

Item No 01:-

21/03879/OUT

**Cliffordine House
Cheltenham Road
Rendcomb
Cirencester
Gloucestershire
GL7 7ER**

Item No 01:-

**Erection of a four-bedroom dwelling at Cliffordine House Cheltenham Road
Rendcomb Cirencester Gloucestershire GL7 7ER**

Outline Application 21/03879/OUT	
Applicant:	Mr Simon Collier
Agent:	PDA
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Jenny Forde
Committee Date:	15th June 2022
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Design and Impact on listed building
- (d) Impact on Residential Amenity
- (e) Flood Risk
- (f) Highways Safety

2. Reasons for Referral:

2.1 An Appeal has been lodged against non-determination of the application and therefore it is necessary for the Committee's resolution to either confirm or overturn the Officer's Recommendation, which will then inform the Appeal process.

3. Site Description:

3.1 The application site consists of a parcel of land to the north of Cliffordine House within the north-western extent of a pastoral field. The site lies within a remote setting, 0.85km north of the village of Rendcomb. The site is accessed via an existing track to the north that leads to the house to the south.

3.2 Rendcomb House to the south of the site, as well as an associated barn, are both Grade II listed.

3.3 The site also lies within the Cotswold Area of Outstanding Natural Beauty (AONB).

4. Relevant Planning History:

4.1 N/A

5. Planning Policies:

TNPPF The National Planning Policy Framework
DS1 Development Strategy
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
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN14 Managing Flood Risk
INF3 Sustainable Transport
INF4 Highway Safety

6. Observations of Consultees:

- 6.1 Conservation Officer - comments included within Officer's assessment.
- 6.2 Landscape Officer - comments included within Officer's assessment.
- 6.3 Local Highways Officer - no objection subject to conditions.
- 6.4 Drainage Engineer - No objection subject to conditions.

7. View of Town/Parish Council:

- 7.1 No comments received at the time of writing.

8. Other Representations:

- 8. Ten letters of objection have been received raising concerns of:
 - i. Contrary to development plan;
 - ii. Contrary to paragraph 80 of NPPF;
 - iii. Impact on neighbouring dwelling from loss of privacy;
 - iv. Impact on mature trees;
 - v. Highways safety impact from inadequate visibility splays;
 - vi. Loss of light to neighbouring dwelling;
 - vii. Impact on views and open countryside;

9. Applicant's Supporting Information:

- 9.1 Covering Letter, Site Layout Plan.

10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.4 The application seeks Outline permission for the erection of a four-bedroom dwelling within the north-western corner of the parcel of land, located to the north of Cliffordine House. The application has been submitted with all other matters of detail reserved for future consideration.

(a) Principle of Development

10.5 The site lies 0.85km north-west of the village of Rendcomb, within an area of open countryside. Whilst abutted by a single residential dwelling to the west and Cliffdone House to the south, the area is generally open and undeveloped in character and appearance. Whilst the parcel of land relates to the manor to the south, it does not constitute residential curtilage, taking the appearance of a paddock or pastoral field. The site therefore represents open countryside outside of a Principal or Non-Principal settlement for the purposes of interpretation of the housing strategy policies of the Local Plan, and Local plan policy DS4 is therefore of most relevance.

10.6 Local Plan Policy DS4 outlines that 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.

10.7 The Local Plan outlines that the other policies referenced in policy DS4 include H3 (Affordable housing on rural exception sites); H5 (Housing for rural workers); H7 (Sites for gypsies and travellers) and EC6 (Conversion of rural buildings). As the application proposes the erection of a new build, open market dwelling, it is not in accordance with any other policies that would potentially allow for certain types of housing development. Consequently, the proposed development is contrary to Local Plan Policy DS4.

