

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

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

1. Main Issues:

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

2. Reasons for Referral:

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

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

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

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

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

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

3. Site Description:

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

4. Relevant Planning History:

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

Rear of the Crown Inn

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

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

Cerney Wick Lane

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

5. Planning Policies:

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

6. Observations of Consultees:

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

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

7. View of Town/Parish Council:

7.1 South Cerney Parish Council:

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

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

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

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

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

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

8. Other Representations:

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

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

9. Applicant's Supporting Information:

- Planning Statement
- Rural Housing Pro-Forma

10. Officer's Assessment:

Proposed Development

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

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

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

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

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

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

(a) Principle of Development

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

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

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

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

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

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

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

- 10.7 Notwithstanding this, a previous 'permission in principle' application upon this land (22/00118/PLP) refused the application stating that it was outside either a Principal or Non-Principal Settlement, contrary to Policy DS4:

'Open Market Housing Outside Development Boundaries and Non-Principal Settlements

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

- 10.8 The supporting text to Policy DS4 states:

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

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

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

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

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

For decision-taking this means:

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

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

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing

well-designed places and providing affordable homes, individually or in combination.'

- 10.13 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes 'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.' In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that paragraph 11 would be engaged in such circumstances.
- 10.14 With regard to 11 d) ii., and in the absence of a 5-year housing land supply, the site is adjacent to the existing housing development at Cerney Wick. It is, therefore, considered to be in a reasonably sustainable location. It is also worth noting having regard to the planning history above, that the site is near to two housing developments that have been constructed within the last 5 years, totalling 4 dwellings and granted permission having regard to Policy DS3.
- 10.15 In addition to the above, it is noted that the Government published a draft version of the NPPF on 16th December 2025. The consultation period for the aforementioned document expired on 10th March 2026 and it is anticipated that a final version of the NPPF will be released in Summer 2026. Whilst the draft NPPF is a consultation document, it is considered that the proposed policies within it are a material consideration and must be given a degree of weight at the present time.
- 10.16 The nearest of the two dwellings to the rear of the Crown Inn is sited approximately 30m from the eastern boundary of the application site, whilst the two dwellings constructed on Cerney Wick Lane are directly to the south of the playground that runs along the southern boundary of the application, with that site being approximately 13 metres distant.
- 10.17 Having regard to paragraph 14 of the NPPF, this states that:

'14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)'

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

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

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

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

(b) Landscape Impact

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

sympathetic to local character and history; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

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

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

(c) Highways

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

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

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

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

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

(d) Biodiversity

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

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

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

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

(e) CIL

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

11. Conclusion:

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

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