



31 March 2026

Tel: 01285 623226

e-mail: [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk)

## **PLANNING AND LICENSING COMMITTEE**

A meeting of the Planning and Licensing Committee will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 8 April 2026 at 2.00 pm.**

A handwritten signature in cursive script that reads 'Jane Portman'.

Jane Portman  
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, Joe Harris, Nikki Ind, Julia Judd and Michael Vann)

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

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

# AGENDA

1. **Apologies**  
To receive any apologies for absence. The quorum for the Planning and Licensing Committee is 3 members.
2. **Substitute Members**  
To note details of any substitution arrangements in place for the meeting.
3. **Declarations of Interest**  
To receive any declarations of interest from Members relating to items to be considered at the meeting.
4. **Minutes** (Pages 5 - 8)  
To confirm the minutes of the meeting of the Committee held on 11 March 2026.
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. **25/03700/FUL - The Twelve Bells, 12 Lewis Lane, Cirencester.** (Pages 13 - 34)  
Proposal  
Change of Use of a Public House (Sui Generis) to a Residential Dwelling (C3) with ancillary B&B outbuilding.

Case Officer

Amy Hill

Ward Member

Councillor Joe Harris

Officer recommendation: PERMIT

9. **26/00072/PLP - Land at Cerney Wick, Cirencester.** (Pages 35 - 56)  
Proposal  
Permission in Principle for up to 6 dwellings.

Case Officer

Andrew Moody

Ward Member

Councillor Mike Evemy

Officer recommendation: PERMIT

10. **25/00006 - Tree Preservation Order - 55 Thomas Street, Cirencester** (Pages 57 - 90)

Proposal

To consider the Tree Preservation Order (TPO) made on a mature beech tree at 55 Thomas Street, Cirencester. To determine whether the TPO should be confirmed or not confirmed.

Case Officer

Justin Hobbs

Ward Member

Councillor Mark Harris

Officer recommendation: CONFIRM TPO 25/00006

11. **Sites Inspection Briefing**

Members for 6 May 2026 (if required)

Councillors Dilys Neill (Chair). Ian Watson, David Fowles, Patrick Coleman, Nick Bridges.

12. **Licensing Sub-Committee**

Members for 23 April 2026 (if required)

To be confirmed.

(END)



Planning and Licensing Committee  
11/March2026

## **Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 11 March 2026**

Members present:

Dilys Neill (Chair)

Ian Watson (Vice Chair)

Ray Brassington

Patrick Coleman

David Fowles

Nick Bridges

Daryl Corps

Julia Judd

Officers present:

Marie Barnes, Lawyer

Tyler Jardine, Trainee Democratic Services

Harrison Bowley, Head of Planning Services

Officer

Julia Gibson, Democratic Services Officer

Nickie Mackenzie-Daste, Senior Democratic  
Services Officer

Charlotte Bowles-Lewis, Conservation &  
Design Consultant

### **251 Apologies**

There were apologies for absence from Councillor Michael Vann.

### **252 Substitute Members**

There were no substitute Members.

### **253 Declarations of Interest**

The Vice-Chair declared that the applicant Councillor Lisa Spivey was known to all Members and Officers of the Committee. There were no pecuniary interests in this application.

### **254 Minutes**

The minutes of the meeting held on 11 February 2026 were discussed. Councillor Neill highlighted an error for application 25/02983/OUT. Councillor David Fowles proposed accepting the amended minutes and Councillor Julia Judd seconded the proposal which was put to the vote and agreed by the Committee

RESOLVED: To APPROVE the amended minutes of the meeting held on 11 February 2026.

<b>Minutes - 11 February 2026. (Resolution)</b>		
For	Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Dilys Neill and Ian Watson	7
Against	None	0
Conflict Of Interests	None	0
Abstain	Ray Brassington	1
<b>Carried</b>		

---

### **255 Chair's Announcements**

The Chair advised that Harrison Bowley, Head of Planning, would provide a briefing on recent appeals. Members were also informed that Member training would take place in June and would be open to all Members.

### **256 Public questions**

There were no public questions.

### **257 Member questions**

There were no Member questions.

### **258 24/01563/LBC - Old Farm House Preston Cirencester**

The proposal was to replace 5no. windows on front elevation with new single glazed timber windows.

Case Officer: Charlotte Bowles-Lewis

Ward Member: Councillor Mike Every

Recommendation: To PERMIT

The Chair invited the Case Officer to introduce the application who made the following points:

- The application related to a Grade II listed farmhouse within the Preston Conservation Area.
- The proposal sought to replace five modern replacement windows on the principal elevation, installed prior to the building being listed in 1986, with like-for-like single-glazed timber windows.
- The replacements would replicate the existing proportions and glazing bar details and follow Historic England guidance, with windows constructed from painted sustainable hardwood timber in accordance with Council guidelines.

Planning and Licensing Committee

11/March2026

- The Case Officer shared diagrams and photographs of elevations, photographs internal and external view, proposed window section details, and details of the finish of the timber.

Member Questions:

- Confirmation was asked regarding whether the window replacement was identical. The applicant was replacing like-for-like single-glazed windows.
- There were no paint colour restrictions in Preston, but the applicant would paint the windows the same colour.
- Thermally efficient glazing had been discussed.

Member Comments:

- Disappointed was expressed that the applicant did not choose thermally efficient or double-glazed units.

Councillor Ray Brassington proposed and Councillor Julia Judd seconded the proposal to PERMIT the application. The proposal was put to the vote and agreed by the committee.

RESOLVED: To PERMIT the application.

<b>24/01563/LBC - Old Farm House, Preston - PERMIT (Resolution)</b>		
For	Ray Brassington, Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Dilys Neill and Ian Watson	8
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

---

**259 Sites Inspection Briefing**

Members were advised that there would be a panel SIB on the 1 April 2026.

Councillors Dilys Neill (Chair), Daryl Corps, David Fowles, Joe Harris, Julia Judd.

**260 Licensing Sub-Committee**

There was no Licensing Sub-Committee planned.

The Meeting commenced at 2.00 pm and closed at 2.19 pm

This page is intentionally left blank

## PLANNING AND LICENSING COMMITTEE 8 April 2026

---

### 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 8 April 2026**  
**INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION**

---

Parish	Application	Schedule Order No.
Cirencester	The Twelve Bells 12 Lewis Lane Cirencester Gloucestershire GL7 1EA 25/03700/FUL Full Application	1
South Cerney	Land at Cerney Wick Cirencester Gloucestershire 26/00072/PLP Permission in Principle	2

This page is intentionally left blank

**Change of Use of a Public House (Sui Generis) to a Residential Dwelling (C3) with ancillary B&B outbuilding at The Twelve Bells 12 Lewis Lane Cirencester Gloucestershire GL7 1EA**

<b>Full Application 25/03700/FUL</b>	
Applicant:	Mr Hywel James
Agent:	McLoughlin Planning
Case Officer:	Amy Hill
Ward Member(s):	Councillor Joe Harris
Committee Date:	8 April 2026
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. Main Issues:**

- (a) Principle of Development
- (b) Impact on Heritage Assets
- (c) Impact on Residential Amenity
- (d) Highways Safety
- (e) Biodiversity and Geodiversity

**2. Reasons for Referral:**

2.1 Cllr Harris requested that the application be considered by the Review Panel for referral to the Planning & Licensing Committee, for the following reason(s):

*1. Loss of a community facility and impact on sustainable communities*

*1.1 The proposal would result in the loss of a public house a community facility which historically served local residents. Under the NPPF, delivery of healthy, inclusive and safe places includes planning positively for community facilities, to support social interaction and maintain the "vitality of town centres."*

*1.2 The Local Plan provides the overarching framework for development, including the need to safeguard local social infrastructure where appropriate.*

*1.3 The conversion to residential (plus B&B outbuilding) represents a permanent loss of that facility. Given the limited availability or absence of comparable alternative community uses nearby, this change may undermine social cohesion, reduce community vitality and erode long-term local amenity.*

1.4 *This is a material planning concern and requires careful committee-level scrutiny.*

## 2. Historic environment / heritage and character of place

2.1 *The Local Plan (and, by implication, any neighbourhood / conservation area context within Cirencester) affords protection to the historic environment and seeks to ensure that alterations, conversions or changes of use respect the character, scale, and appearance of heritage assets and their settings.*

2.2 *Under the NPPF (Chapter on "Conserving and enhancing the historic environment"), proposals affecting heritage assets should conserve and enhance their significance, while any change of use must be weighed carefully: the setting, appearance, and communal value are part of what gives heritage assets their significance.*

2.3 *This proposal raises fundamental questions about whether converting a community pub into a dwelling plus ancillary B&B outbuilding would preserve or instead erode the building's communal and historic value, local character, and sense of place. Given this, the decision merits full committee oversight including a full assessment of heritage, design, materials, scale, layout, and impact on neighbouring properties.*

## 3. Precedent and cumulative loss of community facilities

3.1 *The Local Plan does not explicitly guarantee that every existing pub or community facility will be retained; however, planning decisions must be made with awareness of cumulative impacts across the District. The loss of one public house is not just a site-specific issue: if permitted without robust justification, this decision could set a precedent for further loss of community serving premises, particularly in smaller settlements or town centres.*

3.2 *The NPPF emphasises the social dimension of sustainable development including supporting strong, vibrant and healthy communities, through planning for social, recreational and cultural facilities and services the community needs.*

3.3 *Given the scarcity of comparable community uses (particularly in historic central Cirencester), and given that this proposal would convert to private and possibly commercial (B&B) use rather than a public, community-served use, the cumulative risk to community infrastructure and long-term local amenity warrants committee level scrutiny.'*

#### *4. Principle of sustainable development, balanced against wider public interest*

*4.1 The NPPF sets a presumption in favour of sustainable development, but this must be weighed against potential harm: including harm to community facilities and heritage assets, and to the social fabric of the area. The Local Plan embodies a spatial vision and strategy for the District: while the Council must meet housing needs, it must also ensure that development is sustainable socially, environmentally and in terms of place-making.*

*4.2 Converting a public house into a dwelling may deliver a small housing benefit; however, that benefit must be balanced against the permanent loss of infrastructure and possible harm to heritage, local character, and social cohesion. That balance and whether "public benefits" outweigh "public dis-benefits" is finely balanced and properly a matter for Committee determination.'*

#### **Outcome:**

- 2.2 The Review Panel agreed the request for the application to be considered at the Planning and Licensing Committee, as it is necessary to consider and balance the loss of a community asset and heritage impacts against the public benefits of the development.

