

**Construction of 10no. dwellings at Land to the West of Fosseway Farm Stow Road
Moreton-In-Marsh Gloucestershire**

Full Application 25/02443/FUL	
Applicant:	Aspects Building Services Ltd
Agent:	Planning And Design Group (UK) Ltd
Case Officer:	Rebecca McAndrew
Ward Member(s):	Councillor Daryl Corps
Committee Date:	8 July 2026
RECOMMENDATION:	<p>PERMIT subject to the completion of a S.106 agreement securing:</p> <p>i. Travel plan and the offsite highways work monitoring</p>

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Cotswolds National Landscape
- (c) Design
- (d) Impact on Residential Amenity
- (e) Highways Safety
- (f) Biodiversity and Geodiversity
- (g) Trees, Landscaping and Green Infrastructure
- (h) Drainage and Flood Risk
- (i) Land contamination
- (j) Public Rights of Way / Accessibility
- (k) Planning Obligations / Infrastructure (S106/CIL)

2. Reasons for Referral:

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

3. Site Description:

- 3.1 The application site comprises approximately 0.79 hectares of land (circa 0.97ha including access) located to the west of Stow Road (A429) on the edge of

Moreton-in-Marsh. The site lies immediately adjacent to, but outside, the defined settlement boundary and is currently undeveloped.

- 3.2 The site is bordered by a recently constructed nursing home and Aldi supermarket to the east, with access proposed via this existing highway network. To the north are recreational uses including a multi-sports facility and croquet/bowls club, beyond which are residential properties. To the south and west the site adjoins agricultural land and open countryside.
- 3.3 The site lies within the Cotswolds National Landscape (AONB) and is relatively flat, enclosed by established hedgerows and tree boundaries, with some trees along the northern boundary subject to Tree Preservation Orders. Public Footpath HMM7 (part of the Monarch's Way) runs along the western boundary, providing pedestrian connectivity to the town and surrounding countryside.
- 3.4 The site is located within Flood Zone 1 and benefits from proximity to local services and public transport links, with bus stops within walking distance along Stow Road.

4. Relevant Planning History:

None.

5. Planning Policies:

- DS1 Development Strategy
- DS2 Dev within Development Boundaries
- 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
- EN5 Cotswolds AONB
- EN4 The Wider Natural & Historic Landscape
- EN10 HE: Designated Heritage Assets
- INF4 Highway Safety
- INF5 Parking Provision
- EN6 Special Landscape Areas
- EN7 Trees, Hedgerows & Woodlands
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF7 Green Infrastructure

6. Observations of Consultees:

6.1 Biodiversity Officer:

6.1.1 The Council's Biodiversity Officer raises no objection to the proposed development, subject to conditions. A series of ecological conditions are recommended, including the submission of a Construction Environmental Management Plan (Biodiversity) and a 30-year Landscape and Ecological Management Plan (LEMP) to secure the long-term establishment, management and monitoring of habitats. Conditions are also recommended to secure on-site biodiversity enhancements, including integrated bird and bat features, habitat protection during construction, and a lighting strategy to avoid impacts on nocturnal species.

6.1.2 In respect of biodiversity net gain (BNG), the Officer notes that the scheme would rely in part on off-site units and that the submitted metric should be updated to reflect a realistic target condition for on-site habitats. Subject to these amendments and the discharge of the statutory biodiversity gain condition, the proposals are considered capable of delivering the required net gain.

6.1.3 The Officer also confirms that appropriate mitigation has been secured in respect of Great Crested Newts through the District Licensing Scheme, addressing previous concerns.

6.2 Tree Officer:

No objection. Protected trees along the northern boundary have been correctly identified and will be retained. Subject to adherence to the submitted tree protection plan and implementation of the proposed landscaping and planting scheme, the development is acceptable. Conditions are recommended to secure tree protection and replacement planting.

6.3 Environmental Health Contamination:

6.3.1 No objection. The submitted Phase 1 Desk Study (Oct 2025) identifies potential onsite and offsite contamination risks, including infilled ground, historic agricultural use, a former campsite, and a nearby petrol filling station. A Phase 2 intrusive investigation (soil and gas testing) is required, which is supported.

6.3.2 Conditions are recommended to secure site investigation, any necessary remediation, and verification of works to ensure the site is suitable for its proposed use.

6.4 Thames Water:

6.4.1 Thames Water raises no objection in principle but has been unable to confirm foul water capacity and therefore recommends conditions to secure capacity, phasing, or necessary network upgrades prior to occupation. Upgrades to sewage treatment works may also be required.

