

Permission in Principle for the erection of 1 self-build dwelling at Land at Ethans Orchard Middle Chedworth Gloucestershire GL54 4AL

Permission in Principle 25/01970/PLP	
Applicant:	Mr George Charnick
Agent:	
Case Officer:	Amy Hill
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	8 October 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Impact on Highway Safety
- (c) Design and Impact of Residential Amenity
- (d) Biodiversity
- (e) Other Matters

2. Reasons for Referral:

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

2.1.1. "This application neither conserves or enhances the local area or the scenic and natural beauty of the Cotswold National Landscape - and it is within the Chedworth Conservation Area. This is a green field and space with a temporary structure in one part of it, previously an orchard. The Chedworth Conservation Area statement indicates that open spaces such as this one are critical to the character of the place and should be preserved.

2.1.2 It would present encroachment of development into the village and loss of a green space with views across the valley.

2.1.3 I would like this application to be assessed by the Planning Panel if the officer recommends permission."

Outcome:

- 2.2 The Review panel accepted the request for the application to be considered at the Development Control Committee, in order to consider the potential impacts on the conservation area and national landscape, and to consider the balancing of harm and benefits in the context of the presumption in favour of sustainable development.

3. Site Description:

- 3.1 The application site consists of part of a paddock, within which is also a modest area of hardstanding and a shed. The site lies outside of, but adjoining, the village of Chedworth which constitutes a Non-Principal Settlement as designated in the Cotswold District Local Plan 2011-2031.
- 3.2 The site is located north of the main village street running through Chedworth, it has a road frontage defined by a dry-stone walling and hedgerow.
- 3.3 To the eastern boundary of the paddock is Chedworth Footpath 52, a designated Public Right of Way (PROW). At present the site is predominately rough grassland, a timber outbuilding is the only building present in the paddock. The land slopes away to the north of the site into the valley.
- 3.4 The site lies within the Chedworth Conservation Area, and within the setting of 'Peach Tree Cottage and Studio' a grade II listed building to the west of the site. The site also lies within the Cotswolds National Landscape and the 15.4km Zone of Influence of the Cotswold Beechwoods Special Area of Conservation (SAC).

4. Relevant Planning History:

- 4.1 02/01726/FUL - Erection of 4 terraced cottages - Refused 30/09/2002;
- 4.2 06/01833/FUL - Change of use of paddock to domestic use to enable formation of driveway and associated hardstanding - Refused 09/10/2006. Appeal Dismissed 27/07/2007;
- 4.3 17/03940/FUL - Erection of new dwelling with associated ancillary engineering and landscape works - Refused 18/01/2018;
- 4.4 19/02065/FUL - Erection of new dwelling together with associated ancillary development and landscape works - Withdrawn 28/10/2024

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- DS1 Development Strategy
- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Pr
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- EN14 Managing Flood Risk
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- H2 Affordable Housing

6. Observations of Consultees:

- 6.1 CDC Conservation Officer: No objections (additional comments received regarding setting of listed buildings)
- 6.2 CDC Flood Risk Management Officer: The technical details stage must provide an informed drainage strategy
- 6.3 CDC Biodiversity Officer: Appropriate assessment undertaken
- 6.4 Natural England: No objections

7. View of Parish Council:

7.1 16 July 2025 - Chedworth Parish Council objects to the application:

7.1.1 'Chedworth Parish Council objects to the principle of development on this site. The site lies within Chedworth Conservation Area. As such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. The site has been subject to a considerable number of planning applications including:-

- *Erection of new dwelling Ref. No: 19/02065/FUL - Validated: Thu 20 Jun 2019
- Status: Withdrawn following objections from Landscape Officer and others*
- *Erection of new dwelling Ref. No: 17/03940/FUL - Validated: Sat 23 Sep 2017
- Status: Refused*
- *Erection of 4 terraced cottages Ref. No: 02/01726/FUL - Validated: Mon 19 Aug 2002 - Status: Refused*

7.1.2 The refusal and objection reasons remain valid despite attempts by the owner to limit views through the site by strategic planting.

