

Conversion of existing stables to self-build dwelling and associated landscaping works at Grove Piece Duntisbourne Leer Cirencester Gloucestershire GL7 7AS

Full Application 24/03864/FUL	
Applicant:	Ms Bryony Barraclough
Agent:	Morgan Elliot Planning
Case Officer:	Joanne Reeves
Ward Member(s):	Councillor Julia Judd
Committee Date:	9 April 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle
- (b) Scale and design and impact on setting of heritage assets
- (c) Residential amenity
- (d) Cotswolds National Landscape
- (e) Highway safety
- (f) Biodiversity
- (g) Impact on Cotswold Beechwoods Special Area of Conservation
- (h) Other matters

2. Reasons for Referral:

2.1 The Ward Member for Ermin has referred the application to Planning and Licensing Committee for the following reasons -

- (a) Character and Appearance
- (b) Impact on the AONB
- (c) Highway Safety
- (d) Archaeology

In particular, Policies DS4 and EC6.

2.2 The above reasons were accepted by the Planning Committee Review Panel on 21st February 2025 'on the grounds that consideration should be given to the impacts on highways safety, and the character and appearance of the Cotswolds National Landscape.'

3. Site Description:

- 3.1 The application site comprises a modern, albeit redundant, stable building to the north-east of the hamlet of Duntisbourne Leer. The stable building occupies an elevated position to the south of Crabtree Lane and is accessed via a pair of 'field-style' entrance gates. There is an associated barn and horse exercise area (manège) to the south and south-east, respectively. The barn is used for stabling and the storage of hay.
- 3.2 The site is outside but adjacent to the Duntisbourne Abbots / Duntisbourne Leer Conservation Area. There are several Grade II listed buildings approximately 100 metres to the south-west of the application site, and a Grade II* listed farmhouse approximately 300 metres to the south-east across the valley. An historic ford across the Dunt forms the focus of the hamlet.
- 3.3 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty), and Flood Zone 1 (an area at low risk from fluvial flooding).

4. Relevant Planning History:

- 4.1 CT.7876 - Wooden stable block - Permission 21/09/1998.
- 4.2 CT.7876/A - Erection of a hay store - Permission 03/10/2001.
- 4.3 15/00276/FUL - Erection of replacement stabling facilities - Permission 06/05/2015.
- 4.4 15/02192/COMPLY - Erection of replacement stabling facilities - compliance with conditions 4 (samples), 6 (design) and 8 (landscaping) - Approval 03/07/2015.
- 4.5 18/01450/FUL - Formation of horse exercise area bounded by traditional post and rail fence - Permission 08/08/2018.
- 4.6 18/03309/COMPLY - Compliance with Condition 6 (details of the proposed seed mix) & Condition 9 (finish of fencing/gates) - 18/01450/FUL (Formation of Horse exercise area bounded by traditional post and rail fence) - Approval 06/09/2018.
- 4.7 20/01361/FUL - Erection of a storage barn - Permission 29/10/2020.

4.8 21/04688/COMPLY - Discharge of conditions 3 (landscape scheme), 6 (lighting scheme) and 8 (samples) of permission 20/01361/FUL - Erection of a storage barn - Approval 04/05/2022.

5. Planning Policies:

- DS4 Open Market Housing o/s Principal/non-Pr
- EC6 Conversion of Rural Buildings
- EN5 Cotswolds AONB
- EN2 Design of Built & Natural Environment
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- INF4 Highway Safety
- INF5 Parking Provision
- INF8 Water Management Infrastructure
- TNPPF The National Planning Policy Framework
- INF10 Renewable & Low Carbon Energy Develop't

6. Observations of Consultees:

- 6.1 Council's Biodiversity Officer - *No ecological objection, subject to conditions.*
- 6.2 Council's Drainage Officer - *Additional Information Required/No objection subject to conditions.*
- 6.3 Gloucestershire County Council Local Highway Authority - *The application should be refused on sustainability and highway safety grounds.*
- 6.4 Natural England - *Designated site [European] - No objection subject to securing appropriate mitigation.*

7. View of Town/Parish Council:

7.1 The Duntisbournes Parish Council (Objection) -

7.1.1 "The Duntisbournes Parish Council have read and reviewed the planning application 24/03864/FUL Conversion of existing stables to self-build dwelling and associated landscaping works.

