of development into the agricultural landscape than the recently completed development to its south-west.

10.53 A landscape assessment of the site has been undertaken as part of the SHELAA process. The October 2021 Update states:

'MK2B evaluation: Low/Medium

The parcel's landscape sensitivity to development is derived from its existing rural context and its location on the edge of the settlement. The neighbouring settlement edge is present to two sides and has an influence on the parcel. Due to this, residential development within the parcel is unlikely to appear as incongruent or a protrusion into the landscape. The site boundaries are

considered to be relatively weak. Development of the parcel would provide an opportunity to deliver robust Green Infrastructure features that also soften the transition between the settlement and wider landscape. The footpath that divides the parcel would need to be accommodated within any proposal and could represent an attractive feature that promotes activity and connectivity with the wider landscape.'

- 10.54 The SHELAA assessment acknowledges that the character of the site is influenced by adjacent residential development. However, this influence is less apparent when the site is viewed from the Public Right of Way (Heart of England Way) where it passes through the land to the north-east of the proposed development. The site is also readily visible on the eastward approach into the village along Granbrook Lane. With regard to the former, the existing footpath extends along an informal agricultural track which is partly lined by an avenue of poplar trees. It then extends eastwards and northwards around the lower slopes of Meon Hill to the east. The tree lined avenue and farm track provide an attractive route for walkers which is distinct from existing housing development to its west and south. Extensive views are also provided across the landscape to the north and east of the site, and particularly of Meon Hill for walkers leaving the settlement. It is noted that the Public Right of Way drops down in level slightly to the north-east of the site with the result that topography provides a degree of screening of existing development. The impact of existing housing on the Public Right of Way is therefore limited when viewed from the north-east. In contrast, the introduction of new development onto the application site would result in the upper storeys of development being clearly visible from the aforementioned location as opposed to the current situation where existing housing is not readily visible. The introduction of development onto the site would therefore have a far more urbanising impact on the experience of the users of the Heart of England Way. It would also result in significant extension of urban development closer to the Cotswolds National Landscape, which would erode the attractive landscape buffer that currently exists between the village and the designated landscape.
- 10.55 With regard to views from Granbrook Lane to the east, the avenue of trees extending alongside the Heart of England Way where it passes through the application site provide a degree of screening of existing village development when viewed from the aforementioned highway. The proposed scheme would result in the introduction of built development to the south of the existing trees thereby increasing the visual presence of development when viewed from the east (and from within the Cotswolds National Landscape). Moreover, the lack of any transition between built development and the surrounding countryside would result in the creation of a rather stark and hard edge to the proposed

development which would have little sympathy for its rural context or the relationship of the site to the wider landscape.

- 10.56 Public views of the site are also available from Public Rights of Way running to the north-east of Kiftsgate Court/Gardens to the south-east of the village. The site can be viewed at distance from the aforementioned footpaths. However, the site is seen in the context with much of the village and forms a relatively small component of a wider landscape view. There are no designated Public Rights of Way extending to the top of Meon Hill.
- 10.57 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with this application. The Landscape Consultant engaged by this Council has assessed the aforementioned report and this proposal and advises:

'Site Context

10.57.1 The application site comprises open arable land located at the north-eastern edge of Mickleton, forming part of the rural transition between the settlement and the surrounding countryside. Although the site lies outside the boundary of the Cotswolds National Landscape (CNL), it remains visually connected to it, with clear intervisibility from higher ground including the Long Distance Path (PRoW 5), Granbrook Lane and PRoW 35.

10.57.2 According to the Gloucestershire Landscape Character Assessment (2006), the application site and surrounding area fall within the Unwooded Vale Landscape Character Type (LCT), and more specifically the Evesham Vale Landscape Character Area (LCA). This character area is defined by gently undulating to flat lowland topography, typically comprising large to medium-scale arable fields, relatively sparse tree cover, and a strong pattern of hedgerows. Visual containment is often limited, with long views available across the open vale and towards the elevated escarpment of the CNL to the south and east. While some modern development has occurred at the edges of settlements, many rural fringes retain a strong visual and functional relationship with the surrounding agricultural landscape.

10.57.3 In this context, the application site serves as a transitional space between the eastern edge of Mickleton and the wider open countryside. It comprises a relatively open tract of farmland defined by hedgerows, trees and a single lane (Canada Lane), with clear views to and from higher ground within the CNL. Its undeveloped character contributes to the rural setting of the village and reinforces the perception of a defined settlement edge. The site's visual

relationship with the wider vale and its intervisibility with the CNL give it a degree of landscape sensitivity that extends beyond its immediate boundaries.

Landscape Character

10.57.4 The applicant's LVIA concludes that the site is of medium landscape value and that the proposed development would result in a moderate adverse effect at completion, reducing to minor adverse by Year 15 once mitigation planting has established. While the assessment reasonably identifies the landscape value and susceptibility of the site as medium, the magnitude of change and overall level of effect on landscape character appear to be understated.

10.57.5 The development would result in the loss of open agricultural land at the edge of Mickleton, introducing built form beyond the settlement boundary and which currently contributes to the rural setting of the settlement. This would represent a clear shift in landscape character, transforming the site from a perceptually open and agricultural edge into a more developed part of the village. While it is acknowledged that the site is influenced to some extent by existing development to the south and west, it is still experienced, particularly from the east and along surrounding footpaths as part of the wider countryside. The site currently plays a transitional role between the village and its rural setting, and this role would be diminished as a result of the proposed scheme.

10.57.6 The LVA recognises this transitional character but places too much weight on the visual influence of neighbouring development when judging the degree of change. In practice, intervening vegetation, hedgerows and subtle landform changes restrict visibility of built form from many eastern approaches, meaning the site continues to read as part of the wider agricultural landscape. The proposed introduction of a continuous band of development across the parcel would weaken this sense of separation and openness.

10.57.7 Mitigation in the form of buffer planting along site boundaries is proposed, but this is limited and would take considerable time to establish. While planting may help to soften the development's appearance in the long term, it cannot fully offset the change in character associated with the introduction of built form, infrastructure, domestic activity and external lighting. These elements would continue to influence the character of the site even after planting matures, resulting in a permanent change.

10.57.8 Notwithstanding these concerns, it is recognised that the principle of development on this site could be acceptable if it were guided by a strong

landscape-led approach. This would need to fully respond to the site's edge-of-settlement location and include a well-designed green infrastructure framework. In particular, this should incorporate street trees located within the public highway (rather than in private front gardens), a more natural and integrated SuDS strategy, and a wider green corridor along the eastern edge to soften the transition to open countryside. At present, however, the proposals do not reflect this approach. The extent of change to the landscape, both at the site level and in relation to the wider settlement, is likely to be greater than the LVA suggests. While some visual and perceptual effects may reduce over time as planting becomes established, the overall scale and density of the development, along with the current role of the site in maintaining Mickleton's rural edge, mean that adverse effects on landscape character are still likely to remain in the long term.

Visual Amenity

10.57.9 The submitted LVA identifies a number of visual receptors who would be affected by the proposed development, including residents of nearby housing, users of the local road network, and walkers using public rights of way, particularly those to the east of the site. While the assessment identifies many of the relevant receptor groups, some of the judgements regarding visual sensitivity and the magnitude of change appear understated.

10.57.10 As with the assessment of landscape character, the LVA places significant reliance on the success of proposed mitigation planting to address visual harm. While this is an appropriate principle, the actual effectiveness of these measures depends heavily on early implementation, appropriate species selection, and sustained long-term management. The narrowness of the eastern buffer raises concern as to whether the scale of effect could be sufficiently mitigated, particularly within the early years whilst planting establishes.

10.57.11 Of particular concern is the visual impact on visual receptors on Granbrook Lane and Heart of England Way (PRoW 5), where the proposed development would form a new, prominent settlement edge. In the short to medium term, the development would appear visually prominent when seen from the east, especially from lower ground where the site is currently experienced as part of a broader rural panorama. The absence of a more substantial landscape margin, such as that referenced in the Council's pre-application advice, limits the potential effectiveness of visual mitigation in these locations.

10.57.12 Overall, the proposal would result in adverse change for some key receptor groups. While some of these views are already influenced by existing development, the openness of the site and the sensitivity of the PRow network, specifically to the east, means that in our professional judgement, the current proposed development would have a greater visual influence than the LVA suggests.

Landscape Proposals

10.57.13 As previously noted, this application includes a perimeter green buffer intended to soften the interface between the proposed development and the open countryside. However, the width and structure of this buffer are limited and do not provide a sufficient transition between the built form and the surrounding rural landscape. The provision of informal walking routes, green space, and native shrub and tree planting is welcome in principle, but in its current form the buffer lacks the depth and layering required to function effectively as a rural edge.

10.57.14 Although this is an outline application, the indicative layout suggests a relatively compact development form with limited space for street trees or a looser development grain at the settlement edge. There is little evidence of design measures that would signal a graduated transition towards the countryside, such as varied density, orientation or building typologies that respond to landscape character. As such, the development risks appearing abrupt and visually disconnected from its wider setting.

10.57.15 The Council's pre-application advice highlighted that the proposed scheme would result in a more discernible encroachment into open countryside than the CALA development to the south-west, which occupies previously developed land and benefits from a greater degree of visual containment.

10.57.16 The current scheme does not adequately respond to the landscape-led recommendations previously provided. The green buffer has not been widened, and there is no indication of a landscape strategy that seeks to integrate the development into its context through layered structural planting, a varied street hierarchy, or character-led design.

10.57.17 Furthermore, the proposed reliance on a single large attenuation basin towards the eastern edge of the site reinforces a formal and engineered appearance. This approach would benefit from a review in favour of a distributed and landscape-led SuDS network, incorporating features such as swales, rain gardens and tree pits within streets and green spaces. These would

provide visual interest, enhance biodiversity and help reduce the perceived dominance of engineered elements.

Conclusion

10.57.18 In conclusion, the submitted LVA identifies relevant receptors and broadly follows accepted guidance, but the conclusions understate the likely degree of impact. The presentation of photography is limited, with a lack of clear single-frame planar images and no wireframes or verified visualisations to aid interpretation. The methodology used for sensitivity and effects is also inconsistent.

10.57.19 In landscape terms, the proposed development would result in a noticeable and permanent change to the character of this part of Mickleton. The site currently plays an important role in defining the rural edge of the village and contributes to the sense of separation between settlement and open countryside, particularly when viewed from the east and south-east. While some adjacent development influences the context, this diminishes with distance, and the openness of the site remains a key part of its character and visual sensitivity.

10.57.20 The landscape proposals show limited evidence of a landscape-led approach. The green buffer is too narrow to offer a meaningful transition, and the scheme lacks the structural planting, integrated SuDS integration and spatial design required to respond appropriately to its context.

10.57.21 In its current form, the application is not considered to comply with Local Plan Policies EN1, EN2, EN4 and INF7 and the proposed development would result in adverse landscape and visual effects that are not sufficiently addressed through the current layout or mitigation proposals. It is therefore recommended that a revised and more detailed Landscape Masterplan is developed. This should include consideration for reduced dwelling numbers and/or arrangement of dwellings to allow for a wider and more structurally diverse landscape buffer along the site edge, along with an integrated green infrastructure network throughout the development.'

- 10.58 The concerns raised by the Landscape Consultant have been echoed by Cotswolds National Landscape Board, the CPRE, the parish council and local residents. In this instance, it is considered that the proposal, by virtue of the size of the development, the degree of encroachment into the open countryside, the enclosure of the gap between the settlement and the CNL, the lack of green infrastructure, the poor transition between built development and the wider landscape and potential light pollution would have a significant adverse impact

on the rural character and appearance of the landscape, the setting of the CNL and the setting of the settlement within the landscape. It is considered that the proposed development is contrary to Local Plan Policies EN1, EN4, INF7 and Sections 12 and 15 of the NPPF and policies CE1, CE4 and CE6 of the Cotswolds National Landscape Management Plan 2025-2030.

(d) Access and Highway Safety

- 10.59 Vehicular access to the proposed development would be via an existing residential estate road which runs through the housing development to the south-west of the application site. A new entrance would connect the site onto an existing residential cul-de-sac (Mattocks Mews). The aforementioned road joins onto Furrow Way which connects with the B4632 Stratford Road to the south-west. Gloucestershire County Council (GCC) Highways advises that the aforementioned estate roads have not been adopted and, as such, do not form part of the public highway.
- 10.60 Pedestrian and cycle access would be via the Heart of England Way, which extends through the site to the village to the south-west.
- 10.61 Bus stops are present on the B4632 approximately 500m from the application site. Services run to Stratford-upon-Avon, Chipping Campden and Moreton-in-Marsh.
- 10.62 As set out previously, the applicant has submitted a Transport Statement (TS) which predicts that the development would generate 77 two-way vehicular movements in the AM peak period (08:00-09:00) and 70 two-way vehicular movements in the PM peak period (17:00-18:00).
- 10.63 With regard to vehicular access onto the B4632, the TS states : *'To the north of the site, the flows on Welford Road (considered the same as on Stratford Road) are shown at 330 two-way movements in the AM peak hour and 345 two-way movements in the PM peak hour. The proposals are forecast to increase movements on Stratford Road to the north of the Furrow Way junction by 19 two-way movements in the AM peak and 16 two-way movements in the PM peak. This is a minimal increase of 5-6% on the total flows which would be well within daily variations in traffic.'*
- 10.64 Notwithstanding the findings of the TS, it is evident that the proposed development cannot provide a direct access to the adopted public highway. Access to the development would need to be via unadopted roads which are in 3rd party control and which do not form part of the public highway. The

Highways Officer states *'The site as shown on the red line plan submitted with the application does not have a connection to the adoptable highway and cannot therefore demonstrate a safe and suitable access as required by the NPPF.'* It is therefore considered that the proposal is in conflict with Local Plan Policy INF4 and guidance contained in Section 9 of the NPPF. It has not been demonstrated that a safe and suitable access can be secured. The applicant would be reliant on the 3rd party agreement in order to secure access. The relevant notice has not been served on the appropriate parties and there is no assurance that such agreement could be reached.

- 10.65 In addition to the above, the application site is bisected by a Public Right of Way. Future development would result in vehicles having to cross the aforementioned route. Whilst alteration to the Public Right of Way would require the separate agreement under Rights of Way legislation, it is also noted that the current proposal does not set out how vehicles would be prevented from driving along the route of the Right of Way, which is metalled in part, to the B4632. At present, the route forms part of a farm access track. If gates were introduced onto the route, it would potentially prejudice access to and from the existing farm buildings to the north-east of the application site. Equally, gates could be left open which would not prevent residential access along the Right of Way.

- 10.66 GCC Public Rights of Way advises:

10.66.1 'I have examined this application and have concerns that the proposed development will change the character of the existing right of way which is currently rural in nature with unspoilt views. I am also concerned about the potential misuse of vehicles along it as a short cut due to its convenient orientation from the main road to the furthest point of the estate.'

10.66.2 Chapter 7 of the Rights of Way Circular 1/09 Rights of way circular (1/09) - GOV.UK states that 'The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure the potential consequences are taken into account whenever such applications are considered'.

10.66.3 The proposed site, within the red boundary is crossed by two public rights of way. HMN5, known locally as Canada Lane is part of the promoted long distance Heart of England Way, this path runs centrally through the existing estate and the new proposed estate. HMN34 is a connecting footpath that runs from Canada lane south towards Granbrook Lane.

10.66.4 The National Planning Policy Framework states in paragraph 105 that 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

10.66.5 I have concerns that the proposal will not protect or enhance these public rights of way or access. Canada Lane is a wide, tree lined track . It is fairly flat, which makes it easily accessible to users who rely on trampers/mobility scooters to enjoy the countryside. The site plan illustrates that Canada Lane will be bounded on both sides by housing and crossed by the estate road. The views from this path, currently tree lined fields, will be changed forever by the addition of buildings. Although buffering has been discussed as a way of "hiding the houses" the implications of this means that it will also lose its characteristic tree lined avenue and far reaching rural views. Already the start of this path from Stratford Road has become urbanised and I don't think further development along it should be considered.

10.66.6 I am also concerned that Canada Lane will become a short cut to the new estate by unauthorised vehicles. The safe and relatively traffic-free route for users, including vulnerable people such as children accessing the playground alongside the public footpath will be lost. Currently vehicular access is available to reach the farm at the end, so what measures will be taken to ensure it doesn't become a rat run to the end of the estate yet still enables the farms accessibility?

10.66.7 In line with National Planning Policy Framework, pedestrians and cyclist movements within the scheme should be given priority and the development should create a safe space for that. Where the estate road crosses the public right of way it is important that mitigation is agreed with PROW prior to permission being granted. The crossing needs to be well signed and to avoid conflict between users the use of traffic calming /street furniture would need to be considered.'

10.67 Insufficient information is therefore available to demonstrate that the proposed development will not cause a conflict with the use of the Public Right of Way (Heart of England Way).

(e) Impact on Residential Amenity

10.68 It is considered that the application site is of sufficient size to accommodate a form of residential development that would provide future occupants with

adequate outdoor amenity space, privacy and light. It is also considered that the future developed could be undertaken in a manner that would not have an adverse impact on the amenity of existing residents having regard to guidance in the Cotswold Design Code.

- 10.69 Notwithstanding this, the proposed development would result in vehicles having to drive along existing estate roads in close proximity to existing residential properties. As set out previously, Officers have concerns about emissions and air quality arising from the traffic that would be generated by the development. This is of particular concern giving the number of dwellings being proposed and the number of vehicles that the proposal would create. In the absence of more detailed air quality reports, it is considered that the proposal is contrary to Local Plan Policy EN15: Pollution and Contaminated Lane.

(f) Biodiversity

- 10.70 The application site occupies arable fields, which are bordered in part by a network of hedgerows. A line of poplar trees extends through the site. Residential gardens are located to the south and west of the site. A pond is also located close to the south-western corner of the application site. This application is accompanied by an Ecological Impact Assessment and the following Local Plan policy is considered applicable to the proposal:

- 10.71 Policy EN8 Biodiversity and Geodiversity: Features, Habitats and Species

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

biodiversity"(41) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.

10.72 The Biodiversity Officer has reviewed the submitted details and states:

'Biodiversity Net Gain

10.72.1 The submitted BNG information demonstrates the following:

- *10.08% net gain on area habitat units (on-site),*
- *41.31% net gain on hedgerow units (on-site),*
- *86.72% net gain on watercourse units (on-site).*

10.72.2 The following issues have been identified:

- *The baseline BNG map shows mixed scrub along the northern site boundary. Section 5.14 of the EcIA (ACD Environmental, May 2025 - uploaded 27th May 2025) describes "sparsely vegetated land that runs along the dry ditch, which comprises tall ruderal." Based on the information and description provided, I am not satisfied that this habitat on the northern boundary is equivalent to mixed scrub under the UKHab definition.*
- *The baseline BNG map key demonstrates 'Grassland' along the southern site boundary. This does not correlate with the metric spreadsheet which shows the habitat to be modified grassland, and this should be amended.*
- *No quadrat data for grassland, or site photos for grassland, scrub and ruderal habitats have been provided. This data should be provided to demonstrate that the on-site habitats have been accurately categorised.*
- *No condition assessment sheets have been submitted*
- *Site photos show that there may be some areas of the site where field margin habitats are present. Therefore, further clarity should be provided and if required, these habitats will need to be recorded within the baseline and demonstrated on the relevant maps.*

- *The SuDS basin to be created on-site has been recorded as Ponds (priority habitat). This habitat feature to be created should be reclassified to an appropriate habitat type. In this instance, this is most likely to be Sustainable drainage system given that the feature is to be an attenuation basin for surface water run-off. In addition to this, it is unlikely that an on-site water body with functionality as a SuDS basin for surface water run-off would achieve anything higher than poor condition and therefore, the target condition should be revised.*
- *Some habitats shown as retained such as the native and species-rich native hedgerows would likely be degraded in condition given their proximity to the proposed built form and gardens. This should be reflected in the BNG information.*
- *There is insufficient information to determine whether the proposed enhancement of the ditch to moderate condition is achievable.*
- *The post-intervention map key demonstrates symbology for vegetated gardens and modified grassland which is hard to distinguish between. Therefore, the key should be amended to make the delineation between these habitats clearer.*
- *The post-intervention map key demonstrates symbology for Decorative street planting and Shrub which appears to correspond to Horticulture and Hawthorn scrub within the metric spreadsheet. The map key should be amended to reflect this as the mapping does not match the metric spreadsheet.*
- *It is proposed that modified grassland will be delivered on-site in moderate condition, with some of the areas of modified grassland appearing to be created adjacent to dwellings and roads. It is my view that based on the information submitted and the development proposals, on-site modified grassland would not exceed poor condition, with reference to criterion A, B, D, E and possibly G. It should also be noted that section 9.3 of the EcIA*

indicates that areas of modified grassland and other planting will be created within the front gardens of on-site dwellings. These habitats should therefore be recorded as vegetated garden. The statutory metric user guide provides clear guidance on private gardens:

- The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:

- 'urban - vegetated garden'; or

- 'urban - unvegetated garden'

You should not:

- record the creation of any other new habitats within private gardens

- record enhancement of any habitat within private gardens. However, habitats which are recorded in the baseline and remain within a private garden may be recorded as retained.

- I do not agree that all parcels of other neutral grassland will achieve moderate condition. Some areas of ONG are adjacent to PRowS and roads and other footpaths to be created as shown in the indicative site masterplan. Therefore, based on the submitted information, it is my view that on-site BNG is unlikely to satisfy criterion A, B, C and E and the target condition should be revised.

- It should be confirmed whether the delivery of BNG will be phased. If so, the metric and report will need to be amended to reflect this. At present, it cannot be determined that the baseline is accurate and that on-site BNG is achievable. Whilst the masterplan is indicative, and BNG is a post-permission matter, BNG must be dealt with at the outline stage as the approval of reserved matters is not subject to the biodiversity gain condition. Consequently, at the outline stage, the Local Planning Authority must be confident that the biodiversity gain objective can be met, and the biodiversity gain condition can be successfully discharged.'

10.73 The Biodiversity Officer goes on to state:

'Site plan

10.73.1 The indicative plans demonstrate a lack of ecological connectivity across the site and around the peripheries to the wider network, with ecological fragmentation likely. The width of buffer zones is insufficient and unlikely to provide any ecological benefit given the substantial built form proposed. The inclusion of footpaths and play equipment within the majority of these buffer zones also means that the buffers zones are likely to be subject to frequent disturbance and diverse pressures, and will not provide any ecological benefit. Buffers should be widened to at least 5m and paths should not be created within these zones if they are to benefit biodiversity. Paths created near to buffers should be hardstanding to reduce the likelihood of encroachment by users into the buffers. The site plan should also provide for protected species such as Great Crested Newts which have been recorded adjacent to the site and include biodiverse corridors within the site. Currently, the proposed site plan would be contrary to Chapter 15 of the NPPF and Local Plan policy EN8.

Habitats and Protected species

Badgers -

10.73.3 The site surveys did not record evidence of badgers or their setts, but it is stated that dense vegetation on-site could have precluded field signs from being recorded. Section 5.48 states that on-site mounds provide sett-building opportunities for badgers, with commuting and foraging opportunities around site boundaries and along intersections of fields. It is my view that additional measures to those provided in section 7.5 are required to safeguard badgers during works, including details of a pre-works check for badgers by a competent ecologist.

10.73.4 These details can be secured by condition if all other biodiversity issues are resolved.

Bats -

10.73.5 The EcIA assessed that there are opportunities for commuting and foraging bats on site, but that bat activity surveys were not required due to the lack of on-site evidence and limited suitability for roosting bats. At present, it cannot be fully understood how bats may be using the site or be impacted by the proposals. Therefore, further surveys should be undertaken to understand how bats are using the site and to inform any further mitigation requirements. The information is also required to enable the Council to discharge its statutory obligations in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Birds -

10.73.6 Habitats on site are suitable for birds and section 5.33 of the EcIA references records of red list species within 2km of the site including skylark and yellowhammer which are also listed as species of principal importance under Section 41 of the NERC Act 2006. Further surveys are required to determine how birds are using the site, including the arable field areas, and to inform suitable mitigation.

Dormice -

10.73.7 I agree with the assessments and recommendations of the EcIA pertaining to Dormice.

Great Crested Newts -

10.73.8 Section 5.27 of the EcIA states that eDNA testing from 2024 confirmed the presence of GCN in pond 1 which is adjacent to the southwest site boundary. Additionally, there is a historic record of GCN from this pond, the site is within the red and amber impact risk zones for the Great Crested Newt District Licensing Scheme, and there are approximately nine ponds within 500m of the site. Four of these ponds were assessed for their suitability to GCN, with pond 2 being assessed as excellent.

10.73.9 Not all ponds within 500m of the site have been assessed for their potential to support GCN, and some of these ponds are connected to the site. The site itself provides suitable terrestrial habitats for GCN including the arable land and GCN do migrate over arable land and bare open ground, sometimes utilising crevices in cracked earth for shelter. Therefore, based on the submitted information, I do not feel that the proposed mitigation in the form of precautionary working measures such as those within section 7.5 of the EcIA are likely to be sufficient, and in order for the works to be undertaken lawfully, they will need to proceed under licence. This can be through entering into the District Licensing Scheme or via the traditional licensing route with Natural England.

10.73.10 The details of an appropriate mitigation route through the entering of a suitable licensing scheme are required to enable the Council to discharge its statutory obligations in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Reptiles -

10.73.11 I agree with the assessment that additional reptile surveys are unnecessary in this instance. However, I am not satisfied with the specificity of the recommendations contained within section 7.5 and therefore, a precautionary working method statement for reptiles should be secured by condition if all other biodiversity issues are resolved.

Other species -

10.73.12 I agree with the assessments and recommendations made for invertebrates, otters, water voles and hedgehogs.'

- 10.74 It is considered that it has not been demonstrated that the proposed development reasonably provide 10% Biodiversity Net Gain or ensure that European protected species such as bats and great crested newts will not be adversely affected by the proposed development. The proposal is considered to conflict with Local Plan Policy EN8 and the Conservation of Habitats and Species Regulations 2017 (as amended).

(g) Flooding and Drainage

- 10.75 The site is located within Flood Zone 1, which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. The applicant has submitted a Flood Risk Assessment and Drainage Strategy to accompany this application. The aforementioned document indicates that surface water drainage would be addressed via the creation of on-site attenuation. It is proposed to create an attenuation basin in the northern part of the site. Water would be released at a controlled rate into an adjacent watercourse.

- 10.76 GCC Lead Local Flood Authority (LLFA) in its role as a statutory consultee for surface water drainage matters states the following in relation to the FRA:

10.76.1 'The conclusion is that the site is safe to develop provided mitigation is provided for the increased rate of surface water discharge that the development will create by increasing the impermeable area of the site.

10.76.2 Mitigation of increased flood risk is proposed by attenuating surface water from the site in a balancing pond and controlling discharge from the pond to a drainage ditch on the south side of the track that runs along the northern border of the development. The discharge rate to the ditch will be controlled to the equivalent of the greenfield average event which is calculated to be 16.8 l/s requiring 1663 m3 of attenuation volume.

10.76.3 The drainage strategy generally complies with the National guidance for sustainable drainage systems some detail the LLFA would like to see is what parties are responsible for the maintenance regime described in Appendix VII and details of the information that the designer will provide to those responsible for construction on how drainage features should be managed in a construction method statement.

10.76.4 Apart from these omissions the LLFA has no objection to the proposal and if the suggested details are provided at this stage then there would be no benefit in applying further drainage conditions to consent granted against this application.'

10.77 The outstanding information requested by the LLFA could be addressed by condition should Outline permission be granted. The concerns of local residents regarding flooding are noted. However, it has been reasonably demonstrated that the site could accommodate measures that would address potential flooding and drainage issues in the future. The proposal is therefore considered to accord with Local Plan Policy EN14 and guidance in Section 14 of the NPPF.

10.78 Foul drainage would be directed to the existing Severn Trent Water network to the south-west of the application site. Severn Trent Water has no objection subject to condition.

(h) Archaeology

10.79 The application site is located approximately 1.2km from Maltby Hill Fort on Meon Hill Scheduled Ancient Monument (SAM). The site is therefore considered to be situated in an area which is sensitive in archaeological terms. GCC Archaeology has provided the following comments in response to this proposal:

10.79.1 The settings assessment appears quite limited, and I consider there may be some additional impact on the setting of the Scheduled Monument. I therefore advise that the views of Historic England are sought as lead advisors on designated heritage 'A Historic Environment Desk Based Assessment has been submitted in support of the planning application (GHC Archaeology & Heritage, March 2025). The assessment has recognised the high potential for archaeological remains of the later prehistoric and Roman period to be present within the site and states that such remains are likely to be no more than of local significance and there is no evidence to suggest that they will be of sufficient importance to preclude or constrain development. The assessment

also concludes that residential development of the site would not alter the character of the monument's setting, nor would it infringe on its prominence in the landscape. assets.

10.79.2 The Desk Based Assessment has assessed potential based on the remains excavated to the west and only prescribes a local value to such likely remains. Late Iron Age and Roman settlement remains however have the potential to contribute to a number of regional research aims, especially in relation to the hinterland of the multivallate hillfort on Meon Hill. I do not consider full significance of the archaeological remains can be prescribed without further field investigation. The National Planning Policy Framework has a number of policies in relation to the historic environment but in particular:-

- 207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*
- 208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

10.79.3 In line with National Planning Policies 207 and 208, I therefore advise that field evaluation is necessary in order to fully understand the significance of the heritage assets of archaeological interest which will be impacted by the proposals. This is to avoid or minimise conflict between the heritage asset's

conservation and any aspect of the proposal, should any of the remains be considered to be of national importance (see NPPF footnote 75 which states that "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets").'

- 10.80 Historic England has not raised an objection to the application in terms of the impact of the proposal on the setting of the SAM. However, in light of the comments from GCC Archaeology, it is considered that insufficient information has been provided to fully understand the archaeological impact of the development and its potential impact on features of archaeological interest in accordance with the requirements of Section 16 of the NPPF.

Other Matters

- 10.81 With regard to contamination, Environmental and Regulatory Services advises *'Although currently arable farmland, the proposed development site is located on part of the former Meon Hill Nursery. Much the area of the former nursery site has already been subject to recent residential development notably to the southwest and south. Ground investigations carried out on land to the south west found significant soil contamination, "widespread lead contamination in the area of the former greenhouses to the north and south of Canada Lane" and hotspots of other substances typically associated with commercial nurseries from the early/mid-20th century. Also noted was oil contamination of soil and water, straddling the boundary with the proposed development area and associated with former fuel tanks. It is thus reasonable to anticipate similar ground contamination at the proposed development. 'It is recommended that a ground investigation condition is attached to a decision notice should Outline permission be granted for this application.*

- 10.82 With regard to arboriculture, the Tree Officer states:

10.82.1 ' The most valuable arboricultural feature of the site is the avenue of white poplar trees which are proposed to be retained. This is supported. Final site layouts will need to consider allow for the constraints and opportunities these trees provide. Large trees growing in close proximity to dwelling can cause anxiety and overhanging branches into gardens can result in demands to extensive prune. Although deciduous shading must also be considered.

10.82.2 Current site layout will result in the loss of a small number of cherries of lower arboricultural quality (defined in BS5837) across the northern half of the site. Subject to appropriate compensatory planting over and above

expected tree planting as part of a landscaping scheme, I have no objections to the removal of these trees. '

- 10.83 Since the submission of this application, a Group Tree Preservation Order has been attached to the central avenue of Poplar trees. This will ensure that the trees are protected from felling or other harmful works. Subject to the attached of conditions in the event that Outline permission is granted, it is considered that the development could proceed without causing harm to the well-being of existing trees.
- 10.84 With regard to the agricultural quality of the land, Officers do not have information to indicate the status of the existing fields. It is not therefore possible to establish whether the site falls into Grades 1, 2 and 3a and therefore constitutes Best and Most Versatile (BMV) land. Paragraph 187 of the NPPF states that planning should recognise '*the intrinsic character and beauty of the countryside and the wider benefits of the natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land...*' If the land were considered to fall into the BMV category, it is considered that the economic and other benefits of the land are relatively limited given the size of the land in question in relation to the wider agricultural landscape.
- 10.85 With regard to climate change, the applicant's supporting documents states that the proposed development will adopt a fabric first approach, with '*good levels of insulation and airtightness, energy efficiency systems and LZC energy sources. The primary objective for façade design will be to achieve the optimum balance between natural daylight and the reduced use of artificial lighting, whilst enabling passive solar heating to limit the need for space heating in winter and limiting summertime solar gains to reduce space cooling demands.*' It is also proposed to introduce air source heat pumps and a photovoltaic system. It is considered that the developer is seeking to reasonably address the impact of climate change in the construction of the new dwellings. Final details would be established at the reserved matters stage should Outline permission be granted.
- 10.86 With regard to financial contributions, GCC Community Infrastructure requests contributions of £166,598.64 to secondary education and £23,520 to library services. Having regard to the size of the development it is considered that the requested contributions are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. The contribution request is considered to accord with Regulation 122 of the Community and

Infrastructure Levy Regulations 2010. Notwithstanding this, at the present time no mechanism is in place to secure the aforementioned funding. Inadequate provision is therefore available to address the necessary infrastructure payments.