(1) The introduction of a new dwelling within this important area of open land within the settlement would fail to respect the local context in regards to harmony, street scene and views from the village road and footpath along the side of the site. As such the proposal would be harmful to the character and appearance of the Conservation Area, harm that would not be outweighed by any public benefits resulting from the proposal. As such the proposal would cause harm to the Conservation Area.

(2) The site lies within the Cotswolds National Landscape (CNL) an AONB, the proposal would represent encroachment of residential development into the AONB landscape and the replacement of a parcel of agricultural land. The introduction of a new dwelling, would be visually prominent in the landscape. The development would have a significant urbanising impact on the character and appearance of the AONB, the rural setting of the village and the built settlement pattern of Chedworth. and would fail to conserve or enhance the natural beauty of the AONB'

7.2 8 September 2025 - Chedworth Parish Council resolved to add comments to their previous submission:

7.2.1 'Having had sight of the officer report the council notes that the guidance of NPPF policy INF3 Sustainable Transport, has essentially been omitted from the report.

7.2.2 Chedworth has a minimal level of amenities since the Seven Tuns pub and the Farm shop closed post Covid, no shop or Post Office. The Village has one bus twice per week. It goes to Cirencester. The Foss Way bus stops are 1 mile from Ethans Orchard and the Inn at Fossebridge is a mile away across the fields.

7.2.3 All trips apart from those to and from St Andrews school will therefore be by private motor car (or Taxi)

7.2.4 This is contrary to NPPF INF 3 and this is sufficient reason by itself to refuse this application for planning in principle. (PLP)

7.2.5 A development of 9 affordable and open market houses within Chedworth but outside the Conservation area is nearing completion, two more have recently been built at the Village Hall again outside the Conservation area one sold and the other for sale for £1,000,000 and the last housing needs survey, again not referenced in the report, showed only a minimal local need.

7.2.6 There is a worrying reference to the site being outside the village envelope. This is incorrect as this is in middle Chedworth, well within the Chedworth Conservation Area boundaries, with residential properties on adjoining plots and well within the village envelope.

7.2.7 We therefore ask that you refuse this application on NPPF INF 3 sustainable transport grounds.'

8. Other Representations:

8.1 1 third party representation has been received supporting the application on the grounds of:

- i. Need for additional dwellings
- ii. Proposed house well designed and sits perfectly on its site
- iii. Wouldn't have an adverse impact on the surrounding dwellings
- iv. Improvement of the houses facing the site

8.2 47 third party representations have been received (including the Chedworth Society), objecting to the application on the grounds of:

- i. Harm to the conservation area
- ii. Harm to the Cotswolds National Landscape
- iii. Site a SSSI
- iv. Statutory obligations of the Council (including the duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)
- v. Harm to pattern of development within Chedworth
- vi. No other houses built to the north of the road since the 1970s
- vii. Loss of openness and green gaps

