

Removal of stables, erection of a dwelling with associated works including parking, landscaping, and new access at The Saddlery Kinton Guiting Power Gloucestershire GL54 5UG

Full Application 24/03111/FUL	
Applicant:	The President and Scholars of Corpus Christi College
Agent:	Fowler Architecture & Planning Ltd
Case Officer:	Helen Cooper
Ward Member(s):	Councillor Len Wilkins
Committee Date:	11 June 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of development
- (b) Design and Impact upon Heritage Assets
- (c) Landscape Impact
- (d) Impact upon Residential Amenity
- (e) Biodiversity
- (f) Highways

2. Reasons for Referral:

2.1 Cllr Len Wilkins has requested that the application be considered by the Planning and Licensing Committee for the following reasons:

2.1.1 In breach of DS3- In the pre-applications it was noted that it would fall down against criteria (b) and (c)

2.1.2 In breach of DS4 - outside development boundaries and Non-Principle settlements

2.1.3 In breach of EN1 - damage to the environment and AONB

2.1.4 In breach of EN2 - not in Cotswold vernacular in breach of EN4 - Will cause significant detrimental impact on landscape, and wildlife

2.1.5 In breach of EN5 - Conservation of ANOB

- 2.1.6 In breach of EN8 - Biodiversity - will affect wildlife. This needs an independent view. Much wildlife within 100 meters and used in the evening by wildlife to move around the village.
- 2.1.7 In breach of Section 16 - NPFF loss of significance of heritage assets will detract from the character of existing development. Opposite two listed buildings. Amenity.
- 2.1.8 The Saddlery is an important amenity to the villagers and to Cotswold residents. It is the only Saddlery for miles around and is used for liveries, riding lessons and for children, including those with learning difficulties to learn about rural life.

3. Site Description:

- 3.1 The application site consists of a parcel of agricultural/equestrian land located within the southern part of the village of Kington. The site is located west of the road leading through the village and the site is slightly elevated in relation to the dwellings located on the other side of the road. A traditional Cotswold stone wall forms the eastern boundary treatment at the site and this is set on top of a grass bank adjacent to the road. A single storey stable block is currently located at the site and this is set adjacent to the south boundary. Two large agricultural buildings lie to the south of the site on the adjacent piece of land. Greenback Cottage, lies to the immediate north of the application site and open fields lie to the west of the site. A pond is currently sited to the front of the stable block.
- 3.2 The village constitutes a Non-Principal Settlement as designated in the Cotswold District Local Plan 2011-2031. There are several listed buildings in proximity to the site, which lie on the other side of the road.
- 3.3 The site lies within the Cotswolds National Landscape. The footpath 'Temple Guiting Footpath 21' also lies to the south.

4. Relevant Planning History:

N/A

5. Planning Policies:

- NPFF National Planning Policy Framework
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment

- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN15 Pollution & Contaminated Land
- DS3 Small-scale Res Dev non-Principal Settle
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Public Rights of Way Officer: Development does not appear to affect the nearby PRoW.
- 6.2 Biodiversity Officer: Following the submission of additional information no objection raised subject to conditions.
- 6.3 Arboricultural Officer: No objection subject to condition.
- 6.4 GCC Highways: No objection subject to condition
- 6.5 Conservation Officer: Following amendments, no objection subject to condition

7. View of Town/Parish Council:

- 7.1 *Temple Guiting Parish Council held a site visit on December 11th 2024 to review the planning application for a new 3 bedroom house on land currently the site of stables adjoining Greenbank Cottage, Kineton GL54 5UG.*
- 7.2 *Background: The application had been submitted to CDC for pre-application advice. The applicant was advised that permission would be refused in its form at the time. Plans were then apparently modified although information about these changes was not available to councillors or residents. Having reviewed the plans and discussed the details with Mark Pettit, Temple Guiting Parish Councillors decided unanimously to object to this application for the following reasons:*
- 1. Access*
 - 1.1 Access to the proposed building would involve a second driveway very close to the current driveway for Greenbank. There is potential for dangerous situations when vehicles attempt to enter or exit the site in*

close proximity. The driveway to the proposed house would be very steep. There is frequent traffic through Kineton village particularly during holiday periods and at school drop off and collection times. The popularity of the village pub creates a great deal of strain on the verges as visitors park all along the road leading to much reduced visibility, as well as restricting an already narrow road. Villagers are already aware of one accident at the entrance to Greenbank Cottage.