- 10.87 This application is liable for the Community Infrastructure (CIL) and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

- 11.1 It is considered that the proposed development would make a notable contribution to the Council's supply of housing land and the delivery of affordable housing. These aspects of the proposal are considered to weigh in favour of the proposed scheme. However, the proposal, by virtue of the number of dwellings being proposed, the amount of development already permitted in the settlement in the current Local Plan period, the degree of encroachment of development into the open countryside, the closing of the gap between existing built development and the Cotswolds National Landscape, the limited facilities and services on offer in the settlement, and the likely reliance on future occupiers of the development on the use of the private motor car to undertake most day to day activities, is also considered to result in a form of development that would lead to a disproportionate increase in the size of the village and one which would have a harmful impact on the character and appearance of the both the settlement and the wider area, including the setting of the Cotswolds National Landscape. In addition, it has not been demonstrated that the development can be served by a safe and suitable access, avoid conflict with the use of the Public Right of Way, meet Biodiversity Net Gain requirements, avoid harm to protected species and features of archaeological interest, as well as ensuring that future development would not have an adverse impact on air quality. Furthermore, a mechanism is not in place to secure affordable housing, self-build/custom build housing and financial contributions to education and library services. It is considered that the proposed scheme does not represent a sustainable form of development and is contrary to the objectives of the NPPF. The harm to the Cotswolds National Landscape is considered to represent a strong reason to refuse the application. However, even if this were not the case the adverse impacts of the scheme are considered to significantly and demonstrably outweigh the benefits arising from the delivery of new housing.

12. Reasons for Refusal:

1. The proposed development, by virtue of its size and degree of encroachment into the open countryside, combined with the amount of development permitted in the village in the current Local Plan period, would result in a disproportionate increase in the size of the settlement to the detriment of its rural character and which, by virtue of the limited services and facilities on offer in the village and the distance of the application site from existing services and facilities, would result in future occupants of the proposed development being reliant on the use of the private motor car to undertake most day to day activities. The proposal is considered not to represent a sustainable form of development and is contrary to Section 2 and paragraphs 110 and 135 of the National Planning Policy Framework.

2. The proposed development would result in a significant encroachment of residential development into an attractive area of open countryside that currently makes a positive contribution to the character and appearance of the area, the setting of the Cotswolds National Landscape and the rural setting of the village. The proposal development, by virtue of its size, the lack of transition between built development and the wider landscape and the degree of encroachment into the countryside, is considered to have a harmful urbanising impact on the locality to the detriment of character and appearance of the area, the setting of the Cotswolds National Landscape and the rural setting of the village. The proposal is considered to be contrary to Local Plan Policies EN1, EN4 and INF7, Sections 12 and 15 of the National Planning Policy Framework and Policies CE1, CE4 and CE6 of the Cotswolds National Landscape Management Plan 2025-2030.

3. Insufficient information has been submitted to enable the Council to assess the impacts on biodiversity in accordance with Local Plan Policy EN8. In addition, further information is also required in order for the Council to meet its duty to discharge its statutory obligations under The Conservation of Habitats and Species Regulations 2017 (as amended) with regards to European protected species. Furthermore, there is insufficient information to demonstrate that the application will deliver at least a 10% biodiversity net gain 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 policy EN8.

The application site does not have a direct connection to the adopted public highway and, as such, it cannot be demonstrated that the development can be provided with a safe and suitable access in accordance with Local Plan Policy INF4 and paragraph 115 of the National Planning Policy Framework.

4. A S106 legal agreement has not been completed. As a consequence, there is no mechanism to secure the provision of affordable housing, a self-build/custom build plot and financial contributions to education and library services as required by Local Plan Policies INF1, H1 and H2.

5. Insufficient information is available to demonstrate that the proposed development will not have an adverse impact on features of archaeological interest and that the proposal accords with the requirements set out in Section 16 of the National Planning Policy Framework.

6. Insufficient information is available to demonstrate that the proposed development will not have an adverse impact on air quality and that existing residents, including those on Mattocks Mews and Furrow Way, would not be subject to an unacceptable level of air pollution arising from an increase in vehicle movements in close proximity to their existing dwellings. The proposal is considered to be contrary to Local Plan Policy EN15 and guidance in paragraphs 110 and 198 of the National Planning Policy Framework.

7. It has not been demonstrated that the proposed development can be undertaken in a manner that will not cause conflict with the operation/users of the Public Right of Way (Heart of England Way) that passes through the application site in accordance with Local Plan Policy INF4 and paragraph 115 of the National Planning Policy Framework.

Informatives:


1. This application relates drawings: 5022103 RDG XX ST PL A 0100, 5022103 RDG XX ST PL A 0200, 5022103 RDG XX ST PL A 0300.

2. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

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REV	DESCRIPTION	DATE	BY	CHKD
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CLIENT:



PROJECT:
THE LAND NORTH WEST OF
MICKLETON

TITLE: SITE LOCATION PLAN

DRAWN BY: LW	SCALE: 1:1000 @ A1
CHECKED BY: MF	DATE: 08/04/2025

STATUS: **PLANNING**

DRAWING No:							
PROJECT:	ORG:	ZONE:	LEVEL:	TYPE:	ROLE:	NUMBER:	REV:
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Key:

	Phase 1
	Phase 2
	Phase 3
	Phase 4
	Phase 5
	Phase 6
	Phase 7

-	Outline Application	15/05/2025	LW	MF
REV	DESCRIPTION	DATE	BY	CHKD

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IN ASSOCIATION WITH:

PROJECT:
THE LAND NORTH WEST OF MICKLETON

TITLE:
PHASING PLAN

DRAWN BY:	LW	SCALE:	1:1000	@	A1
CHECKED BY:	MF	DATE:	15/05/2025		

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-	Outline Application	08/04/2025	LW	MF
REV	DESCRIPTION	DATE	BY	CHKD
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[illegible]

PROJECT:
THE LAND NORTH WEST OF
MICKLETON

TITLE:

SITE PLAN

DRAWN BY: LW		SCALE: 1:1000		@ A1			
CHECKED BY: MF		DATE: 08/04/2025					
STATUS:							
PLANNING							
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Land North East of Mickleton

Indicative Landscape Masterplan

scheme: Land North East of Mickleton
client: Brookworth Homes
drawing: Masterplan
date: Feb. 2025
scale: 1:500@A1
drawing no: BRO24245 10
drawn: ALK checked: AD



B	28.04.25	Comments	AD
A	28.03.25	Comments	ACG
Rev	Date	Details	Drawn

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SECTION S1



SECTION S1 Continued



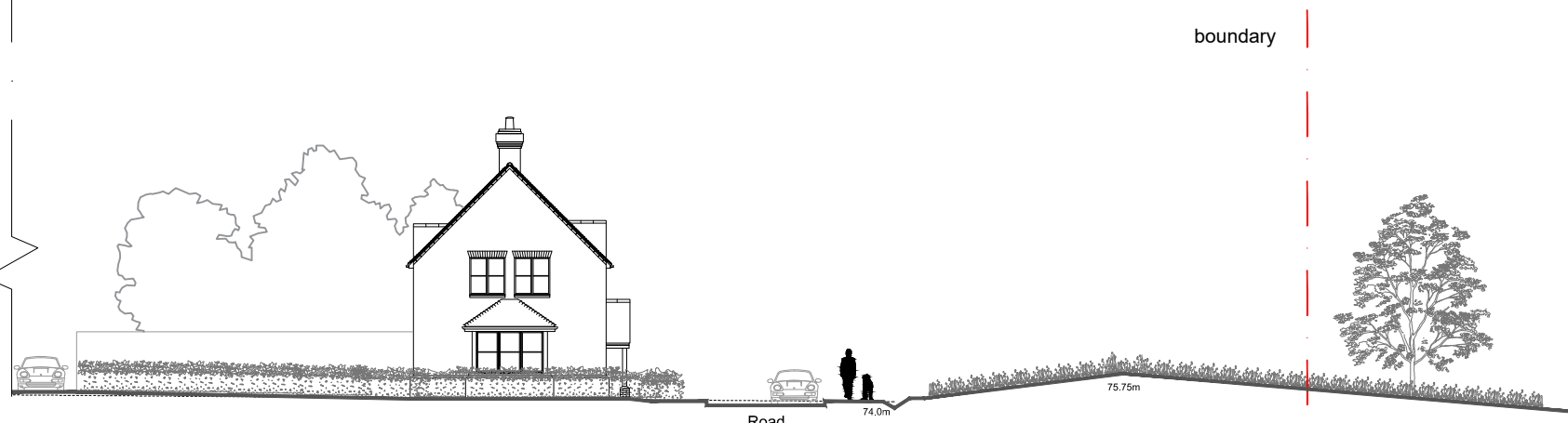
SECTION S2



SECTION S3

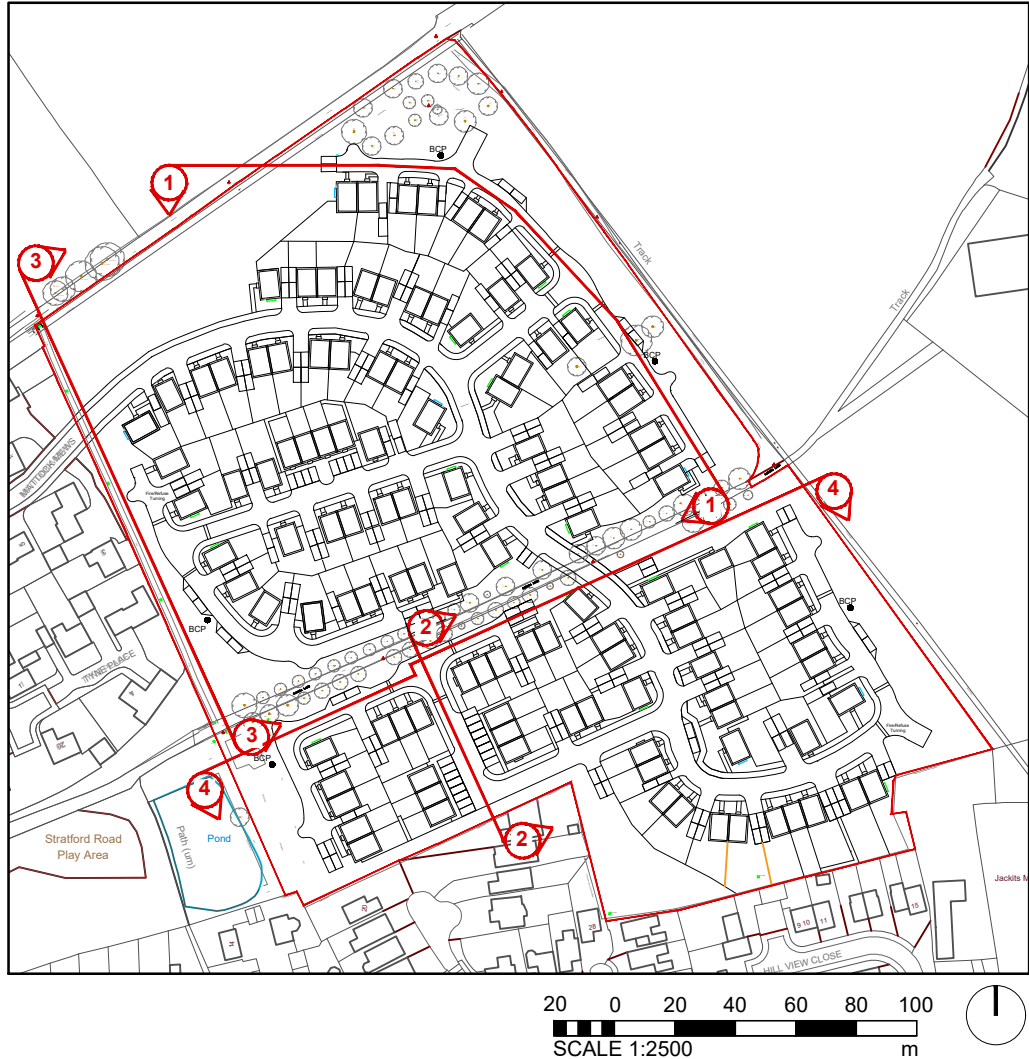


SECTION S4



SECTION S4 Continued

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Outline Application	31/03/2025	AT	MF
REV	DESCRIPTION	DATE	BY
CHKD			



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IN ASSOCIATION WITH:

PROJECT:
THE LAND NORTH WEST OF
MICKLENTON

TITLE:
SITE SECTIONS /
STREET ELEVATIONS

DRAWN BY: AT
CHECKED BY: MF
STATUS:

SCALE: 1:200 @ A1
DATE: 31/03/2025
PLANNING

PROJECT:	ORG:	ZONE:	LEVEL:	TYPE:	ROLE:	NUMBER:	REV:
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Outline application for residential development of up to 30 dwellings including the detailed matter of access, and associated works at Land Parcel North of Olimpik Drive Chipping Campden Gloucestershire

Outline Application 25/01194/OUT	
Applicant:	W R Haines (Leasows Farm) Ltd
Agent:	Brodie Planning Associates Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Gina Blomefield Councillor Tom Stowe
Committee Date:	10 September 2025
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Residential Development Outside a Development Boundary
- (b) Housing Mix and Affordable Housing
- (c) Impact on the Character and Appearance of the Cotswolds National Landscape
- (d) Access and Highway Safety
- (e) Flooding and Drainage
- (f) Biodiversity

2. Reasons for Referral:

2.1 This application has been referred to Planning and Licensing Committee as it falls into the major development category as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.2 Cllr Blomefield has provided the following comments:

2.2.1 This is clearly a contentious planning proposal particularly in view that some of the issues from the earlier development Olimpik Drive have not been thoroughly satisfactorily resolved especially around flooding and drainage as well as increasing the traffic on Dyers Lane and Park Road which are both small, narrow roads.

2.2.2 I really do feel that the flooding issue does need taken seriously and its impact recognised in your report bearing in mind the flooding incidents that Chipping Campden has experienced in the recent past.

2.2.3 In addition, and even more importantly this site is within the Cotswold National Landscape (previously AONB) and as such its importance in preserving Chipping Campden's iconic feature of being set within the bowl of the surrounding countryside would be adversely affected if this proposed development went ahead.'

3. Site Description:

- 3.1 This application relates to the south-eastern part of an existing agricultural field located adjacent to the western edge of the town of Chipping Campden. The application site measures approximately 1.77 hectares in size. The field as a whole measures approximately 8.2 hectares. The site is linear in form with its north-eastern and south-eastern boundaries adjoining post war residential development. Its north-western boundary adjoins agricultural land and its south-western boundary adjoins a Class C highway (Dyers Lane). A line of trees and vegetation extend along the aforementioned boundary. The application site red line also extends along an existing residential estate road and junction serving the existing Olimpik Drive development to the south-east of the application site.
- 3.2 The application site is located on sloping ground which rises steadily from the south-east to the north-west. Lane levels rise approximately 5m across the site with the land continuing to rise to the north-west of the proposed development. The application site is also elevated above the Olimpik Drive development to its south-east.
- 3.3 The north-eastern boundary of the site adjoins Chipping Campden Development Boundary.
- 3.4 The site is located within the Cotswolds National Landscape.
- 3.5 The site is located outside of Chipping Campden Conservation Area. The boundary of the conservation area is located approximately 70m to the south-east of the application site at its closest point.
- 3.6 A Public Right of Way (HCC1) extends in a south-east to north-west direction through the application site.
- 3.7 The site is located within Flood Zone 1.

4. Relevant Planning History:

Application site

- 4.1 15/00708/OUT Outline planning application for a residential development of up to 76 dwellings, public open space, drainage and new access Refused 2015

Land to south of application site

- 4.2 16/01256/OUT Outline planning application for a residential development of 30 dwellings, public open space, drainage and new access. Refused 2016. Allowed at appeal 2017 (APP/F1610/W/16/3165805)
- 4.3 18/04995/REM Erection of 30 dwellings and associated works (Reserved Matters application pursuant to appeal decision APP/F1610/W/16/3165805 CDC Ref 16/01256/OUT). Approved 2019

5. Planning Policies:

- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- N1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF1 Infrastructure Delivery
- INF2 Social & Community Infrastructure
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: Objection - insufficient information received

- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to condition.
- 6.3 Gloucestershire County Council Archaeology: *'The county Historic Environment Record shows that the proposed development has been subject to archaeological investigation (geophysical survey and trial trench evaluation) as part of a previous application in 2015. The evaluation recorded the presence of a prehistoric enclosure to the southeast of the site but no significant archaeological remains were recorded in the trenches within the area for which this application relates.'*
- On the basis of the above, I recommend that no archaeological investigation or mitigation is necessary in relation to this application.'*
- 6.4 Gloucestershire County Council Community Infrastructure: Requests financial contributions of £20,187.94 to primary education, £27,766.44 to secondary 11-16 education and £27,766.44 to secondary 16-18 education. £5,880 to library services
- 6.5 Gloucestershire County Council Public Rights of Way: Comments incorporated into report.
- 6.6 Conservation Officer: Comments incorporated into report.
- 6.7 Landscape Officer: Comments incorporated into report.
- 6.8 Biodiversity Officer: Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development.
- 6.9 Tree Officer: No objection
- 6.10 Environmental and Regulatory Services Contamination: No objection subject to condition.
- 6.11 Thames Water: No objection in relation to water network infrastructure capacity
- 6.12 Severn Trent Water: No response to date

7. View of Town Council:

7.1 Response received on the 28th May 2025:

7.1.1 'Chipping Campden Town Council have major concerns in terms of flooding in the town and flood mitigation at this proposed site.

7.1.2 Council request that problems encountered following the first building phase at this site are revisited and reviewed in order to prevent a repeat and/or exacerbation of the problems arising as a result of that building phase.

7.1.3 Council will be seeking guarantees that this application will address and solve the problems already existing at and due to development of the site.

7.1.4 Council also request to see the reports from other consultees in order to make an informed decision.'

8. Other Representations:

8.1 Approximately 60 objections, 1 support and 3 general comments received.

8.2 Main grounds of objection are:

i) This development will impact the nature of the Conservation Area and as such should be rejected. If houses are continually added to such areas they will lose the character which makes them worth conserving.

ii) Development will impact the nature of the conservation area. If houses are continually added to such areas they will lose the character which makes them worth conserving.

iii) Building stage will be noisy and dusty, there's kids that play outside so big heavy duty machinery will impact our way of living. The view and landscape of the area is going to be taken away and is just going to be too overdeveloped.

iv) These new proposed buildings are right behind my property. Both my son and I suffer from anxiety, learning difficulties and mental health issues. All the properties that are to be affected are bungalows and the area is a quiet and calm environment. This is threatened by month of noise, from early morning until late at night, Monday to Saturday and sometimes on a Sunday, as it was when they were building the previous development. There was constant dirt and dust in our properties and noise from workmen.

v) Not adverse to new building in that area, although would like some understanding and respect for nature. New builds should have a level of new trees and care for old trees, foliage and the like.

vi) Increased risk of flooding. The site is on elevated ground above Olimpick Drive, and additional hard surfaces will worsen surface water runoff. This could place existing homes at serious risk, especially during heavy rainfall. The current drainage infrastructure is already limited, and no clear mitigation strategy has been presented.

vii) The history of planning applications, both 15/00708/OUT and 16/01256/OUT, will be well known to the committee as well as the strong conclusions of the Council. The latter proposal was subject to a successful appeal APP/F1610/W16/3165805 in 2017. In the appeal there are key paragraphs from point 12 onwards about what constitutes a "major development" in the AONB because, as we know, according to paragraph 116 these should be refused except in exceptional circumstances. The Inspector concluded that it wasn't a major development, partly, because the Council at that time had signed off a proposal for 40 dwellings off the Aston Road. Without the Inspector's key rejection of the Council's opinion that 16/01256/OUT was a major development it is highly unlikely that 16/01256/OUT would have appealed successfully. It is my contention that the original application for 76 dwellings in 15/00708/OUT would have also failed an appeal because it would have come under the auspices of paragraph 116 and the logic and analysis that the Inspector used for the smaller development of 30 dwellings would have been invalidated. Returning to 25/01194/OUT, there is evidence that, having failed to achieve the initial planning in 2015, the developers have returned with 2 "smaller" applications to effectively bypass paragraph 116 and the definition of a major development. It is up to the committee to decide whether a planning precedent will be set in the Cotswolds AONB regarding a major development- that is, tactically, rather than submitting a larger plan as in 15/00708/OUT to split it up into two, and bypass paragraph 116.

viii) It is my contention that 15/00708/OUT, which was emphatically refused, is simply 16/01256/OUT plus 25/01194/OUT and on this basis is a major development by the "planning backdoor." It is up to the committee to decide whether they want to encourage this approach to planning which, some would argue, both undermines the system and the sensitivity of developing land so close to Dover's Hill summit. Furthermore, the committee will be aware that CDC have already concluded the following(CC67 Leasows Phase II) Proposal: 40 homes. Assessment: Unsuitable - The topography rises steeply to the north-west and development would be highly intrusive and visible in a sensitive part

of the AONB. Development would also unacceptably intrude into open countryside. The increased vehicle use on Dyers Lane is also likely to be an issue. Conclusion: Discount.

ix) In terms of this sensitivity, Dover's Hill, a national icon under National Trust ownership, would only be a 10 minute walk from this newly created modern estate, and is simply unacceptable from a rural preservation point of view and the negative impact on tourism, vital to the local economy.

x) The site is outside the permitted development boundary; it is in an elevated position in the townscape; and it will impact neighbours due to increased traffic issues and water surface flooding.

xi) Impact on the Cotswold National Landscape (AONB) and Landscape Character: The site is located within the Cotswold National Landscape, formerly known as the Cotswold Area of Outstanding Natural Beauty (AONB). These areas have the highest status of protection for landscape and scenic beauty, and great weight should be given to conserving them. A previous assessment, the Strategic Housing and Economic Land Availability Assessment (SHLAA 2021), deemed the site (referred to as Leasows Phase II) "Unsuitable"¹⁶.... The reasons cited included the topography rising steeply to the north-west, which they believed would make development "highly intrusive and visible in a sensitive part of the AONB" and would "unacceptably intrude into open countryside". While the submitted Landscape and Visual Impact Assessment (LVIA) for the current application concludes that impacts would be "minimal, adverse on a very confined valley" and not "significant or intrusive"..., it acknowledges that the site is located within Landscape Character Area 'Farmed Slopes', classified as having High sensitivity to change. Views of the proposed development, while limited and partial due to topography, trees, and existing buildings, would be experienced from adjacent public locations along Olimpik Drive and nearby footpaths within 500 metres.

xii) Conflict with the Emerging Chipping Campden Neighbourhood Development Plan (NDP): The Chipping Campden NDP is currently under preparation. Although it is an emerging draft plan that carries limited weight at this stage it reflects community aspirations and includes proposed planning policies. The NDP proposes that new housing sites should ideally not exceed 10 dwellings, a threshold that the current proposal for up to 30 dwellings exceeds. The NDP also has strong objectives and policies aimed at protecting and enhancing the area's heritage assets, AONB location, unique townscape, natural environment, and setting. The site lies outside the Chipping Campden Development Boundary and the NDP notes strong opposition to new peripheral

housing developments outside this boundary. The NDP designates several areas as Local Green Spaces, highlighting the community's desire to protect local green areas. While the specific site is not listed as an LGS, the nearby Olimpik Drive Play Area is designated, indicating the value placed on green spaces in the vicinity. The NDP also designates Local Nature Recovery Areas and requires developers to demonstrate how biodiversity net gain will be delivered with enduring benefits.

xiii) Previous "Unsuitable" Assessment for the Site: As noted above, the 2021 SHLAA report, which informs the Local Plan evidence base, explicitly assessed the site (Leasows Phase II) as "Unsuitable". This assessment highlighted significant concerns related to landscape impact within the sensitive AONB, intrusion into open countryside, and potential adverse effects on vehicle use on Dyers Lane. This stands as a direct previous technical assessment recommending against development on this specific parcel of land.

xiv) Community Objections: Public comments submitted regarding the application include explicit objections.... Reasons for objection include concerns about trees and landscaping, specifically the need for understanding and respect for nature, care for old trees and foliage, and the provision of new trees. Another objection highlights the potential negative impact on the Conservation Area, arguing that adding houses to such areas causes them to lose the character that makes them worth conserving. The Campden Society, dedicated to protecting the town's architectural and historic quality, open spaces, and natural setting, works with the Town Council on the NDP60 and has expressed general concerns related to development impacts and planning policy in response to Local Plan updates.

xv) Infrastructure Strain and Flood Risk: Chipping Campden is experiencing substantial housing development (288 houses built since 2012, plus 76 proposed for Aston Road), putting significant strain on the town's road and parking infrastructure.... While the Transport Assessment concludes that the proposed development should not be rejected on highway grounds, the previous SHLAA report mentioned increased vehicle use on Dyers Lane as a likely issue. The NDP highlights the need for improved parking facilities to alleviate congestion, noting the town's expansion adds significant strain. Furthermore, the site is within the catchment of the River Cam, and while the site itself is in Flood Zone, the river elsewhere in the parish is subject to flooding. Local people raised concerns about increased flood risk during the previous appeal for the adjacent site. While the submitted Flood Risk Assessment and drainage strategy propose mitigation measures the community remains sensitive to this issue. Importantly, flooding has historically occurred on the

proposed site and adjacent areas such as Stickler Place, and in the area between Littleworth and the Dyers Lane Housing Estate.

xvi) Location Outside the Development Boundary: The site is located immediately adjacent to, but outside, the Chipping Campden Development Boundary as defined in the adopted Cotswold District Local Plan 2011 - 2031. While the Council has accepted that the previous Local Plan policy regarding development outside the boundary was inconsistent with national policy, and the current Local Plan aims to deliver growth in Principal Settlements like Chipping Campden Policy DS2 of the emerging Local Plan supports development within development boundaries. The NDP also indicates strong opposition to peripheral development outside the boundary.

xvii) In my view this site is just about the worst possible location for development in Chipping Campden. There are more suitable sites elsewhere, not least the site behind the secondary school.

xviii) Dyers Lane is a narrow rural lane with a steep incline. Additional traffic generated by development of this site would have a significant effect on traffic, causing overuse of the lane and the approach to Campden along Park Road with likely consequential detriment to Highway Safety and traffic build-up.

xix) The site of this application is on rising ground and development would result in a significantly increased flood risk. Residents were assured at the time of the application for Olimpik Drive that there would be little risk of flooding. These assurances have been proved wrong and Olimpik Drive has already flooded. I therefore feel that no weight should be given to any assurances regarding flooding as a result of this application.

xx) The rising ground of this site means that development would result in an unacceptable visual intrusion into the historic setting of Chipping Campden, and urbanisation of the currently rural approach. The LVIA produced for the applicant incorrectly states on the first page that the land is at Station Road. It further states that the negative visual impact of the development will be minor. I disagree with this assessment and contend that it would be significant. Furthermore this site is within the AONB and within sight of the Conservation Area making it a particularly sensitive site.

xxi) The site is a valued part of the natural setting of Chipping Campden and its loss would be felt in its impact on biodiversity and the environment and the loss of productive farmland. It is included in the Chipping Campden Neighbourhood Plan indicating its value to the community.

xxii) I am unaware of any figures that prove a housing need of such a scale in Chipping Campden and thus residents of the new dwellings would be likely to commute to work with consequent environmental damage.

xxiii) Chipping Campden already houses a large number of short term holiday lets and any increase in this supply as a result of dwellings in this proposed development being used for this purpose would have a negative impact on the cohesive nature of the community. Dwellings should be dwelt in.

xxiv) In my view the development of 30 dwellings on Olimpick Drive (that was permitted on appeal) and this new application should be considered together and not in isolation merely because the applicant has split their original application in two. Undoubtedly this represents a major development that is outside the development boundary. Permission for building on this site was refused in 2015 for sound reasons that remain valid.

xxv) The proposed development on this sloping field will lead to flooding in Park Road and Littleworth. The field acts to retard the flow of water after rainfall, and building on it will make the flooding we have already seen much worse.

xxvi) The development would be visually intrusive from the Cotswold Way, Dyers Lane and Kingcombe Lane, and will ruin the beautiful views from the upper slopes. A total of 60 new houses must count as a major development, and will change the character of this historical town.

xxvii) Housing Requirement: In the Cotswold District Council's August 2023 Housing Land Supply Report, in 1.4, it states the Council had a "Housing Delivery Test score of 127%" (exceeding the 5% + 20% buffer). In March 2025, The Cotswold District Local Plan (2011 to 2031) Report states in 2.4 "The Council also reviewed its adopted housing requirement in August 2023", and the report states "it did not need to be updated". These reports were prior to the recent Leasows II application; therefore, no case can be made for the proposed development. In the above reports (2023 & 2025), the Council was able to demonstrate that it can provide the requisite 5 year supply of deliverable housing land and as such there is no exceptional need to release the Leasows II land for housing.

xxviii) Olimpick Drive rises from the playground and continues to rise towards Stickler Place and beyond to the field gate entering the land known as Leasows II. The ground continues to rise beyond the field gate in a westerly direction. To the north/north west, the land known as Leasows II rises to higher degree over Stickler Place. This is accentuated further as Stickler Place falls lower to where it

terminates. Due to the topography, a development placed in the land known as Leasows II would prove to be dominant, visually intrusive and be a cause of visual amenity to the neighbouring properties. The visual detriment will also be noticeable by the General Public and Tourists (to which the town derives income) when in a descent or ascent from or to Dover's Hill, along the Cotswolds Way. In effect, they will be walking via a 'ribbon estate'.

xxix) In the Chipping Campden Site Assessments Strategic Housing and Economic Land Availability Assessment (2021), the parcel of land known as CC67 (Leasows II) was deemed as unsuitable due to the topography rising steeply to north-west making the development highly intrusive and visible in a sensitive part of the AONB.

xxx) Impact on Highways safety - the access to Olimpik Drive from Dyers Lane and therefore into the site is in a derestricted zone and vehicles speed down Dyers Lane to the pinch point where it meets Park Road. The access into Olimpik Drive would see traffic from an estimated extra 50 cars.

xxxi) The vehicle count was undertaken at a quiet time of the year relative to this road which is not only a cut-through between the A44 and Stratford on Avon but in the months between May and September is busy with tourists, singly and in groups, walking from the town to Dovers Hill on a road which has no footpath. In addition those months see a high increase in cycle traffic, both individuals and large groups.

xxxii) Flood Risk - the Flood Risk Assessment in the application states that the site "falls steadily to the South East". The current Olimpik Drive development has created flood flows for Littleworth and Park Road. The proposed site will only increase this. The Assessment confirms the site has "slightly impeded drainage" and if "infiltration is not viable discharge will be to culverts in Dyers Lane". There are already overland flows from uphill and I expect that this overflow would increase and also further impact Park Road and Littleworth.

xxxiii) Public Right of Way - a significant & well used PRow path crosses the site. It is proposed to direct and thread it through the proposed development, representing further material urbanisation, by 2/3rds in length of this rural footpath. A significant length of this PRow has already been urbanised and is now an unattractive formal tarmac path passing between terraced housing. The proposal will significantly destroy a legacy walking experience, used by a growing number of walkers. It would encourage them to use the alternative option of walking either up or down Dyers Lane which increases the risk of accidents with motorists on an existing busy road.

xxxiv) The outline planning application and its associated Flood Risk Assessment proposes that responsibility for the general site maintenance, including the proposed flood risk systems installed, will be vested in a management company. In considering new development planning applications, it simply is not right, or fair, that both local councils and developers conspire together to abdicate huge aspects of their municipal responsibilities and pass these risks on to the unsuspecting residents in these new developments, under the guise of setting up management companies for new developments. New residents are effectively forced into business relationships with their neighbours to pay for services that they already pay for in their community charge taxes. For example, the failure by the Local Authority to adopt new roads built, to manage flood risks, pay for street lighting and other 'service' maintenance charges. It is an inequitable situation between the services residents receive outside such developments and those within new developments when both pay the same level of council tax. Ultimately, if councils want new development and new housing to happen, the concomitant costs of the public services that arise from such developments needs to be factored into local authority finances. All residents moving into such new developments should then pay their council tax knowing that they are receiving the same level of service as other existing residents.

xxxv) The local amenities are not fit to accommodate more housing such as the doctor's surgery and the local nursery. The secondary school is over subscribed.

xxxvi) There are only two means of access - narrow Park Road and the steep and narrow Dyers Lane. Neither is suitable for lorries. Dyers Lane is well used by visitors to Dovers Hill and is the only route available for wheelchairs. Cars parked by residents in Park Road are frequently damaged by traffic squeezing past. A shortcut from the main A44 down Blind Lane is steep and dangerous and not suitable for heavy traffic.

xxxvii) The Olimpick Drive development provided the amenity of a children's playground and green space. the proposed development provides no social amenity or commercial activity. There is urgent need in the town for a new cemetery, perhaps one could be incorporated into the plans.

xxxviii) Impact on dark skies.

xxxix) Failure to conduct a flood risk sequential test in accordance with published guidelines.

xl) Alternative land available at Aston Road that could be used for residential development.

xli) The first development on Olimpick Drive has caused issues with significant runoff. This is of particular interest to me and anyone living in Park Road who have recently had to deal with flooding in their homes due to the runoff of water coming from Olimpick Drive which went down the narrow roadway to Littleworth onto Park Road. We have had personal experience of bailing water out from our living room as a result of this runoff. The Council claim that the drains on Park Road were cleaned prior to the flood and if this is correct, the existing drains are already insufficient to deal with the existing flooding problems. There are no proposals by the Council to upgrade the existing drains on Park Road or increase maintenance.

xlii) There are a few issues linked to this very real threat of further flooding from overdevelopment: firstly, it appears that the planning requirements for flood management on the current Olimpick Drive site were not complied with and these issues remain unresolved. Even if the Local Authority were to require a higher standard in respect of drainage, I have no reason to believe that this would be implemented in the actual development or that the Local Authority would take the necessary steps to ensure that they are implemented. My property and others in Park Road would therefore be left with the nightmare scenario that the recent flooding experienced would become a more regular experience which is unacceptable. To allow this proposal would be completely unreasonable, and a derogation of the Councils public duty to ensure the safety of the residents who live below the proposed development site.

xliii) To mitigate this flooding issue, an auxiliary trench and bund was built by the developer for when the first and more outer drain is overwhelmed. This "auxiliary trench" is full during normal sustained rainfall in the wetter months. This "field drain" and "auxiliary trench and bund" system runs between Stickler Place and "Leasows II", and collects flows coming down from "Leasows II", and directs the run-off towards the narrow culvert at the end of Stickler place, down between the rear of properties situated on Littleworth and on Olimpick Drive, and onto Littleworth itself (Zone2), which in turn leads onto Park Road (Zone 3). This "mitigation" has increased flows towards Littleworth and Park Road. "Leasow II" will add to these flows and flood risk. The Cotswolds District Council Level 1 Strategic Flood Risk Assessment (SFRA) draft, in 4.7 (Cumulative impacts assessment) states "When allocating land for development, consideration should be given to the potential cumulative impact of the loss of floodplain storage volume, as well as the impact of increased flows on flood risk downstream". "Whilst the loss of (floodplain) storage for individual

developments may only have a minimal impact on flood risk, the cumulative effect of multiple developments may be more severe".

xliv) Since 2012 Chipping Campden has seen substantial housing development: 288 houses have been built, with another 76 in the Local Plan proposed for the Aston Road development. Chipping Campden is expanding, with 348 extra houses recently constructed or awaiting planning permission. In Census of 2021, there were 1,100 households, therefore adding 348 (in planning or completed) +30 the Haines Brother's project wants to bring, would be the total to 1,478 houses. That represents a 34% increase.

xlvi) With regard to the Lead Local Flood Authority submission of 20th August there is huge concern in the locality about the backstop of a Surface Water Cutoff Ditch in terms of the direction of overflow from that ditch. It is clear that the high Flood Risk which will exist from the proposed development is not being mitigated by that addition.

xlvi) The plan sets out the layout for the proposed building of 30 houses together with 7 separate double & 5 single garages. There is provision for 70 parking spaces together with estate roads and pavements. The form and description of the homes proposed for the site appears to be highly suburban. Taken together with the recently built ODD, it would create an overwhelming impression of being within an urbanised housing estate.

xlvi) The area of land for the proposed site is on a rising slope which climbs up to Kingcombe Lane. The LVIA reads "the development would be seen to fill in a natural development gap between Olimpik Drive and Littleworth. This "natural gap" was only created by building the Olimpik Drive development, on the flat level site, and was only completed in 2022.