- viii. Loss of public and private views
- ix. Deliberate degradation of the site/loss of views
- x. Disagreement with Conservation Officer's opinion (and queries regarding professionalism)
- xi. Concerns over apparent disparity in the results of similar applications not appearing to reflect well on the management and direction of the planning department.
- xii. Support for application considered inconsistent with previous decisions
- xiii. Contrary to the Cotswolds AONB Management Plan
- xiv. Long term public interest should outweigh short term benefit to land owner
- xv. Existing building an eyesore
- xvi. Important to retain open space
- xvii. Refusal at Pump House (22/01035/PLP) with similar issues
- xviii. Previous refusals (and withdrawn application) on the site (and area to the east)
- xix. Planning history, with multiple refusals
- xx. Determination of other applications in the village or by committee
- xxi. Differences between wording of Paragraph 11 d) i) and d) ii), and tilted balance not applying in regard to harm to the conservation area or national landscape
- xxii. Planning In Principle application an inappropriate mechanism for a location as sensitive as this
- xxiii. The site was not identified as an important view was that the building and area was considered in need of improvement at the time of the creation of Chedworth Conservation Area (CCA) character statement.
- xxiv. No assessment of heritage harm
- xxv. Speculative enhancements such as orchard restoration cannot be secured via Planning in Principle process
- xxvi. Concerns over potential other developments if this is allowed
- xxvii. Untruths within the applicant's Planning Statement
- xxviii. Loss of orchard
- xxix. Issues with grass roof designs
- xxx. No housing need or public benefits
- xxxi. Risk of urbanisation due to other properties built within the village
- xxxii. Oversupply of properties in the village
- xxxiii. Assumption hedge shall remain considered flawed
- xxxiv. Highway safety concerns (access and pedestrian routes)
- xxxv. Level of community objection
- xxxvi. Inappropriate development next door
- xxxvii. Planning advice previous ignored so unlikely that scheme envisioned by Officers would be achieved

- xxxviii. Concerns over noise, mud, and disruption during build process
- xxxix. Concerns over support comment
- xl. Comments querying points raised by the Conservation Officer in the previous committee meeting
- xli. Legality of conditioning an area outside the site boundary
- xl.ii. Historic shed structure referred to in corner of plot associated with Janes Cottage and not part of the application site
- xl.iii. Grey-water holding tank in corner of site
- xl.iv. Old Oak Cottage dates from the 6th Century (rather than 18th)
- xl.v. Dispute over why the site with the garage is more sensitive
- xl.vi. Concern the hedges could be removed once the development was undertaken
- xl.vii. Dispute over level of public benefit from the removal of the garage and associated earthworks
- xl.viii. Concerns over domestic paraphernalia
- xl.ix. Queries Councillors should ask themselves on site

8.3 1 third party representation has been received, raising general comments on the grounds of:

- i. Listing the planning history on the site
- ii. Dispute over address (subsequently changed from Cheap Street to Middle Street)

8.4 Those matters considered to be material planning matters within the scope of this application type are discussed below.

9. Applicant's Supporting Information:

- Site Location Plan
- Completed S.111 agreement
- Planning Statement

10. Officer's Assessment:

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

- 10.2 The Local Planning Authority have adopted the Cotswold District Local Plan (2011 - 2031), which forms the development plan for this area.
- 10.3 The application is requesting permission in principle to erect 1 dwelling within the site.
- 10.4 The National Planning Policy Framework (NPPF) outlines that permission in principle is a form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.
- 10.5 The Planning Policy Guidance (PPG) states that the scope of permission in principle is limited to:
- location of development;
 - land use; and
 - amount of development.

(a) Principle of Development

- 10.6 Chedworth has been identified as a Non-Principal Settlement within former planning applications and appeal decisions within the village. The village contains some limited services including a church, primary school and village hall. The village therefore contains a range of services that would create a 'sense of community' and has reasonable access to services within neighbouring principal settlements. Notwithstanding the fact that the village constitutes a Non-Principal Settlement, it is necessary to consider whether the site falls within the settlement, or otherwise outside of the village envelope within an area of open countryside.
- 10.7 Land at Ethan's Orchard comprises an undeveloped parcel of land set within an area of sporadic development adjoining the open countryside. Whilst the paddock is bordered by built form to the east, west and south (separated by a road, the north contains undeveloped land. The site is considered to constitute a valuable green gap in built form, which does not share a close relationship with the village and instead appears divorced from the linear pattern of development on the southern side of the highway. As such, the site is considered to lie outside of the envelope of the settlement of Chedworth, within an area of open countryside.