2. Prominence and design

- 2.1 Councillors noted the contents of the Conservation Officer's report and are highly supportive. The building is contrary to a number of Cotswold District Local Plan policies including Policy DS3, which states that small-scale development in non-principal settlements will be permitted providing that it meets certain criteria, including that it: 'complements the form and character of the settlement'.*
- 2.2 Both from the public footpath and from the road, the house would be extremely prominent, dwarfing the adjacent listed buildings. It would be situated on top of a high bank and would dominate the edge of the village, where currently buildings taper off. The barn next door is set deep into the side of the field and so is less dominant. It is also screened by large trees and, as a barn, is entirely consistent with a small Cotswolds hamlet. The application states that the proposal will deliver 'Enhancements to the appearance of the site and surrounding area, through the removal of an existing stable building; and, one high-quality home, which will make a positive contribution to the character of the local area.' Councillors noted that the current stables are small and rural, typical of those found in villages across the Cotswolds. It makes a strong contribution to the rural nature of Kineton. The proposed building, on the other hand, does not contribute to the nature of a north Cotswold habitation, rather it resembles an 'executive' home in a generic style which would dominate rather than complement the hamlet.*
- 2.3 Nor does the building help with the shortage of affordable housing in the North Cotswolds. The Cotswold National Landscape Board policy CE12.1 states that housing delivery .. 'should be focused on meeting affordable housing requirements, particularly housing that is affordable in perpetuity such as social rented housing'.*
- 2.4 Neither does it support Cotswold Local Plan policy EN4, which states that development should take into account historic landscape character and*

local distinctiveness . This building does not appear to comply with these requirements as it ignores the landscape character and the local design and village format.

- 2.5 Policy EN5 states that within the A.O.N.B. and its setting, great weight will be given to the conservation and enhancement of the natural beauty of the landscape, its character and special qualities. The building does not support this policy. Policy EN10 reiterates the N.P.P.F.'s concern that great weight should be given to the conservation of designated heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not unless there was a public benefit. The setting of this proposal clearly affects the setting of the heritage assets in Kineton with no mitigating public benefit.*
- 2.6 In section D of the Cotswold Design Code, paragraph 10 states that settlements are distinctive in how they sit within the landscape with their layouts and patterns of streets. Any new development should reflect this in its location and design. By siting this development at one of the highest points in the village, the building does not fit with the existing layout of the hamlet and it dominates the profile of the southern end of the village.*
- 2.7 Paragraph 13 states that the particular character of existing streets should be respected, 'including gaps between buildings, which can often be important'. Paragraph D.14 states that in designing new developments, attention should be paid to the site and its setting in terms of density, grain, scale and form, as well as the architectural design of the buildings, and to the landscaping around them. Both these paragraphs can be applied here, as the gap between the last house in the village and the (mostly hidden) barn is important in signifying the edge of the hamlet and providing open views across fields.*
- 2.8 The proposed style and materials of the timber boot room are not consistent with the surrounding buildings, which either Cotswold stone or reconstituted stone made to resemble Cotswold stone.*
- 3. Size relative to the plot*
- 3.1 Policy DS3 states that the development must be 'of proportionate scale ...: 'yet this building and hardstanding would occupy approximately two*

thirds of the plot, plus a further amount for the driveway. This lack of context around the building would be contrary to the pattern of housing in the hamlet one of the criteria included in Section D of the Cotswold Design Code. It is also a major contributor to the large loss of biodiversity which would be caused by the development

4. *Glazing*

- 4.1 *The large amount of glazing facing directly onto the field containing a public footpath is excessive and totally out of keeping with the local architecture. It would be uncomfortable for anyone living in the house to be exposed to walkers on the footpath.*

5. *Light pollution and biodiversity loss*

- 5.1 *Councillors noted the report from the Biodiversity officer which stated that loss of biodiversity would be 57.65% (through loss of a tree and of a pond, two vital environmental features) and that there was no provision for the mandatory 10% increase in biodiversity in the plans. The replacement of 5 minute PIR timers with 1 minute timers and the requirement for a lighting strategy to protect dark skies. A proposal to mitigate for biodiversity loss outside the current site is concerning as the local area would lose a valuable resource.*

6. *Inappropriate dormer windows*

- 6.1 *These do not comply with the Cotswold Design Standards and should be omitted or revised.*

7. *Unspecified roofing materials*

- 7.1 *The roofing materials have not been specified but Cotswold stone tiles should be a condition of the development.*

8. *Sustainability*

- 8.1 *Policy DS3 also states that the development must 'demonstrably support(s) or enhance(s) the vitality of the local community and the continued availability of services and facilities locally'. As there are no local services and facilities other than a pub, (no shops no public transport, no health facilities) the development does not meet these*

criteria. The stables and pond which the proposal plans to remove have however been used for therapeutic purposes for children.