8.2 **Main grounds of support are:**

i) I have lived in Littleworth for forty eight years and experienced a huge range of weather conditions in that time. The flood water from the leasows has been a continuing issue, indeed the grid fitted at the pedestrian entrance to Olimpik drive, opposite Birdcage Walk was an attempt to stop muddy water getting on to the road. All this before any houses were built on the leasows site. Any water issues now are a result of rainwater management inefficiencies built in during design and construction of the new estate. As evidenced by the hastily constructed bank and ditch leading nowhere between the estate and the upper field after the garages were flooded. The two small streams, one running down the Hoo and the other one above the gardens at the top of Littleworth used to

run to the Cam underground from the bottom of birdcage walk but were diverted into the large drain running down Littleworth under Watery lane and into the cam directly opposite. Again, flood waters in this pipe have lifted the manhole cover to ease pressure regularly over the years, including well before any building on Olimpik drive.

ii) The much quoted 'rising ground' and 'outside the building line' are misleading. There is a slight rise but no change to the existing slope already built on and no intrusion to views from Conduit Hill or Westington. With regard to building lines, the proposed development is well within a line from buildings to either side. Indeed existing building on the Hoo is significantly higher and more prominent than anything proposed on this application. During my many dog walks in both areas people are friendly and content. The mixed community on Olimpik drive, Sticklers close and Scuttlebrook close have mostly knitted into a friendly and varied group. One lady directly opposite the proposed development told me "I have no objection, my house probably blocked someone else's view so let them build." The mix of houses in the proposal seems appropriate for needs of all concerned.

8.3 **General comments are:**

i) I wish to add comment about the flooding that we suffer throughout the wetter months. The lane that floods runs down the side of our property. We are unable to access our back garden gates when this happens and the flood water also makes the bottom of our garden very damp - which in turn has affected our fence and garage. Furthermore when this happens in winter months the water then freezes and I have picked many a neighbour up off the path after falling on the ice. If the development was to go ahead I would expect that this be fully considered with a guarantee for the future that the developer fixes any further flooding caused by the run off from the site.

ii) The proposed affordable development for Aston Road in Chipping Campden has fallen by the wayside and although the local development plan did not take this on board this outline application may easily be a way to fill the lack of needed affordable housing within Chipping Campden and Cotswold District Council if Cotswold District Council Conditions all housing to be affordable.

iii) I also propose dwellings being reduced to 20 as well as affordable and each dwelling to have space within the dwelling land itself for the parking of a van and a car and a visitor vehicle and that all bins required by Cotswold District Council also have space within the boundary of each dwelling and of course

that trees and hedges should be planted and maintained in and around each dwelling as well as on the boundary and for those trees and hedges existing and proposed on the boundary of the site to be maintained/or replaced by the developer for ever.

iv) There should be no permitted vehicular access from this site to the land above.

8.4 The Campden Society

Objection :

'1. The Development Plan

1.1 The development plan for these purposes consists of the Cotswold District Local Plan adopted in 2018. Although the National Planning Policy Framework has been revised a number of times since its introduction in 2012, its paragraph 2 has remained unchanged in intent and we would like to highlight paragraph 190 which says: "permission should be refused for major development other than in exceptional circumstances".

1.2 The proposed development does not comply with this development plan and in particular the site lies outside the development boundary for Chipping Campden. Development boundaries are a fundamental means of controlling the distribution of development, especially in a National Landscape. We would like to highlight Policy EN4 regarding "landscape character, visual quality and local distinctiveness" and EN5 regarding the Cotswolds AONB. We cannot identify other material considerations in this case sufficient to outweigh the provisions of the development plan.

2. Housing Supply

2.1 In the SHLAA (2021), site CC68, Land North-east of Aston Road, owned by GCC has been earmarked for a major development including approx.130 houses. A Compulsory Purchase Order to regain possession of the land is in progress. We believe that any demonstrable local housing need will be more than met by this development, which we support in principle.

2.2 We recognise that the new housing requirement figures (from the Standard Method) mean a significant increase for Cotswold District. The Council will have to review this issue of the Local Plan. However, until such time as the review reaches a preferred options stage, not all sites are suitable for housing.

2.3 In this instance, we consider that the need for a substantially increased level of housing provision is outweighed by the site's location in a visually sensitive part of the Cotswold National Landscape and the practical constraints on the site's development. These are addressed in more detail below.

3. Urban Planning and Biodiversity

3.1 The outline plan is poorly designed with a substandard housing layout which does not integrate the housing mix nor does it enhance the experience of residents or users of the PRow with interesting street scenes or attractive green spaces; it also exhibits no relationship with the existing Olimpik Drive. This is contrary to CDC's Planning Policies EN1 and EN2; and the CDC Design Code. We appreciate that this is an outline application but, based on the previous development, there was little improvement in the standard of design between outline and full planning applications. This proposal makes no reference to the previous development in urban planning, bar the continuation of the PRow, around which the site has been laid out. The planning ignores the basic tenets of good town planning, much as the previous development did, which has led to significant problems for residents because the housing mix was not designed or integrated properly.

3.2 There is also a narrow strip of land between this site and the Olimpik Drive development not included in the application. This will make any management of hedgerows or other planting problematic. In the previous development, a similar retention is problematic.

3.3 The Biodiversity Net Gain proposal is very basic and makes no mention of the fact that the site is adjacent to an existing high priority woodland habitat which could provide any scheme with a good opportunity for biodiversity improvement.

4. Topography and Visual Amenity

4.1 The National Planning Policy Framework states that permission should be refused for major developments in a National Landscape except in exceptional circumstances and where it can be demonstrated that they are in the public interest. This application fails this test; the circumstances are not exceptional, and while we support the building of new houses locally, for all the reasons set out in this letter, this particular proposed development is clearly not in the public interest.

4.2 *The site is outside the town's development boundary contained in CDC's Local Plan; if the intention is to characterise this as a rural exception site, Policy H3 of that Plan states that the expectation is that 100% of the homes built should be affordable homes.*

4.3 *The site is also on rising ground and the proposal would have a detrimental impact on the natural and historic landscape which is contrary to the CDC's Planning Policy EN4 and EN5. In the Chipping Campden Site Assessments Strategic Housing and Economic Land Availability Assessment (2021), the parcel of land known as CC67 (Leasows II) was deemed as unsuitable due to the topography rising steeply to north-west making the development highly intrusive and visible in a sensitive part of the AONB. The Upper Leasows is also a proposed Local Green Space in the draft Neighbourhood Development Plan which is an indication of the value the town places on this site as an undeveloped open space.*

4.4 *We note that CDC's landscape consultants, Planscape, write: "The development would result in adverse landscape and visual effects, particularly through the erosion of the existing settlement boundary and the character of the local landscape." We also concur with Planscape's assessment of visual amenity and the omissions of the visual receptor of Dyers Lane; and we would add Westington Hill to this assessment.*

5. *Traffic Infrastructure*

5.1 *The existing Olimpick Drive development and its proposed extension do not follow the local authority guidance which recommends that all developments should be fully accessible by walking and cycling in relation to provision within the site and connections between the site and nearby services, facilities, and active travel networks. Dyers Lane is a sloping, narrow (to 4.1m in places) road with broken edges and has a 60mph speed limit which makes it dangerous for cyclists. Park Road is a narrow road with passing places; and Blind Lane is a steep slope, broken edges with a blind corner - all of which are dangerous for cyclists. Cyclists have limited access to Littleworth via footpath (HCC1) leading into the Littleworth estate.*

5.2 *Turning to pedestrian access, Dyers Lane does not have pavements nor street lighting. Although Dyers Lane does link a public right of way footpath HCC8 to another HCC1 leading into the Olimpick Drive estate. This necessitates pedestrians using the dangerous Dyers Lane for a stretch. Blind Lane has no pavement or street lighting; and Park Road does not have the minimum*

requirement of 1.5m pavement for pedestrians in many places; and, due to the road's narrowness, walking on the pavement is also problematic.

5.3 The only pedestrian access from Olimpick Drive is the public right of way footpath (HCC1) into Littleworth; this is the chosen pedestrian route in the application. The submitted Transport Assessment states in its Summary that "2.4.5 All pedestrian movements will be directed to the east through Littleworth and down Hoo Lane." This footpath comes out at the junction of Hoo Lane and Back Ends. The West End Terrace section of Hoo Lane has a narrow pavement on one side of the road and any increase in pedestrians, particularly those using pushchairs or needing mobility scooters could prove problematic to oncoming traffic.

5.4 This pedestrian access from Olimpick Drive has not been improved in spite of Glos. Highways recommending that: "No works shall commence on site on the development ... until details of the improvements (to include but not limited to surfacing, lighting and means of preventing vehicle access) to the PRoW between the site and Littleworth have been submitted ..." and Point 40 of the Appeal Decision stated "Details of the treatment of the public rights of way across the site are needed to promote and encourage walking and cycling."

5.5 Additional plans submitted late to the Appeal Panel in 2017 for the Outline Application (16/01256/OUT and Planning Inspectorate reference - 3165805) show that the land at this access is owned by the landowners who are currently applying for this current outline planning permission to extend the Leasows site. To date, this pedestrian access to the Olimpick Drive development is substandard, the path is not designed or built to the standard of DNRB for footpaths, even though at Point 37 of the Appeal Ruling the Inspector attached "some weight to the benefits of the proposal in improving accessibility along the rights of way". It is built with temporary construction techniques with timber edging which will fail, and is subject to regular flooding and, in the winter, freezing over. Any further pedestrian traffic will exacerbate the failing construction of this access. The Transport Assessment states that it: "...should consider the potential impacts on all modes of transport, safety of all users and impacts on the environment. Development proposals should demonstrate how both the location and design of that development promote sustainable forms of travel." This has not been demonstrated in this application.

5.6 Significantly more cars will exacerbate the buildup of traffic and vehicle movements per day in these narrow lanes and increase road safety concerns across the immediate road network. The CDC's Strategic Housing and Economic Land Availability Assessment 2021 judged the site (CC67 Leasows II)

"Unsuitable" noting the "increased vehicle use on Dyers Lane is also likely to be an issue". The carriageway in Park Road narrows to 2.5m when passing parked cars. Anecdotally, there have been 20 incidents of damage to parked cars in the past 15 years; one resident has had three cars damaged. Similarly Blind Lane has steep slopes, broken edges, and a blind corner, with the carriageway narrowing to 3.25m at the Old Granary. Both these routes can be termed semi-rural or village roads with no capacity for improvement or extra traffic.

5.7 At the top of Dyers Lane, the crossroads at Kingcombe Lane and The Narrows is dangerous, with a sloping approach and limited visibility. There was a serious crash here involving 2 vehicles and a casualty in July 2021. This crossroads is frequented by heavy road freight wanting to bypass Fish Hill and is included on the Fish Hill Diversionary Route in the Vale of Evesham Advisory Lorry Route Map, 2021.

5.8 We note that the Traffic Assessment submitted by the applicant includes both Automatic and Manual Traffic Count survey details. These were carried out in October which is not a peak visitor season for the town. The ATC also includes a half term date (Monday 28 October) which suppresses the impact of general traffic volumes.

6. Flood Risk

6.1 As the National Planning Policy Framework states at Point 181: "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere." The development of Olimpick Drive, and the surrounding roads of Littleworth and Park Road were flooded in September 2024 due to the failure of the flood mitigation associated with the development. Any further development will exacerbate this problem. The Flood Risk Assessment submitted by the applicant does not take into account these neighbouring lower slopes and suggests that surface water will flow east into Dyers Lane. The topography of this site suggests this is not the case. We note that David Lesser, from the Lead Local Flood Authority, objects to the application and points out that any managed discharge to Dyers Lane "will require considerable attenuation volume, the space for which needs to be identified at the outline stage of the application."

6.2 The FRA concentrates solely on the proposed site for development but does not assess the flood risk, particularly the pluvial risk, in the broader context of the surrounding area. A part of Park Road flooded in September 2025 which was the direct result of run off from the Olimpick Drive development; Stickler Drive had flooded prior to that as the flood attenuation had not been

implemented properly or fully. Park Road flooded in 2007 in the serious flood event that happened that year; prior to that the road has had a history of flooding - it was previously known as Watery Lane.

6.3 The FRA mentions that attenuated drainage is suggested as suitable alternative to permeable paving but the figures in the report suggest that 500m² of attenuation would be required. This is not shown indicatively on the layout drawing of the site so it is difficult to envisage how much of the site would be required to implement this.

6.4 We would suggest that the proposal should be subject to a Sequential Test, as stipulated by CDC's Strategic Flood Risk Strategy.'

9. Applicant's Supporting Information:

- Flood Risk Assessment
- Planning Statement
- Tree Schedule
- Tree Quality Assessment
- Biodiversity Net Gain Assessment
- Landscape and Visual Impact Assessment
- Transport Assessment
- Preliminary Ecological Appraisal

10. Officer's Assessment:

Background and Proposed Development

- 10.1 The application site occupies a rising parcel of agricultural land lying adjacent to the north-western edge of a recently completed residential development of 30 dwellings that was allowed at appeal in 2017 (16/01256/OUT/APP/F1610/W/16/3165805). The aforementioned development is known as Olimpik Drive, but also includes roads called Stickler Place and Scuttlebrook Close. The Olimpik Drive development was allowed prior to the adoption of the current Local Plan and prior to the introduction of Local Plan Policy DS4 (which will be referred to in the following section of this report). It was therefore determined under different circumstances to those present today.
- 10.2 Planning permission was also refused in 2015 (15/00708/OUT) for the erection of up to 76 dwellings on an area of land which broadly encompasses the current application site and the land occupied by the Olimpik Drive development. The proposal was considered to cause harm to the Cotswolds National Landscape

and also to constitute major development in a national landscape having regard to the criteria set out in the former paragraph 116 of the National Planning Policy Framework (NPPF). Paragraph 116 advised that planning permission should be refused for major developments in National Landscapes except in exceptional circumstances and where it could be demonstrated that such developments were in the public interest.

- 10.3 With regard to the current proposal, this application seeks Outline planning permission for the erection of up to 30 dwellings and associated works. Matters relating to Access form part of this application. However, other matters relating to Scale, Appearance, Layout and Landscaping have been reserved for later approval should Outline permission be granted for this application. This application therefore seeks to establish the principle of development on the site rather than to obtain detailed planning approval.
- 10.4 Notwithstanding the Outline nature of this application, the applicant has submitted layout and landscape plans which show a linear arrangement of dwellings and roads on the site. In essence, 2 parallel lines of dwellings are shown extending in a south-west to north-east direction across the site, with further lines of dwellings lying to either side of the route of the Public Right of Way where it passes through the application site.
- 10.5 Vehicular access to the proposed development would be via an existing estate road serving Olimpick Drive, with access and egress to and from the public highway being via an existing entrance onto Dyer's Lane which runs to the south-west of the application site.

(a) Residential Development Outside a Development Boundary

- 10.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of this application is therefore the current development plan for the District, which is the Cotswold District Local Plan 2011-2031.
- 10.7 The application site is located outside Chipping Campden Development Boundary. It is also located outside of a Non-Principal Settlement. The erection of new build open market housing on the application site is subject to the following Local Plan policy:

10.8 Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements:

New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.

10.9 The current scheme would result in the erection of open market dwellings on the application site and is therefore contrary to the above policy.

10.10 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

10.11 Footnote 8 of the NPPF advises that '*out-of-date*' for the purposes of paragraph 11 includes '*for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.*' In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that paragraph 11 is engaged.

10.12 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that National Landscapes are areas or assets of particular importance. Harm to such areas or assets can therefore provide a strong reason to refuse an application for housing even if a 5-year supply of housing land cannot be demonstrated. With regard to criterion d) ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

10.13 In addition to the above, the application site has been assessed as part of the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) process. The document titled '*Strategic Housing and Economic Land Availability Assessment (2021)*' states the following:

'CC67 Leasows Phase II 40 homes

Unsuitable - The topography rises steeply to north-west and development would be highly intrusive and visible in a sensitive part of the AONB. Development would also unacceptably intrude into open countryside. The increased vehicle use on Dyers Lane is also likely to be an issue.'

10.14 The application site has not therefore been identified as a potential candidate for allocation in the emerging Local Plan.

(b) Housing Mix and Affordable Housing

10.15 With regard to housing mix, the following Local Plan policy is considered relevant to this proposal:

10.16 Policy H1 Housing Mix and Tenure to Meet Local Needs

1. *All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.*

2. *Any affordable accommodation with 2 or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.*

3. *Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots, unless demand identified on the Local Planning Authority's Self-Build and Custom Register or other relevant evidence demonstrates there is a higher or lower level of demand for plots.*

4. *Starter Homes will be provided by developers in accordance with Regulations and national Policy and Guidance.*

5. *Exception sites for Starter Homes on land that has been in commercial or industrial use, and which has not currently been identified for residential development will be considered.*

10.17 Whilst this application is an Outline application, the applicant has set out a potential housing mix in their Planning Statement. The proposed mix includes 2 one bed dwellings, 7 two bed dwellings, 14 three bed dwellings, 5 four bed

dwelling and 2 five bed dwellings. The submitted details also indicate that 1 dwelling would be provided as a self-build/custom build plot. The provision of the aforementioned plot would accord with the 5% requirement set out in the above policy. It is considered that the mix of housing is reasonable and accords with the requirements of Policy H1 in this respect.

10.18 With regard to affordable housing, the following Local Plan policy is applicable:

10.19 Policy H2 Affordable Housing

1. *All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.*

2. *In settlements in rural areas, as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.*

3. *The affordable housing requirement on all sites requiring a contribution, subject to viability is:*

- i. Up to 30% of new dwellings gross on brownfield sites; and*
- ii. Up to 40% of new dwellings gross on all other sites.*

4. *In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will also be required for each partial number of affordable units calculated to be provided on site.*

5. *The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots.*

6. *Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.*

10.20 The application site has an established agricultural use. As such, the proposed development is subject to 40% affordable housing provision. The applicant is proposing to provide 12 affordable dwellings which would consist of 2 one bed, 4 two bed, 4 three bed and 2 four bed units. The final mix and tenure would be agreed as part of a S106 legal agreement. However, it is considered that the number and general mix of housing proposed accords with the requirements of Local Plan Policy H2. The final position and design of the affordable dwellings would be established at the Reserved Matters stage should Outline permission be granted.

10.21 Notwithstanding the above, at the present time a S106 legal agreement is not in place to secure the delivery of the affordable housing and the self-build/custom build plot. There is therefore no mechanism to ensure the respective dwellings will be delivered in accordance with Policies H1 and H2

(c) Impact on the Character and Appearance of the Cotswolds National Landscape

10.22 The application site is located within the Cotswolds National Landscape (CNL) (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area *'must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* (S85(A1) of the Countryside and Rights of Way Act 2000).

10.23 It is of note that since the 2017 appeal decision, which allowed the Olimpik Drive development, the Council's statutory duty regarding the Cotswolds National Landscape has changed from being *'required to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'* to seeking *'to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* The change in wording was introduced under Section 245 of the Levelling-up and Regeneration Act 2023.

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

10.25 Local Plan Policy EN1 Built, Natural and Historic Environment states:

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

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
- b. Contributing to the provision of multi-functional green infrastructure;*
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
- d. Seeking to improve air, soil and water quality where feasible; and*
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.*

10.26 Local Plan Policy EN2 Design of the Built and Natural Environment states:

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

10.27 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.*

10.28 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*
2. *Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.*

10.29 Local Plan Policy INF7: Green Infrastructure states:

1. *Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.*
2. *New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*
3. *Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).*

10.30 In terms of national guidance, Paragraph 187 of the National Planning Policy Framework (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'*.

10.31 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... National Landscapes which have the highest status of protection in relation to these issues.'*

10.32 In addition to the above, the Council's Cabinet, at its meeting on the 8th May 2025, resolved to *'endorse the recommendation of the report that the Cotswolds National Landscape Management Plan 2025-2030 be used:*

- 'as a material consideration in the determination of planning applications (where compatible with relevant Local Plan and national policy)'

10.33 The Cotswolds National Landscape Management Plan 2025-2030 includes a number of policies which are considered applicable to this application, including:

10.34 Policy CE1. Landscape

CE1.1 Proposals that have the potential to impact on, or create change in, the landscape of the Cotswolds National Landscape (CNL), should be delivered in a way that is compatible with and seek to further the conservation and enhancement of the landscape character of the location, as described by the CNL Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.

CE1.2 Proposals that have a potential impact on, or create change in, the landscape of the CNL, should seek to further the conservation and enhancement of the scenic quality of the location and its setting, views, including those into and out of the National Landscape and visual amenity.'

10.35 Policy CE4: Local distinctiveness

'CE4.1 Proposals that are likely to impact on the local distinctiveness of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this local distinctiveness. This should include:

- being compatible with the CNL Board's Landscape Character Assessment, Landscape Strategy and Guidelines, Local Distinctiveness and Landscape Change and any relevant position statement or guidance published by the Board.*
- being designed to respect local settlement patterns, building styles, scale and materials in accordance with design guidance prepared by local planning authorities;*
- using an appropriate colour of Cotswold limestone to reflect local distinctiveness.'*

10.36 Policy CE5: Tranquillity

' CE5.1 Proposals that have the potential to impact on the tranquillity of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance.

CE5.3 Proposals that have the potential to impact on the tranquillity of the CNL should have regard to - and be compatible with - the CNL Board's Tranquillity Position Statement.'

10.37 Policy CE6: Dark Skies

' CE6.1 Proposals that have the potential to impact on the dark skies of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these dark skies, by seeking to avoid and where avoiding is not possible, minimise lighting.

CE6.2 Measures should be taken to increase the area of dark skies in the CNL by removing and, where removal is not possible or appropriate, reducing existing sources of lighting.

CE6.3 Proposals that have the potential to impact on the dark skies or dark landscapes of the CNL should have regard to and be compatible with:

- *The National Landscapes Board's Dark Skies and Artificial Light Position Statement.*
- *Cotswolds National Landscape Technical Lighting Design Guidance*
- *Best practice standards and guidance, in particular, that published by the Institution of Lighting Professionals. '*

10.38 The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA) as falling within Landscape Character Area 15B Vale of Moreton Farmed Slopes. This in turn falls within Landscape Character Type Farmed Slopes.

10.39 The Landscape Strategy and Guidelines for the Farmed Slopes Landscape Character Type identifies the *'Development, expansion and infilling of existing settlements, including residential, industrial and leisure, on the Farmed Slopes and onto the Farmed Slopes from adjacent settlements such as Chipping Campden as one of its 'Local Forces for Change'. The 'Potential Landscape Implications' of such development are identified as;*

- *Encroachment of built development onto the Farmed slopes intruding into the landscape, particularly on the more prominent upper slopes.*
- *Erosion of distinctive form, scale and character of small settlements on the Farmed Slopes including their relationship to the landscape and springline.*

- *Loss of characteristic small scale settlements and hamlets due to settlement growth and coalescence.*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.*
- *Spread of lit elements on the Farmed Slopes.*
- *Potential for glint from buildings, particularly on hillsides.*
- *Degradation of views to and from the Farmed Slopes from the adjacent Pastoral Lowland Vale and Ironstone Hills and Valleys.*
- *Loss of archaeological and historical features, field patterns and landscapes.*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.*

10.40 The LCA's 'Outline Landscape Strategies and Guidelines' advises that development should:

- *Maintain to open, often highly visible and sparsely settled character of the Farmed Sloped.*
- *Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements onto the Farmed Slope.*
- *Avoid development that may restrict or obscure views to or from the Farmed Slopes.*
- *Ensure new development is carefully integrated into the rural character of the Farmed Slopes.*
- *Ensure new development is proportionate and does not overwhelm the existing settlement.*
- *Ensure that new development does not adversely affect settlement character and form.*

- *Avoid developments incorporating standardised development layout, suburban style lighting, construction details and materials that cumulatively can lead to the erosion of peaceful rural landscape character.*
- *Avoid cramming development right up to the boundaries resulting in hard suburban style edge to the settlement.*
- *Control the proliferation of suburban building styles and materials.*
- *Conserve the distinctive dispersed character of villages on the Farmed Slopes and the relationship of settlements to their surrounding landscape.*
- *Adopt measures to minimise and where possible reduce light pollution.*
- *Avoid new inappropriate road infrastructure*
- *Identify key viewpoints to and from the Farmed Slopes.*
- *Plant trees and hedges within and around new development to reduce impact on the landscape ideally in advance of the development taking place.*
- *Retain existing trees, hedges etc as part of the scheme.*
- *Consider the impact on local Public Rights of Way as settlements expand and take into account any required improvements.*
- *Ensure development proposals safeguard and provide new links and enhancements to the Public Rights of Way network.*

- 10.41 The application site forms the southern part of a larger agricultural field located adjacent to the western edge of Chipping Campden. The land is currently used for arable purposes. The site is bordered to the east by the rear gardens/elevations of post war residential development and to the south by a recently completed housing development of 30 dwellings (Olimpick Drive). The west of the site consists of a line of mature hedgerows and trees, beyond which is a highway (Dyers Lane). The northern edge of the site adjoins the remainder of the agricultural field and is open.
- 10.42 The site is reasonably well screened from Dyers Lane to the west by existing vegetation. The site is also elevated above the road which means that views into it from the lane are limited by virtue of existing roadside banking. Public views from Park Road to the south and Littleworth to the east are also restricted by

existing housing. The principal short range public view of the site is from the Public Right of Way (HCC1), which extends in a north-west to south-east direction through the site. The aforementioned Public Right of Way also extends through the field to the north of the application site and Olympick Drive to the south-east. The application site is readily visible from the main road leading through the Olympick Drive development.

- 10.43 Public Right of Way HCC1 bisects the site and provides users with an uninterrupted view along its length. For users heading south-eastwards along the Public Right of Way the route affords a sense of arrival at the settlement. It also reinforces the relationship of the settlement with the adjoining agricultural landscape. Pedestrians leaving the settlement along the Public Right of Way are immediately provided with a sense of openness and a feeling that they have entered into an agricultural landscape.
- 10.44 Medium and long range public views of the site are limited by a mix of topography, buildings and vegetation.
- 10.45 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with this application. With regard to landscape character, the LVIA states *'The significance of effect (residual) has been given as Minimal, Adverse on a very confined valley within the Cotswold National landscape, with less than 'significant or intrusive' impacts to only a very small area of the LCA 15: Farmed Slopes.'* With regard to visual amenity, the LVIA states *'The magnitude of change (due to the presence of the proposed development site) has been generally assessed as having a mainly Neutral / Slight adverse magnitude of change on the viewpoint locations. With the walkers using the footpath (HCC1) that goes through the development having a Moderate, adverse (residual) magnitude of change.'*
- 10.46 With regard to the 2017 appeal decision, the Planning Inspector stated the following in relation of the Olympick Drive site:
- '29. In my view, the site possesses few of the important characteristics of the landscape type and the proposal would have very limited impact on the special qualities of the AONB as listed in the AONB Management Plan. I therefore conclude that the proposal would conserve the natural beauty of the AONB, but would result in some small harm to the character and appearance of the countryside.'*
- 10.47 Paragraph 9.15 of the Study of land surrounding Key Settlements in Cotswold District Update 2014 states that the *'steep slopes on the north west edge of the*

town which importantly provide the town's landscape backdrop.' are 'areas where development is not suitable.'

- 10.48 Whilst the comments of the Planning Inspector and the LVIA are noted, it is evident that the proposed development would appear elevated above the existing Olimpik Drive development. It would also appear as a very discernible extension of built development into the open countryside when viewed from Olimpik Drive or the Public Right of Way. It would extend built development further up the hillside than the housing to its south/south-east. It would also be positioned on a sloping parcel of land, rather than the flatter area which characterises Olimpik Drive. The site context is therefore materially different to that of the Olimpik Drive development.
- 10.49 Whilst a number of dwellings are located adjacent to the north-eastern boundary of the application site, these properties are partly screened by vegetation and are set back over 100m from the Public Right of Way. As a consequence, there is a landscape buffer between existing town development to the north-east and the Public Right of Way. In contrast, the proposed development would enclose the aforementioned route and result in a significant change to the experience of users of the footpath. Gloucestershire County Council Public Rights of Way advises *'When PROW's go through housing estates we are generally against them using the estate roads as this changes their character to a footway beside a road rather than a footpath through the countryside and the amenity value is considerably reduced. Although the landscape study assumed HCC1 is a minimally used footpath, it does in fact link Chipping Campden to the Cotswold Way and onwards to either Fish Hill or Dovers Hill, so is well used. I think further information and clarification is required before I am able to make any more substantial comments.'*
- 10.50 The submitted layout plan, whilst illustrative, shows a development that has a very formal, urban estate character which is considered to have little regard to its hillside location or its context on the edge of a historic market town. The scheme appears as a block of development that would relate poorly to existing development and would offer little in the way of a sensitive transition from the built area of the settlement into the adjacent countryside. The layout is considered not to respect local character and distinctiveness. In addition, it does not demonstrate that the site could reasonably accommodate the proposed level of development in a manner that would respond in a sympathetic manner to its location or further the purpose of conserving or enhancing the natural beauty of the area.

10.51 The Landscape Consultant engaged by this Council to review the application provided the following initial response to this application:

'Review of Submitted Information

Landscape Character

10.51.1 The Vale of Moreton Farmed Slopes LCA 15 is characterised as a transitional area between the exposed High Wold and Dip-Slope and the more enclosed, verdant Pastoral Lowland Vales. The Farmed Slopes are characterised by gently undulating landform, often aligned in a north-south orientation, with a structured patchwork of arable and pasture fields defined by hedgerows and occasional broadleaf woodlands and tree belts.

10.51.2 The local character includes open agricultural land, occasional copses and woodland edges, and small settlements occupying the mid and lower slopes. Chipping Campden demonstrates this pattern with historic development concentrated within the lowlands, and more recent residential development extending up the lower slopes. The landscape strategy highlights the importance of maintaining settlement compactness, avoiding development that interrupts the pattern of hedgerows and fields, or introduces suburban building styles and boundary treatments that erode rural character.

10.51.3 The application site sits on the lower slopes at a transitional point between built development and the surrounding rural landscape. Although these lower slopes are somewhat less prominent than higher ground, they remain sensitive due to their openness and role in defining the setting of the settlement. The site's agricultural character also reinforces the distinction between Chipping Campden and the countryside and contributes positively to the perception of this separation.