7.1.2 We note the recent changes to the NPPF which were published on December 14th 2024.

- 7.1.3 *From the planning website it is clear that there is a long history of previous planning applications on this site, dating back to 1998.*
- 7.1.4 *Applications since 2015 submitted under the present ownership. To date, development on the site has been justified by its use for private equestrian pursuits: Excerpt from 15/00276/FUL Covering letter:*
- 7.1.5 *This new application represents a complete departure from this original progression and a change of use from what was formerly agricultural land to an application for a domestic dwelling. This is an application for a residential dwelling in open countryside.*
- 7.1.6 *It undermines the justification for all the preceding equestrian developments since 2015, as, if permitted, it would eliminate stabling for horses. The application in 2020 20/01361/FUL, permitted October 2020 was for a hay barn storage not stabling.*
- 7.1.7 *Prior to the establishment of a stable and tack room this was an open landscape field with a pleasant natural visual aspect across the valley to the Dunt stream and the residential farm complex Grade II listed building known as Nutbeam. This and the subsequent buildings and constructions within the field known as Grove piece has permanently changed that aspect and its open tranquillity on the approach to Duntisbourne Leer has been eroded.*
- 7.1.8 *We understood that the Council favoured timber outlying buildings over stone, to avoid the issue of domestic conversion later on.*
- 7.1.9 *Councillors feel it does not accord with the ethos of sustainable development and will have an unacceptable cumulative impact on the local road network (see NPPF added journeys).*

Policies considered relevant from the Local Plan:

- 7.1.10 *Open Market Housing Outside Principal and Non-Principal Settlements (POLICY DS4)*

6.4.1 To promote sustainable development in the countryside, paragraph 55 of the NPPF expects housing to be located where it will enhance or maintain the vitality of rural communities. In the absence of special circumstances, local planning authorities should avoid permitting new isolated homes in the countryside.

7.1.11 Policy EC6 CONVERSION OF RURAL BUILDINGS planning statement point 4.8 The conversion of rural buildings to alternative uses will be permitted provided:

a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;

7.1.12 The alteration to the south facing facade to large open glassed areas would be substantial alteration and not in keeping with the traditional stable design.

7.1.13 We acknowledge the existing dimensions of the stables are to be used, however consider the very large expanse of glass which is out of keeping with the traditional and current facade of wood with small window areas and stable doors as is traditional for stables. A large area of glass as proposed would cause glare across the valley towards Nutbeam.

Ref - Planning Statement - Historic Matters

7.1.14 The Duntisbournes are in the National Cotswolds Landscape, previously AONB. As you approach Duntisbourne Leer down the single track lane several listed buildings come into view, these are all nestled around the meandering Ford which passes through all four Duntisbournes within the Conservation Area.

7.1.15 The proposed conversion of the length of stabling in Grove Piece is visible on the left along this approach towards the village from the A417. This was originally a pasture/paddock a large area of grassland with a view across the valley towards the Grade II listed dwelling known as Nutbeam.

7.1.16 This open landscape has changed beyond recognition and forms part of the important approach to the village and therefore the perception of a settlement.

Comments re Ref page of Planning Statement Historic Matters

7.1.17 Section 5.4 of the Planning Statement. We challenge the statement that the site is not near listed buildings. The comments make light of what is considered to be an iconic unspoilt important historical cluster of village

houses and cottages, many originating in the 17th Century. We consider that it will have a harmful impact on the local landscape. Such a development is completely out of character for the area and will in our view impact the listed buildings that make up Duntisbourne Leer.

7.1.18 Paragraph 5.48 the building will create visual improvement which will effectively tidy the site.

7.1.19 We do not consider the statement / comment to be a justification or a valid material reason for permitting this conversion.

