

Erection of a new self-build dwelling at Land North East of Braecroft Upper Oddington Gloucestershire GL56 0XJ

Full Application 25/00045/FUL	
Applicant:	Mr Peter Wilsdon
Agent:	DS Planning Services
Case Officer:	Helen Cooper
Ward Member(s):	Councillor David Cunningham
Committee Date:	11 June 2025
RECOMMENDATION:	PERMISSION SUBJECT TO THE COMPLETION OF A UNILATERAL UNDERTAKING

1. Main Issues:

- (a) Principle of Development
- (b) Design, Appearance and Impact on the Cotswolds National Landscape
- (c) Impact on Residential Amenity
- (d) Biodiversity and Geodiversity
- (e) Highways
- (f) Other matters

2. Reasons for Referral:

- 2.1 Cllr Cunningham has requested that the application is considered by the Planning Committee on the following grounds:

2.1.1 "I would, should you be minded to recommend approval of this application, ask that such a recommendation be further reviewed by the Planning Committee.

2.1.2 The new intended use of this site as a standalone dwelling appears to undermine the rationale for the previous approval for a structure on the site due to the additional requirements that a full-time residence will bring. Nb. Decision Notice 23/02885/FUL Condition 8. The overdevelopment of this site and the suburbanisation of the CNL via the expected addition of non-rural paraphernalia, i.e. sheds, garden furniture etc., represents an

unacceptable encroachment of the built form into the countryside. NPPF S15 P189.

2.1.3 This site is in a prominent position on the ridgeline, with wide-ranging views from several public footpaths and particularly Oddington Footpath 14. Whilst a swimming pool complex, ancillary to the main dwelling, would have benefited from limited use, e.g. lower light pollution, a new dwelling will, by nature of its more intensive use, shift the level of harm to the appearance and tranquillity of the Cotswolds National Landscape much closer to levels which should be considered 'substantial'. This goes against CDC LP EN4 and EN5.

2.1.4 The use of ancillary buildings by existing residents and within the curtilage of existing sites place no further requirements on local services as envisaged by CDC LP Policy DS3 (6.3.3). However, the addition of a standalone dwelling in a non-principal settlement such as Oddington, whilst providing no material public benefit, fails to address the other stated requirements of DS3 (a) and (d). The new building will be c25m (D&AS 5.33) from the existing dwelling, and as such the amenity safeguards set out in CDC LP EN2 appear to be severely limited. Claims that the new dwelling will initially be in the ownership of the existing resident does not constitute mitigation of this policy."

2.2 The Review Panel agreed the request for the application to be heard by the Planning and Licensing Committee on the grounds that consideration should be given to the intensification of the use of the site and the impacts on the landscape and local facilities.

3. Site Description:

3.1 The application site is located to the southern side of Upper Oddington and is on the eastern side of the lane into the village leading to the B4450 to the south.

3.2 The application site comprises an area of residential garden belonging to the property known as Braecroft. This section of garden contains a tennis court, grassland and some vegetation. Braecroft is a large detached modern dwelling which lies to the southwest of the application site and it was erected post 2009 following the grant of planning permission for a replacement dwelling at the site. New Braecroft, another detached dwelling which is contemporary in appearance,

is set forward of the application site or to the northwest. New Braecroft was originally granted for ancillary purposes to Braecroft, although it was allowed for independent occupation following an appeal, planning application reference 19/01288/FUL.

- 3.3 New Braecroft lies on an elevated plateau that is characterised by landform that gently slopes down in a south-easterly and north-easterly direction towards the low-lying River Evenlode some distance to the east. New Braecroft holds a prominent position in the street scene and landscape, and it has been sensitively designed to minimise impact upon the surrounding area by being set down into the landscape with a flat roof.
- 3.4 There are no Public Rights of Way (PRoW) within the site, although a number are present within the local landscape. Of particular importance are Oddington Footpath 6 and 7 to the north and northwest of the site and north and Oddington Footpath 14 which lies to the east of the site.
- 3.5 The site is outside of a Principal development boundary as defined in the Local Plan; however, it is considered to be located within the Non-principal settlement of Upper Oddington.
- 3.6 The site is set within the Cotswolds National Landscape (AONB).