10.51.4 The proposed development would extend the existing residential area northward beyond Olimpick Drive, into land that has until now marked the limit of built form. While the site is visually contained to some extent by 3 adjacent development and boundary vegetation, its sloping and undeveloped nature is part of the wider field system and plays a clear role in maintaining the settlement structure and pattern.

10.51.5 The existing Olimpick Drive scheme included a green buffer on its northern boundary to soften the settlement edge, the current proposal would extend development beyond that buffer. This undermines its original intent and results in a cumulative reduction in the effectiveness of the transition between

settlement and countryside. The overall result is a progressive erosion of landscape character, particularly in the context of the LCA's sensitivity to peripheral suburbanisation and settlement coalescence.

10.51.6 The LVIA categorises the landscape sensitivity as medium, yet this does not align with its location within the Cotswolds National Landscape, which places strong emphasis on conserving landscape character and natural beauty. The site exhibits susceptibility to the proposed change and holds high value due to its designation, setting, and characteristic qualities. A more appropriate sensitivity judgement would be medium-high. Similarly, the LVIA does not assess the site as a whole in terms of its contribution to local character, instead focusing on landscape features such as hedgerows and topography. It is recommended that the site itself is treated as a landscape receptor in the assessment.

10.51.7 In reviewing the submitted LVIA, it is considered that the landscape impact judgements are underestimated. The conclusion that residual landscape effects would be slight to moderate adverse does not fully acknowledge the permanent change to land use, the erosion of the established settlement boundary, or the implications of extending development beyond a previously designed 'green edge'. It is also unclear if the residual impact judgements are based on Year 1, or beyond. It's therefore advised that receptors are assessed at both Year 1 (winter) and Year 15 (summer) to demonstrate how the scheme is likely to appear over time, taking into account the establishment and effectiveness of mitigation measures.

Visual Amenity

10.51.8 From a visual perspective, the site is relatively enclosed by rising ground to the north and existing vegetation on the site boundaries. Although the development may not be visible from many long-range viewpoints due to localised landform and vegetation, the limited number of available views does not diminish their sensitivity or importance, particularly within a nationally designated landscape.

10.51.9 The LVIA does not identify Dyers Lane as a visual receptor, which represents a notable omission. This route, and particularly the proposed access point, offers sequential views for those entering and exiting Chipping Campden and plays an important role in the experience of transition from village to countryside. Replacing the existing open, sloping farmland with suburban built form in this location would alter that experience.

10.51.10 To accompany the assessment, a series of representative viewpoints are presented with descriptions and analysis during construction and after completion. However, the absence of wireframe overlays limits the clarity of scale and height parameters. Notably, from more distant views such as Viewpoint 1 and 5 this would have been beneficial.

10.51.11 Viewpoint 1 (Footpath HCC3) affords slightly filtered views. We are of the judgement that the potential judgements have been underestimated as it's clear that residential development will be brought further into the foreground of the views and extend further up the valley slope. For that reason, we are of the judgement that a more accurate assessment would be moderate adverse at Year 1.

10.51.12 From PRow HCC1 (Viewpoint 3), it is evident that the existing residential development along Olimpick Drive is already visible, and as such, the baseline visual experience for users has only been partially altered. However, the proposed scheme would further extend built form up the slope, increasing the sense of enclosure and diminishing the perception of a rural edge. As a result, the experience for users would shift more noticeably from one of a settlement edge adjoining open countryside to one increasingly more defined by a suburban residential development.

10.51.13 Overall, the development would result in noticeable visual change to this transitional landscape. The inclusion of a northern green edge and tree planting may soften some views over time, but the underlying change from rural to residential character would remain evident, particularly during the early operational years.

Landscape and GI Design Considerations

10.51.14 The Strategic Landscape Plan sets out a number of measures including retained hedgerows, native planting, informal and amenity grassland, and open space. A green buffer is proposed along the northern boundary, and the primary street follows the existing PRow, framed by tree planting. The plan makes reference to soil reuse and seasonal planting guidelines, which are broadly consistent with good practice.

10.51.15 As previously stated, the existing development off Olimpick Drive included a green corridor and buffer space along its northern edge to act as a transition to the rural setting. The associated LVIA for that application (ref. 16/01256/OUT) described this buffer as essential in softening the edge of development and integrating it into the surrounding landscape. The current

proposal extends development beyond this established buffer, compromising its original role and purpose. It also undermines the effectiveness of the earlier edge strategy, which was deliberately designed to prevent encroachment into open countryside.

10.51.16 While the application references small-scale grading works to create a level development platform, there is limited detail on how these earthworks will be integrated into the wider landscape framework. Further clarification should be provided regarding the extent and nature of proposed level changes, particularly in relation to the site's sloping topography.

10.51.17 The proposed landscape buffer along the northern boundary may offer some visual and ecological benefit, but its effectiveness will be dependent on appropriate species selection, ongoing management, and how well it ties into the existing landform.

Recommendations and Conclusion

10.51.18 In conclusion, the application site occupies a sensitive edge-of-settlement location within the Cotswolds National Landscape. It's our judgement that the proposed development would result in a greater degree of landscape and visual impact than suggested in the submitted LVIA. While the site is located adjacent to existing built development, it remains closely associated with the open countryside to the north and shares key characteristics with the overarching national landscape.'

10.52 Following the receipt of additional information from the applicant, the Landscape Consultant advises:

'Review of revised information

10.52.1 The updated LVIA now includes impacts on the character of the site and its immediate surroundings. The applicant states that "the Site would not extend further up the slope than the residential areas within Littleworth (Jubilee Gardens/Hoo Lane etc.)" and therefore concludes that effects on the wider settlement pattern are limited. While this is factually correct in terms of topographic extent, the comparison underplays the difference in settlement form and character between Littleworth and the proposed scheme. Jubilee Gardens and adjoining areas integrate more closely with the existing grain of Chipping Campden, with a tighter village-scale arrangement and established green infrastructure connections. By contrast, the proposed development introduces a relatively uniform layout, higher density frontage, and weaker

integration of green infrastructure, resulting in a structure that is more overtly perceived as an outward extension at the edge of the settlement. In this sense, the proposal creates a distinctly different settlement edge condition, more exposed to views from the north and north east, and one that reads less as part of the established townscape and more as an encroachment up the valley slope.

10.52.2 Notwithstanding the matters above, the LVIA's assessment of LCA effects is recorded as negligible at Year 1 and minimal adverse at Year 15, which implies greater adverse effect in the long term. This is counterintuitive given that the early years will present the most open and unfiltered views of built form, with the expectation that maturing planting should reduce adverse effects over time. The assessment narrative should be revisited to reflect this more typical trajectory.

10.52.3 From a visual perspective, the applicant's own methodology indicates that PRowS and key heritage views are generally of medium-high sensitivity. In this context, the assessment of PRow viewpoints (including HCC1 and HCC3) undervalues receptor sensitivity and consequently risks understating the magnitude of visual effects. Both of these routes experience views towards the site, where new built form would be clearly perceived as an extension into open countryside.

10.52.4 It is also important to note that the existing Olimpik Drive scheme incorporated a broad northern green corridor with a robust, native-planted boundary designed to mitigate landscape and visual effects and create a strong, defensible settlement edge. The current proposal would undermine the original landscape strategy whilst creating a cumulative pattern of hillside development that, if repeated, would lead to the gradual erosion of the slope and the breakdown of the rural transition to the countryside.'

10.52.5 As previously suggested, the street arrangement, building lines, and open space reflects a standard suburban housing form. This lack of contextual response is inconsistent with the expectations for development within the CNL, where design should be landscape-led and reinforce local distinctiveness.

Conclusion

10.52.6 The revised submission offers additional information but does not address the fundamental concerns relating to the site's sensitivity and the character of the proposed development. Built form would extend up the slope beyond the existing settlement edge, leading to adverse effects on local PRowS, the site itself, and the surrounding Landscape Character Area.

10.52.7 The standardised suburban layout fails to conserve or enhance the natural beauty of the CNL and instead contributes to incremental encroachment up the slope. This approach undermines the design principles established through the adjacent Olimpick Drive development and runs contrary to the guidance in the Cotswolds National Landscape Management Plan, which seeks to maintain defensible settlement edges and avoid cumulative suburbanisation.

10.52.8 The proposal is therefore considered to conflict with Cotswold District Local Plan Policies EN1, EN4, and EN5, and with the statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 to "further the purpose of" conserving and enhancing the natural beauty of the CNL. While the effects may not be classed as "significant/substantial", they are nonetheless a material consideration.

- 10.53 It is considered that the proposed development would have an urbanising impact on the rural setting of the town and the character and appearance of the CNL. The proposal would result in the encroachment of built development onto a rising parcel of land that contributes in a positive way to the relationship that currently exists between the settlement and its agricultural surroundings. The site is materially different to Olimpick Drive insofar as it is more elevated above the town and sits on sloping land. Its development would represent a more discernible extension of built development into the open countryside when compared to the adjacent scheme allowed at appeal in 2017. It would also result in an encroachment of development up the hillside, which would erode the rural character of the western part of the settlement. Cumulatively, the Olimpick Drive development and the current site are similar in size to the scheme refused in 2015 (15/00708/OUT). The current proposal would therefore result in a similar level of development to that which was considered unacceptable on landscape grounds a decade ago. Furthermore, this Council now has a duty to seek to further the purpose of conserving or enhancing the natural beauty of the area, in contrast to the requirement to have regard to such a purpose at the time of the aforementioned appeal. The current proposal is considered to have an adverse impact on the character and appearance of the Cotswolds National Landscape, contrary to Local Plan Policies EN1, EN4 and EN5, guidance in Section 15 of the NPPF and Policies CE1 and CE4 of the Cotswolds National Landscape Management Plan 2025-2030. The harm caused to the designated landscape is considered to provide a strong reason to refuse the application having regard to paragraph 11 d i) of the NPPF.

Major development within the Cotswolds National Landscape

- 10.54 In determining this application, it is necessary to assess whether the proposal constitutes major development for the purposes of paragraph 190 of the NPPF.

The aforementioned paragraph states:

'planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such an application should include an assessment of:

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

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

iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated'.

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

- 10.56 In the case of this proposal, the site is for 30 dwellings adjacent to a Principal Settlement. The proposed number of dwellings is therefore considered to be relatively modest when assessed in the context of the settlement as a whole. The proposed residential use is also compatible with existing adjacent development. Whilst the scheme is considered to cause harm to the CNL, the harm is considered to be localised. When assessed against the requirements of Footnote 67 of the NPPF, it is considered not to have a significant adverse impact on the purposes for which the area has been designated. This test is different to the criteria set out earlier in this report. It is therefore possible for a development to cause harm to the CNL without necessarily constituting major development. In addition, it is also noted that land allocated in the Local Plan for 36 dwellings (site references CC_23B/C) on land to the north-east of Aston Road to the eastern side of the town has been determined not to represent major development for the purposes of paragraph 190 of the NPPF. A larger

site than that now proposed for development has been considered through the Local Plan process to not represent major development.

- 10.57 It is also noted that the Planning Inspector stated the following in relation to the Olimpik Drive development in the 2017 appeal decision:

'Looked at in the round, having regard to the scale of the proposal, its local context and the way in which the Council regarded the Aston Road proposal, I consider that the proposal does not constitute "major development"

- 10.58 It is therefore considered that the proposed development does not constitute major development for the purposes of paragraph 190 of the NPPF.

- 10.59 The comments of objectors regarding cumulative development are noted. In this instance, it is evident that the Olimpik Drive development was permitted 8 years ago and was completed over 2 years ago. The dwellings are now occupied. The current proposal would not therefore be built at the same time as the development to the south-east, or form part of it. The current application site and the Olimpik Drive site are therefore considered not to be a single site for planning purposes and would not constitute a single development given the time that has elapsed between the 2 applications.

- 10.60 The matter was covered in an appeal relating to a site in Devon in 2018 (APP/K1128/W/18/3205992). The Planning Inspector stated:

'11. There is nothing in the Framework to suggest that, in reaching a view as to whether the scheme amounts to 'major development', a proposal in question should be considered alongside other nearby developments. In fact the development is referred to in the singular in the footnote.

12. I accept that there may be occasions where sites have been artificially split to avoid various schemes being categorised as 'major development'. Therefore, I am not convinced that there would never be a scenario where it is reasonable to take account of other development proposals. In this case, the previous permission for 10 houses (subsequently 11) was initially submitted and approved a considerable amount of time ago (October 2014 and March 2015 respectively). It was promoted by a different applicant and the basis on which permission was sought was different; being an affordable housing led scheme. I also observed that 9 of the homes had been completed and appeared to be occupied. When I consider all these factors together it is clear to me that the appeal scheme should be considered in isolation.'

10.61 Whilst the current applicant is the same as in 2016, the Olimpik Drive site was sold to a developer who built out the development. The aforementioned developer is not involved with the current application and, as such, there is no indication that the current proposal would be developed by the same developer as a continuation of the existing development to the south-east of the current application site. In light of the length of time that has elapsed, the fact that the Olimpik Drive site is now occupied and the comments made by the Planning Inspector in above mentioned appeal, it is considered that this site can reasonably be considered as a single entity rather than as part of a larger development site for the purposes of paragraph 190 of the NPPF.

(d) Access and Highway Safety

10.62 Vehicular access to the proposed development would be via the creation of a new entrance onto the estate road serving Olimpik Drive to the south-east of the application site. The proposed entrance would be set back approximately 50m from Dyer's Lane to the south-west. In terms of vehicle movements, future occupiers of the development would therefore utilise Olimpik Drive in order to gain access to Dyer's Lane.

10.63 The proposed access onto Olimpik Drive would provide adequate visibility in both directions and is considered to be acceptable for the level of proposed development. With regard to the existing entrance onto Dyer's Lane, it is noted that it was created in order to serve the Olimpik Drive development. The entrance was designed to provide adequate visibility onto the aforementioned lane taking into account average speeds along the highway. This application includes updated speed survey data, which indicates that average speeds have not increased since the speed survey undertaken in 2015 in connection with the Olimpik Drive application. The applicant's Transport Note states:

' The speeds along Dyers Lane have been recorded with speeds no greater than the previous study for Olimpik Drive. The recorded 85th percentile speeds in October 2024 are as follows:

- *Southeastbound - 40mph*
- *Northwestbound - 41mph*
- *The recorded 85th percentile speeds in April 2015 are as follows:*
- *Southeastbound - 43mph*
- *Northwestbound - 42mph'*

- 10.64 In light of the above, it is considered that the existing entrance onto Dyer's Lane can provide adequate visibility in both directions. The existing entrance is also of sufficient width to accommodate passing vehicles and to accommodate additional traffic flows arising from this development.
- 10.65 The proposed development is predicted to generate 15 two way trips in the AM peak period and 15 two-way trips in the PM period, and 134 two way trips daily. The proposal is considered not to be of a size that would result in a significant increase in the amount of vehicles using the local highway network.
- 10.66 With regard to pedestrian and cycle accessibility, pedestrians would be able to utilise the existing Public Right of Way which extends through the site and south-eastwards through the Olimpik Drive development. A metalled footpath extends between the south-eastern corner of the Olimpik Drive development and a residential estate road (Littleworth) to the east. Pedestrian footways connect the aforementioned road to the town centre. Cycle connectivity to the town centre is also available through the Olimpik Drive development to Littleworth and then to the town centre. The applicant is proposing to widen the existing tarmac footpath between Olimpik Drive and Littleworth from 1.5m to 3m.
- 10.67 The site is located approximately 600m from the centre of the town, approximately 800m from a GP surgery, under 1km from the town's primary school and 1.2km from the secondary school. Guidance in Manual for Streets (Para 4.4.1) states that *'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.'* However, it also states that this is not an upper limit. Pedestrian access to the town's facilities can also be undertaken using existing pedestrian footways and along relatively flat routes. Having regard to the size of the proposed development and the level of services and facilities on offer in the settlement, it is considered that the site is located sufficiently close to the town so that future residents would not have to rely solely or mainly on the use of the private motor car to undertake most day to day activities, or need to walk along unlit routes or highways with no pavement.
- 10.68 In light of existing pedestrian and cycle connectivity, it is considered that future occupants would not have to utilise Dyer's Lane in order to access the town centre and the services and facilities on offer within the settlement.
- 10.69 It is noted that Gloucestershire County Council (GCC) Highways has raised an objection to the application as first submitted. Concerns have been raised about

the use of Olimpick Drive as an access road given that it is not an adopted highway, as well as concerns about pedestrian and cycle connectivity, traffic generation, visibility onto Dyer's Lane, the use of Dyer's Lane by cyclists and potential congestion on Park Road. In response, the applicant has provided additional information which seeks to address the aforementioned concerns. GCC Highways has been notified of the additional information but has not provided a further response. On the basis of the additional information provided, including a legal document indicating the applicant's ability to create a right of access from the application site through the Olimpick Drive site to Dyer's Lane, it is considered that it would not be possible to sustain an objection to the proposed development on highway safety or transport grounds for the reasons set out above. The proposal is considered not to conflict with Local Plan Policy INF4 or paragraph 116 of the NPPF which 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.'*

10.70 Works to the Public Right of Way passing through the site would require the separate consent of Gloucestershire County Council Public Rights of Way.

10.71 It is considered that the proposed development is in accordance with Local Plan Policy INF4 and guidance in Section 9 of the NPPF.

(e) Flooding and Drainage

10.72 The application site is located within Flood Zone 1, which is the lowest designation of flood zone and one in which new residential development can be acceptable in principle. Flood Zones 2 and 3 are located approximately 120m to the south/south-east of the application site.

10.73 The following Local Plan policy is applicable to this proposal:

10.74 Local Plan Policy EN14 Managing Flood Risk

1. Development proposals must avoid areas at risk of flooding, in accordance with a risk based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of the site, the local community or the wider environment as a result of flooding.

2. Minimising flood risk and providing resilience to flooding will be achieved by:

a. applying the sequential test for assessment of applications for development in Flood Zones 2 and 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;

b. requiring a site specific flood risk assessment for:

i) Proposals of one hectare or greater in Flood Zone 1;

ii) All proposals in Flood Zones 2 and 3: or

iii) Proposals in an area in Flood Zone 1 that has critical drainage problems.

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

4. Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.'

10.75 Notwithstanding the site's location within Flood Zone 1, it is noted that the site occupies an area of sloping land which sits above adjacent development to the south-east. In addition, land to the north-west of the site rises steadily beyond the development site. A combination of existing topography and a clay type soil result in surface water running down the hillside and collecting towards the bottom of the slope. The issue of flooding was raised during the course of the 2017 appeal relating to Olimpik Drive development. At the time, the applicant proposed to introduce a land drain across the field which would divert surface water westwards towards Dyer's Lane. Water would then utilise a culvert ditch located along the eastern side of Dyer's Lane before heading south-eastwards towards a highway drainage located at the bottom of Dyer's Lane/western end of Park Road. Surface water collected within the Olimpik Drive development would be directed towards an underground storage tank in the south-eastern corner of the development before being released at a controlled rate onto the existing drainage network on Dyer's Lane.

10.76 During the second half of 2023, residents of the Olimpik Drive development were subject to flooding from surface water flowing down the hillside and collecting at their properties. In addition, it also became evident that surface water was being directed eastwards towards Littleworth due to issues with the

completed drainage scheme. Surface water also collected along the route of the footpath linking Littleworth to Olimpik Drive. The area was therefore subject to flooding and drainage issues arising from surface water flow associated with high rainfall and problems with the Olimpik Drive drainage. As a result of this incident, the developer introduced a new drain across the field, which currently extends approximately in line with the southern boundary of the current application site.

- 10.77 The applicant has submitted a Flood Risk Assessment (FRA) with this application. The document has been assessed by Gloucestershire County Council Lead Local Flood Authority (LLFA) in its role as a statutory consultee in relation to surface water drainage matters. The LLFA initially requested the submission of additional information in order to address recent flood events and the impact of surface water emanating from this site on the wider area. In response, the applicant has submitted an updated FRA which seeks to address the aforementioned concerns. In response to the additional information the LLFA states:

10.77.1 ' The FRA addresses potential impact of the development outside its perimeter in paragraph 6.4. It follows that this development must take account of significant flows from uphill potentially impacting the northwest of the site, and the impact on the downstream network, especially the culverted water course in Dyers Lane, which is known to surcharge in high order storm events.

10.77.2 The FRA proposes that this will be managed with the SuDS on the new development. It identifies that the new development will not be able to rely entirely on infiltration to manage the pluvial flows and proposes a system where pluvial runoff is attenuated in the porous paving base layers and discharged to the local watercourse at QBAR.

10.77.3 While the LLFA is concerned that when infiltration testing is carried out on the site it will be found not to achieve the 2×10^{-5} m/s rate required for the infiltration system proposed the proposal includes an alternative attenuation strategy to achieve and acceptable controlled discharge.

10.77.4 The developer needs to understand that the LLFA will not accept the use of underground storage crates in the detailed design to mitigate for failure of infiltration testing results to achieve required rates. Any additional attenuation storage requirements will need to be accommodated above ground as described in the National guidance for sustainable drainage systems

10.77.5 In addition, the proposal now includes a surface water cut off ditch around the northwestern perimeter described in the section on Robust Design, paragraphs 8.28 et seq. and shown in drawing 24150/02 in Appendix C.

10.77.6 The LLFA believes these changes address the issues previously raised and would have no objection to the proposal being granted permission

10.78 The applicant is proposing on-site attenuation together with a new cut off ditch which would run along the north-western edge of the application site. The ditch would intercept surface water from the upper part of the field before directing it around the western part of the site and onto the existing drainage culvert/ditch running to the eastern side of Dyer's Lane. The concerns of local residents regarding flooding are noted. However, in light of the information provided and the advice of the statutory consultee for surface water drainage matters, it is considered that it would not be possible to sustain an objection to the current application on drainage or flooding grounds, subject to a condition covering the submission of a surface water drainage scheme. A future development would therefore need to put in place appropriate drainage measures, which would need to be agreed by the LLFA. The proposal is therefore considered to accord with Local Plan Policy EN14 and Section 14 of the NPPF.

10.79 With regard to the comments of an objector regarding the need for a sequential test, the LLFA has advised that it considers that this would not be required in this instance.

10.80 The GOV.UK website advises:

' A sequential test is required for major and non-major development if any proposed building, access and escape route, land-raising or other vulnerable element will be:

- *In Flood Zone 2 or 3 - see the floor map for planning*
- *In Flood Zone 3b and your development is not incompatible*
- *Within Flood Zone 1 and the flood map for planning shows it is at increased risk of flooding from rivers or sea during its lifetime*
- *Within Flood Zone 1 and the flood map for planning shows it is at risk of flooding from surface water*
- *In Flood Zone 1 and the LPA's SFRA shows it will be at increased risk of flooding during its lifetime*
- *Subject to sources of flooding other than rivers or sea.'*

&

'How should the Sequential Test be applied to planning applications?

The Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:

- The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.

Paragraph: 027 Reference ID: 7-027-20220825 '

10.81 The application site is located in Flood Zone 1, which is the lowest designation of flood zone. It is noted that the Council's Strategic Flood Risk Assessment (SFRA) has undertaken an assessment of a number of potential development sites set out in the SHELAA. The current application site (SHELAA ref CC67) is identified as one of 4 sites over 1 hectares in size that are 100% in Flood Zone 1. It recommends that such sites should progress to the FRA stage. This is different to sites within Flood Zone 3b which it considers should be withdrawn, or other sites which are at a high or medium risk of flooding which should be subject to a Level 2 SFRA. The recent flooding that has occurred in the area is as a result of a failure to implement the drainage scheme in accordance with the approved details. The developer has since made changes to the system to rectify this matter. In light of the findings of the site's location with Flood Zone 1, the findings of the SFRA, the comments of the LLFA and the policy and guidance set out above, it is considered that a sequential test is not required in this instance.

(f) Biodiversity

10.82 The application site consists primarily of an arable field, which is open to its north and bordered by residential development to its north-east and south-east. A line of tree/vegetation extend along the south-western boundary of the site. The applicant has submitted a Preliminary Ecological Appraisal with this application. It has not identified the presence of any protected species on or adjacent to the site, although there are ponds in the area which could host great crested newts.

10.83 The Biodiversity Officer states:

'Biodiversity net gain

10.83.1 The biodiversity metric demonstrates a net gain in habitat (45.87%) and hedgerow units (98%) can be achieved on-site, primarily through the creation of other neutral grassland and native hedgerows. A 10-year Landscape and Ecological Management Plan condition is recommended to secure on-going management and monitoring details.

Protected and priority species

10.83.2 Habitats on-site, including non-cereal crop, modified grassland, hedgerows and developed land; sealed surfaces provide limited opportunities for protected and priority species. Notwithstanding this, the preliminary ecological appraisal has identified 6 off-site ponds within 500m of the site boundary; the nearest approximately 155m from the site. Whilst most habitats on-site provide negligible/limited opportunities for great crested newts, the field margins do offer some foraging opportunities. Therefore, due to the scale of the proposed development and the proximity of two of the off-site ponds, if great crested newts are present in either of these ponds, it is likely that without a licence an offence would occur. To mitigate this impact, the PEA states that the development will be entered into the district licensing scheme. This approach will be considered acceptable on receipt of a certificate/report issued by NatureSpace, confirming the site's eligibility for the scheme.'

- 10.84 It is considered that the development can deliver an acceptable Biodiversity Net Gain and that it is generally acceptable in terms of its impact on protected species and their habitat. However, a certificate/report issued by NatureSpace (the body responsible for carrying out the District Licensing Scheme for great crested newts) has yet to be received. As such, there is insufficient information to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, Cotswold Local Plan Policy EN8, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

Other Matters

- 10.85 With regard to the impact of the proposal on the setting of Chipping Campden Conservation Area, the Conservation Officer states:

10.85.1 The direct impact upon the nearby designated Chipping Campden Conservation Area would be fairly limited, as the existing development of Olimpick Drive and Scuttlebrook Close lies between the conservation area and the proposed site.

10.85.2 The greatest potential for impact would be upon the rural setting of the settlement and conservation area as experienced from the western approach along Dyer's Lane. The current frontage of modern development along the north-east side of Dyer's Lane is comparatively modest, and, apart from the large junction, remains reasonably well screened by retained planting. The sprawl of further development to the north-west of this would be unfortunate, as it would further suburbanise the approach to, and wider setting of the conservation area; however, the level of harm would, on balance, be comparatively modest, and could be reasonably mitigated by the retention of the existing planting to screen the site from Dyer's Lane.

10.85.3 There are no listed buildings that would be affected by the proposal.'

- 10.86 It is considered that the proposed development has the potential to cause less than substantial harm to the setting of the conservation area. The level of harm is considered to be at the lower end of less than substantial. Having regard to guidance in paragraph 215 of the NPPF, it is necessary to weigh the level of harm against the public benefits of the proposal. In this instance, it is considered the benefits arising from the delivery of housing, including affordable housing, outweigh the identified harm. It is therefore considered that the proposal is acceptable having regard to Local Plan Policies EN10 and EN11 and guidance in Section 16 of the NPPF.
- 10.87 With regard to residential amenity, it is considered that the application site is of sufficient size to provide adequate outdoor space, privacy and light for future occupants. The development of the site would be unlikely to have an adverse impact on the amenity of nearby residents by virtue of its position and distance from existing dwellings.
- 10.88 The Council's Tree Officer raises no objection to the application. If Outline permission were to be granted, it would be expected that a subsequent reserved matters application would include measures to protect existing

roadside trees during the construction phase of the development. The proposal is considered not to conflict with Local Plan Policy EN7.

10.89 In relation to archaeology, GCC Archaeology advises:

'The county Historic Environment Record shows that the proposed development has been subject to archaeological investigation (geophysical survey and trial trench evaluation) as part of a previous application in 2015. The evaluation recorded the presence of a prehistoric enclosure to the southeast of the site but no significant archaeological remains were recorded in the trenches within the area for which this application relates. On the basis of the above, I recommend that no archaeological investigation or mitigation is necessary in relation to this application.'

10.90 With regard to the agricultural quality of the land, a 1992 survey appearing on Post 1988 Agricultural Land Classification (England) maps, classifies the site as Grade 3a. In the absence of information to the contrary, it is considered that the site is located on land falling within the Best and Most Versatile land category. This would typically cover land falling with Grades 1, 2 and 3a. Paragraph 187 of the NPPF states that planning should recognise '*the intrinsic character and beauty of the countryside and the wider benefits of the natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land...*' In this instance, it is considered that the economic and other benefits of the best and most versatile land are limited in this instance given the size of the site and do not outweigh the benefits arising from the delivery of the proposed housing.

10.91 The Council's Environmental and Regulatory Services Contamination section raises no objection subject to the attachment of a ground investigation condition should Outline permission be granted.

10.92 With regard to financial contributions, GCC Community Infrastructure requests contributions of £20,187.94 to primary education, £27,766.44 to secondary 11-16 education and £27,766.44 to secondary 16-18 education and £5,880 to library services. Having regard to the size of the development it is considered that the requested contributions are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. The contribution request is considered to accord with Regulation 122 of the Community and Infrastructure Levy Regulations 2010. Notwithstanding this, at the present time no mechanism is in place to secure the aforementioned

funding. Inadequate provision is therefore available to address the necessary infrastructure payments.

- 10.93 This application is liable for the Community Infrastructure (CIL) and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

- 11.1 It is recognised that the Council cannot currently demonstrate a 5-year supply of housing land. As a consequence, the presumption against the erection of new build open market housing on this site as set out in Local Plan Policy DS4 is considered to be out-of-date. In light of this, it is therefore necessary to assess this proposal against the criteria set out in paragraph 11 of the NPPF. In this regard, it is considered that the delivery of 30 dwellings, including 12 affordable dwellings, would make a notable contribution to the Council's housing land supply. This represents a benefit that weighs in favour of the application. However, it is also clear that paragraph 11 d (i) of the NPPF states that harm to a National Landscape can provide a strong reason to refuse an application. In this instance, it is considered that the proposal would have an adverse impact on the character and appearance of the Cotswolds National Landscape contrary to the aspirations of paragraph 187 and 189 of the NPPF. The proposal would also conflict with Local Plan Policies EN1, EN4 and EN5 and Policies CE1 and CE4 of the Cotswolds National Landscape Management Plan 2025-2030. It is considered that this harm is significant, especially in light of the Council's statutory duty to further the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape. The identified harm is considered to outweigh the benefits arising from the proposal. In addition, a S106 agreement is not in place to secure the delivery of affordable housing, self-build/custom building and financial contributions to education and libraries, and insufficient information is available to enable the Council to fully assess the impact of the scheme on great crested newts. It is therefore recommended that the application is refused.

12. Reasons for Refusal:

1. The site is located within the Cotswolds National Landscape (CNL) (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' (S85(A1) of the Countryside and Rights of

Way Act 2000). The proposed development would result in the significant encroachment of built development onto a rising section of agricultural land that makes a positive contribution to the rural setting of the town and the character and appearance of the designated landscape. The introduction of built development alongside gardens, roads, car parking, domestic paraphernalia and external lighting, would have a harmful urbanising impact on the area and diminish the experience of users of the Public Right of Way that extends through the application site. Having regard to paragraph 11 d (i) of the National Planning Policy Framework, the harm to the Cotswolds National Landscape is considered to represent a strong reason to refuse the application and to outweigh the benefits arising from the delivery of housing. The application is also considered to be contrary to Local Plan Policies EN1, EN4 and EN5, section 15 of the National Planning Policy Framework and Policies CE1 and CE4 of the Cotswolds National Landscape Management Plan 2025-2030.

2. A S106 legal agreement has not been completed. As a consequence, there is no mechanism to secure the provision of affordable housing, a self-build/custom build plot and financial contributions to education and library services as required by Local Plan Policies INF1, H1 and H2.

