

20 March 2025

Joanne Reeves  
Planning Department  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

Sent via email: [REDACTED]

Dear Joanne,

[Response to comments for the Planning and Licensing Committee in relation to planning application 24/03864/FUL at Grove Piece, Duntisbourne Leer.](#)

I write in relation to the above planning application on behalf of the Applicant, which is due to be heard at Planning and Licensing Committee on 9<sup>th</sup> April 2025. I understand the planning application is being recommended for approval by the Local Planning Authority (LPA). At this point, we wish to thank the LPA for working positively and proactively with the Applicant.

It is understood that the Council's Review Panel consider the application should be referred to the Council's Planning and Licensing Committee (thereafter referred to as planning committee) on the grounds that further consideration should be given to:

- Potential impact on highway safety;
- Potential impact of the proposed development on the character and special qualities of the Cotswold National Landscape; and
- Intensification of the established equestrian use on the site.

It's also noted that the local ward member asked that the application is referred to planning committee for the following reasons:

- Character and appearance
- Impact on the Cotswold National Landscape
- Highway safety
- Archaeology
- Reference to Local Plan Policies DS4 and EC6 – *no reference was made as to what part of the policies the local ward member considered the proposals conflicted with.*

The following letter seeks to respond to each of these matters in turn.

### Highway Safety

It is understood that the Local Highways Authority raised an objection to the proposals on 4<sup>th</sup> February 2025 in relation to the sustainability of the site and highways safety. In particular, the comments conclude that the site is in an unsustainable location in “purely transport terms” as they consider the proposals would “rely entirely on the private car to access all services.” Coming to this conclusion, the Local Highways Authority state that there is a “lack of safe provision for pedestrians and cyclists, and street lighting will result in a decrease in highway safety...”.

They then go on to state:

“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.”

“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.”

The above comments can be summarised into the following two points to be addressed:

Detriment to highway safety in respect of the additional vehicular traffic on the local highway network.

The risk of conflict between vehicles and pedestrians and cyclists and the increase in the likelihood of danger to highway users.

Accompanying the submission of the planning application is a Transport Technical Note which dealt with both points in detail. Chapter 6 of the Technical Note considers the existing trip generation compared to the forecast trip generation. Currently the Applicant visits the site multiple times a day to tend to her horses. As per the accident data contained within the Technical Note, there has been no record of any collisions in the last five years such that there is no existing highway safety concerns within the vicinity of the site and therefore, it can be concluded that there is no existing safety issues on the local highway network that could be exacerbated by the proposals.

As an additional sense check, a review has been undertaken to consider historical collisions that have occurred within proximity to the site dating back to 1999, which is as far back as the CrashMap database extends. This information is merely for the benefit of the LPA and does not alter the conclusions previously detailed in the supporting Technical Note submitted as part of the application.

The additional review confirms that there have been no recorded collisions along Crabtree Lane from 1999, which definitively concludes that there is no existing safety issue of vehicle and pedestrian conflict or historic highway safety pattern or concern within the vicinity of the site, which need to be considered further as part of this assessment.

The proposed development will naturally reduce the number of vehicle trips to and from the site by providing living accommodation for the Applicant. Notwithstanding this, to provide a robust assessment the Transport Technical Note also considered the impact if the number of trips were not reduced, concluding that the proposed development would have a neutral impact on the local highway network in comparison with the existing use on site. As there will be no material difference between trip generation, it's worth drawing members' attention to the previous planning application south of the site (ref. 20/01361/FUL) where the Local Highway Authority concluded that "the proposal will utilise an existing access with inward opening gates which do not project onto the highway. The access gate is considered to be a sufficient width to enable adequate visibility for vehicles accessing and egressing from the site. As such, the proposal would not be detrimental to highway safety which complies with policy INF4 of the Cotswold District Local Plan." The same conclusions therefore, can be applied in this case.

Consequently, the Transport Technical Note concludes that the proposals will not have an unacceptable impact on highway safety and the residual cumulative impacts of the development would not be severe and therefore, the proposals will not be contrary to Paragraph 116 of the NPPF. In this context, and with specific reference to the Local Highway Authority's comments, it is considered the proposals will minimise the scope for conflicts between pedestrians, cyclists and vehicles as per Paragraph 117 c) of the NPPF.