10.8 By virtue of the site's distance from the nearest settlement, it is also considered that the site represents an isolated location in the countryside. As a consequence, it is necessary to have regard to guidance in Paragraph 80 of the National Planning Policy Framework (NPPF) when considering this proposal. It states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or*

- b) *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- c) *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- d) *The development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise the standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

10.9 The need to have regard to guidance in the NPPF is set out in paragraph 1.0.13 of the Local Plan which states that '*Given the status of the NPPF, it is unnecessary for local planning documents to repeat its policies. It therefore is important in preparing planning proposals, or in reaching decisions on them, that the provisions of the NPPF are taken into account alongside policies in the Local Plan.*'

10.10 As stated, the scheme proposes a new build dwelling and as such the only Paragraph 80 criterion potentially of relevance is e). Whilst the accompanying covering letter outlines that the design will be *built to the highest standards with best quality vernacular materials*; it is considered that this does not address the requirements of criterion e). Moreover, the development would not lead to any enhancements to the immediate setting of the site, with the scheme considered, in fact, to result in harm to the character and appearance of the landscape.

10.11 Consequently, the proposed development would be contrary to Local Plan Policy DS4 and also NPPF Paragraph 80 and the principle is therefore, considered to be unacceptable.

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

10.12 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

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

10.14 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and 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.

10.15 NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 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.

10.16 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.17 The parcel of land subject of this application forms part of a larger open pastoral field which contributes to the rural character of the area. More specifically the site lies within Landscape Character Type (LCT) '8: High Wold Valley' and Landscape Character Area (LCA) '8C: Upper Churn Valley', as defined in the Cotswolds AONB Landscape Strategy and Guidelines (June 2016). Glimpsed views are available of the site from the A435, albeit the existing lodge and roadside vegetation provide some screening. In this location the overriding character of both the land and the adjacent fields surrounding the site, is of open countryside.

10.18 The proposed dwelling would abut the existing lodge, set 10m from the existing boundary to the site which would form a shared boundary to the proposed dwelling. The site would be adjoined by the driveway to the north, with the south and east adjoining open agricultural land. The site is sensitive to change by virtue of the rural and isolated AONB location.

10.19 It is considered that the change of use to residential with the introduction of a new dwelling, associated garden, domestic paraphernalia and activity, along with the introduction of lighting, car movements and parked cars would fundamentally harm the rural character of the site, the natural beauty of the AONB and the tranquillity of the landscape. The proposed dwelling would be out of keeping with the historic grain of development and would harm the prevailing rural character of the wider area. While the site is located in close proximity of Cliffordine House and the Lodge, this would not provide justification for the new development, with the existing built form comprising standalone dwellings, detached from any settlement. The changes to the landscape would be perceived locally from the nearby carriageway.

10.20 Overall, it is considered that the proposed development would harm the character and tranquillity of the Cotswold Area of Outstanding Natural Beauty, contrary to Local Plan Policy EN5 and Section 15 of the NPPF and is therefore unacceptable in this regard.

(c) Design and effect on a Listed Building

10.21 The plot lies within the setting of Rendcomb House, a Grade II listed building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.22 Cotswold District Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' 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.

10.23 The site lies within the setting of Rendocmb House, a Grade II listed dwelling, and its associated Barn also listed. The two listed buildings date from the C17 and C18 respectively. The setting of the buildings is formed by the open fields which separate these buildings from Cliffordine Lodge and contribute to the open, rural character of the site. The proposed dwelling would result in harm to the setting of the listed building through the erosion of the surviving rural context which contributes positively to the setting of the listed buildings. The level of harm identified is 'less than substantial'. This harm would not, however, be outweighed by the modest positive benefits of providing a single residential dwelling to the Council's housing supply or local economy. The Council can currently demonstrate a robust housing land supply and the potential economic benefits to local tradesmen and services in the construction of a single dwelling would be insignificant when compared with the harm explained within this report.

10.24 Overall, it is therefore considered that the proposed development would fail to preserve the wider rural setting of the nearby listed buildings, and the significance of the heritage assets will be harmed as a result, with no public benefit demonstrated in this case to outweigh that harm.