Revised Drawings:

- 7.3 *"Second consultee response from Temple Guiting Parish Council for planning application, following revisions to the application 24/03111/FUL Removal of stables, erection of a dwelling with associated works including parking, landscaping, and new access*
- 7.4 *Temple Guiting Parish Council held a site visit on December 11th 2024 to review the planning application for a new 3 bedroom house on land currently the site of stables adjoining Greenbank Cottage, Kineton GL54 5UG. When the plans were first made public, the Council decided to object strongly to the proposal. The latest revisions have made the proposed development even less acceptable and none of the PC's concerns have been addressed. The new plans add to the existing list of concerns:*
1. *Location within the site and size*
 - 1.1 *The new plans show the house sited closer to the neighbouring property and still located above the neighbour. The house is large in comparison to the neighbour, a property which was built several hundred years ago and has been the home of the current owner for the past 45 years. The revised plans make no attempt to reduce the size of the house, or the height of the building, both issues identified by Temple Guiting Parish Councillors.*
 - 1.2 *The block plans do not show the location of Greenbank, the immediate neighbour, so an informed judgement of the suitability of the proposed building is difficult. The combined result is the proposed house has an overbearing presence, out of proportion to the site and the other houses in the hamlet. This further aggravates the PCs concerns regarding Policy DS3, which states that the development must be 'of proportionate scale ...' and that 'small-scale development in non-principal settlements will be permitted providing that it meets certain criteria, including that it: 'complements the form and character of the settlement'. In no way does this 'complement' the form of the hamlet of Kineton.*
 - 1.3 *Policy DS3 also states that the development must 'demonstrably support(s) or enhance(s) the vitality of the local community and the*

continued availability of services and facilities locally'. The proposal does none of these.

2. Biodiversity loss

2.1 The reason that the house has been relocated seems to be to allow a small pond to be located behind the house to compensate in some way for the biodiversity loss noted by the Biodiversity Officer. However, the location would not allow wildlife to survive as it would be in the shade and very close to the house. In addition the house has a large footprint on a small site. This does not allow scope for biodiversity but prioritises parking. Temple Guiting Parish Council agrees with the Biodiversity Officer in that this attempt does not compensate for the loss of biodiversity which would be caused if this development were permitted.

3. Windows and light pollution

3.1 The new plans show much larger windows - some the full height of the building. The PC's concerns regarding light pollution and the elimination of dark skies and the impact of this on wildlife have not only not been addressed, but have been increased by the revised plans.

4. Affordability

4.1 The proposal is still not for affordable housing. Temple Guiting Parish Council listed eight (8) major concerns in its previous comments. There were also 17 comments of objection from residents. The above 4 points deal with additional concerns due to the changed site plan and design.

7.5 The PC have also included a copy of their original comments as outlined above.

8. Other Representations:

8.1 Approximately 27 representations of objection were received in relation to the original proposal. In summary the concerns raised are as follows:

8.2 Principle

- Site has been used by the family of the local saddler who have lived and worked in the village for 45+ years. The saddlery has operated from the workshop in the adjoining property for many years
- Concern raised over loss of active stables in the village

- Stables have provided a hub for people in the community with local people keeping their horses at the site.
- Children from Cheltenham and Gloucester with special education needs and intellectual disabilities have come to the stables to visit the ponies, ducks and chickens. Many children have learnt to ride here
- It is disappointing that the proposal does not relate to affordable housing
- Loss of important asset in the community
- Stables have provided a fundamentally important role in maintaining community and its values in Kineton
- Proposal would destroy a key element of the village's history and add nothing of use to the community in return
- Removal of the stables and pond would result in a loss of amenity as they are used for therapy sessions with children.
- There is no real 'range of homes' in the village that would suit future generations.
- How can the application accord with all the requirements of Policy DS3 when in both pre-applications it was noted that it falls down against criteria b) and c).
- Considers site to fall outside of Kineton and the proposal fails to accord with Policy DS4

8.3 **Design**

- Development would be at odds with the rural and transitional character of this part of the settlement
- Proposed dwelling is much higher and wider than the existing stables
- Virtually no garden proposed
- Loss of gap in the village
- The proposal will create an urban feel
- It will dominate the plot with an excessively large building, a very small garden and large drive way.
- Access will carve into a grass verge and remove traditional Cotswold stone wall, loss of character
- Building is out of character with immediate neighbouring buildings
- Dwelling will be detrimental to the surrounding landscape, including views from the neighbouring road and nearby PROW
- House will be elevated, should be single storey
- Design and materials are out of keeping with surrounding buildings
- The proposal looks to develop on the peripheries of the village which is where so much of the original rural character and original buildings lie
- Encroachment of urban built form into the open countryside and fails to conserve the special qualities and character of the part of the National