6.4.2 The site lies within an area affected by groundwater infiltration; while the development is not expected to significantly impact the network, careful design is required to prevent flooding.

6.4.3 No objection is raised to surface water proposals subject to a sequential approach and agreement with the LLFA. No objection is raised in respect of water supply capacity, subject to standard informatives.

6.5 Landscape:

6.5.1 The Landscape Officer raises no objection to the proposal. The site is recognised as forming part of the Cotswold National Landscape and its development would result in the loss of a small area of pastoral land and a localised extension of the settlement edge. This would lead to a noticeable, but limited, change in landscape character.

6.5.2 However, the site is considered to be relatively well contained by existing development, including the adjacent supermarket, care home and hospital, meaning that effects on the wider landscape are limited. The most sensitive views are from Public Right of Way HMM7, where the development would be visible; however, impacts are not considered significant and would reduce over time as landscaping becomes established.

6.5.3 The submitted landscape strategy is generally supported, including the retention of hedgerows and provision of new planting, although some refinements are recommended. These include strengthening boundary planting, adopting a softer treatment to the PROW connection, and exploring more landscape-led sustainable drainage solutions. The Officer also highlights the importance of controlling external lighting to protect dark skies.

6.5.4 Overall, subject to these measures, the Landscape Officer concludes that the proposal would result in localised and acceptable landscape and visual effects and would comply with relevant Local Plan policies.

6.6 GCC Lead Local Flood Authority:

No objection. The revised drainage strategy, using permeable paving for attenuation, is considered more robust and will not increase flood risk. Supporting SuDS maintenance and exceedance details are acceptable. Sufficient information has been provided and no drainage conditions are required.

6.7 GCC Highways:

No objection. The development will have minimal traffic impact and no highway safety concerns. Conditions cover parking, access, construction management and a Travel Plan, with legal agreements required for monitoring and highway works.

6.8 GCC Community Infrastructure Planning:

The County Council advises that planning obligations (S106) may be required to mitigate infrastructure impacts and should be secured prior to approval.

6.9 GCC PROW:

6.9.1 No objection in principle, subject to safeguards. The proposal makes positive use of Public Footpath HMM7 as a pedestrian connection; however, clarification is required regarding the proposed cycle link, as the route is legally restricted to pedestrian use unless formally upgraded.

6.9.2 The public right of way must remain unobstructed and unaffected during and after construction, with any temporary or permanent changes requiring appropriate legal consent (e.g. diversion or closure orders).

6.10 GCC Minerals & Waste Planning Authority:

6.10.1 No objection in principle. The submission demonstrates partial consideration of waste minimisation, but further details are required for both construction and occupation phases. Conditions are recommended to secure a Site Waste Management Plan and provision for recycling facilities.

6.10.2 No safeguarding issues are identified for waste or mineral infrastructure.

6.10.3 No financial contributions are currently sought for education or libraries, as sufficient capacity exists. However, the Council emphasises the need to address infrastructure requirements through S106, including monitoring fees, to ensure the development remains acceptable.

6.11 Archaeology:

The site is within an archaeologically sensitive area, but previous geophysical survey and trench evaluation found no significant remains. The risk of impact is low, and no further archaeological work is required.

7. View of Town/Parish Council:

7.1 Objection raised. Concerns include reliance on a Public Right of Way for cycle access, suitability of the site (as previously identified in the SHELAA), ecology and flood risk constraints, and unresolved issues relating to highways, sewage infrastructure, and amenity impacts. The application is considered premature, and clearer on-site Biodiversity Net Gain provision is requested.

8. Other Representations:

8.1 15 third party representations and one petition (containing approximately 70-75 signatories) have been received, objecting to the application on the grounds of:

- The principle of development, with the site located outside the defined settlement boundary and within the Cotswolds National Landscape
- Encroachment into the countryside and harm to the rural character and landscape setting
- Highway safety concerns, including congestion and access issues, particularly at the A429 / Aldi junction
- Existing parking pressures, particularly in relation to Esmere Gardens Care Home
- Impact on residential amenity, including overlooking, noise, disturbance and loss of tranquillity
- Impact on vulnerable and elderly residents of the adjoining care home
- Pressure on local infrastructure, including healthcare facilities and local services
- Loss of green space, biodiversity and wildlife habitat

- Concerns regarding the scale, layout and density of the development

9. Applicant's Supporting Information:

- 9.1 The application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Flood Risk Assessment, Ecological Appraisal, Arboricultural reports, landscaping details, and contamination information.