The Local Highway Authority's response references that the proposals will attract "on average around six to eight trips per day" however, there is no evidence to back up where these figures have come from. Comparing this to the technical work that has been undertaken in the accompanying Transport Technical Note, this is the data that should be relied upon.

It should also be recognised that the proposals sit within a rural location where sustainable transport opportunities are limited. This is a matter that is considered at Paragraph 110 of the NPPF:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, 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." [own emphasis added].

Here, there is clear direction from the Government that not all locations will benefit from sustainable transport solutions and that this matter should be considered on balance during the decision-making process.

Paragraph 115 a) of the NPPF requires that opportunities to promote sustainable transport modes are prioritised taking account of the vision of the site, the type of development and its location. As set out in the Transport Technical note, it does not require all development to be held to the same standard in accessibility terms. Additionally, Paragraph 117a caveats access to high quality public transport by stating “so far as possible”. Therefore, these two paragraphs are not precluding development that is not in a highly accessible location.

To conclude, it is the Applicant’s primary contention that there is no reason to refuse the proposals on highway safety grounds, as well as no other highways related grounds, such that the proposals are not contrary to Paragraph 116 of the NPPF. Consequently, the proposals therefore comply with Policy INF4 of the Local Plan.

#### Cotswold National Landscape

The site sits within the Cotswold National Landscape where local and national policy seeks to conserve and enhance its special landscape qualities and characteristics.

Accompanying the planning application is a Landscape Mitigation Strategy which concludes that the proposals will meet this policy test. Any potential negative effects can be mitigated through careful placement of the residential curtilage to the property, with a suitable planting strategy employed to create enhancement to the fabric of the landscape and to ensure that the proposal does not compromise the essential quality and character of the area. With regards to visual amenity, due to the limited extent of the Application Site’s visual influence, there will be no perceived change within the landscape from a visual amenity perspective with the proposed scheme in place.

Detailed planting plans accompany the planning application that can be secured by way of condition. On detailed planting plan ref. 240790-RAP-XX-XX-DR-L-4001 a blue dashed line is included which defines the extent of the proposed extent of residential garden, which will be secured via planning condition. A similar condition (condition 9) was added to planning permission 24/00315/FUL at Scrubditch Farm, North Cerney which was allowed on appeal on 4<sup>th</sup> December 2024 (appeal ref. 3346869). A copy of this appeal decision is attached at Appendix 1 of this letter.

As such, it is concluded that the proposals comply with Paragraph 189 of the NPPF, and consequently, Policies EN4 and EN5 of the Local Plan.

#### Intensification of equestrian use

The following provides certainty that the proposals will not intensify the private equestrian use on site.

As set out in the Planning Statement, the purpose of the proposed new dwelling at this location is so the Applicant can live on her private land that comprises a private equestrian use, allowing the Applicant to

provide greater care for her horses. Currently on site, there are four horses which the Applicant is visiting at a minimum twice a day currently to care for them, both in the day and night. Towards the end of 2022, the Applicant started to relocate the horses to the storage barn, that is ancillary to the private equestrian use<sup>1</sup>, such that the storage barn now comprises stabling and ancillary storage to the private equestrian. The horses were moved to the storage barn for the following reasons:

- 1) The arena for the horses sits where the storage barn is located. For ease and medical reasons, the horses are better situated within the storage barn. This is explained further below.
- 2) There has been a high rise of burglaries locally and therefore, the Applicant felt the horses would be safer away from the road. Unfortunately, the Applicant was party to a theft in 2016 (crime reference CR/19589/16) where tack and equipment associated with the equestrian use was stolen, and then again in 2020 (crime reference GC-20200707246).
- 3) Whilst not a primary reason, the Applicant was aware of complaints from neighbours who felt that the stabling of horses in the original stable building caused an eyesore.

To elaborate on point 1) above, accompanying this response is a letter from the Applicant's Veterinary Practice which details the medical reasons why the horses are better situated in the storage barn (see Appendix 2). This provides detailed justification for why it is important that the Applicant can live on site and for why the horses are better situated in the storage barn.

The proposed development will not result in an intensification of the private equestrian use on site, rather it will help aid the Applicant provide greater care for horses already on site.

### Character and appearance

As per the Planning Statement that accompanies the planning application, paragraphs 5.28 to 5.39 demonstrate that the proposals comply with Policies EN1 and EN2 by retaining the character and appearance of the existing stables with minimal intervention. The building is capable of conversion without extension or any significant degree of re-building, and there are no new openings. Existing openings are being utilised and no new outbuildings are proposed or other domestic paraphernalia.

