

**PLANNING AND LICENSING COMMITTEE**  
**12 February 2025**  
**ADDITIONAL PAGES** (*Published 07.02.2025*)

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| <b>Agenda<br/>No:</b>   | <b>Ref No:</b>   | <b>Content:</b>   |
| <b>8</b>  | <b>24/00386/FUL</b><br><br><i>(Woodleigh<br/>Brockhampton)</i> | <b>Representation of Objection</b> received from Brodie Planning Associates dated 7 February 2025 – please see attached |

Cotswold District Council  
Development Management  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

BPA Reference 2057\_01

07 February 2025

**Representation to Planning and Licensing Committee Members in OBJECTION to application under Agenda Item 8, application reference 24/00386/FUL for the Erection of 3 dwellings with associated access and landscaping at Woodleigh, Brockhampton, Cheltenham, Gloucestershire, GL54 5SP**

Dear Members

I write in respect of the above application to respond directly to the now published Officer Report a copy of which is available in the Agenda Reports Pack under Item 8.

To provide context, 112 objections have been received to date from local residents in response to this application including the immediate neighbours. Members, this level of response unequivocally shows this application is deeply concerning to a vast majority of the local community. Concerns relate to a number of issues but predominantly most cite

six previous applications<sup>1</sup> for similar small-scale residential developments within Brockhampton that have been refused because Brockhampton is 'unsustainable' for the purpose of planning policy and as such conflicts with the Plan led spatial strategy for the District. Local residents are asking *what has changed* and questioning the fairness of the decision-making process in light of these similar decisions in this current adopted Plan period given the requirement for consistency<sup>2</sup>. All of the previous applications shown at Appendix 1 are pertinent. However, the most pertinent of these is considered to be the refusal of a residential conversion of the former public house, the Craven Arms (now permanently closed). This is because the Craven Arms lies at the heart of the village – in the centre of the existing built form of the settlement. The other five previous applications and the current application at Woodleigh lie in the outer extremities of the built form as shown at Appendix 1. The officers report in the Craven Arms case states:

*Brockhampton is a settlement with no designated settlement boundary and limited everyday facilities: other than the Craven Arms public house, these are limited solely to the village hall. It lies approximately 2.7km from the nearest Principal Settlement of Andoversford, and 6km from Cheltenham, and does not benefit from any public transport provision. Given this, **it is considered not to be a sustainable location for new residential development and that Local Plan Policy DS4 applies.** However, as outlined above,*

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<sup>1</sup> Appendix 1: Map showing previous applications for small-scale residential development considered and determined under Policy DS4 during this current adopted Local Plan period.

<sup>2</sup> Summary of the legal requirement for consistent decision-making by local planning authorities.

*provision is made within Policy DS4 for the provision of new dwellinghouses outside Principal and Non-Principal Settlements if specific other policies apply: in this case, Policy EC6, which relates to the conversion of rural buildings, is relevant. [my own emphasis added].*

In light of the above and the fact that none of the exceptions specified in DS4<sup>3</sup> apply in this case, it is therefore only reasonable to question why the officer has made the recommendation of 'Permit' in this current application at Woodleigh, opining that the proposal should be considered under and would accord with Policy DS3. This recommendation is completely at odds with all other decisions made within Brockhampton for similar small-scale residential development<sup>4</sup> during this current adopted Local Plan period<sup>5</sup>. This is an extremely important point given the local planning authority is required to be consistent in its decision-making. The Officers report makes no mention of this and states at paragraph 10.15:

"Prior to the adoption of the current Local Plan in August 2018, all applications for new residential development in the Brockhampton / Sevenhampton area would have been

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<sup>3</sup> Local Plan Policy DS4 precludes the erection of new-build open market housing outside Principal and Non-Principal Settlements unless it is accordance with other policies that expressly deal with residential development in such locations. Policies that provide exceptions to DS4 are: H3 (affordable housing on rural exception sites), H5 (housing for rural workers), H7 (sites for gypsies and travellers), and EC6 (conversion of rural buildings).

<sup>4</sup> Appendix 1: Map

<sup>5</sup> Cotswold District Local Plan 2011-2031 adopted August 2018.

assessed in respect of the policy now included within DS4. However, the addition of Non-Principal Settlements to the development strategy added an extra dimension to the policies controlling new housebuilding, where new small-scale development can be considered acceptable provided that the criterion within DS3 are adhered to.”