10 Officer's Assessment:

Background and Proposed Development

- 10.1 The application site is located on land to the west of Fossey Farm, Stow Road, Moreton in Marsh. The site extends to approximately 0.8 hectares (circa 1.96 acres) and comprises an area of grassland and scrub, which has been partly cleared following recent development to the east. The site lies on the western edge of the settlement, with residential development and a retail unit to the north, Esmere Gardens Care Home to the east, and open agricultural land to the south and west.
- 10.2 Full planning permission is sought for the construction of 10 no. dwellings. The proposed development comprises 10 single-storey, 3-bedroom bungalows, with associated access, parking, landscaping and infrastructure works.
- 10.3 The layout proposes a low-density form of development arranged within the site, with vehicular access taken from the existing access serving adjacent development. Each dwelling is provided with private amenity space and parking provision.
- 10.4 The application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Flood Risk Assessment, Ecological Appraisal and Financial Viability Assessment, together with other supporting technical information.
- 10.5 The site lies outside the defined settlement boundary for Moreton in Marsh and within the Cotswolds National Landscape.

(a) Principle of Development

- 10.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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."

- 10.7 The starting point for determining this application is the adopted Cotswold District Local Plan 2011-2031 (LP).
- 10.8 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires the Local Planning Authority to have regard to any local finance considerations, so far as material to the application.
- 10.9 The policies and guidance within the National Planning Policy Framework (NPPF) are also a material consideration.
- 10.10 The application site lies outside the defined development boundary of Moreton-in-Marsh, which is identified as a Principal Settlement under Policy DS1 of the LP. As such, whilst the settlement itself represents a sustainable location for growth, the site falls within the open countryside for the purposes of the development plan.
- 10.11 In these circumstances, Policy DS4 is engaged, which seeks to restrict new open market housing outside development boundaries unless specific exceptions apply. The proposal does not fall within any of the defined exception categories set out within the reasoned justification for Policy DS4. Therefore, in policy terms, the scheme is contrary to this provision when read in isolation.
- 10.12 However, the development plan must be read as a whole. Policy DS1 sets out an overarching strategy which supports sustainable development, and this aligns with Paragraph 11 of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of sustainable development. This requires decision-makers to approve proposals that accord with the development plan, or where policies are out-of-date, to grant permission unless adverse impacts would significantly and demonstrably outweigh the benefits.
- 10.13 Furthermore, Paragraph 83 of the NPPF recognises that housing in rural areas should be located where it can enhance or maintain the vitality of rural communities. In this case, the site is immediately adjacent to the built-up area of Moreton-in-Marsh and benefits from good access to services and facilities. As such, it cannot reasonably be described as having an isolated or unsustainable in location.
- 10.14 Accordingly, whilst the proposal conflicts with Policy DS4 in principle, this conflict is limited by the site's close relationship with a Principal Settlement and

its sustainable location. The acceptability of the development therefore turns on its compliance with other relevant policies of the development plan, together with the overall planning balance, having regard to the benefits of the scheme and the provisions of the NPPF.

(b) Impact on the Cotswolds National Landscape (Area of Outstanding Natural Beauty)

- 10.15 The application site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended by the Levelling-up and Regeneration Act 2023) places a statutory duty on decision-makers to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
- 10.16 This statutory duty is reflected in Policy EN5 of the Cotswold District Local Plan and Paragraph 189 of the National Planning Policy Framework (NPPF), both of which require that great weight is given to conserving and enhancing landscape and scenic beauty in such designated areas.
- 10.17 Policy EN5 and Paragraph 190 of the NPPF also set out that major development within National Landscapes should be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest. However, Footnote 67 of the NPPF confirms that whether a proposal constitutes "major development" in this context is a matter for the decision-maker, having regard to the nature, scale and setting of the proposal, and whether it would be likely to have significant adverse effects on the purposes of the designation.
- 10.18 While the proposal comprises 10 dwellings and therefore constitutes 'major development' for the purposes of the Town and Country Planning (General Permitted Development) Order, it is not considered to represent major development within the meaning of the NPPF. Having regard to its modest scale, its position immediately adjacent to the built-up edge of Moreton-in-Marsh, and its limited extent, the proposal would not give rise to significant adverse effects on the overall character or special qualities of the National Landscape.
- 10.19 Notwithstanding this, the proposal has been designed with full regard to its sensitive landscape context. It would extend development beyond the existing settlement edge onto currently undeveloped land and therefore results in a degree of encroachment into the countryside. However, the site is closely related to existing built form and does not form part of a wider open or prominent landscape.