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

- 3.1 This application relates to The Twelve Bells Public House, located along Lewis Lane within the Principal Settlement of Cirencester. The Twelve Bells Public House is a Grade II listed designated heritage asset dating from the early 18th Century. The public house is a 2-storey building constructed in traditional coursed squared limestone rubble with a traditional stone slate roof.
- 3.2 The application site is located within Cirencester's Development Boundary and just outside Cirencester's Central Area, as defined by the adopted Local Plan Policies Map. The site is located within the Cirencester South Conservation Area. The southern section of the site is within the Corinium Roman Town Scheduled Ancient Monument area.

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

- 4.1 10/01793/FUL - Erection of single storey rear extension: Permitted 28/06/2010;
- 4.2 10/01792/LBC - Demolition of rear/side lean to, replacement and repair of windows, re-roofing of part of roof and construction of new lean-to extension to side/rear to provide replacement toilets: Permitted 28/06/2010;

- 4.3 11/02635/FUL & 11/02636/LBC - Erection of a lean-to store: Permitted 10/08/2011;
- 4.4 11/04846/FUL & 11/04847/LBC - Timber housing to conceal a cellar chiller: Permitted 17/01/2012;
- 4.5 19/00336/FUL & 19/00337/LBC- Conversion of existing store to bed and breakfast room, construction of a new single storey building also to be used as a bed and breakfast room: Permitted 26/03/2019;
- 4.6 19/01461/FUL & 19/01462/LBC - Conversion and extension to existing store to form one B&B unit (Resubmission of 19/00336/FUL - Conversion of existing store to bed and breakfast room, construction of a new single storey building also to be used as a bed and breakfast room): Permitted 04/06/2019.

## **5. Planning Policies:**

- CDCLP CDC LOCAL PLAN 2011-2031
- TNPPF The National Planning Policy Framework
- DS1 Development Strategy
- DS2 Dev within Development Boundaries
- S3 S3 - Cirencester Central Area
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN13 HE: Conv'n of non-domestic historic bldgs
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- EC7 Retail
- EC8 MainTown Centre Uses
- INF2 Social & Community Infrastructure
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

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

- 6.1 Historic England: No objections raised (given no ground works)
- 6.2 Conservation Officer: Objection

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

### **7.1 Cirencester Town Council:**

*'7.1.1 The proposed development would result in the permanent loss of a public house, which is a vital community facility. Para 98 of the NPPF states that planning decisions should "plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments" and "guard against the unnecessary loss of valued facilities and services ..."*

*7.1.2 Local Plan Policy 11.2 - Social and Community Infrastructure similarly seeks to retain such facilities "The provision and location of these facilities and services play an important role in encouraging and maintaining a sense of community and well-being" unless it can be demonstrated that they are no longer viable. No robust evidence has been provided to show that the public house is unviable or that all reasonable efforts have been made to retain it.*

*7.1.3 The proposal is contrary to the Local Plan's objectives to maintain mixed-use areas and support local services. Para 98 of the NPPF sets out social, recreational and cultural facilities and services the community needs and removing a public house undermines the social role by reducing opportunities for social interaction and community cohesion.*

*7.1.4 As the building is listed Grade II and in the Cirencester South Conservation Area, the proposed change of use could harm its historic significance and para 213 of the NPPF requires great weight to be given to the conservation of heritage assets.*

*7.1.5 The importance of public houses is also identified in the Cirencester Neighbourhood Plan (paras 1.68.7, 12.6, 12.45 and 4.6) for their educational and socialising value and 'The Twelve Bells' is specifically listed as a public meeting space.*

*7.1.6 Cirencester Town Council objects to the proposed change of use on the grounds outlined above, as it would result in the unjustified loss of a valued community facility and harm local character.'*

## 8. Other Representations:

8.1 154 third party representations have been received, objecting to the application on the grounds of:

- i. Loss of a long-established community asset
- ii. Positively contributes to the town's cultural, economic, and social wellbeing
- iii. Loss would diminish the vitality of the community
- iv. Concerns property was purchased to convert to a dwellinghouse, with previous owners (and neighbours) misled about proposal to run as a pub
- v. Due to purchase locals deprived of opportunity to buy/operate as a community asset
- vi. Pub considered likely to be viable (or potentially so if owners (or another owner) tried to run as a pub)
- vii. Fails to demonstrate all reasonable efforts were made to sustain the pub's operation (or as a similar community/social space)
- viii. Initial asking price was too high and it was not offered at the lower price for a prolonged period of time or through a specialist licensed property agent.
- ix. No independent valuation has been provided
- x. Precedent for the conversion of other pubs
- xi. Increased demand due to increase in housing
- xii. Recent pub trading figures nationally are promising
- xiii. Difficulties with staffing and operating model are not insurmountable
- xiv. Confusion over Conservation Officer's comments

8.2 1 third party representations have been received, raising general comments on the application on the grounds of:

*"The twelve bells lies away from the main high street and is a historic part of the town. It is a pub that is highly valued by locals and the more inquisitive visitors to the town. A valuable asset like this should be turned into a dwelling as these are already in plentiful supply in the town"*

8.3 1 third party representations have been received, supporting the application on the grounds of:

- i. Pub likely to viable
- ii. No reason not to turn this building into housing

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

- Planning and Heritage Statement dated November 2025
- Letters from estate agents

## **10. Officer's Assessment:**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031. The Town Council has referred to Cirencester Neighbourhood Plan; however, this is currently at Regulation 16 stage and has not yet been adopted (Made).
- 10.3 The policies and guidance within the National Planning Policy Framework (NPPF) are also a material planning consideration.
- 10.4 In addition to the above, it is noted that the Government published a draft version of the NPPF on the 16th December 2025. The consultation period for the aforementioned document expired on the 10th March 2026 and it is anticipated that a final version of the NPPF will be released in Summer 2026. Whilst the draft NPPF is a consultation document, it is considered that the proposed policies within it are a material consideration and must be given a degree of weight at the present time.

## **Background and Proposed Development**

- 10.5 The application seeks consent for the conversion of the existing public house and B&B accommodation into a dwellinghouse with B&B accommodation. The first and second floor operate as a 'managers' flat, with the commercial use limited to the ground floor. The only physical operation noted with the planning statement relates to the signage; however, listed building consent has not been applied for regarding the removal of this. It is considered that the sign's removal would require listed building consent rather than planning permission.

### **(a) Principle of Development**

*Housing*

10.6 The application site lies within the town of Cirencester, a Principal Settlement as set out within the Cotswold District Local Plan. The site lies within the town's development boundary and as such, Local Plan Policy DS2 is of relevance. Policy DS2 states:

*'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'*

10.7 The residential development of the site is therefore considered to be permissible in principle.

10.8 The Local Planning Authority also has to have regard to policies in the NPPF when reaching a decision. The NPPF represents a significant material consideration. Of particular note, 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. 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.'*

- 10.9 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.
- 10.10 Footnote 7 of the NPPF advises that, with regard to sub-section d) i. above, an area or asset of particular importance would include designated heritage assets (including conservation area, listed buildings and SAMs) and habitat sites.
- 10.11 In the case of this proposal, it is considered that both criteria d i) and ii) are applicable. With regard to criteria i) it is therefore necessary to consider whether the impact on the listed building, Cirencester South Conservation Area or impact on the Beechwood Special Area of Conservation (SAC) would provide a strong reason for refusing the development proposed. With regard to criteria ii) consideration will be given to weigh the benefits arising from the scheme, such as the delivery of housing, against the adverse impacts of the proposal, such as the loss of social and community infrastructure. These aspects shall be discussed in the sections below.

#### *Loss of the Public House*

- 10.12 Cotswold District Local Plan Policy S3: Cirencester Central Area sets out the strategy for Cirencester Town Centre, including future retail provision, mixes of uses in the primary and secondary frontages, and parking provision.
- 10.13 In accordance with the requirements of Local Plan Policy S3, development within Cirencester's Central Area, the extent of which is indicated on Policies

Map Inset 2, will be permitted, in principle, where it is consistent with the Cirencester Central Area Strategy. It is apparent from the wording of Policy S3 and its explanatory text that the policy is focussed on conserving the town's rich historic environment while, at the same time, promoting: a greater provision and improved use of off-street public parking areas, possible future redevelopment of one; the creation of a public transport hub; and the rich and varied cultural, tourist and retail opportunities within the 'Town Centre' limits. At paragraph 7.4.14 the Strategy also recognises the difficulty for modern retail requirements to be accommodated within historic buildings and the importance of securing viable uses for them.