10.8 Local Plan Policy DS4 is therefore of relevance, and states:

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

10.9 The supporting text to Policy DS4 states:

'6.4.3 Besides the provisions of paragraph [84] of the NPPF, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:

- affordable housing on rural exceptions sites (Policy H3);*
- housing for rural workers (Policy H5);*
- sites for gypsies and travellers (Policy H7);*
- and conversion of rural buildings (Policy EC6).*

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

10.10 The current proposal is for the erection of new build residential development which is contrary to Policy DS4. In terms of the development plan, there is an in-principle objection to the erection of new build open market housing on this site. The current proposal is therefore considered to be in conflict with Local Plan Policy DS4.

10.11 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council is only able to demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum

as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

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

For decision-taking this means:

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

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

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

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

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

- 10.13 In the case of criterion d ii) of the above quoted Paragraph 11 of the NPPF, it is also necessary to weigh the benefits arising from the scheme, such as the delivery of housing against the adverse impacts of the proposal, such as the sustainability of the location and securing well-designed places. Footnote 9 elaborates that the policies referred to are those in paragraphs 66 and 84 of chapter 5. In this case, whilst the application site is considered to be outside the envelope of the village of Chedworth, it abuts it and is therefore considered not to be in an isolated location. As such, Paragraph 84 of the NPPF is not relevant in this case.
- 10.14 In the case of criterion d i) footnote 7 of the NPPF advises that *'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.'*
- 10.15 The application site is within the Chedworth Conservation Area, the Cotswolds National Landscape, and within 15.4 Kilometres of Cotswold Beechwoods (Special Area of Conservation). These matters shall be discussed in more detail later in the report.

(b) Impact on the Chedworth Conservation Area and the Setting of a Listed Building

- 10.16 The site lies within the Chedworth Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.17 The site is also within the setting of a listed dwelling. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving its setting in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.18 Local Plan Policy EN1 requires development, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment by:

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

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

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

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

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

10.19 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.20 Local Plan Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.21 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features. Development in conservation areas will not result in loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the conservation area.

10.22 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 135 states

decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

- 10.23 Section 14 of the NPPF addresses climate change. Paragraph 166 of the NPPF requires that when determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.24 NPPF Section 16 states that historical *'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
- 10.25 Specifically, Paragraph 203 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 10.26 Paragraph 207 states *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'*
- 10.27 Paragraph 209 advises that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 10.28 Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 10.29 Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.30 Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.31 The existing site comprises part of a paddock. Whilst the northern side of this road in Middle Chedworth is generally less developed than southern side, there are residential properties to the east and west of the paddock. To the east, this comprises the listed building "Peach Tree Cottage" and the immediate neighbour "Janes Cottage". "Janes Cottage" is located just off the road, with outbuildings forming the boundary to the road. "Peach Tree Cottage" is set further back from the road (around 11m) with the property clearly visible from the road. To the west are other dwellings, notably "Saffron Hill" a property set approximately 28m from the road edge. Views of the property itself are reduced somewhat due to planting; however, it is evident there is a house in this location, with the roadside appearing domestic.
- 10.32 Within the paddock, outside of the site but within the applicant's ownership, is a garage building on a levelled area. There is an existing access with field gate to the site, alongside the garage. The paddock has a dry-stone wall boundary with the road with hedge behind. This limits current views over the site. It is noted that this hedge is a relatively recent addition; with the area previously been open to views over the valley. It is also noted that the area previously contained an orchard, although the trees relating to this use have been removed.
- 10.33 The paddock provided a green gap between the road and valley, located between two areas of residential development. The site was not identified in the Chedworth conservation area character statement as an important open gap, or as an important view. The Conservation Officer advised that *"nevertheless, the open, rural character that it brings to this part of the conservation area, allowing views from the road across an open, predominantly paddock-like space towards the board rural valley beyond contributes positively to the attractive, rural character of this part of the conservation area."*

10.34 As part of this, they identify that the eastern part of this, where the garage is located, is particularly prominent (both from the approach down the hill from the east and from the PROW along the east of the paddock).