As above, detailed planting plan ref. 240790-RAP-XX-XX-DR-L-4001 outlines the extent of the domestic curtilage proposed which is broadly confined to the building itself.

Taken the above into account and as set out in the accompanying Planning Statement, the proposals align with Paragraph D.67 point 5 of the Cotswold Design, along with Policies EN1 and EN2 and Paragraphs 131, 135 and 139 of the NPPF.

### Policies DS4 and EC6

Paragraphs 5.3 to 5.16 of the Planning Statement clearly demonstrate how the proposals comply with Policies DS4 and EC6. I do not intend to repeat myself here and therefore I refer members to these paragraphs when assessing the principle of development.

---

<sup>1</sup> Acknowledged in the officer's report attached to planning permission ref. 20/01361/FUL for the storage barn.

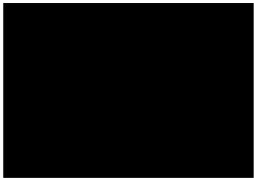
As a result, the proposals comply with the development plan in principle.

**Archaeology**

No comments have been provided by the County Council's Archaeologist for this application. However, it should be noted that the planning application relating to the storage barn (ref. 20/01361/FUL) was accompanied by an Archaeological Evaluation. The assessment included the site subject of this application. The Archaeological Evaluation recorded nothing of archaeological interest and therefore it was recommended no further archaeological investigation was required. The same conclusions can be applied in this case.

I trust the above will be considered during the determination of the application along with the supporting documentation that accompanies the planning application. Should you wish to discuss matters further, please do not hesitate to contact me.

Yours Sincerely,



Claudia Jones MRTPI  
**Morgan Elliot Planning**  
[claudiajones@morganelliott.co.uk](mailto:claudiajones@morganelliott.co.uk)  
07760351647

Appendix 1 – Appeal decision ref.

33468869



## Appeal Decision

Hearing held on 2 October 2024

Site visit made on 2 October 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

---

Appeal Ref: APP/F1610/W/24/3346869

Scrubditch Farm, North Cerney, Cirencester, Gloucestershire GL7 7DZ

The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.

The appeal is made by Mr and Mrs France against the decision of Cotswold District Council.

The application Ref is 24/00315/FUL.

The development proposed is the conversion of former agricultural building to residential use.

---

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of former agricultural building to residential use at Scrubditch Farm, North Cerney, Cirencester, Gloucester GL7 7DZ, in accordance with the terms of the application Ref 24/00315/FUL, subject to the conditions in the attached schedule.

### Applications for Costs

2. Prior to the Hearing, an application for costs was made by Mr and Mrs France against Cotswold District Council. This application is the subject of a separate decision.

### Procedural Matters and Main Issues

3. The address in the banner heading above is taken from the Council's decision notice, following agreement by the parties at the Hearing that it more accurately and succinctly identifies the appeal site.
4. In November 2023, all designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes.' However, the legal designation and policy status remain the same.
5. At the Hearing, the Council confirmed that the proposal is not considered to conflict with criterion b) or c) of Policy EC6 of the Cotswold District Local Plan (CDLP) 2018. Based on all that I have seen and the discussions I heard, I have no reason to take a different view. I therefore consider the main issues in relation to this appeal to be;



Whether the building is capable of conversion without substantial alteration or re-building;

The effect on the character and appearance of the area, having regard to the Cotswold National Landscape (CNL);

Whether the proposal would be in a suitable location for residential development having regard to the development plan; and

The effect on the Cotswold National Beechwood Special Area of Conservation (SAC).