10.14 Policy EC8 relates to Main Town Centre Uses which, in accordance with the definition contained in the NPPF, includes bars, pubs and hotels. The aim of the policy is to concentrate the Main Town Centre uses within the Town Centre Boundary. The application site is outside of the Town Centre Boundary and as such the use of the site as a Public House with holiday accommodation is not protected in relation to this policy.

10.15 Local Plan Policy INF2 relates to proposals for, and resulting in the loss of, community facilities. The policy states that:

*'2. Planning permission for development which results in the loss of a local community facility or service, including an open space, will be permitted provided:*

*a. it is demonstrated that there is no local demand for the facility or service, or demand for an appropriate, alternative local community use for the facility; or*

*b. replacement facilities or services are provided in an appropriate alternative location having regard to the requirements of Clause 1 above.'*

10.16 The supporting text for Policy INF2 outlines that *'The purpose of this policy is to make sure that as communities grow, supporting infrastructure can correspondingly grow or change whilst maintaining provision at an appropriate level.'* Of particular note, the supporting text outlines that:

*'11.2.10 Evidence should be provided to show that there is no local need for an existing community facility, such as a public house or shop, by demonstrating that it has not been viable in that use for a period of at least 12 months. Having regard to loss of other facilities it should be shown that there has been a material change in circumstances affecting on-going viability - for example the permanent withdrawal of funding.'*

10.17 Supporting text also advised:

*'1.2.1 Most services and facilities in Cotswold District (referred to below) are concentrated within the 17 Principal Settlements. It is recognised that smaller scale services and facilities in local neighbourhoods and villages are vital to many residents for social, economic and environmental reasons.'*

10.18 Paragraph 98 of the NPPF also advises that:

*'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

*c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

*e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*

10.19 The current proposal would result in the loss of the public house, converting main building to a private residential use. Nevertheless, the supporting text recognises that facilities in local neighbourhoods and villages are vital as they are vital to many residents for social, economic and environmental reasons. It is taken that the primary purpose of this was to help protect public houses (and such) in smaller settlements, or where there was not alternative provision. This is not the case for the current application, with multiple other public houses and alternative gathering places for the local community within walking distance of the site.

10.20 Notwithstanding this, it is considered that criterion 2 of Policy INF2 is relevant. Information has been submitted with regard to attempts to sell the property, as

detailed below, rather than the viability of the pub. Indeed, in the sales particulars, it is noted that this was indicated the net profit was in excess of £100,000 a year. However, despite this, a sale was not successful.

- 10.21 The information provided indicates that the property was offered for sale in March 2023 with Christie & co at £750,000, reducing to £725,000 in August. It was advised this resulted in 2 viewings but no offers. It was then re-listed with Fleurets (leisure property specialists) at £630,000 reducing to £605,000 in April 2024, with 2 move viewings but no offers. Then moved to Moore Allen, at £575,000 with viewings from individuals interested in converting the pub to a dwellinghouse. The level of information submitted with this in regard to the valuation is limited; however, the lack of interest is clear, with no low offers made and otherwise rejected.
- 10.22 Whilst the agent considered criterion b of Policy INF2, clause 2 relevant, this relates to replacement facilities, rather than alternative. However, only criterion a or b (rather than both) require compliance with. This said, there are a number of pubs, food and drink establishments, within the town centre of Cirencester within a 10-minute walking distance of the site. As such, the alternative facilities are noted and as such, there are facilities available to the local community.
- 10.23 While the level of information submitted in relation to the valuation of the public house and detail of the attempts to sell the property are limited, with very limited interest for over a year are sufficient to demonstrate that the public house is no longer of realistic commercial interest. Whilst the level of comments submitted in objection to the application belies the agent's assertion over a lack of local demand, there has been no evidence that this local demand has led to organised efforts to secure the pub as an ongoing concern for the community facility. It is not evident that an application to list the pub as a Community Asset has been received under the 'Right to Bid', nor is there evidence that the community has attempted to purchase the site as a community pub. INF2 is of some relevance; however, its main purpose is considered to ensure that there are community facilities to serve day-to-day needs, rather than to require certain uses to remain operational even when there are multiple other options available. The application site is located close to town centre and given the number and variety of other options available within walking distance of the site, the community would continue to be served by similar facilities.
- 10.24 Furthermore, Local Plan Policy EC8 does not apply to the site. As such, the change of use of the public house to residential is considered acceptable in principle.

**(b) Impact on Heritage Assets**

- 10.25 The site is a Grade II listed building dating to the early to mid-18th century (HER ref. 30194). It appears on mapping of 1835. The site is also located within the Cirencester South Conservation Area.
- 10.26 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.27 The site lies within the Cirencester South 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.
- 10.28 Considerable weight and importance must be given to the aforementioned legislation.
- 10.29 Local Plan Policy EN1 seeks where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.
- 10.30 Local Plan Policy EN2 states that '*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.*'
- 10.31 Local Plan Policy EN10 states:

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

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

*3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing*

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

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

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

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

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

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

*c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.*

*d. Have regard to the relevant Conservation Area appraisal (where available); and*

*e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

10.33 Local Plan Policy EN13 Historic Environment: The Conversion of Non-Domestic Historic Buildings (Designated and Non-Designated Heritage Assets) states that:

*'Proposals for the conversion of non-domestic historic buildings to alternative uses will be permitted where it can be demonstrated that:*

*a. the conversion would secure the future of a heritage asset, and/or its setting, which would otherwise be at risk;*

*b. the proposed conversion would conserve the significance of the asset (including its form, features, character and setting);*

*c. the heritage asset is structurally sound; and*

*d. the heritage asset is suitable for, and capable of, conversion to the proposed use without substantial alteration, extension or rebuilding which would be tantamount to the erection of a new building'*

10.34 Section 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 210 states that Local 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; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 212 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 states that any harm to or loss of significance, through alteration or development within the asset's setting should require clear and convincing justification. 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.

10.35 No building works are proposed, and as such, whilst the site is partially on a Scheduled Ancient Monument, it is considered that neither the setting of the SAM nor any associated archaeological would be affected by the proposal.

10.36 The Conservation Officer has objected to the proposal and has advised that *"the loss of the public house facility this would be of concern, the public house contributes to the vibrancy of the area. Historic England notes that public houses are "the best-known and best-loved building types - the public house or 'pub'". They are increasing under threat from demolition and change of use and as such are important features within our local communities. The building is of historic and architectural significance and is prominent in the street scene and makes a positive contribution to the character and appearance of the conservation area."*

10.37 No physical alterations are proposed as part of the application, noting that while the removal of the sign is noted in the planning statement no plans have

been provided showing this and listed building consent would be required in relation to this. Nevertheless, the building can function as a dwelling without the need for structural alterations, and any future internal works would be subject to a separate Listed Building Consent (if required). The merits of such alterations would be considered as relevant with any future application.

10.38 The proposed development therefore does not involve works that would affect the fabric, historic plan form, or architectural features that contribute to the building's special interest. The site is within the Cirencester South Conservation Area, which is primarily now residential in character. The limited external alterations would result in the existing appearance of the building within the street scene preserving its positive contribution to the character and appearance of the conservation area.

10.39 The change of use would result in the loss of a public house, a use that contributes to social and communal value within the conservation area, as well as part of the character and special interest of the building. The Conservation Officer highlights the importance of communal value as a contributor to heritage significance, referencing Historic England's Conservation Principles. While communal value is acknowledged, given the building's architectural and historic significance derived from its age, form, materials, and contribution to the streetscape would remain unaffected, the level of harm to the special interest of the listed building is considered to be at the lower end of less than significant. The conservation area around the site is primarily residential, following an evolving streetscene and commercial uses nearby having previously been converted to residential. The character of this part of the street is not therefore residential, with a clear change in character to the north, within the separate Cirencester Town Centre Conservation Area. As such, the harm to the Conservation Area is also considered to be at the lower end of less than substantial.

10.40 However, as identified in the section above, no buyers (either commercial or a community group) were forthcoming to run the public house. As such, whilst the loss of this as a public house is regrettable, its retention as such is not considered viable. The retention of the building in a manner which can retain as much of its built form and significance considered to provide a clear potential public benefit. With regard to the optimum viable use the planning practice guidance advises:

*'If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through*

*necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.'*

- 10.41 Limited information has been provided from the agent with regard to an assessment on its optimum viable use, but notably the use of as a dwellinghouse would not require alterations (alterations may subsequently be sought, but given the first and second floor residential accommodation it is not required).
- 10.42 The Conservation Officer suggested potential alternative community-based uses. However, in light of the marketing evidence and absence of evidenced community interest to run the pub (by way of viewings and offers) when the opportunity existed, such uses have not been shown to be realistically deliverable.
- 10.43 Reference is made by the Conservation Officer to CAMRA's "Public House Viability Test," but this is guidance rather than planning policy. The loss of the pub is considered acceptable as specified in the principal section above.
- 10.44 Given the lack of pub operation, the absence of realistic alternative community proposals, and the ability to reuse the building with minimal physical intervention, residential use constitutes an acceptable optimum viable use for the heritage asset.
- 10.45 Overall, it is considered that the proposal would secure a long term, viable use for a Grade II listed building that is unviable in its current use. It would avoid deterioration or vacancy by establishing a sustainable residential use consistent with the building's form and setting. It could also ensure continued occupation and maintenance without harmful intervention.
- 10.46 As such, whilst less than substantial harm would be caused to heritage assets, these are considered to be outweighed by the public benefits associated with the continued use of the site.
- 10.47 Given the above, the proposal is considered to comply with Local Plan Policies EN10, EN11, and EN13, and Section 16 of the NPPF.