- 10.20 The key consideration is therefore whether the proposed scale, layout and landscaping would conserve and enhance the character and appearance of the National Landscape. In this regard, the low-density form of development, the use of appropriate materials, and the incorporation of landscaping, open space and boundary treatments would assist in assimilating the scheme into its surroundings and softening its visual impact.
- 10.21 Overall, whilst the proposal results in a localised change to the settlement edge, it would conserve the wider landscape character and scenic beauty of the National Landscape. Any limited harm arising would be contained and should be weighed in the planning balance alongside the benefits of the scheme.

(c) Design & Layout

- 10.22 Policy EN2 requires development to achieve a high standard of design that respects the character and distinctive appearance of the locality. This is reinforced by Chapter 11 of the NPPF, which places significant weight on the creation of well-designed, beautiful and sustainable places. The NPPF expects development to be visually attractive, sympathetic to local character and history, and to establish a strong sense of place through high-quality architecture, layout and materials.
- 10.23 In addition, the Cotswold Design Code provides locally specific guidance on achieving high-quality design that responds to the defining characteristics of the area. It emphasises the importance of reinforcing local identity through the use of traditional materials, simple building forms, and high-quality detailing that reflects the Cotswold vernacular.
- 10.24 The proposal comprises a low-level development of detached bungalows arranged in a low-density layout, with associated parking and landscaping. The scale, form and grain of development respond positively to the site's edge-of-settlement location, providing a soft and appropriate transition between the built-up area of Moreton-in-Marsh and the open countryside. Whilst third parties have raised converse concerns regarding both overdevelopment and inefficient use of land density, the proposed layout reflects the prevailing pattern of development at the settlement edge and accords with both the NPPF and the Cotswold Design Code, which support context-led approaches to density.
- 10.25 The dwellings themselves have been designed to reflect the principles of well-designed homes, incorporating architectural detailing characteristic of the local area. In accordance with the Cotswold Design Code, the scheme proposes the

use of stone as the primary facing material, together with traditional detailing including chimneys and stone heads and cills to window and door openings. This approach would reinforce local distinctiveness and would ensure that the development integrates successfully with the established built character of the area.

- 10.26 The layout ensures appropriate separation distances would be secured between proposed dwellings and neighbouring uses, including the adjacent care home. Boundary treatments, along with a strong landscaping framework, would soften the development, enhance biodiversity and assist in assimilating the scheme into its wider landscape setting.
- 10.27 Overall, the proposed development would balance the efficient use of land with high-quality, locally distinctive design which would sit comfortably within the local context. On this basis, the proposal meets the requirements of Policy EN2 and the Cotswold Design Code and the provisions of the NPPF.

(d) Residential Amenity

- 10.28 LP Policy EN2 requires development to be of a high standard of design which respects the character and distinctive appearance of the locality and accords with the Cotswold Design Code (Appendix D). The Design Code further requires development to secure a high standard of residential amenity, including appropriate levels of privacy, outlook, daylight and sunlight, and the provision of usable external space for both existing and future occupants.
- 10.29 This is consistent with paragraph 135(f) of the NPPF, which seeks to ensure that developments create places with a high standard of amenity for existing and future users.
- 10.30 A key consideration in this case is the relationship between the proposed development and the adjacent Esmere Gardens Care Home. Three bungalows would back onto the care home site.
- 10.31 Third-party representations raise significant concerns regarding potential overlooking, noise, disturbance and loss of tranquillity. The existing site currently provides an undeveloped buffer between the care home and open countryside. As such, it is acknowledged that the introduction of residential development would alter this relationship and result in increased activity both during construction and operation. A degree of change is inevitable where development occurs adjacent to existing uses. However, the key issue is whether

the level of impact would be so significant as to result in undue harm to residential amenity.