## Reasons

### Substantial Alteration

6. The appeal site comprises a steel portal framed agricultural building with lower block work walls and timber cladding, under a corrugated sheet roof. It is common ground that the appeal site lies outside of any Principal or Non-Principal Settlements as defined within the CDLP. For planning policy purposes it is located in the countryside, where Policy DS4 precludes new build open market housing unless it is in accordance with other policies of the development plan.
7. Policy EC6 supports the conversion of rural buildings to alternative uses subject to compliance with 3 criteria. The matter in dispute relates to criterion a) of the policy which requires the building to be structurally sound, suitable for and capable of conversion for the proposed use without substantial alteration, extension or re-building.
8. The supporting text to Policy EC6 advises that buildings should be physically capable of being converted in terms of their size, soundness and structural stability, without recourse to extensive re-building, alteration or extension. The conversion should be just that, and not a pretext for what would be tantamount to the erection of a new building in the countryside.
9. The appellants have provided a structural report (SR) which concludes that the appeal building is suitable for conversion without the need for any significant structural improvement of the floor slab, foundations, steel framing or the masonry walls<sup>1</sup>. The Council accepts that the building is structurally sound<sup>2</sup> and I have no reason to disagree with the conclusions of the structural report. No extensions are proposed in this instance.
10. However, the Council considers that the proposed alterations are substantial such that the scheme fails to comply with Policy EC6(a). I acknowledge that the structural soundness of a building does not alone determine that a building is capable of conversion without significant alteration. It remains necessary to consider the totality of the works involved and whether it would still amount to a conversion of the building, as opposed to a new or re-build. Policy EC6 does not clearly define what works would amount to substantial alteration. It is therefore a matter of planning judgement based on the evidence presented.

---

<sup>1</sup> Structural Report authored by Mark Walsh dated 30.06.23.

<sup>2</sup> As set out in the Council's officer report.

11. The proposal is not a Class Q development<sup>3</sup>, such as that considered in Hibbitt<sup>4</sup>. However, the judgement is relevant to understanding the distinction between the level of works required for the conversion of an existing agricultural structure or building to a dwelling, and works amounting to its rebuilding.
12. The Planning Practice Guidance (PPG) indicates that the rights attributed under Class Q of the GPDO may include building operations such as the installation or replacement of windows, doors, roofs, exterior walls and services required to function as a dwelling<sup>5</sup>. Whilst there is no Class Q fallback here, due to the location of the appeal site within the AONB/National Landscape, the appellants have indicated that permitted development (PD) rights would allow a number of works that would affect the external appearance of the building. These include maintenance or repairs to the perishable materials of the appeal building, including re-cladding the upper sections of the walls. This was not disputed by the Council at the Hearing. It seems to me that the upper walls could be re-clad regardless of the proposed development. Moreover, internal works would not constitute development<sup>6</sup>.
13. In any event, the evidence before me indicates that the steel frame, lower blockwork walls, roof purlins and sheeting would be retained, other than for the insertion of doors, windows and replacement rooflights. These would be in scale with openings typically found on such agricultural buildings. The appellants amended their proposal to include the retention of the roofing material and the Council accepted at the Hearing that the proposed works would not be so extensive as a result. Moreover, there is no evidence that the proposed works would include new structural elements including foundations. Whilst the proposal is finely balanced, I find that the degree of works proposed would not amount to substantial alteration or a re-build.
14. The Council has referred to a number of proposals for barn conversions that have been refused<sup>7</sup>. Without full details of the specific sites, proposals, plans and decisions I am unable to determine to what extent, if any, the degree of works in those schemes are comparable to that before me. I have made my own judgement on the evidence available to me.
15. I find that the appeal building is capable of conversion without substantial alteration or re-building such that the proposal would comply with Policy EC6(a) of the CDLP as set out above.

#### Character and Appearance

16. The appeal site consists of a modern agricultural shed and an adjacent paddock. Whilst described by the appellants as being a visual detractor, its appearance is typical of a modern farm building found within countryside locations. Access is via an existing road which terminates for vehicles adjacent the appeal site, but continues as the North Cerney public right of way (PROW) Footpath 16. To the south and east are a loose group of buildings including a

---

<sup>3</sup> Permitted development as established by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

<sup>4</sup> Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

<sup>5</sup> PPG Paragraph: 105 Reference ID: 13-105-20180615.

<sup>6</sup> As set out at section 55(2)(a)(i) of the Town and Country Planning Act 1990.

<sup>7</sup> As set out in paragraphs 5.1 – 5.4 of the Council's statement of case.

small number of dwellings, other ancillary outbuildings and a traditional threshing barn with extensive hardstanding. These buildings are arranged in different positions and orientations relative to the road. This sporadic form of development along with the extensive network of surrounding fields, enclosed by occasional mature tree planting or woodland belts presents a distinctly rural character to the area.