4. Relevant Planning History:

- 4.1 The below history relates to both Braecroft and New Braecroft.
- 4.2 06/00973/FUL: Erection of two storey and single storey extensions. Granted 15.6.2006
- 4.3 06/02985/FUL: Demolition of building and erection of replacement dwelling. Refused 17.1.2007
- 4.4 07/00555/FUL: Demolition of dwelling, erection of replacement dwelling. Granted 29.5.2007
- 4.5 09/01349/FUL: Erection of replacement dwelling (amendment to permission 07/00555/FUL to include changes to the scale and design of the boot room). Granted 15.7.2009

- 4.6 15/00434/CLEUD: Certificate of Lawful Existing Use or Development under Section 191 of the Town & Country Planning Act 1990 - for the construction and retention of an unauthorised dwelling currently known as BraeCroft, Upper Oddington. Granted 31.03.2015
- 4.7 16/00357/FUL Erection of ancillary building - withdrawn
- 4.8 16/03627/FUL Erection of ancillary building - Permitted 21.10.2016
- 4.9 16/04410/FUL Erection of carport structure - Permitted 24.11.2016
- 4.10 16/04765/FUL Variation of Condition 4 of planning permission 16/03627/FUL: use of outbuilding for purposes ancillary to the residential use of the dwelling - Permitted 23.12.2016
- 4.11 16/05255/COMPLY Compliance with conditions 3 (samples) and 5 (landscaping) of application 16/04765/FUL - Erection of ancillary building - Permitted 31.01.2017
- 4.12 17/00904/NONMAT Non-material amendment to application 16/04410/FUL to increase in eaves and ridge height - Refused
- 4.13 17/01301/FUL Erection of ancillary building - amendment to 16/04765/FUL - Permitted 05.05.2017
- 4.14 17/03820/NONMAT Non-material amendment to application 17/01301/FUL for various minor external and internal details - Refused 03.10.2017
- 4.15 18/04570/FUL Erection of ancillary building (revisions to that approved under 17/01301/FUL) (Retrospective) - Permitted 15.01.2019
- 4.16 19/00542/FUL Change of use of existing building from ancillary use to independent dwelling - Withdrawn
- 4.17 19/01288/FUL Change of use of existing building from ancillary use to independent dwelling- Refused 14.06.2019 Appeal allowed 08.11.2019
- 4.18 19/02884/FUL Change of use of ancillary building to independent dwelling (resubmission of 19/01288/FUL with revised vehicular access) Withdrawn

- 4.19 19/04226/FUL Amendment to application 19/01288/FUL for change of use of existing building from ancillary use to independent dwelling to incorporate revised vehicular access - Permitted 19.12.2019
- 4.20 20/01295/PLP Construction of 2 residential dwellings – Withdrawn
- 4.21 20/01583/PLP Erection of a single dwelling house - Permitted 15.06.2020
- 4.22 20/02753/FUL Rear extension to existing ancillary outbuilding Permitted 30.09.2020
- 4.23 20/03877/FUL Variation of Condition 2 (approved plans) of planning permission 20/02753/FUL (Rear extension to existing ancillary outbuilding) to omit first floor accommodation in pitched roof form and replace with a pavilion style flat roof (part retrospective) - Permitted 7.12.2020
- 4.24 20/04024/FUL Erection of a single storey rear extension (following demolition of existing single storey rear addition) Permitted 08.01.2021
- 4.25 22/01507/FUL Erection of a single-storey rear extension (amendment to approved application - 20/04024/FUL) - Permitted 16.06.2022
- 4.26 22/03249/FUL Single story rear extension (in lieu of approval 22/01507/FUL) Permitted 02.11.2022
- 4.27 23/01504/PLP Permission in Principle application for erection of 1 no. dwelling - Permitted 05.07.2023
- 4.28 23/01767/FUL Replace the existing flat roof of the dwelling with a double-hipped roof - Permitted 10.08.2023
- 4.29 23/02369/TDC Technical Details Consent for erection of 1 no. dwelling following grant of Permission in Principle ref 23/01504/PLP - Permitted 11.10.2023
- 4.30 23/02885/FUL Erection of a new residential annex building - Permitted 8.11.2024
- 4.31 24/00534/FUL Replace the existing flat roof of the dwelling with an asymmetrical pitched roof and erection of extension to provide an entrance lobby - Permitted 10.05.2024