7.1.20 In conclusion, the proposed change of use of the site to residential would be detrimental, as it has a large footprint with inevitable domestic paraphernalia which is materially different to that generated by agricultural usage and would not enhance the landscape. Biodiversity mitigations do not overcome the harm. We note further biodiversity and habitat considerations are to be submitted.

7.1.21 Parish Council consider the application harmful to the nearby historic cluster of heritage listed buildings, which are of high importance both locally and nationally. The area is seen as tranquil and unspoilt appearing in many guide books and its beauty unharmed as time stood still.

7.1.22 The Parish Council strongly objects to this application.

7.1.23 The PC considers the harm caused to the open landscape is significant and detrimental to the tranquillity in this particular important setting.

7.1.24 If the planning officer is minded to permit this application. We would ask the following points to be considered.

[i] To remain a private establishment with no further permitted development rights.

[ii] No further additional sheds or outbuildings.

[iii] Lighting to be low key in line with Dark Skies policy."

8. Other Representations:

8.1 One third party letter of support has been received -

"Having seen the owner carry out a sympathetic tidying up of the site since she arrived I feel she will be a huge asset to the village. The design of the plans is sympathetic and from the outside nothing will change. It can only be advantageous to allow her to live on site as she has animals that need constant attention and has also proven herself to be a hugely valuable member of the community. The increase in rural crime is huge and to have another set of eyes on the village can only be a good thing. The site itself has seen massive improvements in the last few years as the owner has worked tirelessly to keep it looking smart and tidy. Having studied the plans at length I feel they have been well thought out and designed to have minimal impact, if any, on the surroundings. I fully support this application and cannot see any reason not to allow it..."

9. Applicant's Supporting Information:

- Bat Emergence Survey Report
- Design and Access Statement.
- Landscape Mitigation Strategy
- Planning Statement
- Preliminary Ecological Appraisal
- Technical Note
- Visual Structural Inspection and Subsequent Assessment.

10. Officer's Assessment:

- 10.1 The application seeks planning permission to convert an existing stable building to a two-bedroom residential dwelling. The dwelling would be used in connection with the established equestrian use on the site.
- 10.2 The existing timber frame and clad stable building has an external footprint of approximately 129 square metres (21.5 metres by 6 metres); an overall ridge height of 4 metres; and an eaves height of 2.5 metres.
- 10.3 The site area is approximately 0.2 hectares, although the applicant also owns adjoining pastureland.
- 10.4 Planning permission was granted for the erection of the stable building in 2015. In 2018, a further application was granted for the erection of a horse exercise area/riding arena approximately 30 metres to the south/south-east of the stable building. This was followed by an application for the erection of a storage barn on land between the stable building and the riding arena in 2020. Consequently,

the site has had an established equestrian use for more than 10 years, with stables having first been erected on the site back in the late 1990s.

(a) Principle

- 10.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of an application is therefore the current development plan for the district, which is the adopted Cotswold District Local Plan 2011- 2031.
- 10.6 The Local Planning Authority must also have regard to other material considerations when reaching its decision. It is therefore necessary to have regard to the policies in the National Planning Policy Framework (NPPF), and any relevant international obligations and statutory requirements.
- 10.7 The application site is located outside a Principal or Non-Principal Settlement as identified in the Cotswold District Local Plan 2011-2031. The provision of housing on the site is therefore covered by Local Plan Policy DS4 'Open Market Housing outside Development Boundaries and Non-Principal Settlements'. This policy states 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.
- 10.8 The supporting text to Policy DS4 states that this policy is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings, as is the case with this current proposal.
- 10.9 For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land.
- 10.10 Local Plan Policy EC6 'Conversion of Rural Buildings' supports the re-use of existing rural buildings, which have been surplus to requirements, or are no longer suitable for their original use, as this can help to reduce demands for new building in the countryside.

10.11 Policy EC6 states that the conversion of rural buildings to alternative uses will be permitted provided:

a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;

b. it would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and

c. the development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.