17. Within the CNL designation, there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing its natural beauty<sup>8</sup>. I have determined the appeal with these duties and responsibilities in mind.
18. The Cotswolds Landscape Character Assessment (CLCA) identifies the appeal site as lying within the High Wold Dip Slope character type. This area is characterised by large-scale, open, productive arable farmland leading to a more complex mosaic of smaller, undulating scale pasture contained within a strong framework of hedges and woodland. Development is sparse and confined to intermittent farmsteads and hamlets<sup>9</sup>.
19. I observed that the appeal site is well contained within the wider landscape due to the natural, gently undulating topography and presence of mature landscaping. The site has a closer visual connection with the adjacent buildings formerly comprising the Scrubditch farmsteading, than with the more expansive fields and wider countryside beyond.
20. At the Hearing the Council explained that the most significant views of the site would be those from the track/road and the PROW. This chimed with my observations during the site visit. Views from points along the PROW to the north and the Woodmancote to North Cerney Road would be occasional glimpses obtained at a distance. In such views, the building nestles down and is viewed against a backdrop of tall, dark mature trees. Intervening vegetation and the rolling topography would limit visibility from many medium and longer-range views, which corresponds with the findings of the appellants Landscape Appeal Statement. Where it may be seen, it would be viewed at close range in the context of the other nearby buildings.
21. The Council has raised concerns about the urbanising effect of the scheme on the character of the area. The proposed conversion has been designed to be discrete when seen from the track. The careful treatment of the elevations would be supplemented by native tree planting to the eastern boundary to further assimilate the building's presence over time. This would take time to establish and would offer less coverage during winter months. The proposed dwelling would nonetheless only be clearly visible in very immediate views, almost directly adjacent to the appeal site.
22. The majority of windows would be located in the northern and southern elevations. They would only be visible in very localised views from the gaps between the building and the densely landscaped Scrubditch Dyke to the south and the start of the landscaping to the footpath to the north. Any new

---

<sup>8</sup> Paragraph 182 of the Framework.

<sup>9</sup> Key features of the High Wold Dip Slope Character Area as set out in Landscape Character Type 9 within the CLCA.

materials for the external walling and hard landscaping could be secured by condition to prevent any detrimental visual impact through inappropriate finishes or domestic surfacing materials. Stone walling is found along the public footpath and track within the vicinity of the site, such that new boundaries would not appear out of place.

23. Whilst inconsistencies between the proposed landscape masterplan and site plan were identified by the Council, it agreed with the appellant at the Hearing that the landscaping masterplan could be taken as the foremost drawing relating to the treatment of the building's immediate surroundings.
24. It is not clear from the evidence before me that the advice set out in 'development proposal 5' of the Cotswold Design Code<sup>10</sup> (the Design Code) applies to the conversion of modern agricultural buildings, as well as traditional barns. Even if I was to apply the advice, it is apparent that the proposed development would conserve the agricultural character of the existing building<sup>11</sup>. This would mostly arise from the retention of the building's overall form without extension, the existing blockwork, exposed steelwork and corrugated sheeting to the roof which would be supplemented by the use of hit and miss timber cladding to replace the existing.
25. The Design Code does not preclude the insertion of new openings. Rather it suggests that new openings should be avoided to preserve the often-blank character of agricultural structures. Where new windows are to be inserted, they would be treated with recessed glazing of a simple functional design. Those to be inserted into the northern elevation, would not interfere with the lower blockwork wall which is to be retained. The elevation in general would maintain a high wall to window ratio due to its overall scale, such that it would not be overtly domestic in appearance.
26. The proposed rooflights would be of a modest scale and reduced from the current situation. The low profile of the roof and the lack of wider visibility of the building beyond the appeal site would limit their impact. The utilitarian and plain appearance of the building would be maintained overall.
27. At the Hearing concerns were raised regarding the possibility of light spillage from the proposed openings. However, the building already benefits from lighting such that a degree of light spillage is already likely to occur. It has not been robustly evidenced that the proposed conversion would have a greater effect on the dark skies of the CNL than the existing situation.
28. The Design Code suggests that the residential curtilage should be tightly drawn where a close relationship survives between a barn and its open field setting. I acknowledge that the size of the application site is large. However, the appeal building relates visually to a smaller enclosed paddock than an open field. It is the clear intention of the appellant that the land to the north of the dwelling be planted as a species rich grass area with additional native shrubs and orchard trees, such that it would not appear domestic in character<sup>12</sup>.

---

<sup>10</sup> Appendix D of the CDLP.