5. Planning Policies:

- NPPF 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
- EN15 Pollution & Contaminated Land
- DS1 Development Strategy
- DS3 Small-scale Res Dev non-Principal Settle

6. Observations of Consultees:

- 6.1 Landscape Officer: Comments contained within the main body of the report.
- 6.2 Biodiversity Officer: Comments contained within the main body of the report.
- 6.3 CDC Drainage Engineer: No objection subject to condition
- 6.4 GCC Highways: Objection raised; comments contained in the main body of the report.

7. View of Town/Parish Council:

- 7.1 Comments received on the 24.01.25:

7.1.1 'The Council objects to this application. Councillors had concerns about the approved application for an ancillary swimming pool complex because of the impact that this would have on the Cotswolds Landscape and the views into the site from the footpath to the south. The same concerns remain but are exacerbated by the fact that this application is for a stand-alone dwelling. Indeed Condition 8 of the decision notice to approve the ancillary building (23/02885/FUL) states 'The development hereby permitted shall not be used other than for purposes ancillary to the residential use of the dwelling currently known as New Braecroft and for no other purpose. Reason: The independent use of the building would raise potential issues relating to the sustainability of the location, access, parking, residential amenity and the impact of such a use on the character and appearance of

the Cotswolds National Landscape having regard to Local Plan Policies DS3, EN1, EN2, EN4, EN5, INF4 and INF5.'

7.1.2 'The new dwelling will add to the light pollution caused by the various properties already on the site. The Council believes that an additional stand-alone property represents over development of the site and the suburbanisation of a satellite grouping of dwellings. We note that this is the second time that the applicant has used the 'swimming pool route' to secure permission for a new dwelling and feel that this is inappropriate use of the planning process.'

8. Other Representations:

8.1 None received at the time of writing.

9. Applicant's Supporting Information:

- Planning, Design and Access Statement
- Landscape and Visual Impact Appraisal (LVIA)
- LVIA figures
- BNG Statement

10. Officer's Assessment:

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

10.2 The 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

10.4 The wider parcel of land within the applicant's ownership includes Braecroft, a large

modern detached dwelling to the southwest of the application site and New Braecroft, a contemporary detached dwelling set forward of the site. The characteristics of the wider site have significantly changed over the course of approximately twenty years as evident from aerial photographs of the site.

- 10.5 Historically, a smaller single detached dwelling was set in a similar position to Braecroft on the site, and the area of land where New Braecroft is located was covered in trees. A hedgerow formed the boundary treatment at the site. In 2007 planning permission reference 07/00555/FUL was granted for a replacement dwelling on the wider site and the dwelling known as Braecroft replaced the original property. This was amended under application 09/01349/FUL and subsequently a certificate of lawfulness was granted for the construction and retention of an unauthorised dwelling.
- 10.6 In 2017 an application was granted for an ancillary building (New Braecroft). Subsequently in 2019 planning permission was sought for a change of use of this building into an independent dwelling. This was refused planning permission, although this was later allowed on appeal.
- 10.7 New Braecroft is a modern contemporary dwelling with a flat roof which has been designed to have minimal impact upon the landscape. It has been set down into the hillside and the use of local materials has ensured that the building is in keeping with the wider area. However, it should be noted that New Braecroft has recently been granted planning permission for a pitched roof (reference 23/01767/FUL and 24/00534/FUL). Once implemented it is considered that the dwelling will appear more prominent, although at the time of writing work has not started in respect of either of these permissions.
- 10.8 More recently planning permission has been granted for the erection of a dwelling on the site which would be located between New Braecroft and Braecroft reference 23/02369/TDC and 23/01504/PLP. It should be noted that prior to this, an application was withdrawn for two dwellings reference 20/01295/PLP. Plot 2, of this application was located to the rear of New Braecroft and concern was raised in respect of its prominent position in the landscape.
- 10.9 Planning application reference 23/02885/FUL - Erection of a new residential annex building associated with New Braecroft - was permitted on the 8.11.2024. The design of the annex comprised two single storey elements, each with a pitched roof, which would be linked by a modest glazed flat roof lobby. The permitted

annex would accommodate a swimming pool, gym, shower room and 2 no. guest bedrooms. The permission was subject to the following condition:

'The development hereby permitted shall not be used other than for purposes ancillary to the residential use of the dwelling currently known as New Braecroft and for no other purpose.'