10.12 A structural report has been submitted in support of the application confirming that the timber framed equestrian building is structurally sound, and capable of conversion to a two-bedroom dwelling without substantial alteration, extension, or re-building. Officers have viewed the existing building on site and concur with the findings of the report. Furthermore, the proposed development would not conflict with existing farming operations or cause conflict with extant uses on or near the site, as the applicant owns the existing stable building, the adjacent barn and horse exercise area.

10.13 Policy EC6 primarily deals with the suitability and capability of barns for conversion and the compatibility of the proposed use with existing uses. It does not therefore deal with wider issues such as the sustainability of a location or accessibility.

10.14 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

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

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

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

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

10.15 In this respect, it is also necessary to have regard to paragraph 84 (Rural housing) of the NPPF, which states that planning 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;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

10.16 The proposal would re-use a redundant / disused building. Measures have also been incorporated to enhance its setting. This includes new native species tree and hedgerow planting, including the reinforcement of existing roadside vegetation alongside Crabtree Lane. Please see Landscaping Strategy and planting and further discussion below.

10.17 It is considered that the proposed measures will reasonably enhance the immediate setting of the application building. The creation of a dwelling in this

location is therefore considered to meet one of the special circumstances listed above, and as such, there is a reasonable justification for allowing a new dwelling in an otherwise unsustainable location.

(b) Scale and design and impact on setting of heritage assets

10.18 The application site is located outside, but adjacent to, Duntisbourne Abbots / Duntisbourne Leer Conservation Area. Several listed buildings are also located within the hamlet of Duntisbourne Leer to the south-west of the application site.

10.19 The following policies and guidance are considered applicable to this proposal:

10.20 Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of a design quality that respects the character and distinctive appearance of the locality.

10.21 Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset, such as a listed building or conservation area, 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.

10.22 Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' also states that development proposals that would affect conservation areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the conservation area in terms of siting, scale, form, proportion, design, materials, and the retention of positive features.

10.23 Chapter 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 210 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.24 Chapter 12 of the NPPF seeks to achieve well-designed places and considers good design to be a key aspect of sustainable development.
- 10.25 As noted above, this application relates to the conversion of a timber framed equestrian building to a two-bedroom dwelling. The existing stable building is considered structurally sound, and capable of conversion to a dwelling without substantial alteration, extension, or re-building.
- 10.26 The building has a simple linear form and is orientated with its rear elevation 'fronting' Crabtree Lane. As noted above, no extensions or substantial alterations are proposed. The existing openings to the south elevation would be retained and glazed. Consequently, it is considered that the proposed dwelling would retain the plain and functional appearance of the existing equestrian building. It would not have an overtly domestic appearance and would be respectful of its rural location and its existing setting and location. Existing roadside vegetation also provides a significant degree of screening of the site.
- 10.27 Paragraph 167 of the NPPF states that local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.
- 10.28 As part of the conversion works it is proposed to insulate the existing timber clad and breeze block building and install a mechanical ventilation with heat recovery unit. Solar panels would also be installed on the south facing roof slope.

- 10.29 Given the minimum interventions required, and the relatively modest scale and character of the existing building, the proposed development would not harm the setting, character or appearance of the adjacent conservation area, nor would it harm the settings of the nearby listed buildings to the south-west, or across the valley to the south-east.
- 10.30 The new use is therefore considered sympathetic to the rural character of the area. Furthermore, it would not be tantamount to the erection of a new building, thereby helping reduce the demands for new building in the countryside.
- 10.31 Consequently, for the reasons outlined above, the proposed development is considered to accord with Local Plan Policies EN2, EN10 and EN11, and chapters 12 and 16 of the NPPF.

(c) Residential amenity

- 10.32 Local Plan Policy EN2 ('Cotswold Design Code') also states that 'development proposals should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight, and overbearing effect. Similarly, paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive, and accessible, with a high standard of amenity for existing and future users.
- 10.33 The proposed dwelling would be of size that meets minimum floor space standards for a 2-bed property in accordance with Local Plan Policy H1.
- 10.34 As noted above, the existing building is orientated 'rear-on' to Crabtree Lane, with its principal elevation facing south / south-east towards Nutbeam Farm approximately 300 metres away. Consequently, the proposed development would not give rise to an unacceptable level of overlooking, loss of daylight, or overbearing effect, by virtue of its distance from the nearest residential properties.
- 10.35 A sufficient amount of private amenity space would also be provided, in accordance with guidance in the Cotswold Design Code.