(d) Impact on Residential Amenity

10.25 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.26 The application has been submitted with a site layout plan, showing the proposed dwelling situated within 10m of the property boundary. Details of the design of the building have not been supplied and would form part of future reserved matters. The indicative layout demonstrates that the proposed dwelling could be positioned in a manner that would not result in inadequate levels of light or privacy to existing residents of the neighbouring property. This would depend on the height and exact positioning of the final proposal, however. The site is of a sufficient size to enable the provision of a reasonably sized garden for the proposed dwelling, with adequate private amenity space.

10.27 It is therefore considered that the site could be developed in a manner that would accord with the guidance on residential amenity set out in the Cotswold Design Code.

(e) Flood Risk

10.28 Local Plan Policy EN14 states that 'the design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS)'.

10.29 Paragraph 159 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether

existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

10.30 The site lies within Flood Zone 1 and is not within 20m of a mapped watercourse. Moreover, there is no history of flooding at the site. The Council's Drainage Engineer has raised no objection to the scheme subject to the submission of a full surface water drainage scheme being submitted. Drainage and detailed design forms part of the reserved matters of the development. It is considered that the site could be developed in a manner that would take account of flood risk and could accommodate an appropriate Sustainable Drainage System including soakaways.

(f) Highways Safety

10.31 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.

10.32 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

"(a) appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users; and

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

10.33 The application proposes utilising the existing access running to the north of the site. The Local Highways Authority have confirmed that there are no recorded injury collisions at the site in the last five years, and only a slight collision north of the access. Detailed access arrangements form part of the reserved matters of the application, however, appropriate visibility splays would be required to be demonstrated at that stage. The proposed curtilage is adequate in size to accommodate off street parking.

10.34 Overall, it is considered that the site could be developed in a manner that would support sustainable modes of transport and provide safe and suitable access.

Other Matters

10.35 The proposed development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

11. Conclusion:

11.1 The proposal is considered to be contrary to Local Plan Policies DS4, EN2, EN4, EN5 and EN10 and the guidance outlined within the National Planning Policy Framework and as such is recommended for refusal.