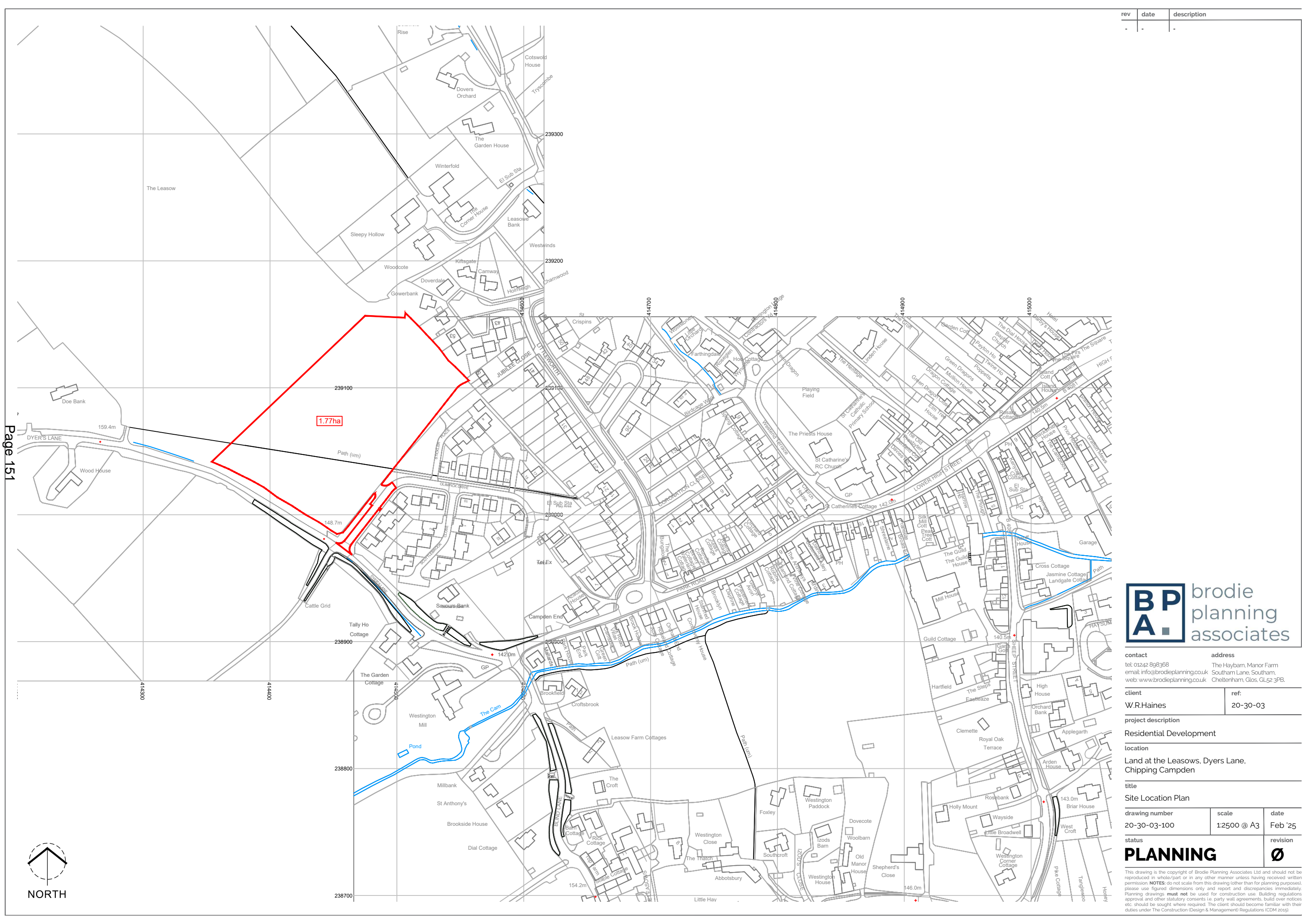
3. Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, Cotswold Local Plan Policy EN8, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

Informatives:

1. This decision relates to the land outlined in red on drawing 20-30-03-100

2. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

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rev	date	description
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client	ref:
W.R.Haines	20-30-03

project description
Residential Development

location
Land at the Leasows, Dyers Lane,
Chipping Campden

title
Site Location Plan

drawing number	scale	date
20-30-03-100	1:2500 @ A3	Feb '25

status	revision
PLANNING	Ø

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client
W.R.Haines

ref:
20-30-03

project description
Residential Development

location
Land at the Leasows, Dyers Lane,
Chipping Campden

title
Indicative Site Layout

drawing number
20-30-03-200

scale
1:1000 @ A3

date
Feb '25

status
PLANNING

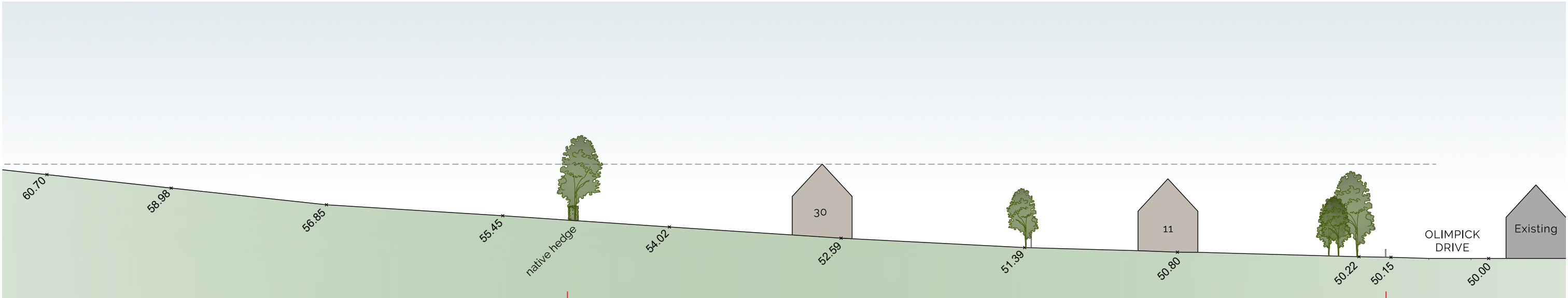
revision
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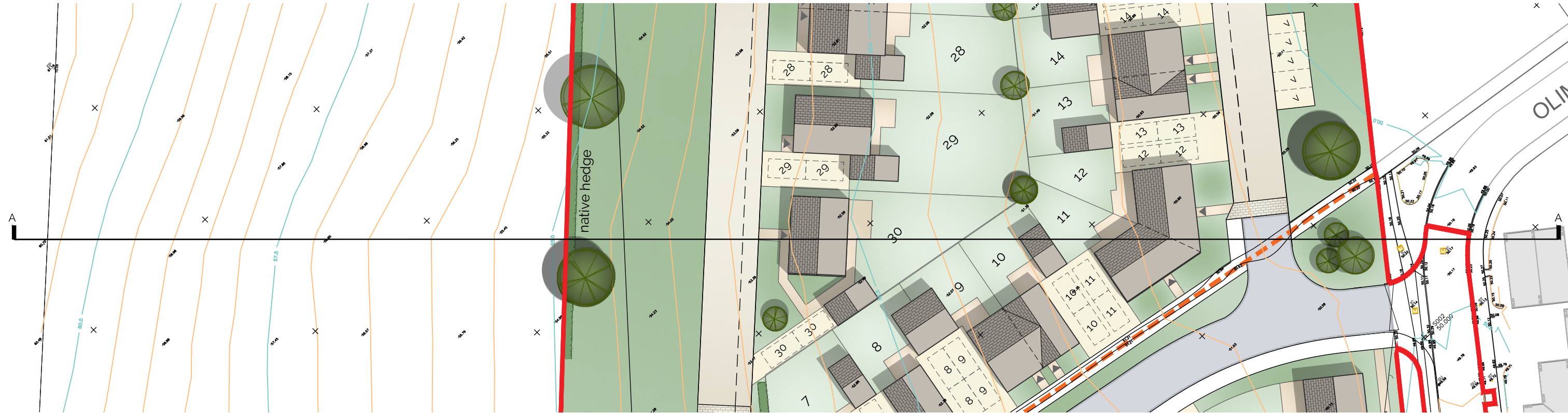
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rev	date	description
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SECTION A

APPLICATION SITE



PLAN VIEW



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client W.R.Haines	ref: 2030-03	title Illustrative cross-section		
location Land at the Leasows, Dyers Lane, Chipping Campden		drawing number 2030-03-400	scale 1:500 @ A3	date July 2025
project description Residential Development		status PLANNING		revision Ø

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Erection of 98 dwellings including landscaping and associated infrastructure at Land West of Hatherop Road Fairford Gloucestershire

Full Application 25/01717/FUL	
Applicant:	Cala Homes (Chiltern) Ltd
Agent:	RCA Regeneration Ltd
Case Officer:	Martin Perks
Ward Member(s):	Michael Vann
Committee Date:	10 September 2025
RECOMMENDATION:	PERMIT subject to no objection from Gloucestershire County Council Lead Local Flood Authority, completion of S106 legal agreement(s) covering affordable housing, custom/self-building housing, Biodiversity Net Gain monitoring, financial contribution to North Meadow and Clattinger Farm Special Area of Conservation, provision of public open space, access connection to field to west, financial contributions to library services, public transport and travel plan.

1. Main Issues:

- (a) Residential Development Outside a Principal or Non-Principal Settlement
- (b) Affordable Housing and Housing Mix
- (c) Design and Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Flooding and Drainage
- (f) Impact on Residential Amenity
- (g) Biodiversity

2. Reasons for Referral:

- 2.1 This application has been referred to Planning & Licensing Committee as it falls into the major development category.

3. Site Description:

- 3.1 This application relates to a parcel of agricultural land located adjacent to the northern edge of the town of Fairford. The application site measures approximately 7.7 hectares in size.

- 3.2 The application site is bordered to its north and west by agricultural fields. The northern and western boundaries of the site are defined by hedgerows. The eastern boundary of the site adjoins a lane which runs northwards from Fairford to the village of Hatherop approximately 3.5km to the north. Agricultural fields are located to the east of the aforementioned road. The site's eastern boundary is also defined by a hedgerow. The southern boundary of the site incorporates a Public Right of Way (BFA17) which extends in a roughly east-west direction from Hatherop Road in the east to Leafield Road in the west. A line of trees and undergrowth together with a drainage ditch lie between the Public Right of Way and the agricultural field to its north. A post war housing development is located to the south of the Public Right of Way.
- 3.3 The site is located outside a Principal or Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031. The southern boundary of the application site lies adjacent to Fairford Development Boundary as designated in the Cotswold District Local Plan 2011-2031.
- 3.4 The site is allocated for residential development in the Fairford Neighbourhood Plan 2020-2031.
- 3.5 The site is located approximately 160m to the east of Fairford Conservation Area.
- 3.6 The site is located outside of the Cotswolds National Landscape. It is also located outside the Coln Valley North of Fairford Special Landscape Area (SLA). It is located approximately 160m to the east of the SLA.
- 3.7 The site is located within Flood Zone 1.
- 3.8 Six trees located adjacent to the south boundary of the application site are subject to Tree Preservation Orders (TPOs).
- 3.9 The south-western part of the site is located within the Zone of Influence of North Meadow and Clattinger Farm Special Area of Conservation (SAC).
- 3.10 Public Right of Way BFA18 extends in an east-west direction through a field approximately 360m to the north of the application site. Public Right of Way BFA35 extends eastwards through a field to the east of Hatherop Road and to the north-east of the site.

4. Relevant Planning History:

- 4.1 CT.1988 Outline application for residential development. Refused 1959
- 4.2 22/03770/OUT Outline planning application (all matters reserved except means of access) for residential development up to 87 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure. Permitted 2023
- 4.3 23/03626/OUT Variation of condition 7 (Water network upgrades) of permission 22/03770/OUT - Outline planning application (all matters reserved except means of access) for residential development up to 87 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure. Permitted 2024
- 4.4 24/01985/REM Phase one of residential development for the erection of 83 dwellings (Reserved Matters application). Approved May 2025

5. Planning Policies:

- DS1 Development Strategy
- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF1 Infrastructure Delivery
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- INF8 Water Management Infrastructure
- NPF Fairford Neighbourhood Plan 2020-2031

- NPFNP4 FNP4 Managing Flood Risk
- NPFNP5 FNP5 Investing in Utilities Infrastruct
- NPFN11 FNP11 Valuing Hedgerows and Trees
- NPFN12 FNP12 Achieving High Standards of Design
- NPFN14 FNP14 A new Low Carbon Community in Fair
- NPFN15 FNP15 Housing Type and Mix
- NPFN16 FNP16 Zero Carbon Buildings

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions attached to previous permission.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: Further information requested.
- 6.3 Gloucestershire County Council Archaeology: No objection subject to condition
- 6.4 Gloucestershire County Council Community Infrastructure: Requests financial contribution of £19,208 towards library services. No contribution to primary or secondary education requested.
- 6.5 Conservation Officer: No objection
- 6.6 Biodiversity Officer: No objection subject to conditions
- 6.7 Tree Officer: No objection subject to conditions
- 6.8 Housing Officer: Comments incorporated into report.
- 6.9 Thames Water: Comments incorporated into report.
- 6.10 Ministry of Defence: No objection
- 6.11 Environmental and Regulatory Services Air Quality: No objection
- 6.12 Environmental and Regulatory Services Noise: No objection
- 6.13 Active Travel England: Refer to standing advice.
- 6.14 Designing out Crime Officer (DOCO) for Gloucestershire Constabulary: Comments incorporated into report.

- 6.15 Natural England: No objection subject to appropriate mitigation relating to North Meadow and Clattinger Farm Special Area of Conservation

7. View of Town Council:

- 7.1 Response received on the 9th July 2025:

7.1.1 'Fairford Town Council has no objections to this application, subject to the following comments (mostly related to compliance with the relevant Fairford Neighbourhood Plan policies):

i. Notwithstanding that the application has been validated by CDC, a revised FRA should be provided in accordance with policy FNP4.2, because of the changed design and presumably impermeable area and on the basis of other sources of flood risk and potentially different risk to others. We note that the attenuation pond is clearly larger as now proposed (presumably part of the solution).

ii. Policy FNP12 c) states: Short runs of low-level buildings in groups (1, 1.5 or 2 storey) should be placed at the edges of any development with higher (max. 2.5 storey) buildings kept to the centre for developments outside the town centre boundary The issue of modification to 2.5 storey+ needs to be dealt with by a condition (or Article 4 direction on certain properties?) because of potential landscape impact.

iii. The colour of stone and render needs to be addressed by a condition requiring samples to be approved, in order to comply with policy FNP12 d).

iv. picket fencing is proposed for some properties, but not iron railings. This is not strictly in accordance with policy FNP12 f).

v. Re policy FNP12 j) - Some sections of proposed footpaths appear unsurfaced. A bound surface e.g. hoggin giving overall continuity and durability would be preferable.

vi. No proposals are shown for lighting on the section of Lovers Walk within the application boundary and connecting with the estate. However, we understand that the Applicant anticipates a condition requiring submission and approval of proposals for this.

vii. Re policy FNP12 l) - We assume the powerline across the site is to be undergrounded. Can the applicant confirm that this will be the case?

viii. Re policies FNP14.2 a) and FNP5 - We anticipate that a commitment from Thames Water to a date for the STW upgrade may be provided as date for the STW upgrade may be provided as part of TWs Delivery Plan to be published in July 2025. However, it would also be highly desirable to have any sewage system constraint covered by a Grampian style condition (ideally based on commencement of development, as specified), to reduce the inevitable risk of increased river pollution or sewage flooding elsewhere in the town if this is not the case.

ix. Re policy FNP14.2 d) and f) - The planting proposals don't currently show much in the way of tree planting particularly round the N and W sides of the site. Is there an opportunity to enhance the existing hedgerows to achieve this objective and can this also be addressed in the LEMP?

x. Re policy FNP14.2 e) - Is it intended to produce a Building With Nature report to support this application?

xi. Re policy FNP14.2 i) - The proposed location of the LEAP towards the north of the site is less accessible to others in the community outside the development than we would have wished, at least until the through connection to Leafield Road is made. However, we appreciate that space is constrained on the south side nearer Lovers Walk and also the desirability of sharing parking space with the schools drop-off point and allotments/community gardens.

xii. Are the proposals consistent with the design criteria in The Lifetime Homes Design Guide? (ref policy FNP15.2)

7.1.2 Comments on Planning Statement

xiii. 1.4 is now out of date

xiv. 4.8 doesnt refer to FNP4

xv. 4.13 refers to NPPF para 11, but there is no reference to para 14 (although this is not particularly relevant in this case as there don't appear to be significant departures from FNP policies).

xvi. 4.33 surely the s106 needs to be linked to this application if it is to proceed?

xvii. Para 6.5 asks that reserved matters consent is granted (presumably a carry-over from the previous RM application)

7.1.3 CONCLUSION:

This seems to be a substantially compliant application (subject to the above points/queries)'

8. Other Representations:

8.1 18 objections received:

8.2 Main grounds of objection are:

i) This is a further application from the initial application from 2024. The original application was for 89 dwellings and was opposed by a lot of the people of the town as it will have increased impact on our existing amenities, doctor's surgery, parking in the town and drainage and power supply. There are already issues with water supply, drainage and the level of the water table! There has been a couple of hundred house's built in the area and there are another 36 at the other side of town! Without upgrading the existing services, there will be enormous pressure on the rest of us.

ii) No indication had been given on the original application regarding the additional sewage disposal via Thames Water relating to these dwellings. Until Thames Water are able to give clear assurance that adequate disposal (not in the river Colne!) has been made for these additional dwellings then I remain firmly opposed to this development.

iii) Concerned that Lovers Lane could be illuminated. It is a lovely country path, and illumination could be construed as the first step to conversion to a highway. Clarity is therefore needed at the outset upon any public access (including future highways) from the Hatherop Road development to Leafield Road, and therefore Farmors School.

iv) Concerned that the car parking spaces on the new development are inadequate. Many dwellings will have two vehicles, coupled with visitor parking spaces. I feel that provision for at least 150 vehicles on the new site will be needed, particularly with a large school in the immediate locality. At peak school times the local roads are already very congested.

v) Condition 7 of 22/03770/OUT originally restricted occupation beyond the 35th dwelling until all necessary water network upgrades were completed (or a phasing plan agreed), as requested by Thames Water. This condition also referenced sewage flooding, reflecting concerns raised by the Town Council

regarding foul water discharge into watercourses. However, the variation allowed occupation of up to 50 dwellings based solely on Thames Water's assurance of water supply capacity-without any evidence or explanation of how sewage flooding would be addressed. It was abundantly clear that the Sewage Treatment Works did not have capacity and just because Thames Water did not object should not have been taken as a reason not to apply conditions.

vi) The assumption that the development's timeline would allow for infrastructure upgrades is naively optimistic, given Thames Water's long-standing failure to deliver promised improvements at Fairford Sewage Treatment Works.

vii) The previous decision also appears to conflict with Fairford Neighbourhood Plan Policy FNP5, which requires that planning permission include conditions ensuring no occupation until adequate sewerage capacity is demonstrated. No such conditions were imposed, despite clear evidence of insufficient capacity.

viii) Sewage Discharge Data: In 2023, Fairford STW was the worst-performing Thames Water asset for untreated sewage discharge, spilling for 3,391 hours. In 2024, it ranked 7th worst, spilling for 4,332 hours. This data is publicly available from Thames Water and the Environment Agency.

ix) The concerns of residents, the Town Council, and other stakeholders must be given due weight, rather than relying solely on generic responses from Thames Water that contradict its own data.

x) Thames Water now claims upgrades will be completed by winter 2028, a date that continues to slip. Given the company's financial instability, this timeline is highly uncertain.

xi) Cumulative Impact: Since the original application, additional developments (e.g., Coln House School and Yell's Yard) have added further strain to the network.

xii) This application must not be approved without robust Grampian conditions in line with Policy FNP5 of the Fairford Neighbourhood Plan. The current sewerage infrastructure is demonstrably inadequate, and any further development without enforceable safeguards risks significant environmental and public health consequences.

xiii) This application has been put forward without any provision for the sewage which will be produced by the development Using Thames Water figure of average 300 litres effluent production /dwelling/per day, these 98 houses will produce a total daily volume of foul water in the order of 29,400 l /day or 29.4 tonnes/day. This additional sewage will be pumped into the Fairford Sewage Treatment Works (STW), which is already running at full capacity, unable to cope and discharging untreated sewage into the River Coln and hence into the Thames for thousands of hours.

xiv) Past applications for additional housing have been allowed, without sewage conditions despite objections from local residents and Fairford Town Council, on the basis that Thames Water made no objection because an upgrade of the STW is in their plans, but this has not materialised. They promised that the upgrade would be included in their Capital Works programme for 2015-2020, then 2020-2025, but this was revised recently and the upgrade deferred yet again to the 2025-2030 programme. Thames Water now claims upgrades will be completed by winter 2028, but with no guarantee that the work will be carried out even by 2030. Given the known financial instability of TW it is doubtful that the essential upgrade will ever happen. They are not likely to spend millions upgrading the Sewage Works when they can discharge into the river at no cost. Fairford's Neighbourhood Plan was well aware of this problem and stipulated in its Policy FNP5 that 'planning permission for a development intending to connect to the sewer network must include conditions that require that new houses must not be occupied until it is demonstrated that the sewerage system has adequate capacity to accommodate the additional flow generated by the development'. Given this background, CDC cannot accept this application without imposing stringent enforceable Grampian conditions for the protection of the public and the environment. Planning Officers cannot rely on Thames Water's empty promises but must make sure that the effluent from this development is adequately treated and does not add to pollution in the rivers or increase sewage flood risk to the houses around Moor Farm Pumping Station.

xv) Time and again a Fairford development is not reflected in any type of infrastructural upgrade to the already strained services such as the highways, surgery and the school. The schools are at breaking point already, the highways are dire and the surgery is at max capacity always. The location of this development will put additional strain on these services and tear away landscaping and green spaces which are so vital to an balanced ecological environment. Coupled with an increased noise and pollution of natural light, this development only serves to line the pockets of the developers and adversely affect the residents of Fairford.

xvi) Since the original application was made we now have 35 houses being built at Coln House, the development of Yells Yard, and the Lake 103/104 development will come on-stream (literally) any day now. Grampian Conditions limiting the number of houses that can be built need to be imposed on this site until Thames Water make the long overdue improvement to the Fairford STW. I'd also point out that TW have acknowledged that the sewerage system in Hatherop Lane/Road and environs is a CSO (combined sewage and storm water) and this needs to be replaced as a matter of urgency.

xvii) Although I am concerned at the 10% increase in homes, I accept that it has resulted the inclusion of more smaller, social rent properties which we need. I am also resigned to the poor design quality of larger developments such as these. However, Fairford Neighbourhood Plan made much of the sustainability and low carbon impact of a development on this site so why are there no solar panels included as a given on all properties? The Hydrock/Stantec report does state that 'ASHPs will be used to heat the development' (p.7, para 8.1) so why not the logical accompanying solar panels and low temperature heating systems?

xviii) The housing density of the development is excessive in comparison to the existing housing south of Lovers Lane. The visual, lighting and landscape amenity impact of the development is entirely out of character for the surrounding locality and is inappropriate on a site where the topography rises towards the north, making the development more obvious.

xix) Access to this site will be predominantly via Hatherop Lane, properties in Aldsworth close have limited parking and park (outside their houses) on Hatherop Lane. This will create a pinch point and cause problems.

xx) Inadequate infrastructure in the town.

Windrush Against Sewage Pollution (WASP)

'1. This submission is made by Windrush Against Sewage Pollution (WASP), a registered charity one of whose aims is to promote for the benefit of the public the conservation, protection and improvement of the physical and natural environment of the River Windrush and surrounding river catchments. A major focus in working toward this is to eliminate the discharge of untreated and poor-quality sewage into local watercourses.

2. WASP takes no position with respect to development proposals.

3. *The submission focusses solely on the ability of Fairford Sewage Treatment Works (STW) owned by Thames Water Utilities Limited to deal legally with the increased sewage generated by the proposed development.*
4. *In a letter responding to a previous application at this site (7/10/21) Thames Water confirmed that there was sufficient foul water capacity in the sewer network to serve the site. This assurance was time limited for a 12-month period.*
5. *The Flood Risk and Drainage Statement accompanying this application contains the same (by now out of date) bland assurance.*
6. *The sewer network ultimately discharges into Fairford STW. The letter from Thames Water fails totally to mention lack of capacity issues at Fairford STW.*
7. *Data gathered by WASP shows that Fairford STW was previously operating with a permitted Flow to Full Treatment (FFT- the volume of raw sewage that must be treated before spilling untreated sewage to the environment is permitted) figure of 37.8 l/s which was inadequate for its current works loading.*
8. *This fact was acknowledged by Thames Water in the recent Water Industry National Environment Programme (WINEP) which notes that Fairford STW requires upgrade of its FFT to meet the required Environment Agency (EA) formula namely $3PG + iMAX + 3E$. Using this formula the FFT at Fairford STW should be at least 58 l/s, an approximately 35% increase on the existing figure.*
9. *As part of the AMP7 process TW committed to upgrade Fairford STW's FFT to the slightly lower figure of 56.8 l/s by 31 March 2025.*
10. *However, along with a total of more than 100 other schemes the company reneged on this commitment. As a consequence Fairford STW continues to operate at an FFT of 37.8 l/s, in contravention of a revised permit issued by the Environment Agency in June 2025, with an FFT of 56.8l/s. This means that Fairford STW is now operating outside its legal permit.*
11. *On 12 February 2025, Ofwat announced that it was opening an enforcement case into Thames Water to investigate whether its delayed delivery of more than 100 environmental improvement schemes meant that the company had breached its obligations. One of these breaches was the failure*

to deliver the upgrade to FFT at Fairford STW <https://www.ofwat.gov.uk/ofwat-to-investigate-thames-water-on-delayed-environmental-schemes/>

12. Thames Water has subsequently committed to upgrade the FFT at Fairford STW to 56.8 l/s but not until winter 2027/28 at the earliest. <https://www.thameswater.co.uk/about-us/performance/river-health/frequently-asked-questions/information-about-specific-sites#f>.

13. With respect to the illegal 'dry spilling' of untreated sewage, the same website notes that 'we expect this location (Fairford STW) to meet all government targets for storm overflows by 2045 - 2050.

14. Given the lamentable record of the company for delivery of agreed schemes, and its present parlous financial position, there are real concerns that even these lax timescales will not be adhered to.

15. More recently (25 May 2025) Ofwat reinforced the serious and persistent nature of breaches of the company's legal obligation by fining Thames Water a record £103.5 million for 'the (way the) company was managing its treatment works and wider wastewater network uncovered failings that have amounted to a significant breach of the company's legal obligations, which has caused an unacceptable impact on the environment and customers.' Failure to meet the required flow to full treatment conditions at key works was one of the major reasons cited by Ofwat for the large fine.

16. In comments responding to Cotswold District Council regarding the Fairford Neighbourhood Plan pre-submission TW stated in 2017 that 'In recent years, the foul sewerage system in Fairford has become overwhelmed in some locations following prolonged and heavy rainfall. This has resulted in properties suffering from sewer flooding and restricted toilet use. The foul sewerage system is recorded as a separate foul system rather than a combined network. We believe that the system has surcharged due to of a combination of groundwater infiltration to public sewers and private drainage, significant volumes of surface water run-off from surrounding saturated fields, inundation from highways and public spaces, surface water misconnections (i.e. downpipes from roofs), and river water overflowing from the River Coln. The root causes of sewer surcharges are therefore numerous and the resolution of the issues complex, requiring all stakeholders responsible for drainage in the catchment to work together to resolve them.'

*17. In the same document TW stated that 'the storm overflow (at Fairford STW - my addition in *itals.*) is consented and compliant'*

18. *This is however at odds with statements from both the EA and DEFRA who are clear that the discharge of untreated sewage as a result of the infiltration of groundwater is unpermitted and thus illegal. Furthermore, it is now clear that the 'storm overflow' is NOT compliant with its consented conditions due the works failure to ensure it achieve an adequate FFT figure of 56.8 l/sec.*

19. *Data submitted by TW to the EA for the period 2018-2021 inclusive showed that Fairford STW spilled untreated sewage for an average of 1,659 hours (i.e in excess of two months) annually. WASP analysis showed that in 2020, 13% of the days with spills of untreated sewage were "dry" (i.e spilling untreated sewage on days with no rainfall) and hence illegal. Although the total spilling hours in 2021 reduced (2,491 in 2020 to 1,221 in 2021), 22% of the days with spills were "dry", marking an increase in the rate of illegal, 'dry' spilling.*

20. *In March 2021 TW published a Groundwater Impacted Systems Management Plan (GISMP)¹ for Fairford STW, an acknowledgement that groundwater infiltration is causing illegal 'dry' spilling of untreated sewage. This document provides information as to how TW aims to address spilling of untreated sewage due to groundwater ingress and timescales for the delivery of remedial works. There are no plans to address 'dry' spilling before 2045-50. There is thus currently no realistic prospect of any remedial action to prevent illegal spilling in advance of these dates.*

21. *Both Thames Water and the applicant should as a matter of urgency revisit their respective submissions regarding the capability of both the sewer network and the receiving Fairford STW to operate legally with the increased foul flow that will be occasioned should this development be granted. Using the conservative figure of 300 l/s foul water generated per household/day then an 29,400 l or 29.4 tonnes/day extra sewage will be passed to Fairford STW.*

22. *The EA is currently carrying out a wide-ranging investigation into the unpermitted (illegal) operation of sewage treatment works, focussing on early/dry spilling of untreated sewage. It is believed that Fairford STW is included in this investigation.*

23. *The ecological quality of the River Coln downstream of the discharge from Fairford STW is assessed as 'poor' by the EA²*

24. *There are a number of sections from the National Planning Policy Framework that are apposite to this application, namely:*

25. *Section 3 Plan Making. Para 20 notes that the requirement for an overall strategy for the pattern, scale and design quality of places and makes sufficient provision for:*

b) 'infrastructure including waste water' (This very specific prescription is at the heart of WASP's concerns regarding development and its impact on the discharge of untreated and poor- quality sewage to rivers) and more broadly

d) 'the conservation and enhancement of the natural environment'

26. *Para 43 notes the clear advantages of early engagement with 'other consenting bodies' (including presumably the Environment Agency for all sewage and foul water issues), particularly to enable consideration as to whether a particular development will be acceptable in principle. WASP supports this approach which is likely to become more relevant as water industry under-investment in sewage treatment works and associated infrastructure becomes clearer. The recent objection by the Environment Agency to a major development of 1,450 house in Barton, Oxfordshire due to lack of capacity at Oxford STW is a clear and current example.*

27. *Paragraph 180 (l) (formally paragraph 174) notes that:*

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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

28. *WASP contends that without prior completed upgrade to ensure compliance with the required permit standards at Fairford STW, granting of this development will simply endorse its present un-permitted and at times illegal operation, and will increase further the spilling of untreated and poorly treated sewage into the River Coln.*

29. *WASP further contends that the planning authority MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity. However, as in this case, in the face of contrary*

evidence presented to them, it does NOT HAVE to. This belief is based on counsel's advice and case law³ (KC's written opinion to WASP posted as a separate document).

30. Given the serious undercapacity of Fairford STW, its record of non-compliant 'dry' spilling, its failure to upgrade the works to the timetable agreed with Ofwat and the consequent illegal operation at Fairford STW, WASP OBJECTS to this application. '

9. Applicant's Supporting Information:

- Design and Access Statement
- Air Quality Assessment
- Noise Impact Assessment
- Statement of Community Involvement
- Flood Risk Assessment
- Landscape and Visual Appraisal Addendum
- Lighting Strategy
- Transport Statement
- Landscape and Ecology Management Plan (including Habitat Management and Monitoring Plan)
- Ecological Construction Method Statement (98 units)
- Ecological Appraisal
- Construction Management Plan
- Energy and Sustainability Statement
- Waste Minimisation Statement
- Update Bat Surveys
- Custom Build Design and Delivery Statement
- Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection)

10. Officer's Assessment:

Background and Proposed Development

- 10.1 Outline planning permission was granted in 2023 (22/03770/OUT) for the erection of up to 87 dwellings and associated works on the current application field. In 2024, a further Outline permission was granted (23/03626/OUT) which enabled the variation of a water network upgrade condition attached to the original Outline permission. The revised condition allowed up to 50 dwellings

to be occupied prior to water network upgrades being undertaken as an alternative to the 35 dwelling limit specified in the original permission. The application site was subsequently purchased by the current applicant. Reserved Matters approval for 83 dwellings was given in May 2025 (24/01985/REM). The remaining 4 dwellings permitted as part of the Outline permission for 87 dwellings were set aside as self-build/custom build plots and were to be addressed separately.

- 10.2 This application seeks Full planning permission to erect 98 dwellings on the site as an alternative to the 87 dwellings permitted previously. The current application site is slightly larger than the Outline site in that it now also includes a section of Public Right of Way (Lovers Lane) which lies adjacent to the southern edge of the application field. The section of footpath in question measures approximately 255m in length.
- 10.3 The proposed development consists of 54 open market dwellings, 39 affordable dwellings and 5 self-build/custom build serviced plots. The previous permission for 87 dwellings was for 48 open market dwellings and 35 affordable dwellings, with 4 plots being set aside as self-build/custom build plots.
- 10.4 The current proposal is for 10 one bed, 18 two bed, 38 three bed, 20 four bed and 12 five bed dwellings (inclusive of self-build/custom build plots). The reserved matters approval for the 83 dwelling scheme (which excludes self-build/custom build plots) includes a mix of 8 one bed units, 18 two bed units, 23 three bed units, 18 four bed units and 16 five bed units.
- 10.5 The proposed dwellings are all 2 storey in height and consist of a mix of detached, semi-detached and 3 dwelling terraced units. Of the 98 dwellings, 47 would be detached properties (compared to 48 in the previous scheme). The proposed dwellings measure approximately 8m-9m in height. A total of 14 different house types are proposed. The external walls of the proposed dwellings would be a mix of reconstituted stone and roughcast render. Roofs would be covered in a mix of grey blue artificial slate or artificial Cotswold stone slate. Feathered edged weather boarding would be used for the external walls of the detached garages, of which there are approximately 35.
- 10.6 The site layout consists primarily of a central spine road with side roads extending perpendicular to it. The side roads link together to provide vehicular and pedestrian routes around the edge of the housing development. Each of the proposed dwellings fronts onto one of the estate or perimeter roads extending around the housing development. The proposed dwellings and estate roads are located towards the centre of the application site, with

landscape areas extending to the north, west and south of the proposed housing area. The eastern edge of the proposed housing is set back approximately 20-30m from Hatherop Road. The landscape areas would contain a mix of public open space, recreation areas, Local Equipped Area of Play, orchards and community allotments.