10.35 The Conservation Officer has advised:

10.35.1 "It is also pertinent that the site does have houses to both east and west, & a rather unsympathetic row of mid-twentieth-century houses on the higher ground to the [south]."

10.35.2 Thus considering the context, it would seem that were a proposal to actively enhance the site from its current state, that a very carefully-considered design, then preserved, and potentially improved the site, may be reasonable.

10.35.3 A key element of gain would be to enhance the visually more sensitive, eastern half of the site; removing the garage and the raised hardstanding, and restoring the site to its natural contours. This should then be the half of the site that is restored and retained as an open green space/paddock/orchard, with drystone walls and native hedgerows.

10.36 He thus concluded:

10.36.1 "Consequently, the acceptability of the principle of development was inseparably tied to the benefit that would accrue from the removal of the garage & hardstanding, the restoration of the natural contours, and the use of the area as a paddock or orchard, not as part of the residential curtilage. Without this mitigating benefit, the original concerns of 2017 would still stand.

10.36.2 Consequently, whilst something is possible on this site, given its sensitivity and the constraints that this imposes, any solution would have to be imaginative, of high architectural quality, and potentially unorthodox."

10.37 With regard to setting of listed buildings he has added:

10.37.1 "The application site at Ethan's Orchard does not lie adjacent to, of have any strong visual interconnection with any listed buildings; however, three listed buildings lie within 100 metres of the site, & which, possibly, could be considered to be within their wider setting.

Peach Tree Cottage and Studio

10.37.2 This grade II-listed, 17th-century house lies to the west of Jane's Cottage, which separates it from the application site. The list description concentrates strongly on the architectural interest of the house, suggesting that this is where its significance primarily rests. Nonetheless, its historic, rather rural, edge-of-settlement location would make some contribution to its historical & aesthetic (fortuitous) value & significance.

10.37.3 A sympathetic development on the application site, which would seek to preserve its rural, edge-of-settlement character, would consequently harm no aspect of the setting that contributes positively to the listed building's special interest/significance, which would thereby be preserved/sustained.

Old Oak Cottage

10.37.4 This grade II-listed, 18th-century house lies to the north-east of the site, effectively separated from it by the unlisted Safron Hill.

10.37.5 This list description also concentrates strongly on the architectural interest of the house, suggesting that this is where its significance primarily rests. Nonetheless, its historic, rather rural, edge-of-settlement location would make some contribution to its historical & aesthetic (fortuitous) value & significance.

10.37.6 A sympathetic development on the application site, which would seek to preserve its rural, edge-of-settlement character, would consequently harm no aspect of the setting that contributes positively to the listed building's special interest/significance, which would thereby be preserved/sustained.

Blakemoor Cottage

10.37.7 This grade II-listed, 17th-century house lies to the north of Old Oak Cottage.

10.37.8 Again, this list description concentrates strongly on the architectural interest of the house, suggesting that this is where its significance primarily rests. Nonetheless, its historic, rather rural, edge-of-settlement location would make some contribution to its historical & aesthetic (fortuitous) value & significance.

10.37.9 A sympathetic development on the application site, which would seek to preserve its rural, edge-of-settlement character, would consequently harm no aspect of the setting that contributes positively to the listed building's special interest/significance, which would thereby be preserved/sustained.

Summary

10.37.10 In summary it is considered that an appropriate development upon the site of Ethan's Orchard would neither harm, nor have any material impact upon the special interest or significance of any of the three nearby listed building, within whose wider setting the site could be considered to lie."