**(c) Impact on Residential Amenity**

10.48 Given pubs can result in a level of noise, smells and fumes which exceed that typically expected from private residential dwellinghouses, it is considered that a change of use would not be harmful to the amenity of any neighbours.

**(d) Highways**

10.49 The site has existing hardstanding to the side of the property, which was used when the Public House (and B&B) were operational. It would continue to be used for the residential dwellinghouse (and B&B). As such, the impact on highway safety and parking is considered to be limited. It is also noted that given the central location of the site facilities within the town would be accessible to residents without the need for private transportation.

**(e) Biodiversity and Geodiversity**

10.50 As no operations development is proposed, and the nature of the existing and proposed uses, the proposal is considered not to affect any protected species or habitats. As such, it is also considered exempt from Biodiversity Net Gain requirements.

10.51 The site is within the Cotswold Beechwoods and North Meadow and Clattinger Farm Special Area of Conservation; however, whilst the pub would change use to residential, the property already had a residential use (the rooms above) and as such, it is considered there would not be a net increase in residential or additional ancillary units, it is considered that the proposal can be screened out of the requirement for Habitats Regulation Assessment.

**Other Matters**

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

**11. Conclusion:**

11.1 The proposal is considered to cause a less than substantial harm to the conservation area and listed building, which is outweighed by the public benefits associated with the active use of the building. Whilst the proposal involves the loss of a public house, as set out earlier in this report it is considered that in this location, the proposal complies with the relevant local and national

planning policies. The loss of the facility is therefore afforded neutral to limited weight.

- 11.2 The proposal does not result in the net gain of a new residential unit *per se*, because there is manager accommodation above. As such, while Paragraph 11 of the NPPF supports the proposal, it is considered to carry limited weight. Nevertheless given above in regard to the impact on protected assets and area it is considered to be complied with.
- 11.3 Overall, the proposal is considered to comply with local and national policies and as such is recommended for permission.

## **12. Proposed Conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

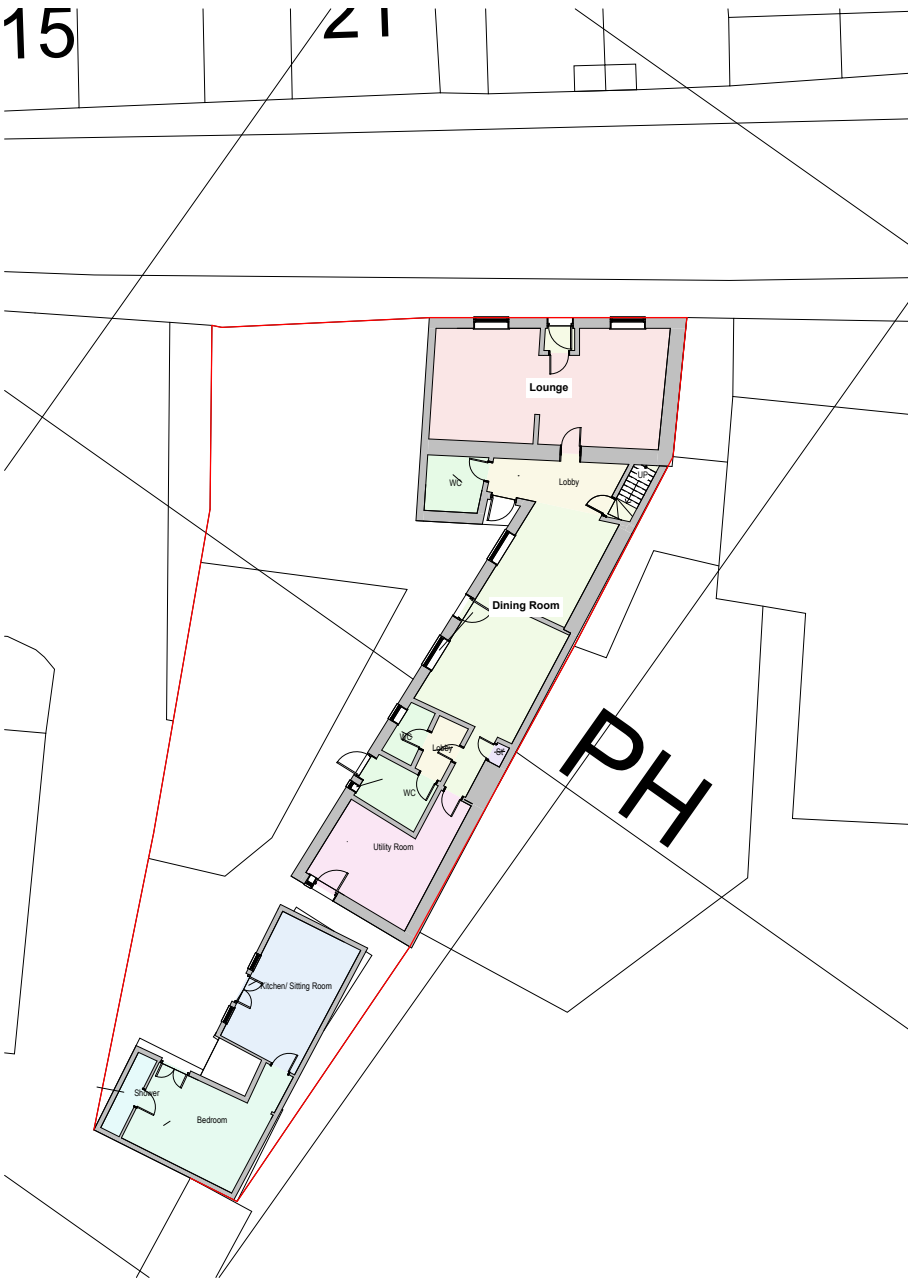
2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 12.

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

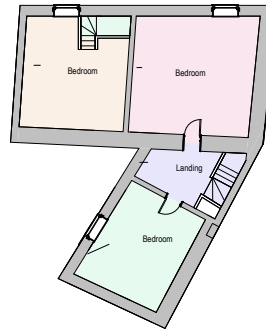
### **Informatives:**

1. The application hereby approved relates solely to the change of use of the building and does not grant any internal or external alterations. As the building is grade II listed, any physical works which would affect its character as a building of special architectural or historic interest would require separate listed building consent.
2. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/CIL](http://www.cotswold.gov.uk/CIL)

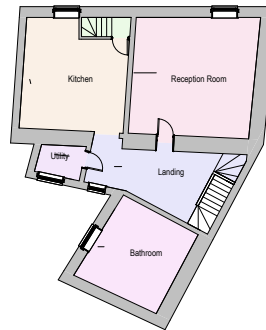
This page is intentionally left blank



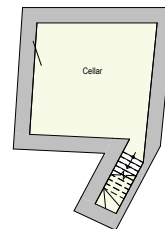
00 - Ground Floor  
Scale: 1 : 100



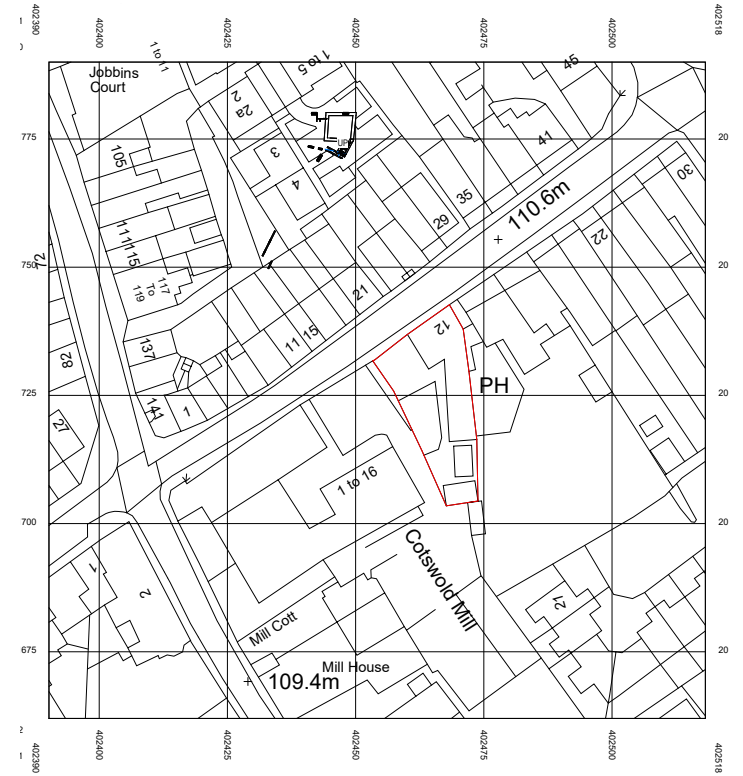
Second  
Scale: 1 : 100



First  
Scale: 1 : 100



Cellar  
Scale: 1 : 100



Site  
Scale: 1 : 500

- Key**
- Bar
  - Bedroom
  - Cellar
  - Kitchen/ Sitting Room
  - Lobby
  - Restaurant
  - Shower
  - St
  - Utility Room
  - WC

Drawing Title:	
12 Lewis Lane, Cirencester - Floor Plans	
Drawn By: HJ	Checked by: TJ
12	Scale: AS indicated
Revision:	Revision Date:
Status:	Submittal Description:

This page is intentionally left blank

## Permission in Principle for up to 6 dwellings at Land at Cerney Wick Cirencester Gloucestershire

<b>Permission in Principle 26/00072/PLP</b>	
Applicant:	Kites Enterprises Ltd
Agent:	McLoughlin Planning
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Mike Evey
Committee Date:	8 April 2026
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

### 1. Main Issues:

- (a) Principle of residential development
- (b) Design and landscape impact
- (c) Highway safety
- (d) Biodiversity
- (e) Community Infrastructure Levy

### 2. Reasons for Referral:

- 2.1 The application has been referred to the Planning and Licensing Committee by the Ward Member, Cllr Mike Evey, for the following reasons:

*I believe that this application should be referred to the Planning and Licensing Committee for determination for the following reasons:*

*2.1.1. Residential development on this site would harm the form and character of the settlement in conflict with policy DS3 in the adopted local plan. It would lead to a significant expansion of housing along that side of Cerney Wick Lane, potentially leading to a cul-de-sac to accommodate up to six properties - wholly inappropriate for a small rural village*

*2.1.2 Cerney Wick is not a sustainable location for development - the objection of Highways to the previous application in 2022 and the Council's position on that application demonstrated this*

*2.1.3. A development of up to 6 houses could deliver 10 new dwellings in the settlement during the period of the current local plan - beyond what was envisaged in the relevant plan policy to maintain the vibrancy of the settlement*

*- amounting to a major increase in the number of homes in a small village in less than ten years.'*

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

- 3.1 The site measures approximately 0.58 hectares and is located to the west of the road that runs through Cerney Wick. It currently consists of an area of paddock land in the north and southern parts of the site with the central part of the site being comprised of some stable buildings. The various boundaries of the application site are comprised, for the most part, of trees and hedgerows.
- 3.2 The hamlet of Cerney Wick is a diffuse form of settlement extending along Cerney Wick Lane. It comprises of a string of development to the north of the application site. There is then a gap in development before there is some further development to the south of the proposed site. The land to the west of the application site is primarily open and undeveloped and to the east there is also some undeveloped land together with some development which forms the southern part of Cerney Wick.
- 3.3 There is a public right of way which crosses along the northern boundary within the adjoining field. This location is neither within a conservation area, nor the Cotswolds National Landscape. The site also within Flood Zone 1.
- 3.4 The application site is also within the Inner Zone of Influence for the North Meadow Special Area of Conservation (SAC).

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

- 4.1 CT.2271/F: Erection of a new dwelling on land opposite The Crown Inn, Cerney Wick. Refused 1999
- 4.2 22/00118/PLP: Permission in principle for the construction of up to 6 dwellings. Refused 14.03.2022; appeal withdrawn
- 4.3 In addition to the above application there are also some recent decision whilst not relating to the application site are on land located in proximity to it:

#### **Rear of the Crown Inn**

- 4.4 19/03503/FUL: Construction of two dwellings on land at The Crown Inn, Cerney Wick. Granted 12.03.2021

- 4.5 24/00712/FUL: Variation of condition 2 (approved plans) of permission of 19/03503/FUL- Erection of 2 detached dwellings. Granted 28.06.2024

### **Cerney Wick Lane**

- 4.6 20/00749/PLP: Construction of two dwellings, Land at Cerney Wick Lane, Cerney Wick. Granted 30.04.2020
- 4.7 20/02408/FUL: Technical Details Consent for two dwellings following grant of Permission in Principle (ref: 20/00749/PLP). Granted 12.03.2021

## **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Principal
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- NPSC1 SC1 Design Guidelines for South Cerney
- NPSC13 SC13 Alleviation of Flooding
- NPSC14 SC14 Energy Use and Renewable Energy
- NPSC15 SC15 Sustainable Travel and Rights of Way

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

- 6.1 Biodiversity Officer: No objection subject to appropriate mitigation for the North Meadow SAC being provided; any technical details consent should be supported by ecological impact assessment and details regarding biodiversity gain objective
- 6.2 Drainage Engineers: No objection, any further application to be supported by sustainable drainage strategy

- 6.3 Natural England: No objection subject to appropriate mitigation for the North Meadow SAC being provided
- 6.4 GCC Highways: No objection
- 6.5 GCC Archaeology: Archaeological assessment required as part of any technical details consent application
- 6.6 Thames Water: No comment

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

7.1 South Cerney Parish Council:

7.2 The Council noted that this application was partly on the same site of a previously refused application (22/00118/PLP), and that the appeal against that refusal decision was later withdrawn. The Parish Council agreed to repeat its earlier objections as they were also relevant to this new application:

7.3 *'The Council fully supports objections already submitted by others and wishes to echo the following main points in its objection.*

*7.3.1 Overdevelopment - this application for 6 dwellings, when added to the other two applications recently approved (2 dwellings each) would amount to an increase of 20% in the number of homes in the village. This proposed development would fill in a large green gap between dwellings, thus altering an essential character of the village. This is excessive and is contrary to Policy 6.3.5 of the Local Plan: "Small-scale residential development means housing which is proportionate to, and complementary with, the size and character of the settlement and its surroundings. Any development provided through this policy, besides being proportionate in scale and appropriately designed, needs to be in keeping with the rural nature of the locality. Care should be taken that such development, which could indicate minor infilling, does not harm open spaces or gaps that make a positive contribution to the character of the village, including views and vistas. Careful consideration also needs to be given to the cumulative impact of new development which can, over time, subliminally erode the bucolic nature or rural settlements and/or lead to the coalescence of buildings to produce a more 'urban' form."*

*7.3.2 Cerney Wick is not a sustainable settlement in that its only service is a pub and the church (which is used once a month). There is no shop, no post office, no village hall (contrary to the applicant's assertion), no bus service, no*

*pavements and no mains sewerage. All services would need to be accessed by motor vehicles, thus creating unnecessary journeys.*

*7.3.3 All three roads into Cerney Wick are narrow single track winding roads. Increased traffic would be a hazard to other road users including the many walkers and cyclists who visit the area.'*

## **8. Other Representations:**

8.1 3 objections have been received, raising the following matters:

- outside any development boundary
- contrary to Local Plan and Neighbourhood Plan
- unsustainable location
- lack of facilities
- 'tilted balance' should not apply
- loss of green space
- impact upon character of settlement
- no rural housing pro-forma submitted
- impact upon ecology
- previous refusal upon the site
- flood risk

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

- Planning Statement
- Rural Housing Pro-Forma

## **10. Officer's Assessment:**

### **Proposed Development**

10.1 The applicant is seeking Permission in Principle (PIP) to erect up to 6 dwellings on the application site and has been submitted in accordance with the provisions of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The Government's Planning Practice Guidance (PPG) sets out the matters that can be covered by a PIP application:

*'What matters are within the scope of a decision on whether to grant permission in principle?*

10.2 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be

considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Paragraph: 012 Reference ID: 58-012-20180615'

- 10.3 If PIP is granted, the applicant will then need to submit an application for Technical Details Consent (TDC). The TDC will include all the detailed aspects of the scheme such as design, layout, access, drainage, tree protection etc. The Council has 35 days in which to determine a PIP application.

**(a) Principle of Development**

- 10.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031, in addition to the South Cerney Neighbourhood Plan 2021-2031.
- 10.5 The development strategy for the District seeks to direct new build open market residential development to sites within Development Boundaries (Policy DS2), or within Non-Principal Settlements such as villages and hamlets in the case of small-scale residential development (Policy DS3). The Council's housing needs for the Local Plan period can be addressed through the provision of housing within such locations.
- 10.6 The application site is located outside any Development Boundary as designated in the Cotswold District Local Plan 2011-2031, albeit that it is adjoining the existing housing in Cerney Wick, which has previously been considered by form a Non-Principal Settlement having regard to Policy DS3 of the adopted Local Plan. This policy allows for small-scale housing development within an Non-Principal Settlement, subject to the following:

*'1. In non-Principal Settlements, small-scale residential development will be permitted provided it:*

*a. demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;*

*b. is of a proportionate scale and maintains and enhances sustainable patterns of development;*

*c. complements the form and character of the settlement; and*

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

*2. Applicants proposing two or more residential units on sites in non-Principal Settlements should complete a rural housing pro-forma and submit this with the planning application.'*

- 10.7 Notwithstanding this, a previous 'permission in principle' application upon this land (22/00118/PLP) refused the application stating that it was outside either a Principal or Non-Principal Settlement, contrary to 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.'*

- 10.8 The supporting text to Policy DS4 states:

*'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.'*

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

- 10.10 Therefore, with regard to the adopted Local Plan, and in accordance with the previous decision, the current application for the erection of up to 6 new-build open market dwellings in the open countryside would be contrary to Policy DS4.

10.11 Notwithstanding the above, the Local Planning Authority 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. However, as a result of the aforementioned changes, the Council can now only demonstrate a 1.8-year supply.