(d) Cotswolds National Landscape

- 10.36 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty) wherein the Local Authority in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty must seek to further the purpose of

conserving and enhancing the natural beauty of the area of outstanding natural beauty in accordance with section 85(A1) of the Countryside and Rights of Way Act 2000.

- 10.37 Local Plan Policy EN4 'The Wider Natural and Historic Landscape' states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.
- 10.38 Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' 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.
- 10.39 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 187 states that planning decisions should contribute to and enhance the local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.
- 10.40 Paragraph 198 states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 10.41 The Cotswolds is a collection of different types of landscapes. The Cotswold National Landscape Character Assessment describes the different character types, including the landscape character and key features of the High Wold Dip-slope, which includes the Duntisbournes -

10.41.1 "The High Wold Dip-Slope is a transitional landscape, with many of the characteristics of the High Wold and the Dip-Slope Lowland. It is a gentle, rolling landscape dissected by predominantly south-east flowing rivers and punctuated by numerous dry valley formations. Widespread arable farming lends it a well maintained, productive character, with a strong framework of hedges and woodland defining a complex mosaic

of small scale arable and pastureland. Settlement is sparse, and is generally confined to intermittent, isolated farmsteads and hamlets. There is much evidence of small-scale quarrying in 'delves', which are often overgrown, although stone walls are less prevalent than on the High Wold. Where present, the course of old Roman roads has influenced the grain of landscape patterns..."

10.41.2 Identified landscape sensitivities include -

"The wide, elevated, gently undulating Dip-Slope landscape is sensitive to landscape change. Characteristic features such as wide panoramic views, a high degree of inter-visibility and limited woodland cover increase the sensitivity of the landscape. It is particularly sensitive to large scale developments or elements that may introduce tall vertical elements such as pylons and telecommunication masts..."

10.42 A comprehensive landscape appraisal and mitigation strategy has been submitted in support of the current application. As part of the mitigation strategy, it is proposed to locate the 'domestic curtilage' (for example, patio area) associated with the new dwelling within the immediate confines of the existing stable building, where it would not be publicly visible. The functional 'agrarian' character of the existing stable's north and west elevations would also be maintained through suitable architectural detailing, complemented by simple landscape treatments in the form of native tree and hedge planting. It is also proposed to enhance the tree cover along Crabtree Lane through the planting of extra trees within the roadside hedge, thereby providing additional screening and privacy. Low level roadside vegetation along the northern boundary of the wider landholdings would also be reinforced, thereby improving the visual enclosure of the extant equestrian uses within.

10.43 Consequently, the proposed development, by virtue of its relatively modest scale, nature, and location, together with the incorporation of appropriate mitigation in the form of planting, would not encroach into the wider landscape to any greater extent than the existing stable building. Limited openings, and the removal of permitted development rights regarding any new openings, would also minimise the potential impact from light pollution on dark skies. The character and special qualities of this part of the Cotswolds National Landscape would therefore be conserved in accordance with the requirements of Local Plan Policies EN4 and EN5 and chapter 15 of the NPPF.