Reason: The independent use of the building would raise potential issues relating to the sustainability of the location, access, parking, residential amenity and the impact of such a use on the character and appearance of the Cotswolds National Landscape having regard to Local Plan Policies DS3, EN1, EN2, EN4, EN5, INF4 and INF5.'

Proposed Development

- 10.10 This application seeks planning permission for the erection of a new self-build dwelling on Land Northeast of Braecroft. The dwelling would be located in the same position as the permitted annex, and it would be of the same design.
- 10.11 The dwelling would comprise two single storey elements, each with a pitched roof, which would be linked by a modest glazed flat roof lobby. The larger single storey sections would be set adjacent to the northeast boundary, and it would measure approximately 12.9 m by 6.3 m. The slightly smaller element would be set approximately 5.4 metres back and it would measure approximately 11.9m by 6.4 metres in width. The eaves of the building would measure approximately 2.4 metres in height and the main ridgeline would measure approximately 5.9 metres in height.
- 10.12 The dwelling would accommodate 2 no. bedrooms, 2 no. bathrooms, a gym and sauna and a kitchen and living area. The drawing indicates that the building would be constructed from Cotswold stone walls and grey standing seam sheet metal roofing. Solar panels on both pitched roofs are also proposed.

(a) Principle of Development

- 10.13 The development strategy as outlined by Policy DS1, within the Cotswold District Local Plan, seeks to direct residential and employment development to a number of Principal Settlements in the first instance, as development at these locations is considered to 'positively promote sustainable growth'. The Principal settlements

where residential development is directed to have Development Boundaries (Policy DS2) as outlined on the Local Plan's Policy Map. Following this small-scale residential development is directed to Non-Principal Settlements such as villages and hamlets (Policy DS3).

10.14 Following the appeal decision in respect of planning application reference 19/01288/FUL, which allowed the use of New Braecroft as an independent dwelling, and further to the Permission in Principle for erection of 1 no. dwelling reference 23/01504/PLP on the wider site within the applicant's ownership, Policy DS3 'Small-Scale residential development in Non-Principal Settlements' is considered to be applicable to the proposal. This 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; 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.'*

10.15 In terms of criteria a) it is considered that a single dwelling would support existing services through additional residents and in respect of criteria d) due to the limited number of dwelling commitments in Oddington, the erection of a two bedroom dwelling which is located within the Non-Principal settlement would not result in an adverse cumulative impact. Criteria b) and c) relate to the design and scale of the building and character of the settlement. In this instance the design of the dwelling is reflective of the extant permission for the annex and as such no conflict is identified in respect of Policy DS3 criteria b) and c).

10.16 It is recognised that the site originally accommodated 1 no. dwelling and two are now in situ at the site, with permission in place for a further dwelling. However, due to the incremental development of the site a rural pro-forma has not been required to support the application in respect of Policy DS3 paragraph 2.

10.17 Subject to details of design, impact upon residential amenity, highway safety and biodiversity, the erection of a dwelling on this area of residential garden is considered acceptable in principle.

(b) Design, Appearance and Impact on the Cotswolds National Landscape (Area of Outstanding Natural Beauty (AONB))

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

10.19 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.'*

- 10.20 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.'*
- 10.21 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.'
- 10.22 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.'*
- 10.23 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'.
- 10.24 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... National Landscapes which have the highest status of protection in relation to these issues.'*
- 10.25 As outlined above, the application site holds a prominent position within the National Landscape, due to the local topography and the site's elevated position. However, a material consideration relates to the fall-back position at the site, and it must be recognised that an annex, of the same external design and appearance, benefits from an extant planning permission, reference 23/02885/FUL.
- 10.26 It was considered under the previous application that the approved annex was, on balance, acceptable in respect of its design and appearance following design amendments which came forward during the application process. The building has been designed to incorporate two separate single storey wings which are joined by a simple glazed link extension. The proposed annex was considered not to dominate or detract from the appearance of the main property, New Braecroft and

whilst the current proposal is for an independent residential unit, the relationship between the existing properties and the proposed dwelling remains acceptable. In addition, the other extant permission for a dwelling at the site would not be compromised by the proposal in respect of access or siting.