10.12 The new standard method requires 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.'*

- 10.13 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 would be engaged in such circumstances.
- 10.14 With regard to 11 d) ii., and in the absence of a 5-year housing land supply, the site is adjacent to the existing housing development at Cerney Wick. It is, therefore, considered to be in a reasonably sustainable location. It is also worth noting having regard to the planning history above, that the site is near to two housing developments that have been constructed within the last 5 years, totalling 4 dwellings and granted permission having regard to Policy DS3.
- 10.15 In addition to the above, it is noted that the Government published a draft version of the NPPF on 16th December 2025. The consultation period for the aforementioned document expired on 10th March 2026 and it is anticipated that a final version of the NPPF will be released in Summer 2026. Whilst the draft NPPF is a consultation document, it is considered that the proposed policies within it are a material consideration and must be given a degree of weight at the present time.
- 10.16 The nearest of the two dwellings to the rear of the Crown Inn is sited approximately 30m from the eastern boundary of the application site, whilst the two dwellings constructed on Cerney Wick Lane are directly to the south of the playground that runs along the southern boundary of the application, with that site being approximately 13 metres distant.
- 10.17 Having regard to paragraph 14 of the NPPF, this states that:

*'14. 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 (see paragraphs 69-70)'*

10.18 Whilst the South Cerney Neighbourhood Plan (SCNP) has become part of the Development Plan for the area within the last 5 years, (being 'made' in December 2021), and there is a potential conflict with its content, it is considered that there a number of material considerations that weigh in favour of the proposed scheme. It should also be noted that the SCNP does not contain policies or allocations for any identified housing requirement.

10.19 Whilst the objections received to the application comment that the site is considered to constitute an asset of particular importance due to its role in defining the settlement's character, this is not considered to be a correct interpretation of paragraph 11 d). Footnote 7 in its entirety states:

*'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.*

10.20 The application site is privately owned land that has no designation as either a green space or an open space within either the adopted Local Plan or the South Cerney Neighbourhood Plan. It is, therefore, considered that the 'tilted balance' must be applied, and that having regard to the Council's housing land supply, it is considered that there are reasonable grounds to support the release of this particular site for up to 6 dwellings.

## **(b) Landscape Impact**

10.21 Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 states that planning decisions should ensure that developments: function well and add to the overall quality of an area; are visually attractive as a result of good architecture and layout; are

sympathetic to local character and history; 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.

- 10.22 Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.
- 10.23 Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.
- 10.24 Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of the Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.
- 10.25 The site is undeveloped but, as stated above, is near to two sites that have each been developed with the erection of a total of four dwellings within the last 5 years. The site is not within an area subject to any landscape designation and, having regard to Footnote 7 to the NPPF, it is not therefore within a protected area.
- 10.26 In the case of criterion d ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing against the adverse impacts of the proposal, such as its landscape and visual impact, highway safety or its impact on habitats site for example.
- 10.27 The refusal issued under reference 22/00118/PLP related solely to the site not being considered to be within the non-principal settlement. In view of the changed circumstances since that decision with regard to housing land supply, it is considered that the principle of development on this site would be acceptable, subject to the detail of the proposed design, layout, building

heights, landscape mitigation and the incorporation of green infrastructure being central to the design strategy. Subject to this respecting and being sympathetic to its edge-of-settlement context, the development of the site may be considered to comply with the requirements of Local Plan Policies EN1, EN2 and EN4.

**(c) Highways**

10.28 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

10.29 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

10.30 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.

10.31 There is an existing entrance onto the road to the eastern boundary of the site. In principle, it is considered that a safe and suitable access can be achieved, noting that the Highway Authority has raised no objection to the application.

10.32 Whilst the proposal would intensify the use of the site in terms of traffic generated, it is considered that the requirements of paragraph 115 of the NPPF, with safe and suitable access being able to be achieved, whilst there would neither be an unacceptable impact upon highway safety nor residual cumulative impacts upon the road network that could be considered 'severe' having regard to paragraph 116. Therefore, the scheme is considered to accord with Policies INF4 and INF5 of the Local Plan, and Section 9 of the NPPF.

**(d) Biodiversity**

10.33 Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.

10.34 Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

10.35 An ecological impact assessment and information demonstrating how the biodiversity gain objective will be met will be required at the technical design stage. The site is also primarily within an amber impact risk zone for great crested newts, with the south-eastern corner of the site being within a red impact risk zone.

10.36 The site is also within the Inner Zone of Influence for the North Meadow Special Area of Conservation, such that the applicant has paid the necessary financial contribution to mitigate any impact arising from the development. On this basis, neither the Biodiversity Officer nor Natural England are raising any objection.

**(e) CIL**

10.37 This is a Permission in Principle application. The proposed development will be liable for a CIL charge, and the chargeable amount will be calculated when/if the Technical Details Consent application is determined.

**11. Conclusion:**

11.1 Whilst the site is outside any development boundary defined in the Local Plan, on balance it is considered that the erection of up to 6 dwellings upon this land would be acceptable in principle when balancing the impact of the proposed development against the absence of a 5-year housing land supply.

11.2 Therefore, the location, land use and amount of development are considered acceptable in principle and as such, the permission in principle is recommended for approval.

This page is intentionally left blank

KITES ENTERPRISES LTD, LAND AT CERNEY WICK, GLOUCESTERSHIRE, GL7 5QH



© Crown copyright and database rights, 2025. Ordnance Survey  
AC0000808122 Created using Plans by Emapsite



Scale: 1:1250

Paper Size: A4

Notes:



This page is intentionally left blank



© Crown copyright and database rights, 2025 Ordnance Survey AC0000850667 and AC0000815979

Scale: 1:1000

Printed on: 10/3/2026 at 10:40 AM

This page is intentionally left blank











Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>PLANNING AND LICENSING COMMITTEE – 08.04.2026</b>
Subject	<b>TREE PRESERVATION ORDER – 25/00006 – 55 THOMAS STREET, CIRENCESTER</b>
Wards affected	Abbey
Accountable member	Cllr M Harris Email: <a href="mailto:mark.harris@cotswold.gov.uk">mark.harris@cotswold.gov.uk</a>
Accountable officer	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: <a href="mailto:justin.hobbs@cotswold.gov.uk">justin.hobbs@cotswold.gov.uk</a>
Report author	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: <a href="mailto:justin.hobbs@cotswold.gov.uk">justin.hobbs@cotswold.gov.uk</a>
Summary/Purpose	To consider the Tree Preservation Order (TPO) made on a mature beech tree at 55 Thomas Street, Cirencester. To determine whether the TPO should be confirmed or not confirmed.
Annexes	Annex A – Site location and position of the tree. Annex B – Section 211 to fell the trees. Annex C – CDC TPO Assessment for 55 Thomas Street. Annex D – Photographs of the trees subject to the TPO Annex E – Copy of the TPO. Annex F – Copy of objection to the TPO.
Recommendation(s)	That Planning and Licensing Committee resolves to: <b>Confirm TPO 25/00006</b>
Corporate priorities	<ul style="list-style-type: none"> <li>• Delivering Good Services</li> <li>• Responding to the Climate Emergency</li> <li>• Supporting Communities</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Natural, Built & Historic Environment Manager, Chair of the Planning and Licensing Committee, Ward Member, and Parish Council. Landowner and all interested parties were also served with a copy of the TPO and Notice as per section 6 of the Town and Country Planning (Tree reservation) (England) Regulations 2012.



## 1. EXECUTIVE SUMMARY

- 1.1 This report is to appraise members of a Tree Preservation Order (TPO) at 55 Thomas Street, Cirencester (CDC ref TPO 25/00006).
- 1.2 55 Thomas Street is located in Cirencester Town Centre Conservation Area.
- 1.3 On 30.09.25 Section 211 Notice to fell a mature copper beech on the frontage of 55 Thomas Street Mill was submitted to the council.
- 1.4 3 objections to the Notice to fell the tree were submitted to the council.
- 1.5 In response to the Notice, I visited site and undertook an assessment to determine the expediency of making a TPO. The assessment indicated that it was expedient to make a TPO to protect the mature copper beech tree.
- 1.6 Section 198 of the Town & Country Planning Act 1990 allows the Council to make TPOs if it appears expedient in the interests of amenity.
- 1.7 The TPO was made and served on 28.10.2025.
- 1.8 One objection to the making of the TPO was submitted to the council within the statutory 28-day consultation period following the making of the TPO.
- 1.9 The Council has a legal obligation to thoroughly consider objections and/or representations made regarding the TPO.
- 1.10 This report considers and responds to the grounds for objection.
- 1.11 The conclusion of the report is a recommendation that the TPO is confirmed.

## 2. BACKGROUND

- 2.1 The tree is growing on the frontage of 55 Thomas Street, a well used road around the northern edge of Cirencester Town Centre. In comparison to the majority of Thomas Street which characterised by much older properties, the tree grows adjacent to a row of mid to late 20<sup>th</sup> century properties. **Refer to Annex A for a site location and position of the trees.**
- 2.2 Approximately 50m to the south west at 61 Thomas Street is a protected sycamore tree. The tree is in Cirencester Town Centre Conservation Area.



- 2.3** Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'Section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies.
- 2.4** A Section 211 Notice to fell the mature copper beech, was received on 30.09.25. The Notice was given a planning reference of 25/03088/TCONR. **Refer to Annex B for a copy of the Section 211 Notice.**
- 2.5** Upon receipt of a valid Section 211 Notice the council has the following options:
- make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
  - decide not to make an Order and inform the person who gave notice that the work can go ahead within 2 years of the date of the notice; or
  - decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.
- 2.6** On 08.10.25 I visited site and undertook an assessment to determine if it was expedient in the interests of public amenity to make a TPO in response to the Notice.
- 2.7** CDC uses a TPO Assessment form which follows Government Guidance<sup>1</sup>, which states "*When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way*".
- 2.8** The TPO assessment indicated that the mature copper beech was worthy of a TPO. The TPO does not include the cypress tree which, if has not been removed already, can be removed. **Refer to Annex C for a copy of the TPO Assessment form.**
- 2.9** The tree is approximately 20m in height. No tree is ever 100% 'safe' and trees of this size will contain small amounts of deadwood and minor dysfunction. However, physiologically and structurally, I could not find any significant risk features.