(e) Highway safety

- 10.44 Local Plan Policy INF4 'Highway Safety' seeks to permit development that creates safe and secure layouts, which minimise conflicts between traffic and cyclists or pedestrians, and avoids street clutter. It also seeks to provide safe and suitable access. Local Plan Policy INF5 relates to parking provision.
- 10.45 Chapter 9 of the NPPF seeks to promote sustainable transport. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 10.46 The proposed development would utilise an existing vehicular access off an unclassified road. The existing access is used in connection with an established equestrian use and is therefore already subject to a degree of vehicular activity. Access visibility is also considered to be acceptable. Adequate off-road parking provision would also be provided within the curtilage of the site, thereby meeting the requirements of Local Plan Policies INF4 and INF5.
- 10.47 This notwithstanding, Gloucestershire County Council's Principal Highway Development Officer has recommended that the application should be refused on the following sustainability and highway safety grounds:

10.47.1 "The roads leading to the site are unsuitable to cater for the additional traffic generated by the proposed development by reason of the restricted width, restricted forward visibility and substandard junctions and the resultant increase in vehicle movements will increase the likelihood of conflicts between vehicles and manoeuvring on the carriageway to the detriment of highway safety."

10.47.2 The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable occupiers to reasonably choose sustainable modes of transport to access the site and local services as required by national and local planning policies.

10.47.3 The proposed development would exacerbate the risk of conflict between vehicles and vehicles and pedestrians and cyclists by reason of the lack of segregated pedestrian facilities and street lighting on comparatively narrow roads with restricted forward visibility, substandard junctions and subject to the national speed limit, and does

not "minimise the scope for conflicts between pedestrians, cyclists and vehicles" as required by NPPF leading to an increase in the likelihood of danger to highway users particularly those considered vulnerable and this reduction in highway safety means the development does not comply with national and local policies."

- 10.48 The Local Highway Authority raised no objection to the previous application for the provision of the storage barn, which was granted planning permission in 2020. This barn is now used for both stabling and the storage of hay.
- 10.49 The Transport Assessment submitted in support of the current application identifies the number of vehicle journeys associated with the established equestrian use across the wider site, and considers the number of vehicle journeys generated by a single dwelling to result in a development proposal that would either reduce the total number of vehicle movements to and from the site, or at worst, have a neutral impact on the local highway network compared to the existing use. This is because the owner / applicant would live on site, rather than travel to it.
- 10.50 As noted above, paragraph 84 of the NPPF also establishes the principle of new isolated homes in the countryside via the conversion of redundant or disused buildings.
- 10.51 This notwithstanding, due to the site's rural location, it is acknowledged that there is limited access to a range of services and amenities, and that there are no pedestrian footways along Crabtree Lane. Consequently, given the rural location of the site it is inevitable that car journeys would be made. However, the NPPF also recognises that not all new development can be situated in locations that can be readily accessed on foot, bicycle, or by public transport. Paragraph 110 also states that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.
- 10.52 As previously noted, vehicular access to the site would be from Crabtree Lane via the existing gated junction serving the proposed development and the established equestrian use. The existing access is 6.5 metres wide with gates set back 5.5 metres from the carriageway edge and inward opening providing clear visibility in both directions.
- 10.53 Consequently, the proposed development, by virtue of its relatively modest scale, and low-level intensity, is unlikely to have an unacceptable impact on highway safety. Furthermore, the residual cumulative impacts on the road

network would not be severe when compared / measured against the extant equestrian use across the wider site. The proposal is therefore considered not to conflict with Local Plan Policies INF4 and INF5 and guidance in Chapter 9 of the NPPF.

(f) Biodiversity

10.54 Local Plan Policy EN8 seeks to safeguard biodiversity within the district. Development proposals where the primary objective is to conserve or enhance biodiversity will be encouraged. Where there are opportunities for enhancements, which benefit nature conservation and biodiversity, appropriate measures to secure them will be sought. Development that would cause significant harm to biodiversity, which cannot be mitigated or (as a last resort) adequately compensated for, will be refused.

10.55 Chapter 15 (paragraph 186) of the NPPF states that when determining applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Conversely, development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

10.56 The Council's Biodiversity Officer has reviewed the Preliminary Ecological Appraisal and Bat Emergence Survey Report submitted in support of the application, and commented as follows:

10.56.1 "The Preliminary Ecological Appraisal (Abricon, December 2024) states that habitats onsite to be affected comprise primarily a barn structure, hardstanding, with an area of ruderal/ephemeral habitat along the northern site boundary. An area of woodland to the west of the site, which appears on the Priority Habitats inventory as deciduous woodland, will not be directly affected by the proposed works but may be subject to indirect effects from additional lighting.