Landscape contrary to Local Plan Policies EN1, EN2, EN4 and EN5 and sections 12 and 15 of the NPPF

8.4 **Residential Amenity**

- Proposed development will have a detrimental impact on privacy and sunlight to neighbouring properties.
- The new development will overlook Greenbank Cottage, looking into both the garden and kitchen window
- Dwelling will overlook the two neighbouring properties to the north and east, loss of amenity
- Private garden belonging to Kineton Place would be overlooked

8.5 **Biodiversity**

- Queries the accuracy of the Biodiversity report as there are several features in proximity to the site
- Loss of habitat for wildlife
- The duck pond attracts all types of birds, frogs, toads, butterflies
- Concern raised over the loss of a tree

8.6 **Highways**

- Consider access to be insufficient, safety issues
- When the pub is busy cars park along the road and the loss of the verge will lose valuable space for cars to park
- Speed limit is regularly exceeded at what is a pinch point in the road

8.7 **Revised Drawings**

8 Representations of objection have been received in relation to the amended drawings. To summarise the following concerns have been raised:

8.8 **Principle**

- Loss of a much loved stable yard/local asset which the community have benefitted from for over 40 years
- Should be an affordable house so a local family/resident stands a chance of being able to buy it

8.9 **Design**

- Revisions do not alleviate previous concerns. Detrimental visual impact on the village
- Impose on privacy and enjoyment of the neighbouring properties.
- Overdevelopment of this important space
- Height of the building will be overbearing in the surrounding area
- Slight improvement in design, although extensive glazing will lead to loss of privacy, light pollution.
- West elevation is not in keeping with the area and will be visible from the footpath
- New position of the house is in the middle of the paddock and still two stories in height, twice the width and height of the stables

8.10 **Residential Amenity**

- Proposed design is trying to address objections about windows overlooking neighbouring houses, results in windows facing the metal barn and doors opening almost into the 'replacement pond'
- Little outside amenity space to the rear of the property
- Creation of the access will cause havoc due to the amount of excavation required
- Previous comments still valid, too close and overbearing towards the neighbours
- Development will overlook Greenbank Cottage impacting privacy
- Invade privacy of Greenbank Cottage by looking directly into kitchen window and garden

8.11 **Biodiversity**

- Reducing the size of the pond and moving it to the east will not make up for environmental loss

8.12 **Highways**

- Additional driveway will be dangerous
- Not sufficient room for a brand new driveway

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

Drawings; BNG information; Design and Access Statement; Preliminary Ecological Appraisal; Arboricultural Survey, Impact Assessment

10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

- 10.4 The application seeks full planning permission for the 'Removal of stables, erection of a dwelling with associated works including parking, landscaping, and new access'. The application has come forward following pre-application advice, references 23/03489/PAYPRE and 23/02286/PAYPRE. The Conservation and Design Officer has commented on the proposal during the planning application process and this has led to further design amendments.
- 10.5 The proposed dwelling would be two storeys in height and agricultural in character, with the proposed design reflective of a barn conversion, with large timber doors and glazing along the front elevation. It would be set partially on the existing footprint of the stable block and orientated so that the wider frontage of the building faces north. The property would accommodate 3 no. bedrooms.
- 10.6 The proposed access point will be in the northeast corner of the site and this would involve some excavation work to the existing grass verge at the site.

(a) Principle of Development

- 10.7 The application site lies within the village of Kineton. When considering the sustainability of the location, the Cotswold District Local Plan sets out that:

"6.3.3 Due to the generally low levels of service provision, job opportunities and public transport availability beyond the Principal Settlements, many of the 160+ villages and hamlets (rural settlements) are not sustainable locations for residential development. Therefore, Development Boundaries have not been

defined around rural settlements and no land has been specifically allocated for residential development to help meet the District's objectively assessed needs to 2031. Any development that accrues from this source will therefore be 'windfalls'.

"6.3.4 Some rural settlements, however, have greater sustainability credentials than others and may, for example, have 'everyday' facilities, such as a shop/post office, a (non fee paying) school, and/or good public transport access to neighbouring service / employment centres. Availability of everyday facilities is important in reducing unnecessary traffic movements and engendering a sense of community, which helps to prevent 'social isolation'."