- 10.27 There are minor alterations to the external appearance under this application which relate to the introduction of a driveway and car parking to the front of the proposed dwelling. However, on balance, these additions are considered to be relatively minor, and the design and scale of the dwelling is considered acceptable, and its simple form and use of local stone with a metal roof will complement the existing buildings in this area of Upper Oddington. In addition, the steep roof pitch on the two single storey elements is considered to reflect the character of the Cotswolds in accordance with Policy EN2.
- 10.28 The fall-back position at the site is that a building of the same design, albeit for use as an annex, benefits from planning permission. The key consideration therefore relates to whether the erection of a self-build dwelling of the same design would lead to an intensification of use at the site which in turn would have an adverse impact upon the Cotswolds National Landscape.
- 10.29 The site is located within the Pastoral Lowland Vale and Vale of Moreton of the Cotswolds AONB Landscape Strategy and Guidelines (June 2016). This document advises that 'development, expansion and infilling of settlements including residential, industrial and leisure' is a local force for change in the Pastoral Lowland Vale. The below landscape implications are listed by this document:
- *Intrusion of expanded settlement fringes into the landscape including within the setting of the AONB*
 - *Degradation of views to, from and across the Pastoral Lowland Vale*
 - *Impact or loss of views of key features such as church towers across the landscape.*
 - *Erosion of distinctive settlement patterns due to settlement growth and coalescence.*

- *Loss/dilution of organic growth patterns of settlements including the relationship between the historic core and adjacent historic fields, paddocks and closes*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.*
- *Upgrading of minor roads and lanes associated with new development and the introduction of suburbanising features such as mini roundabouts, street lighting, Highway fencing, kerbs and traffic calming measures*
- *Increased traffic leading to increased damage to road verges and roadside hedges and walls and the creation of informal passing places*
- *Introduction and accumulation of lit areas and erosion of characteristically dark skies.*
- *Urban fringe impacts such as fly tipping and dumping of cars*
- *Loss of wet meadows and riverine habitat.*
- *Potential loss of archaeological remains and historic features.*
- *Loss of archaeological and historical features, field patterns and landscapes.*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes*

10.30 The following outline strategies and guidelines have been produced in respect of the potential implications. Those of relevance are listed below:

- *Maintain the open, sparsely settled character of the Pastoral Lowland Vale by limiting new development to existing settlements;*

- *Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements in areas of open landscape;*
- *Ensure that new development does not adversely affect the wider rural landscape and views to and from the AONB;*
- *Avoid developments incorporating standardised development layout, suburban style lighting, construction details and materials that cumulatively can lead to the erosion of peaceful landscape character;*
- *Layout of development should respect local built character and avoid cramming up to boundaries resulting in a hard suburban style edge to the settlement;*
- *Control the proliferation of suburban building styles and materials;*
- *Conserve the existing dark skies; - Adopt measures to minimise and where possible reduce light pollution; - Retain existing trees and hedges etc. as part of the scheme; and*
- *Ensure new development is visually integrated into its surroundings and does not interrupt the setting of existing settlements, break up harsh edges of new development with appropriate and adequate tree planting ideally in advance of the development taking place.*

10.31 It is considered that the boundary to the southeast and northeast are the most important in terms of potential visual impact on the wider area and it is recognised that the site is very visible from Oddington Footpath 14 to the east and southeast of the proposed dwelling. The Landscape Consultant previously recommended planting in respect of the annex which was larger in ultimate form so that this would become more noticeable in the rural scene.

10.32 The Landscape Consultant has reviewed this application and following amendments to the planting schedule has no additional comments other than that the hedge plant density has not been increased as requested, however, they have increased the quantity of plants and added a note to say that the hedge plants will be at 5 per m (in line with the initial request). The applicant has advised that the hedging is at 5/m² and if you measure the hedging and divide it by 5 the figures are correct. This is reflected by the note on the revised landscape drawing. On

balance this is considered acceptable, and it is considered that the proposed landscaping will continue to mitigate any impact as was established under the previous annex application reference 23/02885/FUL.