The above statement is misleading in so far as inferring to Members that applications in Brockhampton since the adoption of current Plan and Policy DS3 therein have been considered under DS3. This is simply not the case as substantiated by the six applications for similar small-scale residential development identified on the map at Appendix 1.

Therefore, the question for Members in coming to a decision today must be what has materially changed to allow this sizable shift in the interpretation of policy? The Officer’s Report does not address or justify why this current application can be considered under Policy DS3 when all other decisions in Brockhampton for similar development over the current Plan period have been considered under DS4. All of these decisions have considered Brockhampton; in its entirety rather than a particular site or part; **not to be a sustainable location for new residential development and that Local Plan Policy DS4 applies** (Officer’s Report 22/04230/FUL Craven Arms). Whilst silent on this important point the Officer’s Report does state “the number of houses within this part of Brockhampton are larger in number than a number of other Non-Principal Settlements within the District where new residential development has been approved since the adoption of the current Local Plan, and where there is a Principal Settlement a short driving distance away” (paragraph 10.16). Paragraph 10.17 then goes on to state that “One such example is application 24/00055/PLP for land south of 1 - 3 Corner Houses, Driffield, which was a 'permission in principle' application for 2 dwellings that Members permitted at the April 2024 meeting of this Committee.” This purports to mislead Members not only by advising that this application is directly comparable but more fundamentally ignoring the fact that the local planning authority are required to make consistent decisions and **all other applications determined by this Authority over the current Plan period cite the village**

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**of Brockhampton (in its entirety) to be an unsustainable location for new open-market dwellings where DS4 applies.**

In the comparison of the Driffield application the Officer's Reports suggests (paragraph 10.17) consideration of whether a settlement can be considered under Policy DS3 or DS4 is predicated on the number of dwellings. This is nonsense. The adopted Development Strategy selects Principal settlements based upon social and economic sustainability and accessibility to services and facilities, and Policy DS3 relating to Non-Principal settlements has a listed criterion. Neither of which specify the number of dwellings to be a determining factor.

What is material to the consideration of the application at Woodleigh is:

- In the refusing the application for residential conversion of the Craven Arms which lies within the heart/central part of the settlement the Officer's Report read (repeated from P.2):

*Brockhampton is a settlement with no designated settlement boundary and limited everyday facilities: other than the Craven Arms public house, these are limited solely to the village hall. It lies approximately 2.7km from the nearest Principal Settlement of Andoversford, and 6km from Cheltenham, and does not benefit from any public transport provision. Given this, **it is considered not to be a sustainable location for new residential development and that Local Plan Policy DS4 applies.***

- The Officer Report for the refused application at the Farthings<sup>6</sup> states “Brockhampton is considered not to be a sustainable location for new residential development. Furthermore, the application site is located within a small cluster of development situated approximately 0.5km from the main village, comprising 30 dwellinghouses clustered around the old quarries. Whilst some ribbon development has occurred along the connecting road, this cluster of development remains distinct from the main settlement.” Important points in this paragraph are 1. The reference to Brockhampton in the first sentence refers to the village as a whole and not a particular part. 2. The second sentence can be similarly applied to Woodleigh which forms part of a small cluster of existing development at a similar distance from the heart of the village and distinct from the main village. The only difference in the information stated is the number of houses and the difference is largely by virtue of the conversion of Brockhampton Park from a single residence to apartments.
- the application at the Farthings is equidistant from Andoversford as Woodleigh. The Officer’s Report finds the erection of a single dwellinghouse would not constitute sustainable development, and it is too far from a Principal settlement “in an unsustainable location contrary to Local Plan Policies INF3 and INF4”. Moreover, the Officer summaries the views of the Local Highway Authority “The Highways Officer highlighted the distance of the application site from the nearest Principal

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<sup>6</sup> LPA application reference 23/01339/PLP

Settlement and significant amenities, compounded by the predominance of high-speed A-roads and derestricted winding country lanes with no footways or dedicated cycleways providing active transport options. Similarly, the lack of public transport options were noted, given which the Highways Officer returned a recommendation for refusal on the grounds that the application would fail to provide safe and suitable access by sustainable travel modes contrary to Local Plan Policy INF4 and guidance within the Local Transport Plan and NPPF. Although no comments were made by the Highways Officer in relation to the achievability of safe vehicular access to the site, it is noted that the adjacent highway is narrow with the building line rising immediately adjacent to the carriageway. Given this, concerns raised by third party objectors in relation to potential highway safety impacts are considered to have some merit, particularly given that the refusal of a previous application at the site (06/01741/FUL) was partially on the grounds of impacts on highway safety.”