- 10.38 It is noted that a comment has been received querying the age of Old Oak Cottage, advising that it dates from the 16th Century. The 18th Century date was taken from the list description, although this may be inaccurate. The difference in potential age would result in little difference to the contribution the site makes to the significance of Old Oak Cottage.
- 10.39 The Planning in Principle application solely relates to the principle of the development, rather than the details of it. Whilst the design of a new dwellinghouse would require very careful consideration, and an acceptable resolution is not guaranteed, the principle of a dwellinghouse in this location is considered possible. It is noted that this would need to be mitigated by the removal of the garage on the eastern part of the site, and suitable restoration of it. The applicant has advised that the intent would be to remove the garage and to add planting. Given this area is within the applicant's ownership, it is considered it would be possible at the technical details stage to condition the removal of the garage and restoration of the land at this stage.
- 10.40 Subject to suitable design and detailing, it is considered that a proposal could be put forward which could preserve and enhance Conservation Area. Given this, it is considered that such a scheme would also be likely to preserve the setting of nearby listed buildings.
- 10.41 The applicant has not provided a statement assessing the significance of any heritage assets potentially affected by the proposal, as required under Paragraph 207 of the NPPF. Nevertheless, in light of the site's planning history and the information contained within the relevant Conservation Area Appraisal, Officers are satisfied that the absence of this statement does not materially hinder their ability to make an informed recommendation.

- 10.42 Whilst Paragraph 209 refers to *"evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision"*, it is considered that the removal of trees, growing a hedge around the site and construction of the garage they had permission for, would not be considered as deliberate neglect of, or damage to, a heritage asset.
- 10.43 It has been raised that in the previous committee meeting reference was made to a building in the south west corner of the site. It is noted that there was a stone outbuilding in the corner of the historic paddock, which was subsequently incorporated into the garden of Jane's Cottage, although pre-enclosure maps show additional structures in this corner, which would also have been within the current site.

(c) Impact on the Cotswolds National Landscape

- 10.44 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.45 Local Plan Policy EN1 states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment.
- 10.46 Local Plan Policy EN4 states that *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas'*, and that *'Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*
- 10.47 Local Plan Policy EN5 states that *'In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.'*

10.48 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes'* and *'recognising the intrinsic character and beauty of the countryside'*.

10.49 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.'*

10.50 Cotswold District Council endorsed the Cotswolds National Landscape Management Plan 2025-2030 on the 8th May 2025, with relevant policies within. Particularly Policy CE13: 'Development and infrastructure - principles' states:

'CE13.1. Development and infrastructure proposals in the Cotswolds National Landscape (CNL) and its setting should be delivered in a way that is compatible with and seeks to further the conservation and enhancement of the natural beauty of the CNL including its special qualities. In doing so, they should have regard to - and be compatible with the CNL Management Plan and guidance produced by the CNL Board, including the:

- (i) CNL - Landscape Strategy and Guidelines*
- (ii) CNL - Landscape Character Assessment*
- (iii) Cotswolds Nature Recovery Plan*
- (iv) CNL - Local Distinctiveness and Landscape Change*
- (v) CNL Board Position Statements*
- (vi) CNL Pathway to Net-Zero*
- (vii) CNL Climate Change Strategy'*

CE13.2. Development and infrastructure proposals in the CNL should be delivered in a way that is compatible with and seeks to further the purpose of increasing the understanding and enjoyment of the CNL's special qualities. They should also contribute to the economic and social wellbeing of CNL communities, in a way that is compatible with conserving and enhancing the natural beauty of the CNL.

CE13.3. Development and infrastructure proposals in the CNL and its setting should comply with relevant national planning policy and guidance, particularly with regards to those paragraphs of the National Planning Policy Framework (NPPF) that relate to national landscapes.

CE13.4. The purposes of conserving and enhancing the natural beauty of the CNL and increasing the understanding and enjoyment of the CNL special qualities should be identified as strategic priorities in Local Plans, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the CNL Management Plan as a material consideration when considering development and infrastructure proposals.

CE13.5. The cumulative impacts of development proposals on the natural beauty of the CNL should be fully assessed.