"In addition, Paragraph 93 of the Report on the Examinations of the Cotswold District Local Plan 2011- 2031 in which the Local Plan Inspector states "the policy applies to any sites that could reasonably be considered to be any village or hamlet in the district... what is important is that proposals comply with the stated criteria which should ensure that the vitality of the local community is supported, and that development is proportionate in scale to and complements the form and character of the settlement having regard to cumulative impacts with other developments".

- 10.8 Kinetin is a modest village, comprising around 30 - 40 dwellings. The village contains a public house, but does not contain any other services such as shops, post office, or village/community hall. It is considered that Kineton can reasonably be classed as a village, having regard to the findings of the Local Plan Inspector. In addition, the presence of a public house contributes to the vitality of the settlement and means that the village is more than just a collection of dwellings.
- 10.9 Kineton is therefore considered to constitute a Non-Principal settlement. The existing site is adjoined to the north by a residential properties and to the south by agricultural buildings. The built form of the village lies to the east, and open countryside to the west. The site currently contains an equestrian building and yard and is not therefore within residential use. It is, however, noted that there is a distinct western boundary separating the built form of the village from the open countryside. As a result, the site is considered to be within the envelope of the village. Local Plan Policy DS3 is therefore of relevance:
- 10.10 Local Plan Policy DS3 states:
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;

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

- 10.11 The proposed development seeks the erection of one new, open-market dwelling which could support the vitality of the local community and the continued availability of services and facilities through additional residents. Following a review of the Council's records, only 1 other dwelling (24/02612/FUL) has been permitted within Kinton during the local plan period following the removal of a holiday let use condition and as such it is considered that there would therefore be no cumulative impacts on the settlement. It is considered that criteria a and d are adequately satisfied by the proposal.
- 10.12 Criterion b and c requires development to maintain and enhance sustainable patterns of development, and compliment the character of a settlement. Kinton is a small rural settlement, with a scattered development pattern. Built form is often separated by undeveloped open farmland which give the village its rural identity. The western side of the village road where the site is located is reflective of this, with limited residential properties interspersed by agricultural fields and buildings. The design of the dwelling is considered in more detail within the following section of the report, however, the amended design is agricultural in appearance and respects the rural character of the village. On balance the amended scheme is considered to complement the form and character of the settlement and no conflict is identified respect of Policy DS3 criteria b) and c).
- 10.13 The site has historically been used to stable horses, and it is understood from the representations received that some commercial activities have taken place at the site in respect of do-it-yourself livery. In addition, it is apparent that children/schools have visited the site to ride the horses and see other animals at the duck pond. However, for the purposes of this application it should be highlighted that the site does not have planning permission for an educational

or commercial use. Policy INF2 'Social and community infrastructure' seeks to protect community facilities and educational and sports facilities are listed within the subtext of this policy as being a relevant facility. However, as this use has never been formally authorised at the site through the planning process, weight cannot be attributed to its loss in the overall planning balance and the proposal is not required to satisfy Policy INF2 paragraph 2 in this instance.

- 10.14 Following the receipt of an amended design, it is considered that the proposed development satisfies the requirements of policy DS3. Notwithstanding this, 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, it is now anticipated that the Council will only be able to demonstrate a 1.8-1.9 year supply. As the supply figure now falls below 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."

- 10.15 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 DS3 is out-of-date at the present time (subject to confirmation in May) and that paragraph 11 would be engaged in such circumstances.
- 10.16 The impact on protected areas having regard to criterion i is addressed in subsequent sections of this report. With regard to criterion ii, the proposed development would deliver a single dwelling within a settlement deemed to benefit from reasonable access to everyday services, facilities either within the settlement or at a neighbouring settlements. The delivery of a single dwelling would offer a modest benefit, and the scheme would not result in conflict with the NPPF paragraphs set out in Footnote 9. As such, the development would not result in harm that would outweigh the benefits of the development, having regard to criterion ii. Accordingly, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

(b) Design and Impact on Heritage Assets

- 10.17 The application site is located within 30m of 'Kineton Farmhouse' a grade II listed building and approximately 20 metres away from a grade II listed barn which is set on the opposite side of the road to the south east of the site.
- 10.18 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.
- 10.19 Considerable weight and importance must be given to the aforementioned legislation.
- 10.20 Local Plan Policy EN1 seeks where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.

10.21 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.'*

10.22 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.'

10.23 Section 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 199 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."*

10.24 The stable block itself is a modern, late 20th century building and the demolition of this structure is not objectionable from a heritage perspective.