- 10.32 The relationship between the proposed bungalows and the neighbouring care home would be acceptable. The dwellings would be sited and orientated to secure adequate levels of daylight for both future occupiers and existing residents of the care home. The submitted plans indicate that a separation distance of approximately 16 metres would be retained between a habitable room window serving one of the proposed bungalows and a stairwell window within the care home, increasing to around 18 metres in relation to a dining room window. Whilst these distances fall below the typically applied 22 metre guide, the potential for overlooking would be limited by the single-storey form of the proposed dwellings and the provision of 1.8 metre high boundary treatment. In addition, the layout would avoid direct overlooking of primary habitable room windows, with views largely confined to secondary or circulation spaces.
- 10.33 It is also considered that noise generated from additional vehicle movements and general residential activity would not be so significant, given the scale of the development, as to result in material disturbance to care home residents. Furthermore, having regard to the separation distances between the proposed dwellings and the care home, it is unlikely that any external lighting associated with the development would give rise to harmful light pollution.
- 10.34 The proposed development would also secure a satisfactory standard of residential amenity for future occupants. Suitable window-to-window separation distances would ensure adequate levels of privacy, outlook and natural light, whilst each dwelling would be served by a private garden of an appropriate size, providing sufficient outdoor amenity space.
- 10.35 Overall, the proposal would not result in material harm to the living conditions of neighbouring occupiers and would secure an adequate standard of amenity for future residents. The development would therefore be acceptable in amenity terms, having regard to Policy EN2, the Cotswold Design Code (Appendix D) and the provisions of the NPPF.

(e) Highway Safety

- 10.36 LP Policy INF4 requires development to provide safe and suitable access for all users and to ensure that it does not compromise highway safety or the efficient operation of the transport network.

- 10.37 This is supported by paragraphs 115 and 116 of the NPPF, which requires that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 further emphasises that opportunities to promote sustainable transport modes should be considered.
- 10.38 The proposal would provide two parking spaces per dwelling and would utilise an existing access arrangement serving the adjacent Aldi store and care home, connecting onto the A429 (Stow Road). Concerns have been raised through third-party representations regarding existing congestion, difficulties in accessing the junction and the safety of additional traffic movements, particularly at peak times. Issues relating to parking pressure and interactions with vulnerable users of the adjacent care home have also been highlighted.
- 10.39 However, the Highway Authority has assessed the proposal and raises no objection, concluding that the scale of development would generate a limited number of additional vehicle movements that would not result in a severe impact on the operation of the local highway network. The access arrangements are considered capable of accommodating the proposed development in a safe and suitable manner, subject to appropriate conditions.
- 10.40 Whilst the concerns raised by local residents are acknowledged and reflect existing conditions on the local highway network, significant weight must be afforded to the views of the Highway Authority. In the absence of evidence demonstrating that the residual impacts would be severe, the proposal complies with Policy INF4 and the provisions of the NPPF.

(f) Biodiversity and Geodiversity

- 10.41 LP Policy EN8 seeks to conserve and enhance biodiversity and geodiversity. It supports development which delivers net gains where possible, resists proposals that would result in habitat fragmentation or harm to protected species and irreplaceable habitats and requires adequate mitigation or compensation where impacts cannot be avoided.
- 10.42 This approach is reflected in Chapter 15 of the NPPF, which seek to ensure that development minimises impacts on biodiversity, avoids significant harm and secures measurable net gains. Paragraph 187 places particular emphasis on the protection and enhancement of valued habitats and species, including the delivery of biodiversity net gain.

- 10.43 The application site comprises undeveloped land that contributes to local ecological value, particularly in relation to grassland and boundary vegetation. Third-party representations raise concerns regarding the loss of habitats for birds, insects and other wildlife. However, the submitted Ecological Appraisal identifies that, whilst there will be some loss of habitat, the impacts can be mitigated through appropriate measures, including the retention of existing vegetation where possible and the provision of new planting and biodiversity enhancements.
- 10.44 No objection has been raised by the Council's Biodiversity Officer, subject to conditions. These include the submission of a Construction Environmental Management Plan (Biodiversity), a 30-year Landscape and Ecological Management Plan (LEMP), the provision of on-site biodiversity enhancements (including integrated bird and bat features), and a sensitive lighting strategy to protect nocturnal species. The Officer also advises that the biodiversity metric should be updated to reflect a realistic target condition for onsite habitats and confirms that biodiversity net gain can be achieved through a combination of on-site measures and off-site units. Appropriate mitigation for Great Crested Newts has also been secured.
- 10.45 The biodiversity net gain requirement would be secured through a Biodiversity Gain Plan to be submitted and approved prior to commencement of development.
- 10.46 In conclusion, subject to the recommended conditions and the implementation of appropriate mitigation and enhancement measures, the proposal is considered capable of complying with Policy EN8 and the relevant provisions of the NPPF.