<sup>11</sup> Visual 1 submitted to accompany the appellant's appeal submission.

<sup>12</sup> As shown in the Landscape Masterplan drawing number 230382-RAP-XX-XX-DR-L-3101 Rev P04.

29. The Council confirmed at the Hearing that an orchard would be considered to be agricultural in use. There would be no direct access from the building to this area, which would limit the practicality of everyday use for residential purposes. Moreover, the proposed masterplan identifies that the area of domestic garden would be limited to a smaller area wrapping around the front and side of the converted building. The parties agreed that this could be controlled by way of a plans condition and I have no reason from the information provided, to take a different view. The proposal would not result in a significant domestic encroachment into the CNL. Overall, the design of the scheme appears to reflect the objectives of the Design Code.
30. Reference is made to the refusal of a proposed barn conversion at Windrush Farm that was upheld at appeal<sup>13</sup>. The Inspector found that the extensive residential curtilage would be harmfully domesticating and detrimental to the close visual relationship between the barn and its open field setting and the wider agricultural high wold landscape character. It was also considered that the proposed landscaping scheme failed to enhance the setting of the building. That is not the case here for the reasons given above. On the evidence before me, there are distinctions between the 2 cases that indicate a different position would not be irrational.

#### Conclusion – Character and Appearance

31. I am satisfied that the proposed scheme would safeguard the distinctiveness of the area and the existing landscaping within and around the appeal site, would prevent harm to the peripheral views of the countryside beyond. The resultant dwelling would read as an honest conversion of a modern agricultural shed, read in the context of the neighbouring built form which is that of a farmstead. It would not therefore appear unduly intrusive or incongruous in this setting. For these reasons, the proposal would not result in a degree of urbanisation and encroachment into the countryside which would harmfully erode the rural characteristics of the locality, including the strong rural character of the CNL.
32. The proposed development would accord with Policies EN1, EN2, EN4, EN5 and EN6 of the CDLP. Together these policies seek amongst other things, to protect the natural landscape and ensure that designs complement the character of the area. This is consistent with the National Planning Policy Framework (the Framework) objective of conserving and enhancing the landscape and scenic beauty of the area<sup>14</sup>.

#### Suitable Location

33. Policy EC6 of the CDLP does not set any locational criteria for the conversion of rural buildings to alternative uses. Nonetheless, the Council contends that the proposal would fail to comply with paragraph 84 of the Framework, which seeks to avoid the development of isolated homes in the countryside. The Council has raised concerns about the location of the development relative to the accessibility and proximity to a settlement. Whether or not I could consider the appeal site to be isolated, paragraph 84 allows exceptions where a number of circumstances apply. Criterion (c) supports development where it

---

<sup>13</sup> Appeal reference APP/F1610/W/23/3324143.

<sup>14</sup> Paragraph 182 of the Framework.

would re-use a redundant or disused building and enhance its immediate setting.

34. At the Hearing interested parties suggested that the existing building is not redundant. It was put to me that the failure to implement 2 recent permissions for new agricultural buildings of a similar size elsewhere on the holding demonstrates that the appeal building is not at capacity or redundant<sup>15</sup>. There was also disagreement over whether the buildings could be considered as replacements for ones previously removed as part of redevelopment proposals for other buildings nearby.
35. Even if I could accept these viewpoints, those permissions have already been granted and are extant, such that they can be implemented by the appellants if they choose. The Council accepts that the building is redundant or disused. Although a snapshot in time, I observed that the building was not in active use at the time of my visit. Furthermore, there is no substantive evidence before me that existing farm operations would be conflicted by the proposal, such that its continued viable operation would be compromised by the proposed conversion.
36. As discussed above, the utilitarian appearance of the appeal building is typical of modern agricultural buildings, readily found within and accepted as part of the rural landscape. The proposed conversion would ensure that the agricultural character of the building would be retained and although creating a more domestic setting, it would not result in urbanisation or harmful encroachment into the countryside. The removal of the concrete pad and the implementation of the proposed landscaping scheme would result in a slight visual improvement, helping to assimilate the building into its surroundings by reflecting the hedging, trees and walls that form part of the landscape character of the surrounding area.
37. Consequently, I find that the proposal would enhance the immediate setting of the building. The proposal would therefore be a suitable location for residential development and comply with paragraph 84(c) of the Framework as set out above.