10.25 The Conservation and Design Officer has made the following comments on the application:

"The revised plans, which have evolved following negotiations, have responded to the more rural character of the site by adopting the more vernacular approach of echoing the appearance of a fairly traditional barn conversion."

This barn-style is now comparatively convincing, taking a simple linear form, but with a small area of catslide lean-to on the north elevation. The fenestration is limited, & generally avoids an overly domestic appearance; the only exception is the western gable, which would be more open, but would be visually discrete, and a reasonable compromise for what is a modern interpretation of a barn, not an actual barn.

- 10.26 The amended design is considered to respect the rural character of the area and it is considered that this results in a neutral impact to the setting of the nearby listed buildings identified, in accordance with Policy EN10. Whilst the proposal reflects a traditional barn conversion, on balance this design approach is considered acceptable and subject to a condition ensuring suitable materials at the site, it is considered that the dwelling would adequately harmonise with the rural character of the village. Representations have raised concern that the proposal will infill a gap in the street scene, however, approximately a third of the footprint is situated where the existing stable block is positioned and the wider frontage of the proposed dwelling is at right angles to the road, which helps to retain a degree of openness in the street scene. A rural character is adequately retained at the site and the proposal is therefore considered to accord with Policies EN1, EN2, EN10 and DS3 of the Local Plan.

(c) Landscape Impact

- 10.27 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area *'must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* (S85(A1) of the Countryside and Rights of Way Act 2000).
- 10.28 Local Plan Policy EN1 states that *'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*
- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
 - b. contributing to the provision and enhancement of multi-functioning green infrastructure;*

- c. *addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
- d. *seeking to improve air, soil and water quality where feasible; and*
- e. *ensuring design standards that complement the character of the area and the sustainable use of the development.*

- 10.29 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.'*
- 10.30 Local Plan Policy EN4 states that *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas, and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*
- 10.31 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states that *'In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.'*
- 10.32 Section 12 of the NPPF 'Achieving well-designed and beautiful places' is of relevance.
- 10.33 Section 15 of the NPPF seeks to conserve and enhance the natural environment.
- 10.34 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes'* and *'recognising the intrinsic character and beauty of the countryside'*.
- 10.35 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*

10.36 The application site is set within the Landscape Character Type (LCT) 'High Wold Valley; and Landscape Character Area (LCA) Upper Windrush Valley, as defined in the Cotswold AONB Landscape Strategy and Guidelines (June 2016). Local forces for change within High Wold Valley include 'Development, expansion and infilling of valley settlements including residential, industrial and leisure'. Potential landscape implications of such development are stated as being;

- *Erosion of the rural character of the valleys and the landscape setting of historic villages;*
- *Intrusion of expanded settlements onto the highly visible valley sides;*
- *Increase in light pollution;*
- *Loss of village patterns and development of 'rural sprawl' due to settlement growth and coalescence;*
- *Degradation of views across and along the valley;*
- *Upgrading of minor roads and lanes associated with new development and the introduction of suburbanising features such as mini roundabouts, street lighting, highway fencing and kerbs and traffic calming at village entrances;*
- *Erosion of distinctive settlement patterns and loss of small fields and network of narrow lanes associated with houses fringing the valley villages;*
- *Loss/dilution of organic growth patterns of settlements including the relationship between the historic core and adjacent historic fields, paddocks and closes;*
- *Loss of archaeological and historical features, field patterns and landscapes;*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.*

10.37 The Landscape Officer has previously advised that *Kineton is a small rural settlement, with a scattered development pattern. Development is often separated by undeveloped open farmland which assists in reinforcing the villages' rural identity, this is particularly evident to the western side of the*

village road where the site is located. It is recognised that the existing site has a rural character and this positively contributes to the rural setting.

- 10.38 However, there is already a structure on the site and the proposed dwelling has been positioned so that approximately a third of its footprint will be set in this location. In addition, two large agricultural buildings lie to the south of the site. It is considered that the amended design and scale of the proposal is acceptable and would not have an adverse impact upon the character of the National Landscape.
- 10.39 Representations have raised concern in respect of the level of glazing proposed and potential light spill from the amended design. In response, it is recognised that dark skies are intrinsic to the National Landscape. However, the current stable block is not subject to any lighting restrictions. A degree of light spill from windows is likely to be unavoidable from a new residential property. However, a lighting condition ensuring any external lighting is agreed prior to installation with the local planning authority is recommended, and on balance subject to condition, it is considered that any impact would be low level and not out of character with other properties located within the Non-Principal Settlement so as to warrant refusal in respect of Policy EN5.
- 10.40 A landscaping condition is recommended to include boundary treatments to ensure any landscaping is sensitively designed. Whilst the Landscape Consultant has not provided formal comments on the planning application it should be noted that comments were provided under the more recent pre-application relating to the erection of 1 no. dwelling advising that "the proposal is unlikely to result in undue landscape or visual harm". Subject to condition it is considered that the proposal will not result in an adverse landscape impact and is in accordance with Policies EN1, EN2, EN4 and EN5 of the Local Plan.