(g) Trees, Landscaping & Green Infrastructure

- 10.47 LP Policy EN7 seeks to ensure the protection and retention of trees, woodland and hedgerows, recognising their contribution to the character and appearance of the area, as well as their ecological value. Development proposals should incorporate appropriate landscaping and retain important features wherever possible.
- 10.48 This approach is supported by paragraph 136 of NPPF, which emphasises the importance of trees and green infrastructure in enhancing the environment, contributing to biodiversity, and improving the quality of development.

- 10.49 The application is accompanied by an Arboricultural Impact Assessment and landscaping proposals identifying existing trees, including those subject to Tree Preservation Orders along the site boundaries. The proposals seek to retain these features and incorporate new planting within the development, thereby reinforcing the site's boundaries and providing a degree of visual containment.
- 10.50 The Council's Tree Officer raises no objection subject to conditions securing tree protection measures during construction and the implementation of the proposed landscaping scheme. The retention of existing trees, together with the additional planting, will be important in integrating the development into its surroundings, softening the visual impact of the built form and maintaining a transition between the settlement and the adjacent countryside.
- 10.51 Subject to compliance with the recommended conditions, the proposal is considered to accord with Policy EN7 and the relevant provisions of the NPPF.

(h) Drainage and Flood Risk

- 10.52 LP Policy EN14 requires that development is appropriately located having regard to flood risk and incorporates sustainable drainage systems to manage surface water. Development should not increase flood risk elsewhere and must ensure that surface water is appropriately managed.
- 10.53 This approach is supported by paragraphs 173 and 174 of the NPPF, which seek to ensure that development is directed to areas of lowest flood risk and is safe for its lifetime without increasing flood risk elsewhere. Paragraph 181 requires that major developments incorporate sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate.
- 10.54 The application site lies within Flood Zone 1 and is therefore at low risk of flooding, making it sequentially preferable for residential development. The application site is located within a Flood Zone 1, which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. A Flood Risk Assessment and surface water drainage strategy have been submitted in support of the application, which proposes the use of sustainable drainage measures, including permeable paving and controlled discharge.
- 10.55 The Lead Local Flood Authority raises no objection to the revised drainage strategy, acknowledging that the proposed approach is robust and would not result in an increased risk of flooding either on-site or elsewhere.

- 10.56 Foul drainage is proposed to connect to the public sewer network. Whilst Thames Water has raised no objection to the scale of development in network terms, it has identified potential constraints at the receiving sewage treatment works and therefore recommends a condition to secure any necessary capacity upgrades or phasing prior to occupation.
- 10.57 Overall, the site is sequentially appropriate for development, and, subject to the imposition of conditions securing detailed drainage design and any necessary infrastructure upgrades, the proposal would not increase flood risk on-site or elsewhere. The scheme is therefore considered to comply with the relevant provisions of the NPPF and Local Plan policies relating to flood risk and drainage.

(h) Land Contamination

- 10.58 Local Plan Policy EN15 requires that land is suitable for its proposed use, with all potential contamination risks properly investigated, assessed and mitigated. Development proposals must clearly demonstrate that any contamination can be remediated and managed without giving rise to unacceptable risks to human health, property or the wider environment.
- 10.59 This is supported by paragraph 196 of the NPPF, which requires that planning decisions ensure a site is suitable for its proposed use, taking account of ground conditions and any risks arising from contamination or instability. Where necessary, remediation and mitigation measures should be secured to ensure safe development.
- 10.60 The application is supported by a Phase 1 Geo Environmental Desk Study, which identifies potential contamination risks associated with historic land uses, including agricultural activity and possible made ground. The report recommends that further intrusive site investigation is required to fully assess any contamination present.
- 10.61 The Council's Environmental Health Officer raises no objection to the proposal subject to the imposition of conditions requiring the submission of a Phase 2 site investigation, together with any necessary remediation strategy and verification report. These measures will ensure that any contamination risks are appropriately identified and addressed prior to development.
- 10.62 Subject to the recommended conditions, the development would ensure that the site is suitable for its intended residential use and would therefore comply with Policy EN15 and the provisions of the NPPF.