12. Reasons for Refusal:

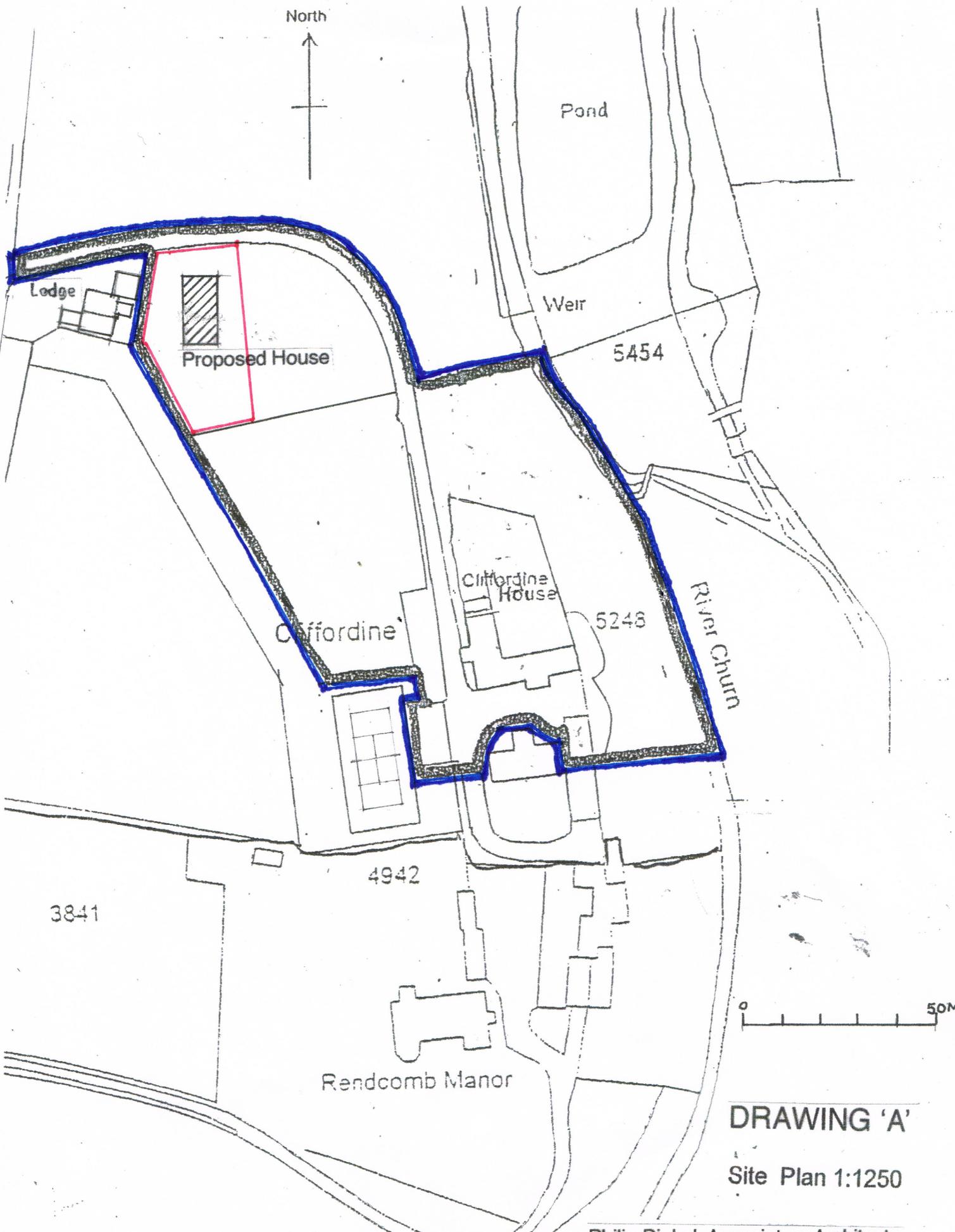
1. The application site forms a pastoral field located 0.85km from the nearest village of Rendcomb. The proposed development would result in the erection of a new-build open market dwelling in an isolated location outside a Principal or Non-Principal Settlement, contrary to Cotswold District Local Plan Policy DS4 and Paragraph 80 of the NPPF.

2. The site lies within the Cotswolds AONB, wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The site is located in an isolated rural location in the Cotswolds AONB. The proposed development, by virtue of the encroachment of built form, associated garden area, domestic paraphernalia and activity, along with the introduction of lighting, car movements and parked cars would fundamentally harm the rural character of the site, the natural beauty of the AONB and the tranquillity of the landscape. The changes to the landscape would be perceived locally from the local carriageway. It is considered that the proposal would fail to conserve or enhance the natural beauty of the AONB and would be contrary to Section 85 of the Countryside and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN1, EN2, EN4 and EN5 and NPPF paragraph 174 and 176.

3. The erection of a dwelling in the location proposed is considered to be out of keeping with the character of the area and would fail to retain the green and open character of the site. The siting of the dwelling in the location proposed will result in a significant change to the existing rural character of this piece of land which would fail to conserve the surviving character of this part of Rendcomb. The proposals will fail to preserve the wider rural setting of the nearby listed buildings, and the significance of the heritage assets will be harmed as a result, with no public benefit demonstrated in this case to outweigh that harm. The proposals would therefore be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Central Government policy in the NPPF - sections 12 and 16 and Policies EN1, EN2 and EN10 Cotswold District Local Plan.

Informative:

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



DRAWING 'A'

Site Plan 1:1250

Philip Dinkel Associates Architects