- The above supports the views of local residents that Driffield fails to be a convincing comparison. Cirencester is THE largest main urban centre in Cotswold District with a vast array of services and facilities including many major retailers such as Tesco’s Extra (the largest of the Tesco store types), Lidl, Aldi, Halford, Screwfix, Dobbies Garden Centre on the closest edge of Cirencester to Driffield served directly off the main A419 linking Driffield to Cirencester along with a wide variety of other local services and facilities. By comparison Andoversford has a small local shop known as Dale’s Stores shown in Photograph 1 below and a post office which sells a small amount of stationary, local honey, rapeseed oil and bread once a week. Therefore, to compare the distance and level of local services and facilities at the nearest Principal settlement is a misrepresentation of the facts given the enormous difference in scale, type and number as well as accessibility and proximity. Future residents would simply be unable to do a weekly food shop at Dale’s Stores in



Andoversford and would have to travel further afield to other larger urban centres such as, Cheltenham, Bourton-on-the-Water, Stow-on-the-Wold or Cirencester. Furthermore, the opening hours of Dale's Stores are not comparable to the major retailers in Cirencester. The opening hours of the small local shop in Andoversford is limited to 07:00 – 18:30 Monday to Saturday and 07:00-12:30 on a Sunday.

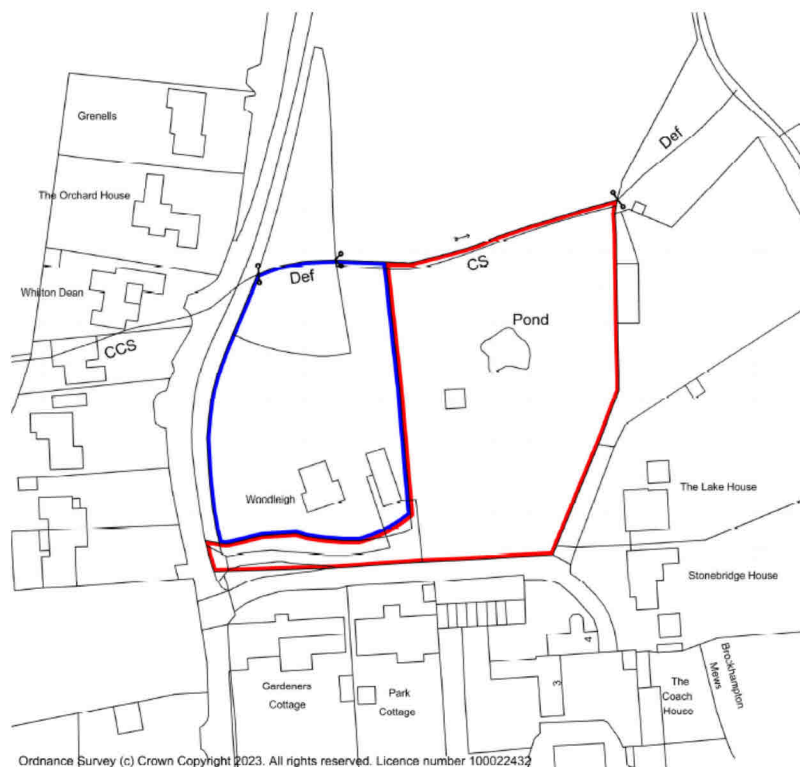


Photograph 1 – Dale's Stores in Andoversford

Lastly, should Members decide put aside all of the previous decisions made in Brockhampton under DS4 and consider this application under DS3 as the Officer's Report recommends, this proposal would fail to comply under criterion b and c. The site lies on the extremity of the village characterised by loose sporadic development. To describe the site as surrounded "with residential development to the west, south and east" (Officer's Report para 3.2 p43) is a misrepresentation. The extract of the submitted site location plan

in Extract 1 below clearly shows the site has existing development to the south and ribbon development further to the west on the other side of the highway. This would not constitute “residential development to the west, south and east” (referenced above) in my opinion. Its character can be best described as open land associated with sporadic built form on the edge of a settlement. To intensify the built form by the proposed three houses and associated “carport, store and plant” buildings would fundamentally alter the character of this part of the settlement harming its rural edge. The proposed would have an urbanising impact on a loose knit character of this part of the settlement and encroach into the openness of the wider landscape contrary to criterion b and c of Policy DS3.