(h) Accessibility and Connectivity

- 10.63 LP Policy INF4 requires development to provide safe and suitable access for all users and to support sustainable transport and connectivity. This is reinforced by Chapter 9 of the NPPF, which seeks to secure safe, inclusive environments and maximise opportunities for walking and cycling.
- 10.64 The site is sustainably located within walking distance (less than 10 minutes) of Moreton-in-Marsh town centre and a range of local facilities, including a medical centre, food store and other services. It is also well served by public transport, with bus stops on Stow Road providing connections to the town centre and railway station.
- 10.65 The proposed development would provide a new access road incorporating a pedestrian footway linking to the existing public footpath network, ensuring appropriate pedestrian connectivity. Cycle parking would be provided within the curtilage of each dwelling.
- 10.66 Public Footpath HM/7/1 crosses the site and forms part of a wider network, including the Monarch's Way. The scheme retains and integrates this route, maintaining existing connections. No objection is raised by the County Council Public Rights of Way Officer, subject to this route remaining unobstructed and any alterations being subject to separate legal procedures. While a cycle link from this public right of way was originally considered, this would not been taken forward as the route is restricted to pedestrian use.
- 10.67 In view of the above, the proposal is considered to provide safe and suitable access and accords with Policy INF4 and the provisions of the NPPF.

(k) Planning Obligations

- 10.68 Paragraphs 56 and 58 of the NPPF require that planning obligations are only secured where they are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind. There will also need to be a S106 Agreement to secure the monitoring fee for the Travel Plan and the offsite works.
- 10.69 In respect of infrastructure provision, the County Council has confirmed that no financial contributions are required in relation to education or library services, due to sufficient existing capacity. The development will, however, be liable for Community Infrastructure Levy (CIL), which will contribute towards wider infrastructure provision across the district

- 10.70 LP Policy H2 requires the provision of affordable housing on residential developments of 11 or more dwellings. Within designated rural areas, such as the National Landscape, a lower threshold of 6 or more dwellings applies, reflecting the need to support the delivery of affordable housing in smaller rural communities.
- 10.71 In respect of affordable housing provision, the applicant has submitted a Financial Viability Assessment (FVA). This concluded that the scheme would generate a marginal deficit and would therefore be unable to viably support any affordable housing provision. This assessment has been independently reviewed on behalf of the Local Planning Authority and it was found that the policy-compliant scenario would result in a substantial deficit and, even in the absence of any affordable housing provision, the scheme remains unviable once all development costs, including CIL, are taken into account. On this basis, the findings of the FVA have been accepted.
- 10.72 In view of this, no on-site provision or financial contributions towards affordable housing are sought.

Other Matters

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

Human Rights and Equality

- 10.74 In making this recommendation, the Local Planning Authority has had regard to the Human Rights Act 1998 and considers that the proposal is compatible with the Convention rights. The decision is proportionate and in the public interest.
- 10.75 The Local Planning Authority has also had regard to its duties under the Equality Act 2010. No adverse impacts on persons with protected characteristics have been identified.

11. Conclusion:

- 11.1 The proposal is considered to comply with Local Plan Policies and the provisions of the NPPF. Therefore, subject to conditions and a S106 agreement to secure the monitoring fee for the Travel Plan and the offsite works, it is recommended for permission.

12. Proposed Conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): .

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

3. Prior to the construction of any external wall, a sample panel of stonework of at least 1m² shall be erected on site for inspection and approved in writing by the Local Planning Authority. The panel shall demonstrate the proposed stone type, coursing, bonding, mortar mix and pointing. The development shall thereafter be carried out in accordance with the approved panel.

Reason: To ensure a high-quality finish appropriate to the locality.

4. Windows and doors shall be recessed a minimum of 75mm within the wall face and retained as such thereafter.

Reason: In the interests of visual amenity and local distinctiveness.

5. All planting comprised in the approved landscaping scheme shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

6. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Weddles Tree Protection Plan drawing no 1335-005, Jul 25 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in accordance with Cotswold District Local Plan Policy EN7.

7. No development shall commence (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

The CEMP shall include, but not be limited to:

a) Construction management measures

- Construction traffic management (including parking, loading/unloading, routing and wheel washing)
- Hours of construction and deliveries
- Measures to control noise, dust and general disturbance

b) Biodiversity protection measures:

- Risk assessment of potentially damaging construction activities
- Identification of biodiversity protection zones
- Measures to safeguard habitats including ditches, hedgerows and trees
- Practical measures and sensitive working methods to avoid or reduce impacts (including method statements)
- Timing of works and restrictions to avoid harm to biodiversity
- Ecological supervision (including timing and role of an Ecological Clerk of Works, where required)
- Protective fencing, exclusion zones and site signage

- Details of excavations and measures to prevent harm to wildlife (e.g. ramping or covering)
- Monitoring and compliance checks during construction

The approved CEMP shall be adhered to throughout the construction period.