Bats -

10.56.2 The barn to be affected was assessed to be of low suitability to roosting bats, and one further emergence survey was undertaken which

determined that the barn does not support roosting bats. The Bat Emergence Survey Report (Abricon, December 2024) states that any additional lighting installed on site could indirectly impact commuting and foraging bats and therefore, a lighting strategy should be followed. Although the BESR offers suitable recommendations for lighting type and specifications, there is no finalised strategy provided. Therefore, a finalised strategy should be secured by condition once all other matters are resolved.

Badgers, hedgehogs, and otters -

10.56.3 The PEA recommends precautionary measures to safeguard badgers, hedgehogs, and otters within section 5.3 of the report which are deemed to be sufficient in this instance.

Birds -

10.56.4 The PEA reports that the barn supports old and active swallow nests, and the conversion of the barn will result in the loss of these nests. To compensate for these losses, the PEA recommends that two no. double swallow nest cups are installed on the northern elevation of the building. It is also recommended that works are undertaken outside of the bird nesting season (March to August inclusive)."

10.57 The proposed development, subject to conditions, is therefore considered to accord with Local Plan Policy EN8, chapter 15 of the NPPF, and the relevant legislation and guidance.

(g) Impact on Cotswold Beechwoods Special Area of Conservation

10.58 The application site lies within the 15.4km of the Cotswold Beechwoods Special Area of Conservation (SAC), which is internationally important for its biodiversity. Local Plan Policy EN9 'Biodiversity and Geodiversity: Designated Sites' states that internationally designated wildlife sites (including proposed site and sites acquired for compensatory measures) will be safeguarded from development that could cause significant effect that would adversely affect their integrity.

10.59 Over recent years recreational pressures from visitors to the site have increased and are now causing considerable damage to the wildlife value of the SAC. Visitor surveys have been undertaken at the Cotswold Beechwoods, and this has shown that most visitors come from within 15.4km of the SAC.

- 10.60 Under the Conservation of Habitats and Species Regulations 2017 (as amended) and other relevant legislation and guidance, local planning authorities must assess whether any development proposal could harm the biodiversity value of a SAC. This works on the precautionary principle. Therefore, to permit any proposals there must be certainty that the proposals will not cause any significant likely effects (i.e. negative impacts) on the SAC either on their own or in combination with other proposals. As such, a Habitat Regulations Assessment (HRA) is required regarding the potential impacts. This is due to the likely significant effects resulting from an increase in residential pressure, particularly in combination with other development projects.
- 10.61 A mitigation strategy has been developed by this Council in conjunction with Natural England and neighbouring councils to ensure that the impact on the SAC arising from new residential development is mitigated. The mitigation strategy requires the submission of a financial contribution towards on and off-site mitigation at the SAC. The onus is on the applicant to meet the requirements of the mitigation strategy to enable the Local Planning Authority, as the competent authority, to undertake an Appropriate Assessment as required under the Conservation of Habitats and Species Regulations 2017.
- 10.62 The applicant has submitted a section 111 agreement demonstrating that the relevant mitigation for the adverse effects to the Cotswold Beechwoods SAC has been secured. The Council's Biodiversity Officer has undertaken an 'Appropriate Assessment' in accordance with the Habitats Regulations, and Natural England has reviewed the assessment and raised 'no objection subject to securing the appropriate mitigation'.
- 10.63 For these reasons, the proposed development is considered to accord with the requirements of Local Plan Policies EN8 and EN9, chapter 15 of the NPPF, and the Conservation of Habitats and Species Regulations 2017 (as amended).

(h) Other matters

Biodiversity Net Gain

- 10.64 Biodiversity net gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. In England, BNG is a mandatory requirement. Under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least

a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

10.65 Whilst every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement, and transitional arrangements, as well as exemptions, mean that certain developments are not subject to BNG.