---

<sup>1</sup> <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>



- 2.10** The tree is clearly visible from and is a prominent landmark along this stretch of Thomas Street, a busy road on the northern edge of Cirencester Town Centre. **Refer to Annex D for photographs of the trees.**
- 2.11** Following consultation with the Chair of the Planning & Licensing Committee and the local Ward Member, the TPO was served on 28.10.25. **Refer to Annex E for a copy of the TPO.**
- 2.12** On 28.10.25 and in line with the legislation relating to TPOs, all interested parties (in this case the property owner & neighbouring properties) were served with a copy of the TPO and a Regulation 5 Notice.
- 2.13** The Regulation 5 Notice included the reasons for making the TPO as:
- A section 211 Notice has been submitted to fell the tree. The tree contributes significantly to public visual amenity in the locality. The removal of the tree will degrade the conservation area. The TPO ensures the tree is fully considered in any future decisions that affect it.*
- 2.14** Under the provisions of the legislation the TPO takes effect immediately but must be confirmed as it was made or confirmed subject to modifications by the Council within six months if it is to take permanent effect. Prior to doing this, the Council must thoroughly consider any objections and/or representations that have been made.
- 2.15** The regulations relating to TPOs allow for a 4-week consultation period from the date the TPO is served for written representations to be submitted to the council. After this period has passed, it is for the Council to determine whether to take account of any further representations.
- 2.16** Within the 4-week consultation period the site owner submitted a formal objection. **Refer to Annex F for a copy of the objection.**

### **3. THE GROUNDS FOR OBJECTION TO THE TPO**

- 3.1** To assist members, the grounds for objections are summarised below:
1. The tree is out of context on the street.
  2. The tree causes maintenance issues for neighbouring properties (clearance of roofs and guttering) and impedes light.
  3. The risks associated with falling branches are considerable.



#### **4. OFFICER RESPONSE**

**4.1** The grounds for objections are considered as follows.

##### **4.2 Response to grounds for objection 1**

4.2.1 Context is a somewhat ambiguous term. It is correct that beech trees are commonly found in woodlands, parks and larger open spaces. However, it is not uncommon to find mature beech trees urban areas, particularly ornamental cultivars such a copper beech. There are a small number of mature beech trees in and around the urban area of Cirencester.

4.2.2 The section of Thomas Street in which the tree is growing is not particularly narrow and the canopy of the tree has been able to develop, albeit with some limited lifting and pruning towards properties, a fairly natural and unhindered form.

4.2.3 The TPO assessment did not indicate that the tree was growing in an out of context location.

4.2.4 The importance of large urban street trees is well documented; in addition to providing amenity, they have ecological value and help regulate extremes of weather in urban areas.

##### **4.3 Response to grounds for objection 2**

4.3.1 The tree is approximately 100 years old and has been this size for many years.

4.3.2 The tree predates the adjacent residential properties. It is therefore reasonable to expect that the occupants, upon taking up residence, would have anticipated the need for routine cyclical maintenance, such as the clearance of seasonal leaf fall from gutters.

4.3.3 Being deciduous, the tree will cast shade upon windows facing Thomas Street during the months it is in leaf, and considerably less so during winter months.

4.3.4 The seasonal disbenefits the tree presents do not outweigh the overall benefits the tree provides to the wider area.



#### **4.4 Response to grounds for objection 3**

- 4.4.1 Society widely recognises that trees provide substantial socio-economic and environmental benefits.
- 4.4.2 However, it is understandable that large trees can cause concern for people and properties near them.
- 4.4.3 It is reasonable therefore that in managing large trees, a pragmatic, realistic approach is required to reduce the risk of harm and damage from trees, including the trees subject to this TPO.
- 4.4.4 For context, the overall risk to human safety from trees is low. The level of risk of an individual being killed by a falling tree (or part of a tree) in any given year, during the period of 1997 to 2022, was one in 15 million per year. So far as non-fatal injuries in the UK are concerned, the number of accident and emergency (A&E) cases attributable to being struck by trees (about 55 a year) is exceedingly small compared with the approximately 2.9 million leisure-related A&E cases per year. Footballs (262 000), children’s swings (10 900) and even wheelie bins (2200) are involved in many more incidents.<sup>2</sup>
- 4.4.5 While the context provided does not seek to downplay the potential risks posed by large trees—whether protected by a TPO or not—it is factually accurate to state that the overall risk to human safety from trees is low. Given the significant benefits trees provide, their management should be proportionate to their setting.
- 4.4.6 In my opinion, felling this tree because it is large, and may at some point in the future shed a large limb, or fail, is not proportionate.
- 4.4.7 A reasonable approach to reducing the risks large trees pose is for periodic inspections and appropriate remedial works based on the findings of the inspections (which the council would, in all likelihood, approve)
- 4.4.8 This approach is also likely to be more cost effective to an owner of a large tree; the removal or pruning of a branch will cost considerably less than the felling of an entire tree.
- 4.4.9 The making and confirmation of the TPO does not prevent applications for works in the future. Such applications would be treated on their merits.

---

<sup>2</sup> [NTSG-summary.pdf](#)



**5. ALTERNATIVE OPTIONS**

5.1 To not confirm the Order.

**6. FINANCIAL IMPLICATIONS**

6.1 There are no financial implications for the Council

**7. LEGAL IMPLICATIONS**

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

**8. EQUALITIES IMPACT**

8.1 There are no equalities impacts related to this report.

**9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

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

**10. BACKGROUND PAPERS**

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

- None

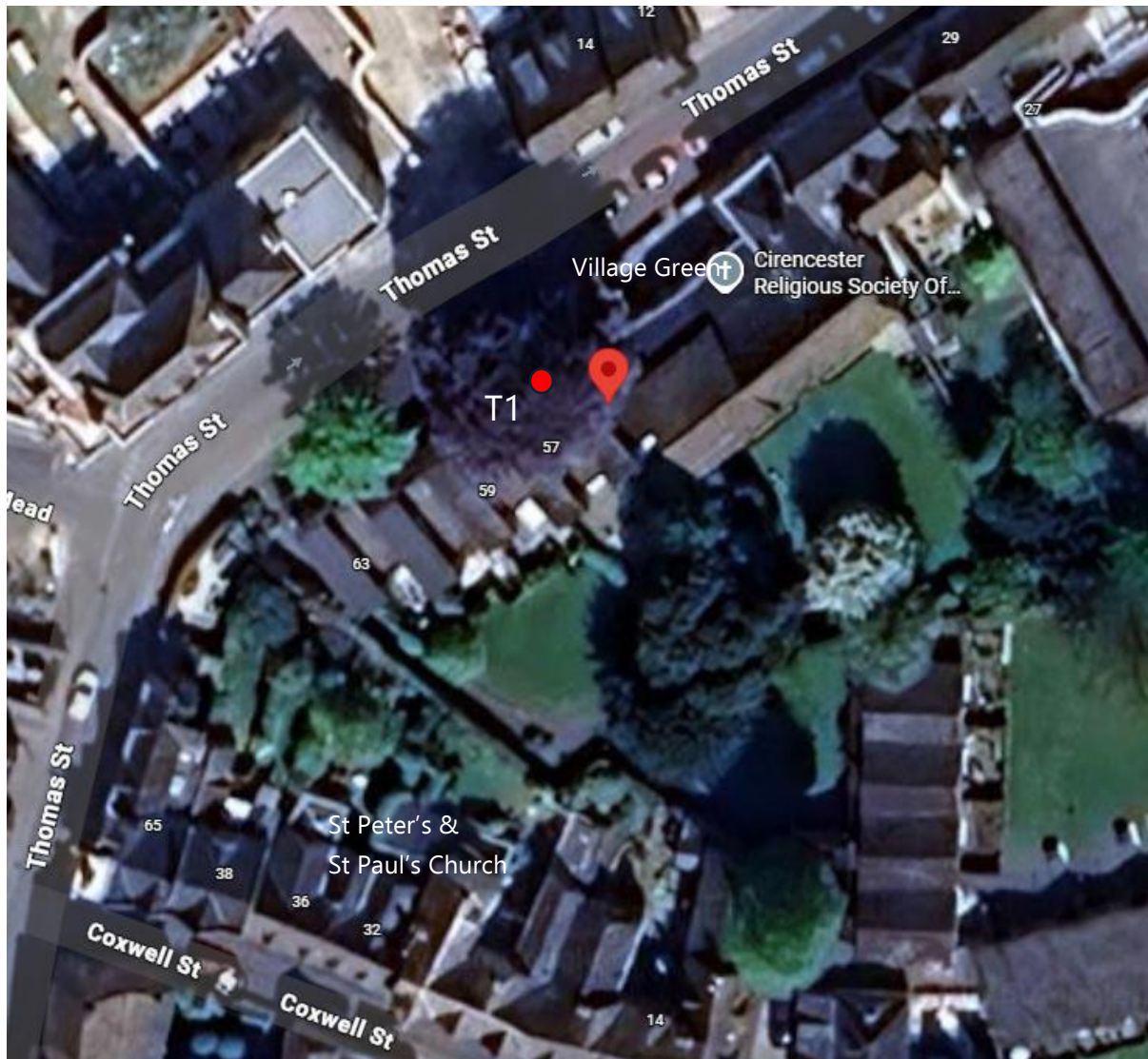
(END)

This page is intentionally left blank

## ANNEX A – LOCATION PLAN

 - 55 Thomas Street

T1 – Beech tree



This page is intentionally left blank



**ANNEX B – COPY OF SECTION 211 NOTICE**



Trinity Road, Cirencester, Glos. GL7 1PX

Email: [planning@cotswold.gov.uk](mailto:planning@cotswold.gov.uk) Tel: 01285 623000[www.cotswold.gov.uk](http://www.cotswold.gov.uk)

## Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or Notification of Proposed Works to Trees in a Conservation Area

Town and Country Planning Act 1990 (as amended)

### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)  Northing (y)

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

## Applicant Details

### Name/Company

Title

First name

Surname

Company Name

### Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

Secondary number

Fax number

Email address

## Agent Details

### Name/Company

Title

First name

Surname

Company Name

### Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

## Contact Details

Primary number

\*\*\*\* REDACTED \*\*\*\*

Secondary number

Fax number

Email address

\*\*\*\* REDACTED \*\*\*\*

## What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

**Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?**

Yes

No

**Are you wishing to carry out works to tree(s) in a conservation area?**

Yes

No

**Documents and plans (for any tree)**

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order.