- 10.7 Vehicular access to the proposed development would be via a single entrance which opens onto Hatherop Road to the east. 2 pedestrian/cycle paths are proposed for connection onto the existing Public Right of Way that runs alongside the southern boundary of the application site.
- 10.8 With regard to car parking, the scheme incorporates 143 on-plot parking spaces, 33 allocated off-plot parking spaces, 19 un-allocated off-plot parking spaces, 10 community car parking spaces, 20 visitor parking spaces as well as cycle storage for each dwelling and 98 electric vehicle charging points.

(a) Residential Development Outside a Principal or Non-Principal Settlement

- 10.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of this application is therefore the current development plan for the District, which consists of the Cotswold District Local Plan 2011-2031 and the Fairford Neighbourhood Plan 2020-2031.
- 10.10 With regard to the Local Plan, the application site is located outside a Principal or Non-Principal Settlement for the purposes of the adopted Local Plan. The erection of new build open market housing in such locations is primarily covered by Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements which states:
- New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.*
- 10.11 The proposed development would be contrary to Local Plan Policy DS4 and the Council's development strategy which seeks to direct new build residential development to sites within Development Boundaries (Policy DS2), or in the case of small scale residential development, within Non-Principal Settlements such as villages and hamlets (Policy DS3).

- 10.12 Notwithstanding the conflict with the Local Plan, it is of note that Fairford Neighbourhood Plan 2020-2031 was formally adopted/made on the 5th June 2023. The Neighbourhood Plan now forms part of the development plan. The application site falls within the development boundary for the town identified in the aforementioned plan.
- 10.13 The application site has been allocated for residential development in the Neighbourhood Plan. The following policy is applicable to the site:
- 10.14 FNP14 A new Low Carbon Community in Fairford

'FNP14.1. The Neighbourhood Plan allocates land between Leafield Road and Hatherop Road (north of John Tame Close and St. Mary's Drive, as shown on the Policies Map) for a low, or zero, carbon residential development.

FNP14.2. Proposals for housing development of around 80 homes will be supported, subject to delivery of a comprehensive proposal satisfying the following criteria:

a) Development is not commenced until the necessary upgrade and improvements to the local utilities infrastructure are as provided for by Policy FNP5 Investing in Utilities' Infrastructure Improvements;

b) Development conforms with the requirements of FNP15 to deliver appropriate housing type and mix;

c) Development conforms with the requirements of FNP16 to deliver sustainable housing;

d) The layout and landscape scheme incorporate appropriate measures, including tree planting, to mitigate the visual effects of the development on the countryside to the west, north and east of the site, with provision for this to be maintained in perpetuity;

e) Development satisfies, as a minimum, the standards required for the "Building with Nature - Design" level. Developments that meet the higher levels ("Good", "Excellent") of the standard would be strongly supported;

f) The design and landscaping have regard for the setting of the Fairford Conservation Area;

g) Provision is made in the layout for the future provision of a link road giving access between the schools and the A417 to the east of the town;

h) A dropping-off point away from the school is provided, with a safe walking route to the schools;

i) The scheme provides one or more areas of publicly accessible open space, including a children's play area (Local Equipment Area for Play "LEAP") and a community garden or allotments;

j) Provision is made for the delivery of self or custom build plots in line with CDLP policy H1;

k) The scheme keeps housing away from areas prone to surface or ground water flooding and incorporates measures to contain and attenuate surface water either in low lying areas within the site boundary or on other land in accordance with FNP4; and

l) Provision is to be made for affordable housing in accordance with CDLP policy H2.

FNP14.3. The development of this site will be required to mitigate its impact on the Special Area of Conservation (SAC) at North Meadow near Cricklade.'

10.15 The application site has been allocated for residential development partly in lieu of 2 other sites in the settlement which had previously been allocated for residential development in the Local Plan. The sites in question are:

- *F_35B Land behind Milton Farm and Bettertons Close (49 dwellings net)*
- *F_44 Land to rear of Faulkner Close, Horcott (12 dwellings net)*

10.16 This Council's Strategic Housing and Economic Land Availability Assessment (2021) recommended that both of the aforementioned sites are deallocated from the Local Plan. Site F_35B is deemed undeliverable and site F_44 is now unsuitable for development due to a recent Site of Special Scientific Interest (SSSI) designation. The allocation of the current application site in the Neighbourhood Plan therefore provides an alternative residential development site that will offset the loss of housing that would otherwise have been provided through the 2 sites allocated in the Local Plan.

- 10.17 It is noted that the allocation of the current application site in the Neighbourhood Plan results in a development that is in conflict with Local Plan Policy DS4. In instances where there is a potential conflict between Local Plan and Neighbourhood Plan Policies, it is necessary to have regard to the Government's Planning Practice Guidance (PPG) which states that *'should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'* (PPG Paragraph: 044 Reference ID: 41-044-20190509). ' As the Neighbourhood Plan is the most up to date document, it is considered that Policy FNP14 carries greater weight than Local Plan Policy DS4. It is therefore considered that the release of the current application site for residential development is acceptable in principle and in accordance with the development plan.
- 10.18 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

10.19 Footnote 8 of the NPPF advises that '*out-of-date*' for the purposes of paragraph 11 includes '*for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.*' In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that the criteria set out in paragraph 11 are applicable to this decision.

10.20 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that habitats sites, such as a Special Area of Conservation, can constitute an area or asset of particular importance. Harm to such an asset could therefore provide a strong reason to refuse an application for housing even if a 5-year supply of housing land cannot be demonstrated. With regard to criterion d) ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

10.21 In addition to the above, it is also necessary to have regard to paragraph 14 of the NPPF, which states:

'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement ... '

10.22 In light of the fact that Fairford Neighbourhood Plan is under 5 years old and contains policies and allocations to meet its identified housing requirements, it is considered that the content of paragraph 14 is a significant material consideration in relation to this application and weighs heavily in favour of the development of the land.

10.23 It is noted that this proposal is for 98 dwellings, whereas Neighbourhood Plan Policy FNP14 refers to a development of *'around 80 homes'*. However, each proposal has to be assessed on its individual merits and there may be instances where an additional number of units can be accommodated on the site without causing conflict with the aims of the policy. The potential impacts arising from the increase in dwelling numbers will be considered in the following sections of this report.

(b) Affordable Housing and Housing Mix

10.24 The proposed development is for more than 10 dwellings and is therefore liable for affordable housing. In addition, as the proposal is for more than 20 dwellings, the scheme is also required to provide 5% of dwelling plots for sale as serviced self or custom build plots. The following Local Plan and Neighbourhood Plan policies are considered applicable to this proposal:

10.25 Policy H1 Housing Mix and Tenure to Meet Local Needs

1. All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.

2. *Any affordable accommodation with 2 or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.*
3. *Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots, unless demand identified on the Local Planning Authority's Self-Build and Custom Register or other relevant evidence demonstrates there is a higher or lower level of demand for plots.*
4. *Starter Homes will be provided by developers in accordance with Regulations and national Policy and Guidance.*
5. *Exception sites for Starter Homes on land that has been in commercial or industrial use, and which has not currently been identified for residential development will be considered.*

10.26 Policy H2 Affordable Housing

1. *All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.*
2. *In settlements in rural areas , as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.*
3. *The affordable housing requirement on all sites requiring a contribution, subject to viability is:*
 - i. *Up to 30% of new dwellings gross on brownfield sites; and*
 - ii. *Up to 40% of new dwellings gross on all other sites.*
4. *In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will*

also be required for each partial number of affordable units calculated to be provided on site.

5. The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots.

6. Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.

10.27 Neighbourhood Plan Policy FNP14 states that affordable housing and self-build/custom build housing should be provided in accordance with Local Plan Policies H1 and H2. The following policy is also of relevance:

10.28 FNP15 Housing Type and Mix

FNP15.1. Proposals for housing development should provide a mix of housing types that have an emphasis on two and three-bedroom houses.

FNP15.2. Proposals for new housing that go beyond the requirements of Building Regulations and implement the design criteria set out in "The Lifetime Homes Design Guide" will be supported.

10.29 The applicant is proposing to provide 40% affordable housing (39 dwellings) on site in accordance with the requirements of Local Plan Policy H2 and Neighbourhood Plan Policy FNP14. The proposed mix includes 20 units for social rent and 19 shared ownership units/First Homes. The affordable units would be spread across the site and would utilise the same materials as the open market dwellings. It is considered that they would appear tenure blind when seen in the context of the site as a whole. The mix has been previously accepted by the Housing Officer and is considered acceptable. The final mix will be secured through a S106 legal agreement.

10.30 With regard to self-build/custom build plots, it is proposed to provide 5 such plots. The proposed number accords with the 5% requirement set out in Local Plan Policy H1. The provision of the serviced plots will be secured by means of a S106 legal agreement.

- 10.31 It is considered that the proposed development accords with the requirements of Local Plan Policies H1 and H2 and Neighbourhood Plan Policy FNP14 in terms of affordable housing provision and the delivery of serviced self-build/custom build plots.
- 10.32 With regard to housing mix in general, the current proposal is for 10 one bed, 18 two bed, 38 three bed, 20 four bed and 12 five bed dwellings (inclusive of self-build/custom build plots). The reserved matters approval for the 83 dwelling scheme (which excludes self-build/custom build plots) includes a mix of 8 one bed units, 18 two bed units, 23 three bed units, 18 four bed units and 16 five bed units.
- 10.33 The current mix of house types and the increase in unit numbers from the 87 permitted at the Outline stage to the 98 now proposed has arisen following discussions between Officers and the applicant. During the course of the previous application, Officers had concerns about the relatively high proportion of 4 and 5 bed properties within the development. On the grounds that the site was potentially capable of accommodating more dwellings, Officers were amenable to an increase in dwellings numbers on the basis that the additional units would be smaller in size, thereby improving the overall mix of development on the site. The current mix reflects these discussions. The current mix has resulted in an increase in one and three bed units and a reduction in five bed dwellings. The number of affordable dwellings has also increased by 4. It is considered that the current mix represents a more balanced distribution of house types that accords with the aspirations of Local Plan Policy H1 and Neighbourhood Plan Policy FNP15.

(c) Design and Impact on the Character and Appearance of the Area

- 10.34 The application site occupies an area of agricultural land located to the north of Fairford. The site is visible from Hatherop Road to the east as well as from the Public Right of Way (BFA17) to the south-west and Leafield Road to the west. The proposed development will therefore be visible from a number of public vantage points. More limited views of the site are also available from Public Right of Way BFA18 to the north and BFA35 to the north-east of the site.
- 10.35 The following Local Plan policies are considered relevant to the proposal:
- 10.36 Local Plan Policy EN1 Built, Natural and Historic Environment

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

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
- b. Contributing to the provision of multi-functional green infrastructure;*
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
- d. Seeking to improve air, soil and water quality where feasible; and*
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.'*

10.37 Local Plan Policy EN2 Design of the Built and Natural Environment

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

10.38 Local Plan Policy EN4 The Wider Natural and Historic Landscape

- 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.'*

10.39 Local Plan Policy INF7: Green Infrastructure

- 1. Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.*
- 2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*

3. *Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).*

10.40 With regard to Fairford Neighbourhood Plan, the site is subject to Policy FNP14 referred to previously in this report.

10.41 With regard to design, Policy FNP12 Achieving High Standards of Design states:

'Proposals for new development, including extensions to existing buildings, should be of the highest design standards, in accordance with the Cotswold Design Code and should have regard to the guidance of the Fairford Character & Design Assessment and to the following key design principles:

a) There are key views listed in Appendix 3 which should not be obstructed, nor should their contribution to defining the character of the town and its relationship with the surrounding landscape be harmed

b) More generally, development layouts and building orientation should not obstruct the occasional glimpse views of the surrounding landscape from within the town

c) Short runs of low-level buildings in groups (1, 1.5 or 2 storey) should be placed at the edges of any development with higher (max. 2.5 storey) buildings kept to the centre for developments outside the town centre boundary

d) The Cotswold stone of Fairford is the light, white/cream-coloured stone (not the yellow stone of the northern Cotswolds) with a light coloured pointing. These are dominant and defining characteristics of the town and should therefore be the default material unless the nature and location of the proposal allow for the use of non-vernacular materials

e) All solid fencing/walling should contain a 13cm square hole to enable the passage of hedgehogs and small mammals. If the barrier is particularly long e.g. in a boundary wall, then several holes should be included at regular intervals (ideally every 5m, with attention paid to the needs of small animals as recommended in www.hedgehogstreet.org/development.

f) Frontages and boundaries, where they are to be defined, should be demarcated with Cotswold stone walls, iron railings or hedging with practical maintenance arrangements in place if a hedge is to be planted

g) Close-board timber fences should not be used to define boundaries to the frontage/roadside of new buildings

h) Bin storage should be incorporated into new housing and commercial proposals in a manner which is sympathetic and does not detract from their character and appearance.

i) Where 1960s imitation or reconstituted stone is to be replaced/covered, use natural and/or heritage materials, including rough cast render, rather than reproduction.

j) Provision should be made for thoroughfares for pedestrians and cyclists providing quick and safe access to main arterial routes (alleyways and through routes are a typical feature of the town). Where linking alleyways are incorporated into new design they should be at least 2m wide.

k) Crescents and cul-de-sac estates are not typical of old Fairford and are not encouraged in developments. Due consideration should be given to pedestrian/cycle connectivity and vehicle access resilience in the case of larger developments.

l) Overhead services generally detract from the special character and appearance of the street scene and landscape and the opportunity should be taken as part of suitable development proposals to re-site them underground as part of that scheme.'

10.42 In terms of national guidance, paragraph 187 of the NPPF states that planning decisions should '*contribute to and enhance the natural and local environment by ... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.*'

10.43 Paragraph 131 of the NPPF states that '*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'

10.44 Paragraph 135 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. '*

10.45 Paragraph 136 states *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'*

10.46 In addition to its allocation for residential development in the Local Plan, the site was assessed as part of this Council's Strategic Housing and Economic Land Availability Assessment (2021) (SHELAA). The site has reference F51B. In terms of landscape, the SHELAA states:

'F51B - The parcel is comprised of one complete arable field and is bound by hedgerow to all sides. The parcel is proposed as a residential allocation within the emerging Fairford NDP. Should this be implemented the settlement edge of Fairford will be substantially extended into the rural landscape. Beyond the

northern, eastern and western boundaries is a continuation of the arable context within the parcel. The other two parcels are also present to these boundaries. To the south of the parcel is the tree lined Fairford Footpath 17 with existing dwellings within Fairford beyond. Views of the parcel are achieved from the road to the east, settlement edge to the south and public footpaths in the vicinity (Fairford Footpaths 17, 18 and 35).'

10.47 With regard to landscape sensitivity, the SHELAA states:

'Evaluation: High Justification: The parcel has susceptibility to change through housing development due to its position within open countryside. Development would represent encroachment into the characteristically rural landscape around the Fairford settlement and form a prominent addition to views. The vegetated boundaries form an important landscape feature that tie the parcel to its surrounding context. Development here would create a discordant and uncharacteristic addition to the local landscape. The parcel is considered to have High landscape sensitivity due to the above factors.'

10.48 The SHELAA recommendation was *'F51B is a candidate for further consideration for allocation within the Local Plan. However, in order to be supported as a site allocation, the landscape issues would need to be satisfactory mitigated.'* & *'If F51B were to be developed:*

- The significant green infrastructure improvements should be incorporated within the design, which include additional tree planting and the creation of wildlife corridors;*
- The development does not undermine opportunities for further development in the northern part of Fairford, including providing the opportunity to alleviate traffic congestion in the historic core of the town; and*
- The planting used throughout the site should support pollinators and the Bee Line.'*

10.49 The application site is not located within the Cotswolds National Landscape nor a Special Landscape Area. In addition, it is not subject to any other landscape designations. As a consequence, it is considered not to represent a valued landscape for the purposes of paragraph 187 of the NPPF. Notwithstanding this, paragraph 187 b of the NPPF states that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. The current site is seen in context with the

agricultural landscape lying to the north of the settlement and contributes positively to the rural setting of the town.

- 10.50 The grant of Outline permission for 87 dwellings in 2023, and the subsequent approval of reserved matters for 83 dwellings, has established that the site can reasonably accommodate a level of development that is similar to that now proposed. The approved scheme focuses residential development on the central part of the site, with land around the northern, western and southern edges of the site set aside for landscaping, public open space, flood attenuation, allotments and recreation. As a consequence, the approved layout creates a landscape buffer zone around new housing and a transitional area between built development and the wider countryside.
- 10.51 The approved scheme was subject to numerous discussions between Officers and the applicant. As a result of these discussions, the applicant introduced a central green space into the housing area in order to create a green focal point within the development. Terraces and semi-detached dwellings were introduced along the central road to better reflect traditional street forms. Lower density development was introduced towards the edge of the site. The design of dwellings was generally simplified and a stronger building hierarchy introduced across the site. The original proposal had a rather uniform appearance that was considered to result in a lack of sense of place, or to reflect local character and distinctiveness.
- 10.52 The development now proposed follows the principles established at the reserved matters stage. The proposed housing would be located towards the centre of the site, with the same level of green infrastructure proposed around the edge of the site area. Public open space, a children's play area, recreation space and community allotments are also consistent with the previously approved scheme. Pedestrian and cycle connections points are also proposed onto the Public Right of Way to the south of the site. The existing Public Right of Way provides a connection to the primary and secondary schools located approximately 200m to the west of the application site.
- 10.53 The proposed house types are consistent with the designs agreed at the reserved matters stage. The proposed dwellings are relatively modest in terms of their size and scale. The overall appearance of the dwellings was simplified as part of the reserved matters scheme. The original scheme included large numbers of bay windows, 2 storey front projecting gables, overly wide gable depths and fenestration which did not respond particularly sympathetically to traditional Cotswold building forms. These elements were subsequently removed from the approved scheme. In addition, more cohesion was sought in

relation to the distribution of materials across the site, with roofing materials now being used in a more cohesive manner rather than the scattered arrangement proposed originally. The predominant building material used on the site will be reconstituted stone which matches that used in the majority of houses locally. The current designs match those agreed at the reserved matters stage and are considered to respect local character and distinctiveness.

- 10.54 Drystone walls and picket fences are also proposed to the front of the dwellings in order to add interest to the street frontages. Street trees are proposed along the main road through the development.
- 10.55 In terms of size and scale, the proposed dwellings are consistent with existing residential development to the south of the site and are considered to be acceptable in this respect. It is considered that the proposed dwellings are of an appropriate size and will not appear unduly prominent or inconspicuous when viewed from the wider landscape.
- 10.56 With regard to the introduction of an additional 11 dwellings on the site, it is noted that the aforementioned units would be located within the housing area previously approved. As such, the new dwellings would not result in built development extending further into the established green space than already agreed. The proposed units would form part of the built area of the site established by the previous permission. A number of the additional units arise from the change of detached dwellings to semi-detached dwellings or the introduction of an additional terrace. The main changes relate to the central and south-western parts of the site and are considered not to have a material impact on the appearance of the development when viewed from nearby public vantage points. It is considered that the scheme now proposed can reasonably accommodate the additional dwellings without having an adverse impact on the character and appearance of the area, the integrity of the original scheme, diminishing its quality or conflicting with the aspirations of Neighbourhood Plan Policy FNP14.
- 10.57 With regard to Landscaping, the applicant has submitted a detailed planting scheme with this application, as well as defining the use of the landscape buffer around the edge of the site. The landscaping scheme includes the creation of informal and formal open space. It also makes provision for allotments, a kick-about area and children's play. The landscape areas will therefore be suitable for a variety of user groups. The proposed planting scheme is considered appropriate for the site and its edge of settlement location. Measures are to be put in place to secure the retention of existing hedgerows and trees around the edge of the site. The proposed landscaping and green buffers around the edge

of the site will soften the landscape and visual impact of the proposed development when viewed from public vantage points.

10.58 It is considered that the proposed development is consistent with the extant permission for the development of this site. The design, layout, size and scale of the current proposal are considered to respect the details agreed previously and to be sensitive to its location. The increase in dwelling numbers would result in a more efficient use of the land in accordance with the aspirations of paragraph 124 of the NPPF which states that planning decisions '*should promote and effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and health living conditions.*' Paragraph 129 of the NPPF also supports development that makes efficient use of land, taking into account the identified need for housing , the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy place. The introduction of a further 11 dwellings will make a positive contribution to this Council's housing land supply position, as well as providing 4 additional affordable dwellings. It is also considered that the proposal does not conflict with Neighbourhood Plan Policy FNP14 in terms of its aspirations for the development of the site.

10.59 It is considered that the proposal accords with Local Plan Policies EN1, EN2, EN4 and INF7, Neighbourhood Plan Policies FNP12 and FNP14 and guidance in sections 12 and 15 of the NPPF.

(d) Access and Highway Safety

10.60 The proposed development would be served by a new vehicular entrance in the eastern boundary of the application site. The proposed entrance would open onto Hatherop Road which is an unmarked highway with a carriageway width of approximately 4.4m to 4.7m. The aforementioned road is subject to a 60mph speed limit where it passes the proposed entrance point. A 30mph speed limit is in place approximately 60m to the south of the proposed entrance.

10.61 The proposed entrance is the same as that permitted as part of the Outline application. The proposed entrance can provide visibility splays of 173m northwards and 110m southwards which is sufficient to meet recorded vehicle speeds (54.6mph and of 41.8mph respectively). The access road would be 6.3m wide widening to 6.8m at the junction mouth to facilities larger vehicles such as buses and refuse vehicles.

- 10.62 The proposed development would generate a total of 48 two-way trips in the AM peak period, and 42 two-way trips in the PM peak period. The additional 11 units would result in a total of 6 additional two-way trips in the AM peak period, and 5 additional two-way trips in the PM peak period across the local highway network.
- 10.63 Pedestrian and cycle access would be provided to Public Right of Way BFA17 which runs along Lover's Lane to the south of the site. The aforementioned route provides access to the schools to the west as well as connections to the existing footpath network which extends to the town centre. Future occupants would not therefore need to walk from the principal site entrance along Hatherop Road in order to reach existing services and facilities.
- 10.64 This application proposes to relocate the 30mph speed limit on the Hatherop road to the north of the proposed entrance. The new entrance would therefore fall within a 30mph speed zone. The relocation of the speed limit would be the subject of Traffic Regulation Order which would be undertaken separately by Gloucestershire County Council (GCC) Highways.
- 10.65 This application is accompanied by swept path analysis plans which demonstrate that the internal road layout can accommodate refuse/service vehicles in a safe manner. Adequate visibility can also be provided at internal junctions within the development.
- 10.66 All properties are within the maximum carry distance for kerbside refuse collection.
- 10.67 With regard to car parking, the scheme incorporates 143 on-plot parking spaces, 33 allocated off-plot parking spaces, 19 un-allocated off-plot parking spaces, 10 community car parking spaces, 20 visitor parking spaces as well as cycle storage for each dwelling and 98 electric vehicle charging points.
- 10.68 Provision will be secured in the S106 legal agreement to ensure access will be available to the field to the west of the application site in accordance with the aspirations of Neighbourhood Plan Policy FNP14.
- 10.69 In light of the site's allocation in the Neighbourhood Plan and the degree of connectivity for pedestrians and cyclists to the town centre and other services and facilities, it is considered that the site represents a sustainable location for the proposed development. Future occupants of the development would not be entirely reliant on the use of the private motor car to undertake most day to day activities.

10.70 Gloucestershire County Council (GCC) Highways has raised no objection to the application. The Highway Officer has recommended that the same financial contributions are carried through from the Outline permission to this proposal. These include £10,000 towards a Traffic Regulation Order, £15,900 towards public transport, £5,000 towards a travel plan monitoring fee and £45,120 for a travel plan (incl £37,600 to a travel plan deposit).

10.71 It is considered that the proposed development can be undertaken without having an adverse impact on highway safety or the operation of the local road network. The proposed development is therefore considered to accord with Local Plan Policies INF3, INF4 and INF5, Neighbourhood Plan Policy FNP6 and guidance in Section 9 of the NPP.

(e) Flooding and Drainage

10.72 The application site is located within a Flood Zone 1, which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. Notwithstanding this, it is noted that the southern and western parts of the settlement are susceptible to flooding. It is also noted that concerns have been raised by Windrush Against Sewage Pollution about the capacity of Thames Water's foul water infrastructure and the potential for the increased discharge of foul water into watercourses.

10.73 The following Local Plan and Neighbourhood Plan policies are considered relevant to this application:

10.74 Local Plan Policy EN14 Managing Flood Risk

1. Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of the site, the local community or the wider environment as a result of flooding.

2. Minimising flood risk and providing resilience to flooding will be achieved by:

a. applying the sequential test for assessment of applications for development in Flood Zones 2 and 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;

- b. requiring a site specific flood risk assessment for:*
 - i) Proposals of one hectare or greater in Flood Zone 1;*
 - ii) All proposals in Flood Zones 2 and 3: or*
 - iii) Proposals in an area in Flood Zone 1 that has critical drainage problems.*
- 3. The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).*
- 4. Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.'*

10.75 In addition, criteria 1a and 1c of Local Plan Policy INF8 Water Management Infrastructure state that proposals will be permitted that:

- ' a. take into account the capacity of existing of-site water and wastewater infrastructure and the impact of development on it, and make satisfactory provision for improvement where a need is identified that is related to the proposal.'* and
- ' c. incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate,'*

10.76 Neighbourhood Plan Policy FNP4 Managing Flood Risk states:

FNP4.1. When proposals for development are being considered, all sources of flood risk must be considered at the appropriate stages and the sequential and exception tests used to divert development to areas with lower probability of flooding, in accordance with NPPF guidance.

FNP4.2. Proposals for development on land identified by the Environment Agency as lying within either Flood Zone 2 or 3, or in areas of Flood Zone 1 in the circumstances outlined in footnote 55 of paragraph 167 of the July 2021 NPPF, will require a Flood Risk Assessment (FRA), using appropriate calculations based on the highest groundwater levels for the area (200 year maximum). Proposals will only be supported where it can be demonstrated in the FRA that:

- a. *They include appropriate site-specific measures to address effectively all the identified surface and ground water issues.*
- b. *Any residual flood risk can be safely managed. '*

FNP5 Investing in Utilities' Infrastructure Improvements

FNP5.1. Planning permission will only be granted to a development intending to connect to the sewer network if the sewer network can accommodate the additional demand for sewage disposal either in its existing form or through planned improvements to the system in advance of the construction of the development, to ensure that the environment and the amenity of local residents are not adversely affected.

FNP5.2. Where a need for new or improved off-site utility infrastructure has been identified in order to support new development, any resulting proposals will only be supported where the proposed utility infrastructure will be delivered in line with an agreed phased timescale.

FNP5.3. Development proposals will be required to make either satisfactory arrangements for the direct implementation of the off-site infrastructure, and/or an agreed financial contribution towards its provision by another party within the agreed timescale.

FNP5.4. Planning permission for a development intending to connect to the sewer network must include conditions that require that new homes must not be occupied until it is demonstrated that the sewerage system has adequate capacity to accommodate the additional flow generated by the development. The condition may allow that the physical connection of new homes to the sewage treatment works may be delayed until enough homes are occupied to achieve sufficient flow through the sewerage system to avoid issues of septicity, during which time approved environmentally acceptable alternative arrangements (e.g., tankering) may be used, subject to Local Planning Authority agreement.

- 10.77 With regard to surface water drainage, the applicant's drainage information indicates that the site generally has a good degree of permeability, although the southern part of the site has shallow groundwater which limits infiltration. As with the approved scheme, it is proposed to install an attenuation basin in the south-eastern corner of the application site. Smaller, localised infiltration basins would also be installed to the north and south-west of the proposed housing. Swales would connect the respective basins, with surface water being

directed to the larger basin before being released at a controlled rate into an existing drainage ditch running along the southern edge of the application site. The rate of discharge would be below existing greenfield rates, including an allowance for the impact of climate change. Separate Land Drainage Consent would also be required to discharge water to a water course/ditch.

- 10.78 GCC Lead Local Flood Authority (LLFA) has assessed the application in its role as a statutory consultee in relation to surface water matters. Whilst it had no objection to the previous Outline application, it has requested additional information to cover the increase in dwelling numbers, the swale around the perimeter of the site and how it will affect the storage capacity of the basin. At the time of writing this report, additional information is still awaited from the applicant. However, subject to this matter being resolved, it is considered that the proposed development can be undertaken without causing an unacceptable risk of flooding in accordance with Local Plan Policy EN14, Neighbourhood Plan Policy FNP4 and Section 14 of the NPPF.
- 10.79 With regard to foul drainage, the applicant intends to connect the development to the existing Thames Water network. This is the same approach put forward as part of the approved scheme. At the time of determination of the Outline application, Thames Water advised that its sewage infrastructure had sufficient capacity to accommodate the foul water from the proposed development. It did, however, indicate that water network infrastructure relating to the supply of water would need to be upgraded. A condition was attached to cover this matter. In response to this application, Thames Water's position with regard to sewage infrastructure has changed. It now states that it has *'identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal.'* As such, Thames Water has requested a condition requiring all sewage works upgrades necessary to accommodate the additional flows from the development to be completed; or for a development and infrastructure phasing plan to be agreed and put in place, prior to the occupation of any of the proposed dwellings.
- 10.80 With regard to the response of Thames Water to this application, it is noted that there is an extant permission for 87 dwellings on the application site. There is no requirement for the sewage infrastructure upgrades to be put in place prior to the first occupation of any of the aforementioned dwellings. This represents a significant material consideration. In response to Thames Water's comments, the applicant has submitted a phasing plan which has been passed to the respective body. The phasing plan sets out the potential timeframe for the current development proposal. It is projected that first connections to Thames Water's network would take place in July 2026 and would extend through to

January 2028. It would therefore take a number of years for the entire development to be fully connected, thereby providing Thames Water with a timeframe to make upgrades. A response from Thames Water is awaited in relation to the phasing plan. However, in light of the extant permission for 87 dwellings, it is considered that the condition recommended by Thames Water should be amended to cover the occupation of more than 87 dwellings rather than the occupation of any dwelling hereby permitted.

- 10.81 In considering this matter it is necessary to have regard to paragraph 201 of the NPPF, which states:

'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

- 10.82 This matter was covered in a recent planning appeal at Whitburn in South Tyneside (APP/A4520/W/25/3365110). Notwithstanding the fact that the relevant water company (Northumbrian Water) was being investigated by Ofwat for the unauthorised spilling of raw sewage, the Planning Inspector allowed the appeal and awarded full costs against the Council. In the planning appeal decision, the Inspector states:

' 25. Although the Council considers that it cannot be assumed that the pollution control regime governing the handling of wastewater is operating effectively, this is a separate regime governed by separate legislation to bring in line failings of NW (and Ofwat). Based on the Ofwat notice, NW are implementing the necessary regimes to ensure pollution controls are operating effectively and outside the realms of planning decisions.'

26. Notwithstanding this, even if Ofwat were not implementing the necessary regimes, this is still a separate regime and not subject to the focus of planning decisions, which are concerned with land use. If the Council's approach is correct, all housing development that would be served by NW would be unacceptable. This simply cannot be the case, especially when considering the severe housing shortage in the area. Furthermore, the investigation by OEP demonstrates that there are measures in place for when the separate regime may have its own failings.'

10.83 In the accompanying costs decision (APP/A4520/W/25/3365110), the Inspector states:

'5. The LPA's refusal relies on the proposal having an unacceptable effect on water quality from the waste water discharges from the site. This is because nearby waste water treatment works, under the operation of Northumbrian Water (NW), have been subject to investigation by Ofwat for unauthorised spilling of raw sewage. Ofwat have also been under investigation from the Office for Environmental Protection (OEP) for their failing to exercise its duty under environmental law to make enforcement orders.

6. For this reason, the LPA did not consider that the pollution control regime governing the handling of wastewater was operating effectively, as detailed by paragraph 201 of the National Planning Policy Framework (the Framework).

7. The Council's approach is fundamentally at odds with what the Framework is seeking to achieve. Paragraph 201 is there to ensure that developments such as this do not get unduly delayed by matters outside the control of the developer, and by matters unrelated to the land use proposed.'

10.84 The concerns of Windrush Against Sewage Pollution are noted. In response, it is acknowledged that Thames Water has a duty to connect development into its system under the Water Industry Act 1991. Such a connection would typically be a separate matter for the applicant to resolve with Thames Water rather than a matter for the planning system. Notwithstanding this, the potential for foul water emanating from a development to discharge into a watercourse is a material planning consideration. The attachment of a condition requiring infrastructure upgrades to be provided prior to the occupation of all, or part of a development, would normally be sufficient in planning terms to ensure that adequate measures are in place to prevent the pollution of watercourses. In this instance, the use of a condition preventing occupation of a greater number of dwellings than those already permitted on the site is considered reasonable and would ensure that the development would not have a materially greater impact on the existing sewage network than that already approved. The proposal is therefore considered not to conflict with Local Plan Policy INF8 or Neighbourhood Plan Policy FNP5.

10.85 With regard to water supply, it is noted that the Outline permission is subject to a condition limiting occupation to no more than 50 dwellings before upgrades are put in place. It is considered that this condition is carried over to the current application.