- 10.33 The proposed planting will therefore help ensure that the proposal will assimilate with the character of the landscape. Considering the fall-back position at the site, whereby the built form itself benefits from planning permission as an annex, on balance it is considered that any impact through an intensification of use as an independent dwelling would be very low level and would not warrant refusal.
- 10.34 Subject to a condition requiring the implementation of the landscaping plan, on balance the design and impact upon the Cotswolds National Landscape is considered acceptable and the proposal is considered to accord with policies EN1, EN2, EN4 and EN5 of the Local Plan and the provisions of the NPPF.

(c) Impact upon Residential Amenity

- 10.35 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regard to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.
- 10.36 Local Plan Policy EN15 stated that development will be permitted where there will be no unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses. This includes impacts from pollution, noise and light as well as other disturbances such as spillage and smell.
- 10.37 The closest property to the proposed dwelling is 'New Braecroft', which is in the ownership of the applicant. The separation distance between New Braecroft and the proposed dwelling is approximately 14 metres. However, due to the topography at the site it is considered that there will be a limited impact upon this dwelling in terms of overbearing impact as New Braecroft is set into the hillside. A hedgerow is proposed in front of the glazed gable end of the dwelling which is in proximity to the outdoor private amenity area belonging to New Braecroft. Whilst the proposal might result in a degree of overlooking, as both dwellings are within the applicant's ownership, on balance the planting mitigation is considered acceptable and any resultant perceived overlooking would not warrant refusal in this instance.

- 10.38 The closest neighbouring dwelling outside of the applicant's ownership is number 2 Sunnyside, which lies approximately 95 metres away from the proposal. The Design Code specifies that *to ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings should be no less than 22 m and, for buildings higher than two storeys, no less than 28m*. The Design code goes on to say *much will depend on the angle and the topography*. The proposed building would hold an elevated position in relation to neighbouring dwellings and it is recognised that this can lead to concerns around perceived overlooking. However, by virtue of the large separation distance to neighbouring properties outside of the applicant's ownership and the oblique angle of windows in relation to these properties, it is not considered that the proposal would result in loss of privacy or overlooking to such an extent as to warrant refusal. Due to the large separation distances, it is considered that the proposal would not have an overbearing impact or cause overshadowing. For these reasons the proposal is considered to accord with Policy EN2 of the Local Plan.
- 10.39 Solar panels are proposed on the roof slope and due to their position on the roof slope and elevated position in the surrounding area it is considered that any impact upon residential amenity in terms of glint and glare would be minimal in this instance.
- 10.40 The proposal is for a dwelling, and it is considered that this land use retains the existing character of the site and will not lead to issues of noise or disturbance in respect of Policy EN15. Concern has been raised in respect of an intensification of use at the site, however, it is considered that this is unlikely to lead to a level of light spill over and above that which could be generated by the permitted annex at the site in accordance with Policy EN15.

(d) Biodiversity and Geodiversity

- 10.41 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.
- 10.42 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.43 The Biodiversity Officer has reviewed the application and has advised that the site photographs submitted demonstrate reasonably low significance amenity habitats and a precautionary working methods condition is recommended. The Biodiversity Officer has also advised that three species on the planting plan P04 should be replaced with native species. On balance, it is considered that the proposed planting plan is acceptable following comments from the Landscape Consultant and as such it has not been considered necessary to seek changes in this instance.

Biodiversity Net Gain (BNG)

10.44 The new, statutory requirements for Biodiversity Net Gain for small development apply to this application, as it was submitted after to 2nd April 2024. However, self-build dwellings are exempt from this requirement subject to the applicant entering into a unilateral undertaking (UU) to secure the property as a self-build dwelling. The applicant has submitted a draft UU, and it is anticipated that the agreement will be binding and completed shortly.

(e) Highways

10.45 Local Plan Policy INF 'Highway Safety' states:

'Development will be permitted that:

a. is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;

b. creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;

c. provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;

d. avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and

e. has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.'

10.46 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.