A sketch plan is also advised when notifying the LPA of works to trees in a conservation area ([see guidance notes](#)).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

Are you providing additional information in support of your application (e.g. an additional schedule of work for the question 'Identification of Tree(s) and Description of Works')?

Yes

No

## Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out

T1 - Copper Beech; Mature tree in close proximity to the houses and road, with significant overhang to the houses and road.

We seek the council's permission to remove the tree adjacent to No. 55 Thomas Street due to persistent safety risks, ongoing property damage, and interference with the public highway — issues which remain unresolved despite regular professional pruning.

#### 1. Danger to Public Safety

Falling branches present a serious hazard to pedestrians beneath the canopy. This is of particular concern as the pavement is used daily by children attending Powell's C of E Primary School and by attendees of the neighbouring Quaker House. A previous incident saw a large branch narrowly miss a parked vehicle at No. 57, highlighting the ongoing risk of injury or worse.

#### 2. Recurring Damage to Property

The tree has caused repeated and costly damage:

- Owner's property (No. 55): Broken roof tiles, damp, shed and porch damage, and mould from overhanging branches. Repairs total £4,209.60.
- Neighbour's property (No. 57): Roof damage repaired in 2024 costing £860.
- Structural damage: Roots have cracked paving and concrete surrounds at Nos. 55, 57, and 59, requiring £1,490 of repairs, yet further cracking is occurring.
- Listed property (No. 53): Excessive leaf and debris fall frequently block guttering, requiring constant maintenance.

#### 3. Interference with Public Highway and Amenity

- Obstruction: The Stagecoach Bus Company reported branches impeding buses, requiring repeated pruning.
- Hazardous conditions: Leaf fall creates slippery, unsafe conditions on the footpath, especially in wet weather. Despite regular sweeping, debris quickly accumulates.
- Loss of light: The tree significantly reduces natural light to No. 55 and neighbouring homes.

#### Conclusion

Despite regular maintenance, the tree continues to endanger public safety, cause substantial and recurring property damage, and obstruct public use of the area. Further pruning cannot address these inherent risks.

For these reasons, we respectfully request the council's approval to remove the tree to prevent future harm to people, property, and the surrounding environment.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see below for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) – Whole crown reduction to 12m above ground level, to provide sufficient clearance to property.

### Sketch plan requirements

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
  - mark and name surrounding roads
  - sketch in buildings, including adjoining properties
  - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work and identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
  - marking all trees on the plan, but only numbering those to which you want to carry out work
  - showing the approximate distance between the application tree(s) and buildings
  - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

### Tree Ownership

Is the applicant the owner of the tree(s)?

- Yes  
 No

### Authority Employee/Member

**With respect to the Authority, is the applicant and/or agent one of the following:**

- (a) a member of staff  
(b) an elected member  
(c) related to a member of staff  
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes  
 No

### Declaration

I/We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Jack Bool

Date

30/09/2025



**ANNEX C – CDC TPO ASSESSMENT**

## Cotswold District Council Tree Preservation Order Appraisal

Site: **55 Thomas Street**

Date: **08.10.25**

Officer: **J.Hobbs**

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

**1 no mature copper beech tree. Approx height & spread all round growing on frontage of 55 Thomas Street**

### **1 Public Visibility**

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

Whole tree clearly visible front main road through Cirencester.

Is/are the tree/trees a skyline feature?

No growing in in an elevated position.

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

Not in the main.

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

Prominent, landmark tree in the vicinity.

### **2 Arboricultural Quality**

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

Yes – No significant structural or physiological risk features at time of assessment. Good crown vitality, no significant deadwood, no evident basal issues, no fungal fruiting bodies.

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

A large tree but one that enhances the locality (large trees in urban areas of Cirencester becoming increasing uncommon)

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

Large, prominent, fully mature. Does not have veteran characteristics.

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

Not known whether the tree has a cultural or historic interest locally. Large native trees have biodiversity value.

### **3 Life Expectancy and Replaceability**

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

Yes, nothing presently to indicate that it does not.

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

Tree has reached fully mature size. Pruning / containment of canopy spread would be appropriate.

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

No, absolutely not.

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

No

#### **4 Impact of Removal**

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

Yes, considerably.

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

No

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

No

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

No

#### **Conclusions**

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

Yes

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

Yes

This page is intentionally left blank

**ANNEX D – 4 PHOTOGRAPHS OF THE TREE**

**Photograph 1. The tree from the south west (protected sycamore in foreground)**



**Photograph 2. The tree from the north east**



This page is intentionally left blank



**ANNEX E – COPY OF TPO 25/00006**



**COTSWOLD**  
District Council

**Dated 28th October 2025**

**COTSWOLD DISTRICT COUNCIL  
TREE PRESERVATION ORDER NO 25/00006**

**55 THOMAS STREET, CIRENCESTER, GLOUCESTERSHIRE, 2025**

**Town and Country Planning Act 1990**

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

---

**TREE PRESERVATION ORDER**

**relating to**

**55 THOMAS STREET, CIRENCESTER, GLOUCESTERSHIRE, 2025**

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

**COTSWOLD DISTRICT COUNCIL TREE PRESERVATION ORDER  
NO 25/00006**

**55 THOMAS STREET, CIRENCESTER, GLOUCESTERSHIRE 2025**

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

**Citation**

1. This Order may be cited as TPO Number **25/00006, 55 Thomas Street, Cirencester, Gloucestershire, 2025**

**Interpretation**

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

**Effect**

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

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

**Application to trees to be planted pursuant to a condition**

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



**DECISION NOT TO CONFIRM ORDER**

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

Signed on behalf of The Cotswold District Council

.....

Authorised by The Council to sign in that behalf

**VARIATION OF ORDER**

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

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

Signed on behalf of The Cotswold District Council

.....

Authorised by The Council to sign in that behalf

**REVOCATION OF ORDER**

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

under the reference number \_\_\_\_\_

Signed on behalf of The Cotswold District Council

.....

Authorised by The Council to sign in that behalf

**SCHEDULE**  
**SPECIFICATION OF TREES**

**TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)**

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>T1</b>	<b>Beech</b>	<b>On frontage of 55 Thomas Street</b>

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>None</b>		

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>None</b>		

**WOODLANDS (within a continuous black line on the map)**

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>None</b>		



**ANNEX F – COPY OF THE OBJECTION TO THE TPO**

**From:** Morris, James  
**Sent:** 11 November 2025 13:33  
**To:** Planning Admin (CDC) Planning Mail (CDC)  
**Cc:** Morris, James  
**Subject:** Proposed TPO 25/00006 . 55 Thomas Street

For the attention of Tree Officer

Dear Sirs

I am the co-owner of The Mead House, Thomas Street GL7 2AX. I am writing with relation to your proposal to place a TPO on the large Cooper Beach adjacent to 55 Thomas Street.

I would like to raise an objection to the preservation of this tree. My objection is on the grounds of context, maintenance and, above all, safety to pedestrians including the many children using the street daily on the way to Powell School.

Thomas Street is a narrow residential street mostly made up of historic buildings . 55 Thomas Street is built on land that was previously in the ownership of our property and was the site of a small apple orchard .

The tree in question is totally out of context to the street. It is more suited to park land or a wide suburban road .

It dominates 55 Thomas Street and neighbouring properties . Whilst it does not affect my property , I do note the serious maintenance issues it presents to the 1980's housing opposite my property. They have a series of flat roofs and difficult to access gullies . The 6 or 7 houses face major ongoing maintenance clearing roofs from tree debris and emptying blocked gutters.

The tree also impedes light to all the houses as well as the above maintenance issues.

The tree is continuously dropping substantial branches , despite on-going extensive maintenance by the house owner . These falling branches have been substantial on occasions . We had to ask our Gardner to clear a very substantial limb last year which had fallen in the street onto a car.

Thomas Street is on the regular route for numerous small children and their parents attending Powell School. The risks associated with falling branches are considerable.

Whilst I acknowledge the tree is attractive. It is totally out of context in a narrow street; it presents a significant maintenance challenge for the owner and several neighbouring properties. Above all it presents a significant risk of damage to property and injury to pedestrians, including children .

The tree should be removed . The application of a TPO is not appropriate.

James Morris

Solicitor

This page is intentionally left blank