

Outline application for residential development of up to 30 dwellings including the detailed matter of access, and associated works at Land Parcel North of Olimpik Drive Chipping Campden Gloucestershire

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

1. Main Issues:

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

2. Reasons for Referral:

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

2.2 Cllr Blomefield has provided the following comments:

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

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

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

3. Site Description:

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

4. Relevant Planning History:

Application site

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

Land to south of application site

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

5. Planning Policies:

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

6. Observations of Consultees:

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

- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to condition.
- 6.3 Gloucestershire County Council Archaeology: *'The county Historic Environment Record shows that the proposed development has been subject to archaeological investigation (geophysical survey and trial trench evaluation) as part of a previous application in 2015. The evaluation recorded the presence of a prehistoric enclosure to the southeast of the site but no significant archaeological remains were recorded in the trenches within the area for which this application relates.'*

On the basis of the above, I recommend that no archaeological investigation or mitigation is necessary in relation to this application.'

- 6.4 Gloucestershire County Council Community Infrastructure: Requests financial contributions of £20,187.94 to primary education, £27,766.44 to secondary 11-16 education and £27,766.44 to secondary 16-18 education. £5,880 to library services
- 6.5 Gloucestershire County Council Public Rights of Way: Comments incorporated into report.
- 6.6 Conservation Officer: Comments incorporated into report.
- 6.7 Landscape Officer: Comments incorporated into report.
- 6.8 Biodiversity Officer: Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development.
- 6.9 Tree Officer: No objection
- 6.10 Environmental and Regulatory Services Contamination: No objection subject to condition.
- 6.11 Thames Water: No objection in relation to water network infrastructure capacity
- 6.12 Severn Trent Water: No response to date

7. View of Town Council:

7.1 Response received on the 28th May 2025:

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

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

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

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

8. Other Representations:

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

8.2 Main grounds of objection are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

xvi) Location Outside the Development Boundary: The site is located immediately adjacent to, but outside, the Chipping Campden Development Boundary as defined in the adopted Cotswold District Local Plan 2011 - 2031¹⁶. While the Council has accepted that the previous Local Plan policy regarding development outside the boundary was inconsistent with national policy, and the current Local Plan aims to deliver growth in Principal Settlements like Chipping Campden Policy DS2 of the emerging Local Plan supports development within development boundaries. The NDP also indicates strong opposition to peripheral development outside the boundary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

xxxviii) Impact on dark skies.

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

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

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

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

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

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

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

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

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

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

8.2 **Main grounds of support are:**

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

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

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

8.3 **General comments are:**

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

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

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

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

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

8.4 The Campden Society

Objection :

'1. The Development Plan

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

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

2. Housing Supply

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

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

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

3. Urban Planning and Biodiversity

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

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

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

4. Topography and Visual Amenity

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

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

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

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

5. *Traffic Infrastructure*

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

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

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

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

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

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

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

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

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

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

6. Flood Risk

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

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

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

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

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

9. Applicant's Supporting Information:

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

10. Officer's Assessment:

Background and Proposed Development

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

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

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

(a) Residential Development Outside a Development Boundary

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

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

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

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

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

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

For decision-taking this means:

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

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

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

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

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

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

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

'CC67 Leasows Phase II 40 homes

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

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

(b) Housing Mix and Affordable Housing

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

10.16 Policy H1 Housing Mix and Tenure to Meet Local Needs

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

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

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

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

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

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

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

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

10.19 Policy H2 Affordable Housing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.29 Local Plan Policy INF7: Green Infrastructure states:

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

10.30 In terms of national guidance, Paragraph 187 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by *protecting and enhancing valued landscapes* and *'recognising the intrinsic character and beauty of the countryside'*.

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

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

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

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

10.34 Policy CE1. Landscape

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

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

10.35 Policy CE4: Local distinctiveness

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

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

10.36 Policy CE5: Tranquillity

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

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

10.37 Policy CE6: Dark Skies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'Review of Submitted Information

Landscape Character

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

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

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

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

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

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

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

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

Visual Amenity

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

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

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

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

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

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

Landscape and GI Design Considerations

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

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

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

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

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

Recommendations and Conclusion

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

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

'Review of revised information

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

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

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

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

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

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

Conclusion

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

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

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

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

Major development within the Cotswolds National Landscape

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

The aforementioned paragraph states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Access and Highway Safety

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

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

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

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

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

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

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

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

(e) Flooding and Drainage

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

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

10.74 Local Plan Policy EN14 Managing Flood Risk

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

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

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

b. requiring a site specific flood risk assessment for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.80 The GOV.UK website advises:

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

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

&

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

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

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

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

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

(f) Biodiversity

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

10.83 The Biodiversity Officer states:

'Biodiversity net gain

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

Protected and priority species

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

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

Other Matters

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

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

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

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

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

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

10.89 In relation to archaeology, GCC Archaeology advises:

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

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

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

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

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

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

11. Conclusion

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

12. Reasons for Refusal:

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

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

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

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

Informatives:

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

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