Reason: To safeguard highway safety, residential amenity and biodiversity during construction, in accordance with Policies INF4, EN2 and EN8 of the Cotswold District Local Plan, the Conservation of Habitats and Species Regulations 2017 (as amended), and the National Planning Policy Framework.

8. A 30-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily limited to, the following information:
 1. Description and evaluation of features to be managed, including locations shown on a site map;
 2. Establishment details, including preparation of the land;
 3. Landscape and ecological trends and constraints on site that might influence management;
 4. Aims and objectives of management linked to the Gloucestershire Local Nature Recovery Strategy;
 5. Appropriate management options for achieving the aims and objectives;
 6. Prescriptions for all management actions;
 7. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
 8. Details of the body or organisation responsible for the implementation of the plan;
 9. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
 10. Timeframe for reviewing the plan.

The LEMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as

set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan policy EN8.

9. Before the erection of any external walls, details of the provision of integrated bird nesting features, integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or south-east facing elevations), hedgehog holes and invertebrate hotels shall be submitted to the Local Planning Authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the dwellings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

Reason: To secure biodiversity enhancements in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

10. No external lighting shall be installed until a site-wide lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The strategy shall include:

- a) Identification of areas and features on site that are sensitive to nocturnal wildlife;
- b) Details of all external lighting, including location, height, design, intensity and direction (supported by contour plans and technical specifications), demonstrating that lighting will not adversely affect biodiversity or wildlife movement;
- c) Measures to minimise light spill and protect residential amenity and dark skies.

All external lighting shall be installed and retained in accordance with the approved strategy.

Reason: To protect the living conditions of neighbouring occupiers, biodiversity and dark skies, in accordance with Policies EN2 and EN8 of the Cotswold District Local Plan, the Conservation of Habitats and Species Regulations 2017 (as amended), and the National Planning Policy Framework.

11. 1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Cotswold District Council Local Planning Policy EN15 and Section 15 of the NPPF.

12. If contamination is found during development, works shall cease until a remediation scheme has been submitted and approved.

Reason: To address unforeseen contamination.

13. No development shall be occupied until confirmation has been provided that either:

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

14. No dwelling shall be occupied until the access has been constructed in accordance with the approved details.

Reason: In the interests of highway safety

15. Each dwelling shall not be occupied until its parking and cycle parking provision has been completed in accordance with the approved plans and shall thereafter be retained. The car parking spaces shall be hard surfaced and positively drained to a suitable outfall to ensure no surface water runs onto the highway and once occupied shall be maintained as such thereafter.

Reason: To ensure adequate parking provision

16. Before any part of the development hereby approved is brought into beneficial use and irrespective of any document currently submitted a Travel Plan will be submitted to and approved by the LPA which will include a monitoring methodology which is will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets for modal shifts for residents and a secondary series of measures should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change. The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of (residents/customers and staff), changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Authority for at least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

Reason: To encourage sustainable transport.

17. Public Footpath HMM7 shall be retained on its existing alignment and kept open and unobstructed at all times during construction and following completion of the development.

Reason: To ensure the protection and continued use of the public right of way

18. No development shall commence until a Site Waste Management Plan has been submitted to and approved.

Reason: To minimise construction waste.

19. Prior to occupation, details of refuse and recycling storage facilities shall be submitted to and approved, and implemented prior to occupation.

Reason: To ensure adequate waste provision.

20. The development shall be undertaken in accordance with the recommendations contained within sections 5.1.1, 5.1.3, 5.1.5, 5.1.6 and 5.1.9 of the Preliminary Ecological Appraisal Rev D (Weddles, 17th February 2026). All of the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently retained.

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

Informatives:

1. This estate road and drainage layout will require approval under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'.

There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Gloucestershire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for any design/layout will not be considered as a reason to relax the required

technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any

2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

3. The Lead Local Flood Authority (LLFA) offer the following advice:
 1. The LLFA will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency
 2. Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
4. **IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in

England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

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

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

Information on how to discharge the biodiversity gain condition can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

The Gloucestershire Local Nature Recovery Strategy (LNRS) has been published by Gloucestershire County Council. This strategy must be used to inform the Strategic Significance Multiplier in the Statutory Biodiversity Metric or the Small Sites Metric, depending on which version has been submitted. As part of your discharge of condition application the biodiversity metric will need to be updated to refer to the published LNRS. Please speak to your project ecologist for further advice or alternatively, you can engage with the Council's pre-application advice service: Get advice on your planning application - Cotswold District Council