(c) Impact upon Residential Amenity

- 10.41 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect.
- 10.42 Local Plan Policy EN15 states that development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

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

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

10.43 Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.44 Criteria p, q and r of the Cotswold Design Code referenced by Policy EN2 are of relevance and they state:

p. To ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings should be no less than 22m and, for buildings higher than two storeys, no less than 28m. Where the distance between facing windows is less than 28m in one and two storey dwellings, or less than 32m for buildings higher than two storeys, permitted development rights may be removed. For these purposes, facing windows are those which can readily be seen into from within principal rooms in another property, including windows at an angle to one another, but excluding windows on front elevations. Much will depend on the angle and the topography. A principal room is a bedroom, living room, dining room, kitchen, study or other living space, but not a hallway, stairs, bathroom, utility or store.

q. To avoid undue loss of daylight, when considering planning applications, the Council will take into account the advice contained in the Building Research Establishment publication IP 23/12 - Site Layout Planning for Daylight.

r. To ensure adequate garden space, the size of a private garden should relate to the size and nature of the property. A large detached family house should have a substantial garden, capable of providing enough space for different family activities to take place at the same time, (e.g. sitting-out area for adults, children's play space, clothes drying area). An elderly person's bungalow requires a smaller, easily managed private area for quiet sitting-out.

10.45 The side elevation of Wayside is located approximately 30 metres away from the front elevation of the proposed dwelling. The front elevation of the proposed dwelling would be set approximately 24 metres away from the garden to the side elevation of Wayside at its closest point. Residents of this neighbouring property have raised concern that the dwelling will overlook Wayside's garden and kitchen window. The windows along the front elevation of the proposed dwelling at first floor height serve a landing and due to the separation distance to Wayside, on balance, it is considered that the perceived impact of overlooking would be low level and would not result in a degree of harm which would warrant refusal in respect of Policy EN2.

- 10.46 Kineton Place is set on the opposite side of the road to the proposal and at a lower land level (the boundary to this property is approximately 13 metres away from the proposed side elevation). Concern has been received from this property that their private garden would be overlooked. Kineton Place has a single storey pitched roof garage adjacent to the road and also a single storey rear extension adjacent to this structure. The amended design includes a window at first floor height which serves a bedroom along the side elevation facing Kineton Place. Due to the relationship between properties, it is considered that any overlooking to the rear garden of Kineton Place would be limited and adequate private amenity space would be retained at the neighbouring dwelling. The proposal would therefore not result in a degree of harm in respect of overlooking which would warrant refusal in respect of Policy EN2.
- 10.47 Concern has been raised in respect of light pollution, however, subject to the external lighting condition discussed above, it is considered that this is sufficient to mitigate any impact of development in accordance with Policy EN15.
- 10.48 Concern has also been received in relation to construction works at the site, particularly in relation to the formation of the new access. It is recognised that work may result in a temporary disturbance to local residents, however, this would not warrant refusal in respect of Policy EN15.
- 10.49 By virtue of the separation distance and relationship of the proposal to other neighbouring dwellings it is considered that the proposal would not result in an adverse impact in respect of loss of light, privacy or have an overbearing effect in accordance with Policy EN2.
- 10.50 In terms of the residential amenity of future occupants of the dwelling, representations have raised concern that the garden appears small. It is considered that the proposal provides adequate amenity space for a single dwelling to the front and rear of the property in accordance with Policy EN2. Whilst the rear elevation of the property is in fairly close proximity to the agricultural barns to the rear of the site (approximately 9.9 metres away), on balance, it is considered that this would not result in an overbearing impact to future occupants to such an extent as to warrant refusal.
- 10.51 Overall, it is considered that the proposal complies with Policies EN2 and EN15 of the Local Plan and section 12 of the NPPF.