Scale 1:1250



Extract 1: submitted site location plan (Land adjacent to Woodleigh)

For the reasons set out above, I trust Members will support the overwhelming views of local residents and previous planning decisions in Brockhampton for similar developments during the same Plan period by REFUSING this application. Should this application be approved here today it will become a material consideration in any subsequent applications for similar development. This will make applications for small-scale residential development in locations without local services and facilities and with poor accessibility more difficult to resist.

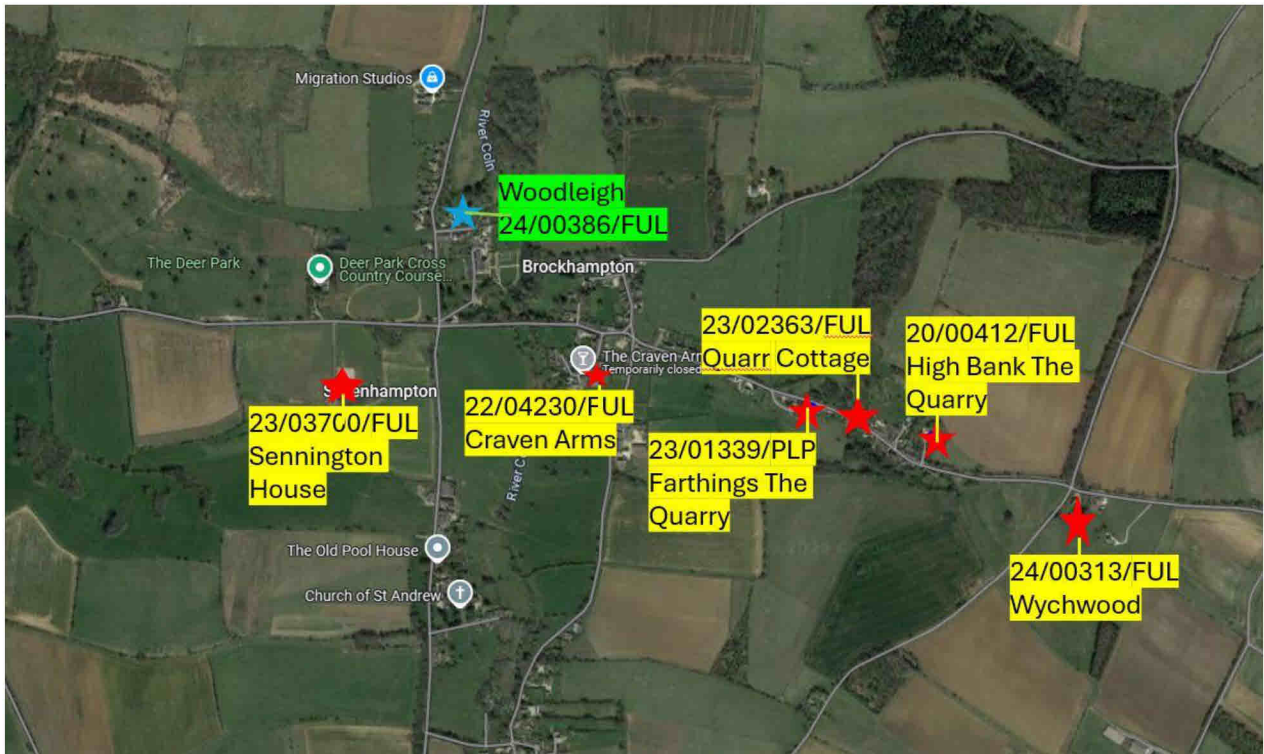
Yours sincerely



**Wendy Hopkins | MRTPI**

Company Director

**Appendix 1 – map showing location of similar small-scale residential developments in Brockhampton.**



## **Appendix 2 – Summary of the legal requirement for consistent decision-making by local planning authorities.**

Previous planning decisions are capable of being a material consideration in planning decisions. This means previous decisions can and should be taken into account where relevant by the determining authority. The reasoning behind this was explained by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137:

‘One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system.’

More recent decisions in the High Court have further emphasised the importance of consistency in planning decisions, especially when assessing similar developments. In instances where decisions are so similar that to fail to take them into account would be nothing but unreasonable.