10.66 This application is for a self-build dwelling and is therefore exempt from mandatory BNG. A unilateral undertaking (under Section 106 of the Town and Country Planning Act 1990) has been submitted in support of the application whereby the applicant has confirmed that the development subject to the application would consist only of self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (or any legislation amending or updating the definition), and following construction, the commissioning or building household will occupy the plot as a principal residence for a minimum of three years.

CIL

10.67 Please note that the proposed development as set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate.

11. Conclusion:

9.1 Notwithstanding the objections received, the proposed development is considered to accord with the objectives of Local Plan Policies DS4, EC6, EN2, EN5, EN8, EN9, EN10, EN11, INF4, INF5 and INF10, and the design, highway safety, landscape (including Biodiversity) and historic environment considerations set out in chapters 12, 14, 15 and 16 of the NPPF, and thereby 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 permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No. 415/P/01 Rev B), Proposed Site Plan (Drawing No. 415/P/05 Rev D), Proposed Ground Floor Plan (Drawing No. 415/P/06 Rev D), Proposed Roof and First Plans (Drawing No. 415/P/07 Rev D), Proposed North and South Elevations (Drawing No. 415/P/08 Rev D), Proposed East and West Elevations (Drawing No. 415/P/09 Rev B), Detailed Planting Plan (Drawing No. 240790-RAP-XX-XX-DR-L-4001 Rev P06), and Detailed Planting Plan (Drawing No. 240790-RAP-XX-XX-DR-L-4002 Rev P05).

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

3. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, dormers, porches, outbuildings, containers, chimneys or flues, shall be erected, constructed or installed on the site, other than those permitted by this Decision Notice.

Reason: To protect the visual amenity and rural character of the area in accordance with Cotswold District Local Plan Policies EN4, EN5, EN10 and EN11, and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other statutory instrument amending or replacing it, no additional window or door openings, including rooflights, shall be inserted in the building, other than those permitted by this Decision Notice.

Reason: To protect the visual amenity and rural character of the area in accordance with Cotswold District Local Plan Policies EN4, EN5, EN10 and EN11, and the National Planning Policy Framework.

5. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365,

with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance. If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

6. The materials to be used for the external walls and roof of the development hereby permitted shall match those used in the existing building.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN5, EN10 and EN11, and the National Planning Policy Framework, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

7. Prior to the installation/insertion of the fully glazed doors and new solid front door, details of their design, materials, construction and finish, in the form of scale drawings and sections, or manufacturer's technical details/specification, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details and retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4, EN5, EN10 and EN11, and the National Planning Policy Framework.

8. The entire landscaping scheme shall be completed by the end of the first planting season immediately following the completion of the development or the site being occupied/brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objectives of Cotswold District Local Plan Policies EN4 and EN5, and the National Planning Policy Framework.

9. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas

which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objectives of Cotswold District Local Plan Policies EN4 and EN5, and the National Planning Policy Framework.

10. The development shall be undertaken in accordance with the recommendations contained within the Preliminary Ecological Appraisal (Abricon, December 2024) and the Bat Emergence Survey Report (Abricon, December 2024). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To ensure wildlife 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.

11. Prior to the installation of external lighting for the development hereby permitted, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not illuminate bat roosting features, disturb foraging and commuting bats or prevent nocturnal species using wildlife corridors. All external lighting shall be installed only in accordance with the specifications and locations set out in these details.

Reason: To protect nocturnal wildlife 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 (Chapter 15), 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.

12. Prior to the first occupation/use of the development hereby permitted, a finalised biodiversity enhancement plan based on the provision of at least one bat box shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Council Local Plan, and for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

13. Within 3 months of the cessation of their use for electricity generating purposes, the solar panels and all other associated components shall be permanently removed from the application site.

Reason: To protect the visual amenity of the area in accordance with Cotswold District Local Plan Policies EN2, EN5, EN10, EN11 and INF10, and the National Planning Policy Framework.

Informatives:

1. Please note that the proposed development as set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate.

There are further details on this process on the Council's website at <https://www.cotswold.gov.uk/planning-and-building/community-infrastructure-levy/>