10.47 Section 9 of the NPPF 'Promoting sustainable transport' is relevant to the application. Paragraph 115 states:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.'*

10.48 4.3 Paragraph 116 states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

10.49 The proposed development would utilise an existing residential access which is shared with Braecroft. The existing access was also previously considered to be suitable for extant permission 23/02369/TDC. The vehicular access would therefore potentially serve 3 no. residential dwellings and an annex at Braecroft if this application is permitted and the extant permission implemented. Adequate parking would also be possible on the site for the proposed dwelling, which would satisfy Policy INF4 and INF5 of the Local Plan.

10.50 Despite the site having a suitable vehicular access, Highways have recommended that the application is refused on the following grounds:

10.50.1 "The location of this proposed dwelling is considered to be in an unsustainable location where essential journeys for daily household needs such as access to bus services, schools, shopping, employment and other essential services would by necessity have to be made by private vehicles.

10.50.2 The site is accessed via country lanes devoid of street lighting and footways. Whilst the access into the site is from a 30mph single lane highway, access to the nearest bus stop at The Horse and Groom, a distance of just over 200m, this is on a road with no footways or street lighting; Further there are very limited services on a Thursday only so this is not a an option for regular travel.

10.50.3 The nearest centre providing services is located in Stow on the Wold, a distance of 3.14km to the west where the nearest primary school is located. However, pedestrian or cycle access would be along the A436 or B4450, neither of which have footways or street lighting; it follows that, occupiers of the dwelling would be reliant on private cars to access essential services.

10.50.4 Manual for Streets (MfS) states that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes' walk, which is approximately 800 metres. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door, but this should be on safe routes with footways and street lighting, with Stow on the Wold being located over 3km distant, the application fails to provide a development in a sustainable location."

10.51 Whilst it is acknowledged that there is limited access to services in this location, it has previously been established following the appeal decision relating to application reference: 19/01288/FUL, that Braecroft lies within a Non-Principal Settlement. The Local Plan advises that residential development in Non-Principal Settlements will be permitted provided a number of criteria are met as detailed in section (a) of this report.

10.52 Development within Non-Principal Settlements is therefore considered to constitute a sustainable location in respect of the Local Plan and whilst the highway constraints as outlined above are acknowledged, the site is acceptable in accessibility terms with regard to Policy DS3. In addition, whilst the proposal will

increase the number of vehicular trips to and from the site, the use of the entrance should not harm highway safety and Highways have raised no concerns in respect of this aspect. As such no conflict is identified in relation to Local Plan Policies INF4 and INF5.

(f) Flood Risk

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

10.54 The site is located within Flood Zone 1 which has a low probability of flood risk. The application has been reviewed by CDCs Drainage Engineer who has recommended a drainage condition. Subject to condition it is considered that the proposal will not increase flood risk at the site or within the surrounding area in accordance with Policy EN14.

CIL

10.55 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 comply with Local Plan 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): 7591-01 Rev B, 8022-02, 8022-03, 8022-04, 8022-01A and 22303-IYL-8050-XX-DR-L-2000 Rev P06.

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. No windows, doors, PV Panels, retaining walls or surfacing shall be installed or constructed in the development hereby approved, until their design and details (including the finish/colour of the windows and doors) have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 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 policies EN2 and EN12.

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. Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will minimise light spill and clearly demonstrate that areas to be lit will not disturb or prevent nocturnal species using their territory. All external lighting shall be installed only in accordance with the specifications and locations set out in these details.

Reason: To protect the visual amenity of the Cotswolds National Landscape and 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 revised 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.

7. The development hereby permitted shall be carried out in accordance with the approved Detailed Planting Plan, drawing number 22303-IYL-8050-XX-DR-L-2000 Rev P06.

The entire landscaping scheme shall be completed by the end of the first full planting season following the substantial completion or first use of the annex hereby approved.

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To protect the visual amenity of the site in accordance with Policy EN5 and to enhance the site for biodiversity in accordance with paragraphs 187, 189 of the revised National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. 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 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 EN5 of the Local Plan.

9. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

10. The development shall be completed in accordance with the recommendations in Cotswold District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure biodiversity is protected in accordance with the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Informatives:

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, separately. 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