CE13.6. A landscape-led approach should be applied to the planning, design and implementation of development and infrastructure proposals in the CNL and its setting, proportionate to the type and scale of development being proposed, whereby proposals:

- a) Address the natural beauty of the CNL as primary consideration at all stages of the development process, from initial conception through to implementation*
- b) Address all of the factors that contribute to the natural beauty of the area*
- c) Address access to natural beauty including the character of the public rights of way network and its role within wider green infrastructure*
- d) Reflect and enhance the character of the local area*
- e) Avoid adverse effects where possible and, if adverse effects can't be avoided, minimise them*
- f) Seek opportunities to enhance the natural beauty of the CNL and*
- g) Deliver more beneficial effects than adverse effects for the natural beauty of the CNL.*

This landscape-led approach is particularly important for major development

- 10.51 The Cotswold Landscape Character Assessment (CLCA) identifies the site as lying within the Landscape Character Type (LCT) 10 High Wold Dip-Slope Valley and the Landscape Character Area (LCA) 10b Middle Coln Valley. The LCT and LCA are characterised by well-defined, gentle concave valley forms with intermittently very steep and indented valley sides dissected by minor watercourses. Intermittent stone-built villages occupy sheltered locations in valley bottoms, with Farmsteads and individual buildings within the more open valley sections link to farmed areas on the adjacent High Wold Dip-Slope. The site currently reflects a number of the characteristic of the LCT and LCA.
- 10.52 The CLCA identifies the development, expansion and infilling of settlements within and on to the High Wold, including residential, industrial and leisure as

a Local Force for Change. The CLCA states that the Potential Landscape Implications of such development can include:

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

10.53 The LCA sets out a number of Landscape Strategies and Guidelines for development of the nature proposed. Of particular relevance to this scheme are:

- *'Maintain the secluded, sparsely settled character of the High Wold Dip-slope Valley by limiting new development to existing settlements;*

- *Ensure new development is proportionate and does not overwhelm the existing settlement;*
- *Control the proliferation of suburban building styles and materials;*
- *Conserve the existing dark skies of the valleys;*
- *Adopt measures to minimise and where possible reduce light pollution;*
- *Retain existing trees, dry stone walls, hedges etc as part of the scheme;*
- *Ensure the density of new development reflects its location relative to the 'core' of the settlement and its proximity to the surrounding rural landscape.'*

10.54 The application site currently constitutes a valuable gap between built form, characteristic of the northern side of the highway. The green spaces reinforce the rural character of the village, with the site abutted to the north by undeveloped open countryside. The existing hedge limits the formerly available long-range views across the valley, as does the existing garage building. The site is highly visible from public vantage points, with views from the highway and Chedworth Footpath 52 which runs to the east and north. The site is therefore considered to be highly sensitive.

10.55 The settlement fringes are characterised by a decreasing density, as the more built-up core of the village transitions into the more sparse open countryside. Chedworth deviates in terms of its layout from the traditional nucleated village, with its linear form seeing built form more predominant on the southern side of the highway, with the northern side characterised by a more sparse built pattern set within a patchwork of open agricultural fields and paddocks.

10.56 The existing site has materially changed since previous applications, notably the 2006 appeal, with a hedgerow established around most of the site. Trees have also grown to the north of the site resulting in seasonal reduction in views of the valley. The hedgerow particularly has resulted in the visual connection between the paddock with the wider valley to be diminished. As a result, the value of this open space, and the benefits it once provided as a link between the village and open countryside are less than at the time of the 2006 appeal.

10.57 The 2017 refusal is noted; however, this considered a proposal replacing the existing garage with a structure which appeared single-storey to the roadside and two-storey to the north. The property itself was not proposed on the existing site. The current application is for the principle of a dwellinghouse which could, for instance, be subterranean, and would therefore not result in the same visual impacts of a more traditional property.

- 10.58 A dwellinghouse on the site may result in elements of intrusion of suburban form into the settlement fringes and open countryside, as well as the use resulting in associated vehicle trips, noise, lighting and domestic paraphernalia.
- 10.59 However, current site area allows for the area to the east to be opened up to provide an enhanced open space, including with the removal of the existing garage, re-landscaping and/or re-planting of an orchard.
- 10.60 Given this potential enhancement, it is considered that a suitably designed property on the site may be plausible, whilst still conserving and enhancing the natural beauty of the National Landscape.