(f) Impact on Residential Amenity

- 10.86 The proposed dwellings meet minimum floorspace standards set out in Local Plan Policy H1.
- 10.87 Each dwelling would be provided with adequate outdoor amenity/garden space. In addition, the proposed dwellings are positioned and orientated in a manner that would not have an adverse impact on the amenity of neighbouring residents in relation to privacy, light or overbearing impact. The proposal is considered to accord with guidance in the Cotswold Design Code.
- 10.88 A Local Equipped Area of Play and a kickabout area are included within the landscaped areas to the north of the proposed housing. Footpaths are also proposed around the edge of the development. It is considered that a reasonable level and mix of recreation space would be provided as part of the development proposal.
- 10.89 Gloucestershire Constabulary's Designing Out Crime Officer has provided comments on the proposal. The officer has indicated that the positioning of cycle storage to the rear of tandem parking areas may make it difficult to access bicycles without moving parked vehicles. It is recommended that sufficient space is provided around parking bays to enable access. The officer also identifies that the connection of footpaths to the road network could enable vehicle access and that chicanes or earthworks could restrict such access, and that the 20m separation distance between the play area and housing may attract children from neighbouring areas which may be perceived as anti-social area. The hedging proposed around the play area may also restrict visibility from housing. In addition, the officer has advised that the community allotment and orchard should be maintained and managed until taken on by the community. It is also recommended that a condition is attached which would require each property to meet the required level of security for each home as set out in Secured by Design 2024.
- 10.90 In response to the points raised, the submitted plans show an area of space around each of the parking places. As a consequence, it is considered that there will be a degree of space available to allow bicycles to pass parked cars. With regard to footpath/road connections and the location of the play area, the respective features have been approved previously and form part of an extant development. With regard to the play area, there is a need to balance surveillance against the potential noise and disturbance issues that may arise if such an area is placed too close to dwellings. The proposal play area is considered to be in reasonable proximity without causing amenity issues. It

would also be located close to a community allotments, orchard and car park which would entail a degree of activity in the area. In this instance, it is considered that the position of the play area is acceptable and that it would not result in the creation of an isolated or poorly surveilled area. The management of the community allotments and orchard would be covered through management details set out in the S106 legal agreement. With regard to the proposed security condition, Officers consider that this would be unreasonable and unnecessary in this instance, in light of the extant permission for 87 dwellings on the site and the character of the area. Officers therefore consider that the development has been designed to reasonably prevent crime and disorder and address the requirements set out in Section 17 of the Crime and Disorder Act 1998 which states that *'it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*

(a)crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b)the misuse of drugs, alcohol and other substances in its area; and

(c)re-offending in its area; and

(d)serious violence in its area.'

(g) Biodiversity

10.91 The application site consists of an arable field which is bordered by a mix of strips of semi-improved grassland as well as native species hedgerows and trees. Drainage ditches extend alongside the southern, western and eastern boundaries of the application site. In terms of its wider context, the application site falls within 5km of the Cotswold Water Park and Whelford Meadow Sites of Special Scientific Interest (SSSI). The south-western part of the site is located within the Zone of Influence of North Meadow and Clattinger Farm Special Area of Conservation (SAC).

10.92 This application is accompanied by an Ecological Appraisal, Ecological Construction Method Statement, a Landscape and Ecology Management Plan and an updated bat survey report. The Biodiversity Officer has assessed the submitted reports and states:

'Environmental Construction Method Statement

10.92.1 The ECMS report outlines mitigation and control measures to prevent water pollution incidents that could impact designated habitats, including statutory sites such as Whelford Meadow SSSI and the Cotswold Water Park SSSI, as well as non-statutory sites, including Broadwater Lake LWS. The ECMS also provides adequate safeguarding measures for protected and priority species and habitats during site clearance and construction activities

Biodiversity net gain

10.92.2 The biodiversity metric demonstrates at least a 10% net gain can be achieved on-site across all three habitat modules. These gains are considered significant, this is due to the proposed area of other neutral grassland in moderate condition, the creation and enhancement of habitats of very high and high distinctiveness, and the use of good target conditions. As a result, a s106 legal agreement is required to secure monitoring fees.

10.92.3 There are a few inconsistencies between the biodiversity metric and the ecological appraisal that must be resolved before a successful compliance application can be submitted to discharge the biodiversity gain condition. Examples include, but are not limited to:

- SuDS Condition: The biodiversity metric assigns a poor target condition to the SuDS feature, whereas the ecological appraisal indicates it will achieve a moderate condition.*
- Reedbed Area: The metric records the reedbed habitat as covering 0.15 ha, while the ecological appraisal states it will be 0.09 ha.*
- Non-Priority Pond Area: The metric lists this feature as 0.04 ha, but the report specifies an area of 0.15 ha.*

Habitat Management and Monitoring Plan

10.92.3 There are several key elements missing from the current HMMP report that would typically be expected, including (this is not an exhaustive list):

- Assessment outcomes: Clear identification of passes and fails against the metric condition assessment criteria for each proposed habitat target condition score;*

- *Risk register: Inclusion of defined triggers for action—for example, intervention if more than 10% of newly planted trees are found to be dying within years 1-10;*
- *Monitoring schedule: A structured timetable for reporting to the Local Planning Authority and reviewing monitoring outcomes In addition, the HMMP and the biodiversity gain condition are intrinsically linked; the HMMP outlines the qualitative actions needed to achieve the quantitative targets in the biodiversity gain plan. Therefore, it's challenging to assess the HMMP without reviewing the biodiversity gain plan itself, which is currently a post-permission matter. In light of this, it is recommended that a 30-year HMMP condition be imposed. I advise that the existing LEMP either be updated accordingly or that its relevant content be transferred into the HMMP template,*

Ecological enhancements and lighting

10.92.4 The proposed street lighting will allow commuting and foraging species to continue using boundary hedgerows, while the planned ecological enhancements will offer additional nesting and roosting habitats for protected and priority species.'

- 10.93 The submitted reports indicate that the scheme can be undertaken without causing harm to protected species. In addition, existing hedgerows will be retained and new tree planting introduced across the site, which is considered to represent a betterment in biodiversity terms. It is considered that the proposal accords with Local Plan Policy EN8
- 10.94 The application site is located within the 9.4km Zone of Influence serving North Meadow and Clattinger Farm Special Area of Conservation (SAC). The site falls within the Outer Zone of Influence (4.2 - 9.4km) of the SAC, within which a financial contribution can be accepted as a means of mitigating recreational pressure on the SAC. The applicant for this planning application is intending to enter into a S106 legal agreement confirming that a financial contribution will be paid in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy (2023). The contribution will secure sufficient mitigation to ensure that the proposed development will not lead to adverse recreational impacts on the SAC.

- 10.95 Natural England raises no objection to the application subject to the aforementioned mitigation being addressed through the submission of the relevant financial contribution.
- 10.96 The proposed contribution will also address the requirement of Neighbourhood Plan Policy FNP14 which states that the *'development of this site will be required to mitigate its impact on the Special Area of Conservation (SAC) at North Meadow near Cricklade.'*
- 10.97 The proposals included within the planning application (including the financial mitigation contribution) are therefore considered to be acceptable and Officers have no objections under the Habitats Regulations.
- 10.98 It is considered that the proposed development is in accordance with Local Plan Policy EN8, Neighbourhood Plan Policy FNP14 and guidance in Section 15 of the NPPF.

Other Matters

- 10.99 With regard to the impact of the proposal on trees and hedgerows, the Council's Tree Officer advises:

10.99.1 'The site has expanded slightly from previous applications (23/03636/OUT & 24/01985/REM) so that this application now includes protected trees listed as T6 - T10 of CDC TPO no 16/00005 - Path between Hatherop Road and Leafield Road, Fairford 2016. None of these trees are proposed for removal. Site specific tree protection measures described in Section 9 - Arboricultural Method Statement and shown on 4 tree protection plans (drawing no edp 7301_d019a) should, if adhered to, ensure potentially damaging impacts the protected trees and retained trees are avoided.'

10.99.2 Trees listed on the report as T1 (protected tree), T2, T12 (protected tree), T18 & G45 could be detrimentally impacted by development activities encroach within the rooting zones of these trees. Specific protection and damage limitation measures have been suggested in the Arboricultural Method Statement which I am accepting of.'

10.99.3 Submitted plans will result in the partial removal of 1 tree group of moderate arboricultural quality (G9 as listed with the arboricultural report), the partial removal of 1 tree group of low arboricultural quality (G10) and a removal of a short section of hedgerow (H26). The report also recommends the removal of 5 ash trees displaying symptoms of ash dieback (trees T6, T22, T24, T25 &

T29). Subject to new tree planting to mitigate for this loss, I have no objections to the removal of these trees.

10.99.4 The vast majority of the site is devoid of trees. If the application is granted consent appropriate and conditioned new tree planting will increase tree cover in the vicinity. This is supported. New tree planting should include an appropriate 10-year management plan to ensure the new trees establish successfully.'

10.100 The submitted landscape plans include new tree planting. Conditions are proposed which would cover landscaping and tree and hedgerow protection. It is considered that the development can be undertaken in accordance with Local Plan Policy EN7.

10.101 With regard to archaeology, it is noted that archaeological work has been carried out as part of a condition compliance application (24/02151/COMPLY) submitted in connection with the previous Outline permission. GCC Archaeology has advised:

'24/02151/COMPLY application. The excavation has been completed and we wait to receive the post-excavation assessment report followed by analysis and final excavation report/publication. To ensure the full post-excavation work is completed and reported on I recommend that a compliance condition is attached to planning permission and recommend the following wording:-

Post excavation assessment, analysis, excavation report/publication and archive deposition as set out in the "Project specification for an archaeological excavation" by Thames Valley Archaeological Services (ref: 23e181exc), dated 10th June 2023, shall be carried out in accordance with the approved details.'

10.102 It is considered that the proposed development can be undertaken in a manner that will not cause harm to features of archaeological interest, subject to the above request being addressed as a planning condition.

10.103 With regard to energy efficiency matters, the following Neighbourhood Plan policy is considered relevant to this proposal:

10.104 FNP16 Zero Carbon Buildings

'FNP16.1. Subject to the development being found to be acceptable when judged against other policies in the FNP, innovative approaches to the construction of low carbon homes which demonstrate sustainable use of

resources and high energy efficiency levels will be supported. Examples would include, but would not be limited to earth sheltered, rammed earth, or straw bale construction, construction to Passivhaus standards, conversion to EnerPHit standards.

FNP16.2. The sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings will be encouraged, including the retrofitting of listed buildings, buildings of solid wall or traditional construction and buildings within conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future.

FNP16.3. All new non-residential buildings should achieve the BREEAM Excellent standard.

- 10.105 The applicant has submitted an Energy and Sustainability Statement with this application which sets out various measures which would be incorporated into the scheme in order to address the impact of climate change. Air source heat pumps are proposed for each dwelling and a fabric first approach is proposed for new buildings. This would enable additional insulation and thermal efficiency measures to be incorporated into the development. The submitted statement states that *'It is predicted that the proposed development will achieve an 66% site-wide reduction in carbon emissions, compared to the notional building.'* It is considered that the proposed development is reasonably addressing the issue of climate change.
- 10.106 The application site is located approximately 2km north of RAF Fairford. The Ministry of Defence's (MOD) Defence Infrastructure Organisation (DIO) Safeguarding Team has raised no objection to the application.
- 10.107 With regard to financial contributions, Gloucestershire County Council has requested financial contributions of £19,208 to library services. The previous Outline permission was also the subject of a contribution of £10,000 towards a Traffic Regulation Order, £15,900 towards public transport, £5,000 towards a travel plan monitoring fee and £45,120 to a travel plan (£37,600 to a travel plan deposit. The requested contributions are considered to be necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. The contribution request is considered to accord with Regulation 122 of the Community and Infrastructure Levy Regulations 2010.
- 10.108 This application is liable for the Community Infrastructure (CIL) and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any

financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

- 11.1 It is considered that the residential development of the site is acceptable in principle having regard to the allocation of the site for housing in the Fairford Neighbourhood Plan. The proposal would also make a notable contribution to the supply of housing in the District and to the delivery of affordable housing. It is also considered that it has been reasonably demonstrated that the site can accommodate the level of development proposed in a manner that would be sensitive to its surroundings and that would not cause unacceptable harm in any other respects, such as highway safety, drainage (subject to no objection from the Lead Local Flood Authority), biodiversity or archaeology. 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):

25033 101 B, 25033 102 B, 25033 103 A, 25033 104 A, 25033 105 A, 25033 106 A, 25033 107 A, 25033 108, 25033 109, 25033 110, 25033 111, 25033 112 A, 25033 113, 25033 114, 25033 115, 25033 116, 25033 117, 25033 118 A, 25033 119, 25033 120, 25033 121 A, 25033 122, 25033 123, 25033 124, 25033 125, 25033 126, 25033 127, 25033 128, 25033 129, 25033 130, 25033 131, 25033 132, 25033 133 A, 25033 134 A, 25033 135, 25033 136 A, 25033 137, 25033 138 A, 25033 139, 25033 140, 25033 141, 25033 142, 25033 143, 25033 144, 25033 145, 25033 146.

edp7301_d008 Sheet 1 of 2, edp7301_d008 Sheet 2 of 2

edp7301_d011a, edp7301_d011a sheet 1 of 5, edp7301_d011a sheet 2 of 5, edp7301_d011a sheet 3 of 5, edp7301_d011a sheet 4 of 5, edp7301_d011a sheet 1 of 5.

edp7301_d012 sheet 1 of 5, edp7301_d012 sheet 2 of 5, edp7301_d012 sheet 3 of 5, edp7301_d012 sheet 4 of 5, edp7301_d012 sheet 5 of 5.

edp7301_d013 sheet 1 of 3, edp7301_d013 sheet 2 of 3, edp7301_d013 sheet 3 of 3.

edp7301_d014 sheet 1 of 1.

WLC1299-1300-001 R1

23247 - PL11 A, 23247 - PL14 A, 23247 - PL15 A, 23247 - PL16 A, 23247 - PL17 A, 23247 - PL18 A,

L01

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

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

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

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

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

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

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

6. New render shall be of a roughcast type and be of a mix containing sharp sand, stone dust, pea shingle and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

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

7. No windows, external doors, cills, eaves, lintels, verges shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5. The development shall only be carried out in accordance with the approved details and retained as such at all times.

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

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

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

9. No bargeboards, exposed rafter feet or eaves fascias shall be used in the proposed development.

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

10. Within one month of its installation, each window and external door shall be finished in a colour that has first been approved in writing by the Local Planning Authority.

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

11. The entire landscaping scheme shall be completed by the end of the first full planting season (1st October to the 31st March the following year) following the first occupation of the development, unless an alternative timeframe is first agreed in writing by the Local Planning Authority.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

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

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

13. The development shall be undertaken in accordance with the arboricultural recommendations laid out in the report titled 'Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection)' by edp dated May 2025 (Report Reference edp7301_r015a).

All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

14. Prior to the commencement of any works on site (including demolition and site clearance), the tree and hedgerow protection as detailed on Tree Protection Plans edp7301_d019a (Overview), edp7301_d019a (Sheet 1 of 4), edp7301_d019a (Sheet 2 of 4), edp7301_d019a (Sheet 3 of 4), edp7301_d019a (Sheet 4 of 4), shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

15. The development shall be undertaken in accordance with the recommendations contained in the following documents and drawings:

i) Ecological Construction Method Statement (98 units), prepared by EDP, dated May 2025;

ii) Drawing number: WLC1299-1300-001 R1 (Street Lighting Adoptable Layout); and

iii) Sections 4.126-4.142 and drawing number edp7301_d024 (Species Enhancement Plan) of the "Landscape and Ecology Management Plan (including Habitat Management and Monitoring Plan" prepared by EDP, dated May 2025.

All of the recommendations shall be implemented in full according to the specified timescales and thereafter permanently retained.

Reason: To protect and enhance biodiversity in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 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.

16. The development shall not commence until a 30-year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme;
- i) Details of the persons responsible for the implementation and monitoring;
- j) Mechanisms of adaptive management to account for necessary changes within the work schedule to achieve the required targets; and
- k) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30 with biodiversity reconciliation calculations at each stage.

The HMMP 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 Policy EN8.

17. The development shall be undertaken, managed and maintained fully in accordance with the details, timescales and recommendations set out in the Landscape and Ecological Management Plan (including Habitat Management and Monitoring Plan) prepared by EDP May 2025 (Report Reference edp7301_r010a).

Reason: In order to ensure that the proposed landscape and ecological measures will be undertaken and managed in a manner that will protect and enhance biodiversity and the landscape quality of the site having regard to Local Plan Policies EN2, EN4 and EN8 and the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, the Circular 06/2005, paragraphs 187, 192 and 193 the National Planning Policy Framework, Local Plan Policy EN8, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. Post excavation assessment, analysis, excavation report/publication and archive deposition as set out in the "Project specification for an archaeological excavation" by Thames Valley Archaeological Services (ref: 23e181exc), dated 10th June 2023, shall be carried out in accordance with the approved details.

Reason: In order to ensure that features of archaeological interest are properly recorded.

19. Prior to the first occupation of the development hereby permitted, surface water drainage shall be provided fully in accordance with the details in drawing 23247 - PL11 A and retained in accordance with the approved details thereafter.

Reason: In order to ensure that the development is provided with adequate surface water drainage in order to prevent flooding and drainage issues in accordance with Local Plan Policy EN14.

20. Prior to the first occupation of the development hereby permitted, a SuDS Design and Management Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The SuDS Design and Management Plan shall include, but not be limited to:

- i) Detailed design for each SuDS feature to include sections illustrating the gradient of edges/banks;
- ii) The drain to dry times for all surface water storage, including attenuation basins, ponds, and/or swales; and
- iii) Details of a long-term maintenance programme for each SuDS feature to ensure that outlets are maintained to ensure they are not blocked or restricted by silt or vegetation preventing them from draining to dry within the specified period.
- iv) Details of the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented fully in accordance with the approved details and managed/maintained in accordance with the details agreed for the lifetime of the development.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and to avoid flooding in accordance with Local Plan Policy EN14 and Neighbourhood Plan Policy FNP4.

21. No more than 50 dwellings shall be occupied until confirmation has been provided that either:

- i) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

22. No more than 87 dwellings shall be occupied until confirmation has been provided that either:

i) all sewage works upgrades required to accommodate the additional flows from the development have been completed; or

ii) a development and infrastructure phasing plan has been agreed with the Local Planning Authority to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents, in accordance with Local Plan Policies EN14 and EN15.

23. The play equipment, litter bins and dog waste bins shall be installed fully in accordance with the approved details and in accordance with an installation timetable and maintenance programme that has first been agreed in writing by the Local Planning Authority and they shall be retained and maintained fully in accordance with the approved details thereafter.

Reason: In order to ensure that the play equipment, litter bins and dog waste bins are provided in a timely manner and to ensure that the development will function well in the future in accordance with Section 12 of the National Planning Policy Framework.

24. Prior to the first occupation of each dwelling, the car parking and vehicular access for each respective dwelling shall be provided fully in accordance with the approved details.

Reason: In the interests of highway safety and to ensure that each dwelling is provided with adequate parking and access in accordance with Local Plan Policies INF4 and INF5.

25. Prior to the commencement of the development hereby permitted (other than works associated with the provision of the site access), the principal site access from the Hatherop Road including visibility splays shall be constructed and completed in accordance with a detailed design scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Local Plan Policy INF4.

26. Prior to the first occupation of the development hereby permitted a Residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details thereafter.

Reason: To reduce vehicle movements and promote sustainable access in accordance with Local Plan Policy INF3.

27. The development shall be undertaken fully in accordance with the details in the document titled 'Construction Management Plan' by Stomor dated May 2025 Reference ST3549/CTMP-2505-Fairford Revision: 0.

Reason: In the interests of safe operation of the adopted highway during the construction phase of the development in accordance with Local Plan Policy INF4.

28. Prior to the first occupation of the development hereby permitted, a timetable for the adoption of the estate roads shown on drawing 23247 - PL16 A and the completion of other roads and footpaths, including details relating to the future maintenance and management of the unadopted roads and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained/managed in accordance with those details thereafter.

Reason: In order to ensure that the road and footpath network is completed and thereafter maintained to an acceptable standard in the interests of highway safety and in accordance with Local Plan Policy INF4 and Section 14 of the National Planning Policy Framework.

29. The development hereby permitted shall incorporate the measures recommended in the document titled 'Energy and Sustainability Statement' dated 16 April 2025 reference 34162-HYD-XX-XX-RP-Y-5001 with a working air source heat pump being installed at each dwelling prior to its first occupation.

Reason: In order to ensure that the development addresses the impact of climate change and incorporates high quality green infrastructure in accordance with Local Plan Policy EN1 and Neighbourhood Plan Policies FNP14 and FNP16.

30. Prior to the first occupation of any dwelling hereby permitted, details of external lighting to be installed or erected along Public Right of Way BFA17 'Lovers Lane' shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed or erected along the aforementioned route other than in accordance with the approved details.

Reason: In order to ensure that external lighting is appropriate for the area and will not have an adverse impact on the character and appearance of the area, residential amenity or protected species having regard to Local Plan Policies EN2, EN4, EN8 and EN15.

Informatives:

1. 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 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-net-gain-bng/>

2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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

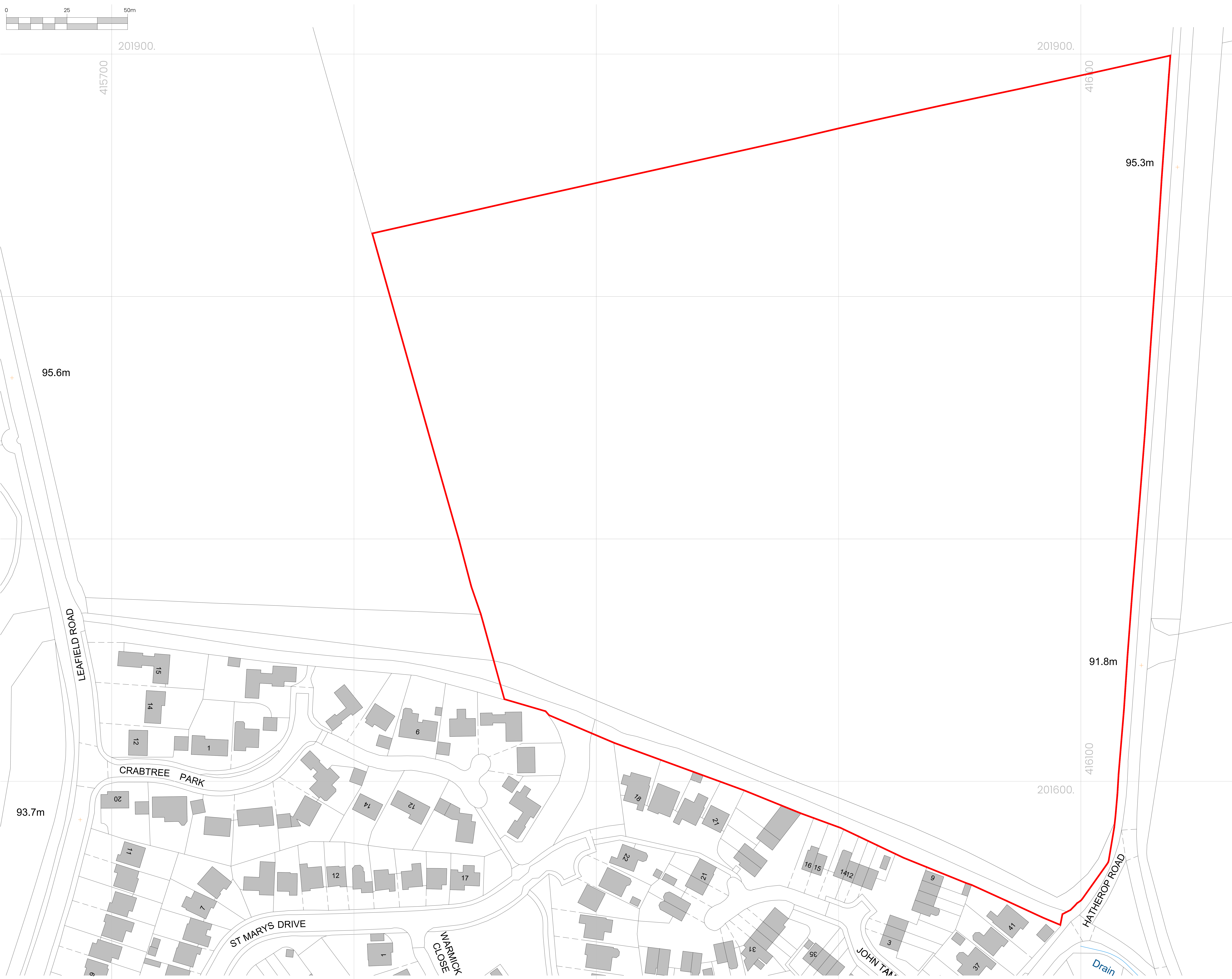
4. Drainage

i) The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

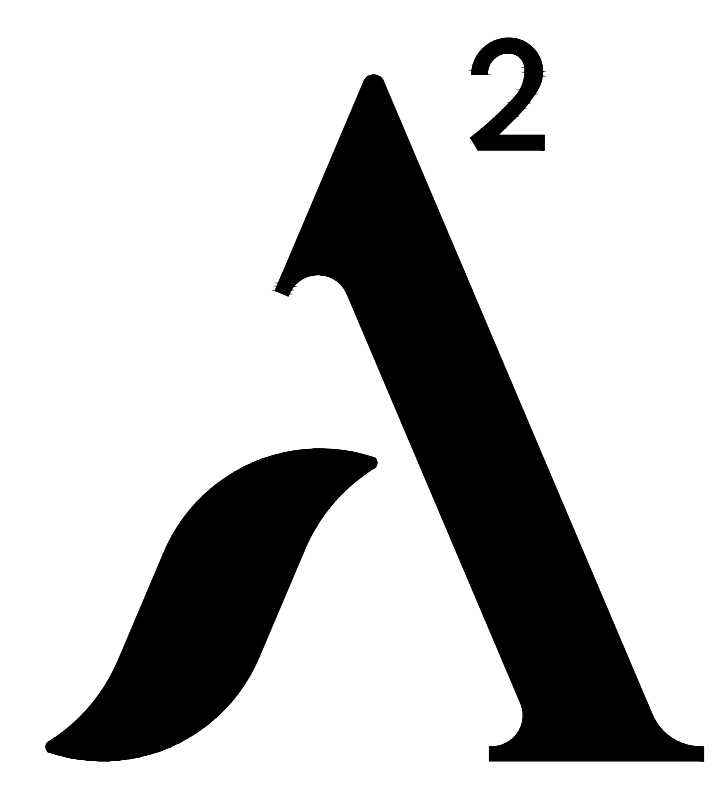
ii) Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

iii) Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

iv) Land Drainage Consent will be required for the discharge of water into a drainage ditch or watercourse.



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TELEPHONE: 01489 290035
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Fareham
PO15 5TT

CLIENT:



PROJECT:

Land Off West Of
Hatherop Road
Fairford

DRAWING:

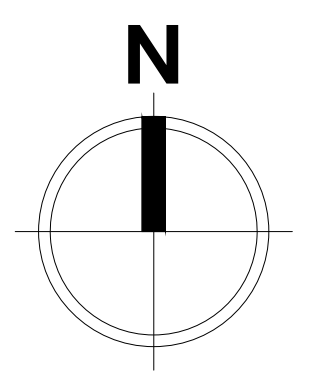
Location Plan

STATUS:

Planning

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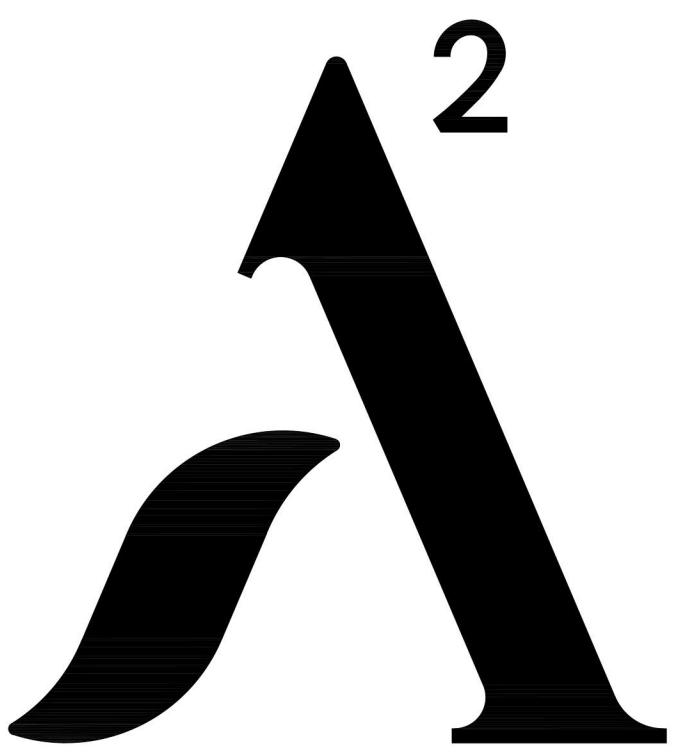
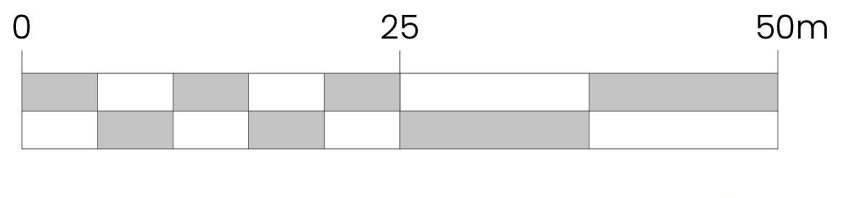
SCALE: DATE: DRAWN BY:

1:500@A0 APR | 2025 WS

REFERENCE: SHEET NO: REVISION:

25033 L01 -

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CLIENT:



COTSWOLDS

PROJECT:

Land West Of
Hatherop Road
Fairford

DRAWING:

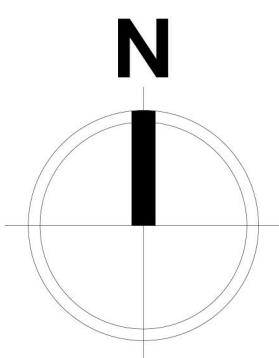
Illustrative Site Layout

STATUS:

Planning

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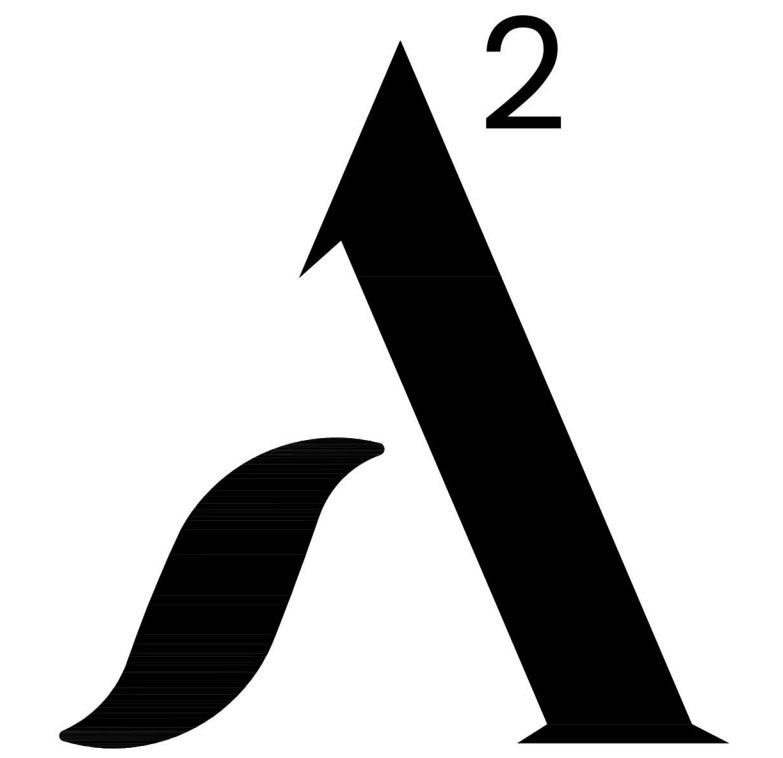
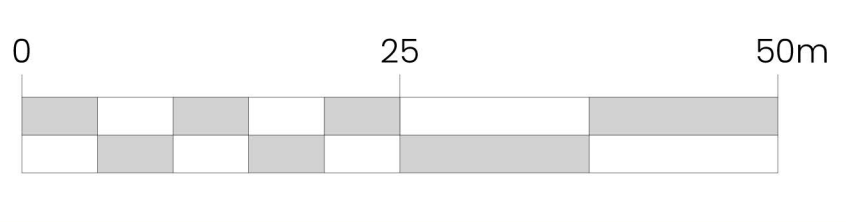
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REV:	DATE:
A Custom Build Labels Updated, Feature Entrance Walling Added	11/06/25
B Updated to Site Layout	14/08/25

SCALE:	DATE:	DRAWN BY:
1:500@A0	APR 2025	TB
REFERENCE:	SHEET NO:	REVISION:
25033	C01	B

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CLIENT:



COTSWOLDS

PROJECT:

Land West Of
Hatherop Road
Fairford

DRAWING:

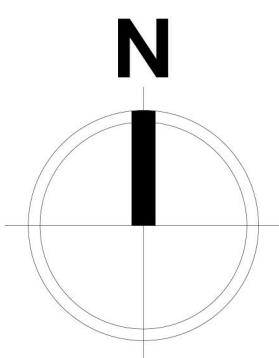
Coloured Site Layout

STATUS:

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REFERENCE: SHEET NO: REVISION:

24027 2C01 -

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Page 225

KEY

Application Boundary Line

Proposed New Route of HV Cable

Fairford Neighbourhood Plan - Development Boundary

P-1

Plot Number

Main Entrance

Secondary Entrance

Existing Trees

Proposed Trees
See EDP Plan For Details

Existing Hedge

Proposed Planting
See EDP Plan For Details

Street Furniture
See EDP Plan For Details

Illustrative Open Space Feature
Details Provided By Bannersgate

Proposed Swales & Attenuation Basin
Details Provided By Bannersgate

Reconstituted Stone Wall

Close Boarded Fence

Picket Fencing

Dry Stone Walling

Garden Gate

Cycle Storage Shed

Refuse Storage

RCP

Refuse Collection Point

Allocated Parking Space

Unallocated Parking Space

Visitor Parking Space

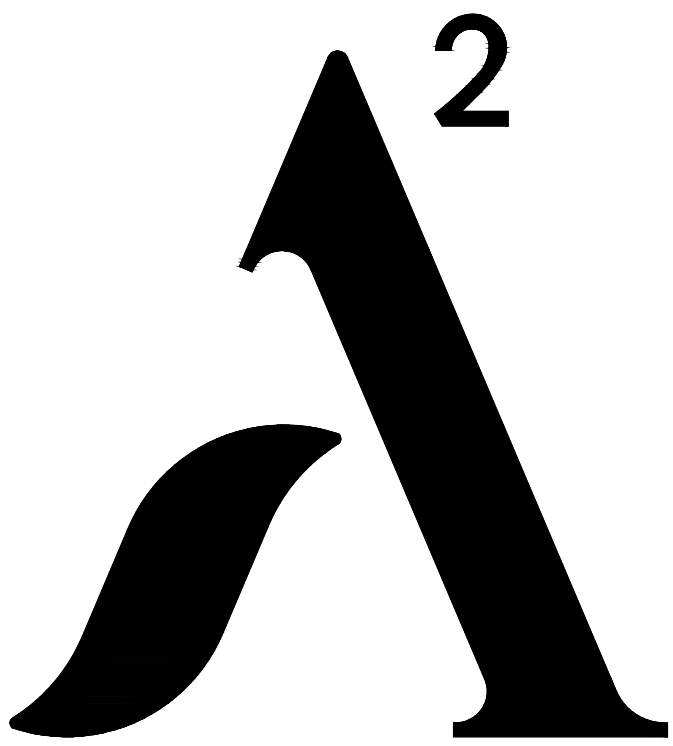
Community Parking Court

SO

Shared Ownership

SR

Social Rent



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CLIENT:



COTSWOLDS

PROJECT:

Land West Of
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Fairford

DRAWING:

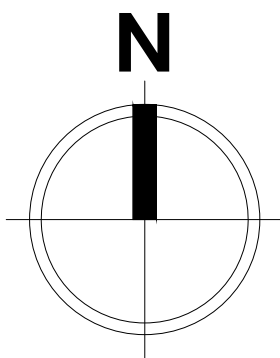
Proposed Site Layout

STATUS:

Planning

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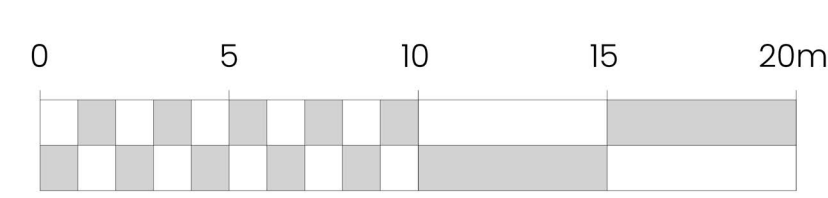
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REV:	DATE:
A Custom Build Labels Updated, Feature Entrance Walling Added	17/06/25
B Tenures Redistributed	14/08/25

SCALE:	DATE:	DRAWN BY:
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ILLUSTRATIVE STREETSCENE A-A



ILLUSTRATIVE STREETSCENE A-A (CONTINUED)



ILLUSTRATIVE STREETSCENE B-B

KEY PLAN - NTS



CLIENT:



PROJECT:

Land West Of
Hatherop Road
Fairford

DRAWING:

Illustrative Streetscene AA & BB

STATUS:

Planning

REV:

DATE:

REFERENCE:

25033

SHEET NO:

C02

DATE:

APR | 2025

SCALE:

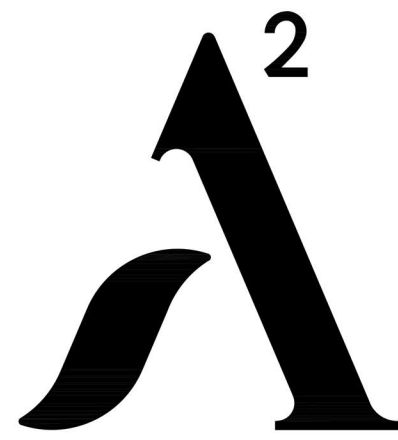
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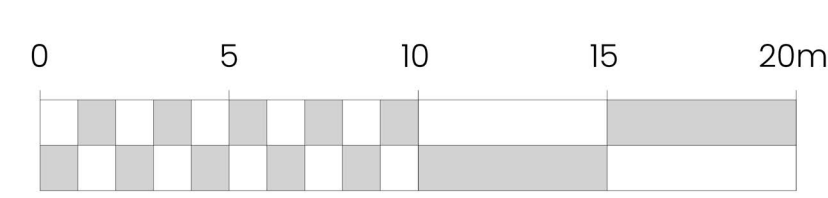
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A: Elan House, 5a Little Park Farm Road, Fareham, PO15 5SJ

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ILLUSTRATIVE STREETSCENE C-C



ILLUSTRATIVE STREETSCENE D-D

KEY PLAN - NTS



CLIENT:



PROJECT:

Land West Of
Hatherop Road
Fairford

DRAWING:

Illustrative Streetscene CC & DD

STATUS:

Planning

REV:

DATE:

REFERENCE:

25033

SHEET NO:

C03

DATE:

APR | 2025

SCALE:

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A: Elan House, 5a Little Park Farm Road, Fareham, PO15 5SJ

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Permission in Principle for the erection of 1 self-build dwelling at Land at Ethans Orchard Middle Chedworth Gloucestershire GL54 4AL

Permission in Principle 25/01970/PLP	
Applicant:	Mr George Charnick
Agent:	
Case Officer:	Amy Hill
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	10 September 2025
RECOMMENDATION:	PERMIT SUBJECT TO AGREEMENT OF APPROPRIATE ASSESSMENT BY NATURAL ENGLAND

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Chedworth Conservation Area and the Setting of a Listed Building
- (c) Impact on the Cotswolds National Landscape
- (d) Highways and Access
- (e) Biodiversity
- (f) Other Matters

2. Reasons for Referral:

- 2.1 Cllr Hodgkinson requested that the application be considered by the Review Panel for referral to the Planning & Licensing Committee, for the following reason(s):

2.1.1. "This application neither conserves or enhances the local area or the scenic and natural beauty of the Cotswold National Landscape - and it is within the Chedworth Conservation Area. This is a green field and space with a temporary structure in one part of it, previously an orchard. The Chedworth Conservation Area statement indicates that open spaces such as this one are critical to the character of the place and should be preserved.

2.1.2 It would present encroachment of development into the village and loss of a green space with views across the valley.

2.1.3 I would like this application to be assessed by the Planning Panel if the officer recommends permission."

Outcome:

- 2.2 The Review panel accepted the request for the application to be considered at the Development Control Committee, in order to consider the potential impacts on the conservation area and national landscape, and to consider the balancing of harm and benefits in the context of the presumption in favour of sustainable development.

3. Site Description:

- 3.1 The application site consists of part of a paddock, within which is also a modest area of hardstanding and a shed. The site lies outside of, but adjoining, the village of Chedworth which constitutes a Non-Principal Settlement as designated in the Cotswold District Local Plan 2011-2031.
- 3.2 The site is located north of the main village street running through Chedworth, it has a road frontage defined by a dry-stone walling and hedgerow.
- 3.3 To the eastern boundary of the paddock is Chedworth Footpath 52, a designated Public Right of Way (PROW). At present the site is predominately rough grassland, a timber outbuilding is the only building present in the paddock. The land slopes away to the north of the site into the valley.
- 3.4 The site lies within the Chedworth Conservation Area, and within the setting of 'Peach Tree Cottage and Studio' a grade II listed building to the west of the site. The site also lies within the Cotswolds National Landscape and the 15.4km Zone of Influence of the Cotswold Beechwoods Special Area of Conservation (SAC).

4. Relevant Planning History:

- 4.1 02/01726/FUL - Erection of 4 terraced cottages - Refused 30/09/2002;
- 4.2 06/01833/FUL - Change of use of paddock to domestic use to enable formation of driveway and associated hardstanding - Refused 09/10/2006. Appeal Dismissed 27/07/2007;
- 4.3 17/03940/FUL - Erection of new dwelling with associated ancillary engineering and landscape works - Refused 18/01/2018;

- 4.4 19/02065/FUL - Erection of new dwelling together with associated ancillary development and landscape works - Withdrawn 28/10/2024

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- DS1 Development Strategy
- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Pr
- 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
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- EN14 Managing Flood Risk
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- H2 Affordable Housing

6. Observations of Consultees:

- 6.1 CDC Conservation Officer: No objections
- 6.2 CDC Flood Risk Management Officer: The technical details stage must provide an informed drainage strategy
- 6.3 CDC Biodiversity Officer: Appropriate assessment undertaken
- 6.4 Natural England: Outstanding

7. View of Town/Parish Council:

- 7.1 Chedworth Parish Council objected to the application, stating that:

7.1.1 'Chedworth Parish Council objects to the principle of development on this site. The site lies within Chedworth Conservation Area. As such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. The site has been subject to a considerable number of planning applications including:-

- Erection of new dwelling Ref. No: 19/02065/FUL - Validated: Thu 20 Jun 2019
- Status: Withdrawn following objections from Landscape Officer and others*
- Erection of new dwelling Ref. No: 17/03940/FUL - Validated: Sat 23 Sep 2017
- Status: Refused*
- Erection of 4 terraced cottages Ref. No: 02/01726/FUL - Validated: Mon 19 Aug 2002 - Status: Refused*

7.2 The refusal and objection reasons remain valid despite attempts by the owner to limit views through the site by strategic planting.

(1) The introduction of a new dwelling within this important area of open land within the settlement would fail to respect the local context in regards to harmony, street scene and views from the village road and footpath along the side of the site. As such the proposal would be harmful to the character and appearance of the Conservation Area, harm that would not be outweighed by any public benefits resulting from the proposal. As such the proposal would cause harm to the Conservation Area.

(2) The site lies within the Cotswolds National Landscape (CNL) an AONB, the proposal would represent encroachment of residential development into the AONB landscape and the replacement of a parcel of agricultural land. The introduction of a new dwelling, would be visually prominent in the landscape. The development would have a significant urbanising impact on the character and appearance of the AONB, the rural setting of the village and the built settlement pattern of Chedworth. and would fail to conserve or enhance the natural beauty of the AONB'

8. Other Representations:

8.1 44 third party representations have been received (including the Chedworth Society), objecting to the application on the grounds of:

- i. Harm to the conservation area
- ii. Harm to the Cotswolds National Landscape
- iii. Site a SSSI
- iv. Statutory obligations of the Council
- v. Harm to pattern of development within Chedworth
- vi. No other houses built to the north of the road since the 1970s
- vii. Loss of openness and green gaps
- viii. Loss of public and private views
- ix. Deliberate degradation of the site/loss of views
- x. Disagreement with Conservation Officer's opinion (and queries regarding professionalism)
- xi. Concerns over apparent disparity in the results of similar applications not appearing to reflect well on the management and direction of the planning department.
- xii. Support for application considered inconsistent with previous decisions
- xiii. Contrary to the Cotswolds AONB Management Plan
- xiv. Long term public interest should outweigh short term benefit to land owner
- xv. Existing building an eyesore
- xvi. Important to retain open space
- xvii. Refusal at Pump House (22/01035/PLP) with similar issues
- xviii. Previous refusals (and withdrawn application) on the site (and area to the east)
- xix. Planning history, with multiple refusals
- xx. Determination of other applications in the village or by committee
- xxi. Differences between wording of Paragraph 11 d) i) and d) ii), and tilted balance not applying in regard to harm to the conservation area or national landscape
- xxii. Planning In Principle application an inappropriate mechanism for a location as sensitive as this
- xxiii. The site was not identified as an important view was that the building and area was considered in need of improvement at the time of the creation of Chedworth Conservation Area (CCA) character statement.
- xxiv. No assessment of heritage harm
- xxv. Speculative enhancements such as orchard restoration cannot be secured via Planning in Principle process
- xxvi. Concerns over potential other developments if this is allowed
- xxvii. Untruths within the applicant's Planning Statement
- xxviii. Loss of orchard
- xxix. Issues with grass roof designs
- xxx. No housing need or public benefits
- xxxi. Risk of urbanisation due to other properties built within the village

- xxxii. Oversupply of properties in the village
- xxxiii. Assumption hedge shall remain considered flawed
- xxxiv. Highway safety concerns (access and pedestrian routes)
- xxxv. Level of community objection
- xxxvi. Inappropriate development next door
- xxxvii. Planning advice previous ignored so unlikely that scheme envisioned by Officers would be achieved
- xxxviii. Concerns over noise, mud, and disruption during build process

8.2 1 third party representations have been received, raising general comments on the application on the grounds of:

- Listing the planning history on the site
- Dispute over address (subsequently changed from Cheap Street to Middle Street)

8.3 Those matters considered to be material planning matters within the scope of this application type are discussed below.

9. Applicant's Supporting Information:

- Site Location Plan
- Completed S.111 agreement
- Planning Statement

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 Local Planning Authority have adopted the Cotswold District Local Plan (2011 - 2031), which forms the development plan for this area.
- 10.3 The application is requesting permission in principle to erect 1 dwelling within the site.
- 10.4 The National Planning Policy Framework (NPPF) outlines that permission in principle is a form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a

grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

10.5 The Planning Policy Guidance (PPG) states that the scope of permission in principle is limited to:

- location of development;
- land use; and
- amount of development.

(a) Principle of Development

10.6 Chedworth has been identified as a Non-Principal Settlement within former planning applications and appeal decisions within the village. The village contains some limited services including a church, primary school and village hall. The village therefore contains a range of services that would create a 'sense of community' and has reasonable access to services within neighbouring principal settlements. Notwithstanding the fact that the village constitutes a Non-Principal Settlement, it is necessary to consider whether the site falls within the settlement, or otherwise outside of the village envelope within an area of open countryside.

10.7 Land at Ethan's Orchard comprises an undeveloped parcel of land set within an area of sporadic development adjoining the open countryside. Whilst the paddock is bordered by built form to the east, west and south (separated by a road, the north contains undeveloped land. The site is considered to constitute a valuable green gap in built form, which does not share a close relationship with the village and instead appears divorced from the linear pattern of development on the southern side of the highway. As such, the site is considered to lie outside of the envelope of the settlement of Chedworth, within an area of open countryside.

10.8 Local Plan Policy DS4 is therefore of relevance, and states:

'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'

10.9 The supporting text to Policy DS4 states:

'6.4.3 Besides the provisions of paragraph [84] of the NPPF, which makes an exception for country houses that are truly outstanding or innovative, the Local

Plan has policies that potentially allow for certain types of housing development in the countryside including:

- affordable housing on rural exceptions sites (Policy H3);*
- housing for rural workers (Policy H5);*
- sites for gypsies and travellers (Policy H7);*
- and conversion of rural buildings (Policy EC6).*

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

10.10 The current proposal is for the erection of new build residential development which is contrary to Policy DS4. In terms of the development plan, there is an in-principle objection to the erection of new build open market housing on this site. The current proposal is therefore considered to be in conflict with Local Plan Policy DS4.

10.11 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council is only able to demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

'11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

10.12 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes *'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'* In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that paragraph 11 is engaged in such circumstances.

10.13 In the case of criterion d ii) of the above quoted Paragraph 11 of the NPPF, it is also necessary to weigh the benefits arising from the scheme, such as the delivery of housing against the adverse impacts of the proposal, such as the sustainability of the location and securing well-designed places. Footnote 9 elaborates that the policies referred to are those in paragraphs 66 and 84 of chapter 5. In this case, whilst the application site is considered to be outside the envelope of the village of Chedworth, it abuts it and is therefore considered not to be in an isolated location. As such, Paragraph 84 of the NPPF is not relevant in this case.

- 10.14 In the case of criterion d i) footnote 7 of the NPPF advises that *'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.'*
- 10.15 The application site is within the Chedworth Conservation Area, the Cotswolds National Landscape, and within 15.4 Kilometres of Cotswold Beechwoods (Special Area of Conservation). These matters shall be discussed in more detail later in the report.

(b) Impact on the Chedworth Conservation Area and the Setting of a Listed Building

- 10.16 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.
- 10.17 The site is also within the setting of a listed dwelling. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving its setting in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.18 Local Plan Policy EN1 requires development, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment by:
- 'a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
 - b. contributing to the provision and enhancement of multi-functioning green infrastructure;*
 - c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
 - d. seeking to improve air, soil and water quality where feasible; and*
 - e. ensuring design standards that complement the character of the area and the sustainable use of the development.'*

- 10.19 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.20 Local Plan Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.
- 10.21 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, 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. Development in conservation areas will not result in 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.
- 10.22 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.
- 10.23 Section 14 of the NPPF addresses climate change. Paragraph 166 of the NPPF requires that when determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 10.24 NPPF Section 16 states that historical *'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
- 10.25 Specifically, Paragraph 203 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 10.26 Paragraph 207 states *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'*
- 10.27 Paragraph 209 advises that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 10.28 Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.29 Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.30 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.
- 10.31 The existing site comprises part of a paddock. Whilst the northern side of this road in Middle Chedworth is generally less developed than southern side, there are residential properties to the east and west of the paddock. To the east, this comprises the listed building "Peach Tree Cottage" and the immediate neighbour "Janes Cottage". "Janes Cottage" is located just off the road, with

outbuildings forming the boundary to the road. "Peach Tree Cottage" is set further back from the road (around 11m) with the property clearly visible from the road. To the west are other dwellings, notably "Saffron Hill" a property set approximately 28m from the road edge. Views of the property itself are reduced somewhat due to planting; however, it is evident there is a house in this location, with the roadside appearing domestic.

10.32 Within the paddock, outside of the site but within the applicant's ownership, is a garage building on a levelled area. There is an existing access with field gate to the site, alongside the garage. The paddock has a dry-stone wall boundary with the road with hedge behind. This limits current views over the site. It is noted that this hedge is a relatively recent addition; with the area previously been open to views over the valley. It is also noted that the area previously contained an orchard, although the trees relating to this use have been removed.

10.33 The paddock provided a green gap between the road and valley, located between two areas of residential development. The site was not identified in the Chedworth conservation area character statement as an important open gap, or as an important view. The Conservation Officer advised that *"nevertheless, the open, rural character that it brings to this part of the conservation area, allowing views from the road across an open, predominantly paddock-like space towards the board rural valley beyond contributes positively to the attractive, rural character of this part of the conservation area."*

10.34 As part of this, they identify that the eastern part of this, where the garage is located, is particularly prominent (both from the approach down the hill from the east and from the PROW along the east of the paddock).

10.35 The Conservation Officer has advised:

10.35.1 "It is also pertinent that the site does have houses to both east and west, & a rather unsympathetic row of mid-twentieth-century houses on the higher ground to the [south]."

10.35.2 Thus considering the context, it would seem that were a proposal to actively enhance the site from its current state, that a very carefully-considered design, then preserved, and potentially improved the site, may be reasonable.

10.35.3 A key element of gain would be to enhance the visually more sensitive, eastern half of the site; removing the garage and the raised

hardstanding, and restoring the site to its natural contours. This should then be the half of the site that is restored and retained as an open green space/paddock/orchard, with drystone walls and native hedgerows.

10.36 He thus concluded:

10.36.1 *"Consequently, the acceptability of the principle of development was inseparably tied to the benefit that would accrue from the removal of the garage & hardstanding, the restoration of the natural contours, and the use of the area as a paddock or orchard, not as part of the residential curtilage. Without this mitigating benefit, the original concerns of 2017 would still stand.*

...

10.36.2 *Consequently, whilst something is possible on this site, given its sensitivity and the constraints that this imposes, any solution would have to be imaginative, of high architectural quality, and potentially unorthodox."*

10.37 The Planning in Principle application solely relates to the principle of the development, rather than the details of it. Whilst the design of a new dwellinghouse would require very careful consideration, and an acceptable resolution is not guaranteed, the principle of a dwellinghouse in this location is considered possible. It is noted that this would need to be mitigated by the removal of the garage on the eastern part of the site, and suitable restoration of it. The applicant has advised that the intent would be to remove the garage and to add planting. Given this area is within the applicant's ownership, it is considered it would be possible at the technical details stage to condition the removal of the garage and restoration of the land at this stage.

10.38 Subject to suitable design and detailing, it is considered that a proposal could be put forward which could preserve and enhance Conservation Area. Given this, it is considered that such a scheme would also be likely to preserve the setting of nearby listed buildings.

10.39 The applicant has not provided a statement assessing the significance of any heritage assets potentially affected by the proposal, as required under Paragraph 207 of the NPPF. Nevertheless, in light of the site's planning history and the information contained within the relevant Conservation Area Appraisal, Officers are satisfied that the absence of this statement does not materially hinder their ability to make an informed recommendation.

10.40 Whilst Paragraph 209 refers to *"evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision"*, it is considered that the removal of trees,

growing a hedge around the site and construction of the garage they had permission for, would not be considered as deliberate neglect of, or damage to, a heritage asset.

(c) Impact on the Cotswolds National Landscape

- 10.41 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.42 Local Plan Policy EN1 states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment.
- 10.43 Local Plan Policy EN4 states that *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas', and that 'Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*
- 10.44 Local Plan Policy EN5 states that *'In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.'*
- 10.45 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'*.
- 10.46 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... National Landscapes which have the highest status of protection in relation to these issues.'*

10.47 Cotswold District Council endorsed the Cotswolds National Landscape Management Plan 2025-2030 on the 8th May 2025, with relevant policies within. Particularly Policy CE13: 'Development and infrastructure - principles' states:

'CE13.1. Development and infrastructure proposals in the Cotswolds National Landscape (CNL) and its setting should be delivered in a way that is compatible with and seeks to further the conservation and enhancement of the natural beauty of the CNL including its special qualities. In doing so, they should have regard to - and be compatible with the CNL Management Plan and guidance produced by the CNL Board, including the:

- (i) CNL - Landscape Strategy and Guidelines*
- (ii) CNL - Landscape Character Assessment*
- (iii) Cotswolds Nature Recovery Plan*
- (iv) CNL - Local Distinctiveness and Landscape Change*
- (v) CNL Board Position Statements*
- (vi) CNL Pathway to Net-Zero*
- (vii) CNL Climate Change Strategy'*

CE13.2. Development and infrastructure proposals in the CNL should be delivered in a way that is compatible with and seeks to further the purpose of increasing the understanding and enjoyment of the CNL's special qualities. They should also contribute to the economic and social wellbeing of CNL communities, in a way that is compatible with conserving and enhancing the natural beauty of the CNL.

CE13.3. Development and infrastructure proposals in the CNL and its setting should comply with relevant national planning policy and guidance, particularly with regards to those paragraphs of the National Planning Policy Framework (NPPF) that relate to national landscapes.

CE13.4. The purposes of conserving and enhancing the natural beauty of the CNL and increasing the understanding and enjoyment of the CNL special qualities should be identified as strategic priorities in Local Plans, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the CNL Management Plan as a material consideration when considering development and infrastructure proposals.

CE13.5. The cumulative impacts of development proposals on the natural beauty of the CNL should be fully assessed.

CE13.6. A landscape-led approach should be applied to the planning, design and implementation of development and infrastructure proposals in the CNL and its setting, proportionate to the type and scale of development being proposed, whereby proposals:

- a) Address the natural beauty of the CNL as primary consideration at all stages of the development process, from initial conception through to implementation*
- b) Address all of the factors that contribute to the natural beauty of the area*
- c) Address access to natural beauty including the character of the public rights of way network and its role within wider green infrastructure*
- d) Reflect and enhance the character of the local area*
- e) Avoid adverse effects where possible and, if adverse effects can't be avoided, minimise them*
- f) Seek opportunities to enhance the natural beauty of the CNL and*
- g) Deliver more beneficial effects than adverse effects for the natural beauty of the CNL.*

This landscape-led approach is particularly important for major development

10.48 The Cotswold Landscape Character Assessment (CLCA) identifies the site as lying within the Landscape Character Type (LCT) 10 High Wold Dip-Slope Valley and the Landscape Character Area (LCA) 10b Middle Coln Valley. The LCT and LCA are characterised by well-defined, gentle concave valley forms with intermittently very steep and indented valley sides dissected by minor watercourses. Intermittent stone-built villages occupy sheltered locations in valley bottoms, with Farmsteads and individual buildings within the more open valley sections link to farmed areas on the adjacent High Wold Dip-Slope. The site currently reflects a number of the characteristic of the LCT and LCA.

10.49 The CLCA identifies the development, expansion and infilling of settlements within and on to the High Wold, including residential, industrial and leisure as a Local Force for Change. The CLCA states that the Potential Landscape Implications of such development can include:

- *'Intrusion of expanded settlement fringes into the landscape;*
- *Erosion of distinctive settlement patterns due to settlement growth and coalescence;*
- *Built development on the margins of the floodplain forms a prominent edge alongside open meadows/pastures having impacts on views along the river valley;*

- *Loss/dilution of organic growth patterns of settlements including the relationship between the historic core and adjacent historic fields, paddocks and closes;*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features;*
- *Upgrading of minor roads and lanes associated with new development and the introduction of suburbanising features such as mini roundabouts, street lighting, Highway fencing, kerbs and traffic calming measures;*
- *Increased traffic leading to increased damage to road verges and roadside hedges and walls and the creation of informal passing places;*
- *Introduction and accumulation of lit areas and erosion of characteristically dark skies.;*
- *Urban fringe impacts such as fly tipping and dumping of cars ;*
- *Loss of wet meadows and riverine habitat;*
- *Potential loss of archaeological remains and historic features;*
- *Loss of archaeological and historical features, field patterns and landscapes;*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.'*

10.50 The LCA sets out a number of Landscape Strategies and Guidelines for development of the nature proposed. Of particular relevance to this scheme are:

- *'Maintain the secluded, sparsely settled character of the High Wold Dip-slope Valley by limiting new development to existing settlements;*
- *Ensure new development is proportionate and does not overwhelm the existing settlement;*
- *Control the proliferation of suburban building styles and materials;*
- *Conserve the existing dark skies of the valleys;*
- *Adopt measures to minimise and where possible reduce light pollution;*
- *Retain existing trees, dry stone walls, hedges etc as part of the scheme;*
- *Ensure the density of new development reflects its location relative to the 'core' of the settlement and its proximity to the surrounding rural landscape.'*

- 10.51 The application site currently constitutes a valuable gap between built form, characteristic of the northern side of the highway. The green spaces reinforce the rural character of the village, with the site abutted to the north by undeveloped open countryside. The existing hedge limits the formerly available long-range views across the valley, as does the existing garage building. The site is highly visible from public vantage points, with views from the highway and Chedworth Footpath 52 which runs to the east and north. The site is therefore considered to be highly sensitive.
- 10.52 The settlement fringes are characterised by a decreasing density, as the more built-up core of the village transitions into the more sparse open countryside. Chedworth deviates in terms of its layout from the traditional nucleated village, with its linear form seeing built form more predominant on the southern side of the highway, with the northern side characterised by a more sparse built pattern set within a patchwork of open agricultural fields and paddocks.
- 10.53 The existing site has materially changed since previous applications, notably the 2006 appeal, with a hedgerow established around most of the site. Trees have also grown to the north of the site resulting in seasonal reduction in views of the valley. The hedgerow particularly has resulted in the visual connection between the paddock with the wider valley to be diminished. As a result, the value of this open space, and the benefits it once provided as a link between the village and open countryside are less than at the time of the 2006 appeal.
- 10.54 The 2017 refusal is noted; however, this considered a proposal replacing the existing garage with a structure which appeared single-storey to the roadside and two-storey to the north. The property itself was not proposed on the existing site. The current application is for the principle of a dwellinghouse which could, for instance, be subterranean, and would therefore not result in the same visual impacts of a more traditional property.
- 10.55 A dwellinghouse on the site may result in elements of intrusion of suburban form into the settlement fringes and open countryside, as well as the use resulting in associated vehicle trips, noise, lighting and domestic paraphernalia.
- 10.56 However, current site area allows for the area to the east to be opened up to provide an enhanced open space, including with the removal of the existing garage, re-landscaping and/or re-planting of an orchard.
- 10.57 Given this potential enhancement, it is considered that a suitably designed property on the site may be plausible, whilst still conserving and enhancing the natural beauty of the National Landscape.

(d) Highways and Access

- 10.58 The site is to be accessed via an existing access onto the main (classified) road. It is noted that the access is existing and sufficient visibility splays should be possible (subject to potential alterations).

(e) Biodiversity

- 10.59 Local Plan Policy EN8 seeks to protect features, habitats and species and as such supports proposals which would conserve and enhance biodiversity. This policy seeks to avoid fragmentation or loss of habitats, in accordance with Section 15 of the NPPF.

- 10.60 Local Plan Policy EN9 seeks to safeguard the integrity of designated biodiversity and geodiversity sites at international, national and local scales. This conforms with Section 15 of the NPPF.

- 10.61 Paragraph 193 of Section 15 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles:*

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;(...)'

- 10.62 The application site is within the identified Zone of Influence for the Cotswold Beechwoods Special Area of Conservation (SAC). Where residential development results in a net increase in occupants within the Zone of Influence are proposed, the Local Planning Authority is required to undertake an Appropriate Assessment under the Habitats Regulations. As such, a net increase in occupants is considered to contribute to an impact on site integrity due to increased recreational pressure in combination with other development in the surrounding area. In addition to this, however, The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 states that:

'5B.-(1) A local planning authority may not grant permission in principle, on an application to the authority, in relation to development which is-

- (a) Major development;*
- (b) Habitats development;*
- (c) Householder development; or*

(d) *Schedule 1 development'*

- 10.63 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 provides an amendment to the Town and Country Planning (Permission in Principle) Order 2017, which includes the following definition at paragraph 4.(2)(b):

"habitats development" means development-

(a) Which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and

(b) For which the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Assessment of implications for European sites and European offshore marine sites).'

- 10.64 The SAC is of international importance and, as the application site is located within the identified Zone of Influence for the SAC, it is considered to fall within the definition of habitats development. Suitable measures are required for any new residential development within the SAC so as to mitigate the potential impact of the development upon this internationally designated wildlife site. This applicant has chosen to contribute to the Council's strategy, and confirmation that this satisfied the Biodiversity Officer has been provided, with a response from Natural England still pending, although expected.

Biodiversity net gain

- 10.65 This is a type of application that establishes the broad principle of development on a site, but doesn't grant full planning permission, as such, biodiversity net gain is not dealt with at this stage. It would be addressed at the technical details stage.

(f) Other matters:

- 10.66 The application site lies within Flood Zone 1 therefore no immediate concerns regarding flooding are raised; however, an informed drainage strategy was requested by the CDC Flood Risk Management Officer at the technical details stage.

11. Conclusion and Planning Balance:

- 11.1 The application site is considered to be outside the settlement of Chedworth, and therefore a dwellinghouse in this location would be contrary to the requirements of Local Plan Policy DS4. As such, Paragraph 11 (d) of the NPPF would apply.
- 11.2 With regard to criteria (i) of this Paragraph, the site is located within Chedworth Conservation Area, the Cotswolds National Landscape and a zone of influence for the Cotswold Beechwoods SAC. As discussed above, it is considered that there is a potential for a property on the site to meet the requirements of the relevant policies (within the Local Plan and Framework) in regard to the above. As a result, it is considered that these constraints would not provide a strong reason for refusing the development proposed.
- 11.3 Whilst the site is outside a defined settlement, it abuts it and is therefore considered not to be in an unsustainable location. One dwellinghouse on the site is considered a reasonable extent of what could be accommodated, and as such the proposal is considered an effective use of land. The design of the proposal would be a matter for the technical details application. As such, no adverse impacts of the proposal have been identified which would significantly and demonstrably outweigh the benefits of providing an additional dwellinghouse in this location.

Location Plan

Site Address: Ethans Orchard Studio, Road From Cheap Street To Upper Barn, Middle Chedworth, Chedworth, GL54 4AL

Date Produced: 25-Jun-2025

Scale: 1:1250 @A4



Planning Portal Reference: PP-14123511v1

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Metres

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