(e) Biodiversity

- 10.52 Local Plan Policy EN8 seeks to protect features, habitats and species and as such supports proposals which would conserve and enhance biodiversity. This policy seeks to avoid fragmentation or loss of habitats, in accordance with Section 15 of the NPPF.
- 10.53 A preliminary Ecological Appraisal accompanies the planning application. This document advises that the structure on site was assessed to be of negligible suitability for bats and some precautionary measures and enhancements have been recommended. A replacement pond is proposed to the rear of the dwelling to compensate for the loss of the pond to the front of the stable block. The Biodiversity Officer has reviewed this document and subject to condition is satisfied that the proposal complies with Policy EN8 of the Local Plan.

Biodiversity Net Gain (BNG)

- 10.54 Mandatory biodiversity net gain date was introduced for small sites on the 2nd April 2024 and it is applicable to this application. The applicant has stated that they will purchase off-site units in order to achieve the required net gains for BNG. The Biodiversity Officer has reviewed the submission and is satisfied with this approach subject to a Landscape and Ecological Management Plan (LEMP) condition to ensure appropriate establishment and aftercare details.

Trees

- 10.55 Local Plan Policy EN7 requires development to conserve and enhance natural assets to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.
- 10.56 An Arboricultural Survey, Impact Assessment and Protection Plan accompany the application and this document has been reviewed by the Arboricultural Officer who has advised *"The proposal results in the removal of one tree of low quality which the attached report states has little long term viability regardless of the proposal. The loss of the tree can be mitigated by the conditioning of tree planting via a landscape plan. There is a small amount of incursion into the root protection area of T4, a B grade tree which is unlikely to have a detrimental effect on the trees vitality. A landscaping condition and tree protection condition are recommended. Subject to condition the proposal is considered to accord with Policy EN7.*

(f) Highways

- 10.57 Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.
- 10.58 Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.
- 10.59 Section 9 of the NPPF promotes sustainable transport.
- 10.60 The proposal provides sufficient parking on site to the front of the dwelling. A new site access is proposed and the access arrangements have been reviewed by highways who have raised no objection to the proposal. As such it is considered that the proposal is compliant with Policies INF4 and INF5 of the Local Plan.

Other Matters

- 10.61 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 For the reasons outlined above the proposal is considered to comply with Local Plan Policies. Having regard to Paragraph 11d of the NPPF, the proposed development would not result in harm to any protected areas and would result in modest benefits, that would not be significantly and demonstrably outweighed by adverse impacts. As such, the application is recommended for approval.

12. Proposed Conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: 230220-01 Rev A, 230220-05 Rev A and 230220-11.

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

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

6. The oak shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan EN2.

7. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

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

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2..

9. No wires, plumbing or pipework other than those shown on the approved plans shall be fixed on the external elevations of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2..

10. No external doors and windows shall be installed in the development hereby approved, until their design and details, including their materials and finish has been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

11. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the first building on the site.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season.

Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

12. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection measures as outlined in MHP Arboricultural Survey, Impact Assessment and Protection Plan reference 24138A The Saddlery Kinton_TZ AIA TPP_V2, shall be installed in accordance with the specifications set out within this document. The protection measures shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

13. A 5-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Establishment details, including preparation of the land;

- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. iv. Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat units;
- v. Appropriate management options for achieving the aims and objectives; vi. Prescriptions for all management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- vii. Details of the body or organisation responsible for the implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
- ix. Timeframe for reviewing the plan. The LEMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

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

14. The development shall be undertaken in accordance with the recommendations contained within the Preliminary Ecological Appraisal (All Ecology, November 2024 - uploaded 17th December 2024). All of the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To ensure wildlife is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011- 2031

and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

15. Within 3 months of commencement, a finalised biodiversity enhancement plan based on the provision of a swift box and a bat box shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

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

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

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

17. The existing stable block shall be demolished within its entirety within three months of the first occupation of the dwelling hereby permitted.

Reason: To ensure that the existing dwelling is removed from the site in accordance with Local Plan Policies DS4, EN2, EN4, EN5 and EN9, and National Planning Policy Framework Paragraph 84.

18. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or outbuildings associated with the new dwelling shall be erected within the application site nor any new windows, doors or rooflights installed/inserted in the new dwelling

or garage/workshop hereby permitted other than those permitted by this Decision Notice.

Reason: In the interests of visual and residential amenity in accordance with Policies EN2 and EN10 of the Local Plan.

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL

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

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

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

The applicant will need apply to approve the details reserved by the 5-year Landscape and Ecological Management Plan (LEMP) and the Biodiversity Gain Plan at the same time. A step-by-step guide on how to apply for approval of conditions can be found here: <https://www.cotswold.gov.uk/planning-and-building/planning-permission/step-bystep-guide-to-planning-permission/>