(d) Highways and Access

- 10.61 The site is to be accessed via an existing access onto the main (classified) road. It is noted that the access is existing and sufficient visibility splays should be possible (subject to potential alterations).

(e) Biodiversity

- 10.62 Local Plan Policy EN8 seeks to protect features, habitats and species and as such supports proposals which would conserve and enhance biodiversity. This policy seeks to avoid fragmentation or loss of habitats, in accordance with Section 15 of the NPPF.
- 10.63 Local Plan Policy EN9 seeks to safeguard the integrity of designated biodiversity and geodiversity sites at international, national and local scales. This conforms with Section 15 of the NPPF.
- 10.64 Paragraph 193 of Section 15 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles:*
- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;(...).'*
- 10.65 The application site is within the identified Zone of Influence for the Cotswold Beechwoods Special Area of Conservation (SAC). Where residential development results in a net increase in occupants within the Zone of Influence are proposed, the Local Planning Authority is required to undertake an

Appropriate Assessment under the Habitats Regulations. As such, a net increase in occupants is considered to contribute to an impact on site integrity due to increased recreational pressure in combination with other development in the surrounding area. In addition to this, however, The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 states that:

'5B.-(1) A local planning authority may not grant permission in principle, on an application to the authority, in relation to development which is-

- (a) Major development;*
- (b) Habitats development;*
- (c) Householder development; or*
- (d) Schedule 1 development'*

10.66 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 provides an amendment to the Town and Country Planning (Permission in Principle) Order 2017, which includes the following definition at paragraph 4.(2)(b):

"habitats development" means development-

- (a) Which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and*
- (b) For which the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Assessment of implications for European sites and European offshore marine sites).'*

10.67 The SAC is of international importance and, as the application site is located within the identified Zone of Influence for the SAC, it is considered to fall within the definition of habitats development. Suitable measures are required for any new residential development within the SAC so as to mitigate the potential impact of the development upon this internationally designated wildlife site. This applicant has chosen to contribute to the Council's strategy, and confirmation that this satisfied the Biodiversity Officer has been provided, with a response from Natural England still pending, although expected.

Biodiversity net gain

- 10.68 This is a type of application that establishes the broad principle of development on a site, but doesn't grant full planning permission, as such, biodiversity net gain is not dealt with at this stage. It would be addressed at the technical details stage.

(f) Other matters:

- 10.69 The application site lies within Flood Zone 1 therefore no immediate concerns regarding flooding are raised; however, an informed drainage strategy was requested by the CDC Flood Risk Management Officer at the technical details stage.

11. Conclusion and Planning Balance:

- 11.1 The application site is considered to be outside the settlement of Chedworth, and therefore a dwellinghouse in this location would be contrary to the requirements of Local Plan Policy DS4. As such, Paragraph 11 (d) of the NPPF would apply.
- 11.2 With regard to criteria (i) of this Paragraph, the site is located within Chedworth Conservation Area, the Cotswolds National Landscape and a zone of influence for the Cotswold Beechwoods SAC. As discussed above, it is considered that there is a potential for a property on the site to meet the requirements of the relevant policies (within the Local Plan and Framework) in regard to the above. As a result, it is considered that these constraints would not provide a strong reason for refusing the development proposed.
- 11.3 Whilst the site is outside a defined settlement, it abuts it and is therefore considered not to be in an unsustainable location. One dwellinghouse on the site is considered a reasonable extent of what could be accommodated, and as such the proposal is considered an effective use of land. The design of the proposal would be a matter for the technical details application. As such, no adverse impacts of the proposal have been identified which would significantly and demonstrably outweigh the benefits of providing an additional dwellinghouse in this location.