#### Special Area of Conservation

38. The site is within the catchment zone of the Cotswold Beechwoods SAC. The SAC is protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Its qualifying features are semi-natural dry grasslands and scrubland facies and its Beech forests. These features rely on limited disturbance by people, which the increase in population that would be provided by the proposed dwelling and other residential development could adversely affect.
39. A likely significant effect on the SAC resulting from the proposal, in combination with the other planned development cannot therefore be ruled out. Consequently, in accordance with the Habitats Regulations and as the competent authority in the context of this appeal, I must undertake an Appropriate Assessment (AA)<sup>16</sup>. Having undertaken that assessment, it is clear that without mitigation, the development, in combination with other

---

<sup>15</sup> Planning references 22/03844/AGPA and 23/02461/AGPA.

<sup>16</sup> Conservation of Habitats and Species Regulations 2017 (as amended).

planned residential development, would have an adverse effect on the integrity of the SAC as a result of increased recreational pressure and disturbance.

40. The Council has prepared and adopted a recreation mitigation strategy (RMS) in conjunction with Natural England<sup>17</sup>. Mitigation essentially includes strategic access management and monitoring, and the provision of Suitable Alternative Natural Greenspace (SANGs) on land outside of the European site. These measures are to be funded by financial contributions. Such provisions would seek to meet the conservation objectives by reducing recreational pressure on the SAC.
41. In this case, a S111 agreement has been provided by the appellant and a payment of £798 has been made to the Council. It was confirmed at the Hearing that the appellants and the Council consider that this financial contribution would mitigate the individual or in-combination adverse impact of the proposal on the European site, as required by the RMS. Natural England has since confirmed that the contribution and mitigation would be sufficient to prevent harm to the integrity of the European site. I am satisfied that the provisions of the S111 agreement means that the contribution could only be used by the Council for the purposes of mitigating the effect of the development on the SAC.
42. In undertaking the AA, the information before me indicates that with mitigation, the proposal would not result in a significant harmful effect on the integrity of the SAC. I have no reason to find otherwise. I am satisfied that the S111 agreement is necessary, related directly to the development and fairly related in scale and kind. The provisions of Regulation 122 of the CIL Regulations 2010 and the Framework tests for planning obligations are therefore met<sup>18</sup>.
43. Consequently, the proposal would comply with Policies EN8 and EN9 of the CDLP which amongst other things, seeks to avoid adverse effects on European sites. It would also comply with the Framework's aim to conserve and enhance the natural environment.

#### Other Matters

44. The appeal site lies close to the northern boundary of the scheduled monument (SM) referred to on the National Heritage List as Scrubditch Dyke<sup>19</sup>. Whilst not forming part of the Council's reason for refusal, as a designated heritage asset of national importance, the proposal's effect on its significance is a relevant consideration<sup>20</sup>.
45. Scrubditch dyke is a bank and ditch formation dated to the iron age (approximately 2700 years ago), that relates to a wider series of earthworks in the surrounding area<sup>21</sup>. I heard at the Hearing that the bank was designed to be a dominating feature and would have originally been much taller and the ditch much deeper. Colonised by trees, the dyke is no longer an obvious

---

<sup>17</sup> Cotswold Beechwoods SAC Recreation Mitigation Strategy May 2022.

<sup>18</sup> Paragraph 57 of the Framework.

<sup>19</sup> Historic England National Heritage List Entry Number 1003437.

<sup>20</sup> Paragraph 205 of the Framework.

<sup>21</sup> As described in Historic England's consultation response dated 8 March 2024.

attribute. Its significance therefore lies primarily in its historical and archaeological interest.

46. Both the SM itself and its setting, have altered over time with the incursion made by the nearby farm buildings and domestication of Scrubditch Farm Bungalow. The current setting is nonetheless a rural one to which the modern farm building makes a negligible contribution.
47. A concrete pad existing beyond the southern elevation of the barn is to be removed and replaced with the proposed vehicular access, car parking area and domestic curtilage. However, this only relates to the section that falls within the appeal site and outside of the extent of the SM. The County Archaeologist and the appellant's Archaeological Advisor agree that a prior to commencement condition requiring the provision of a written scheme of archaeological investigation, would ensure that the proposed works would not be harmful to the SM. I have no reason to take a different view.
48. The proposed conversion would create a more domesticated setting than is presently the case. However, the removal of the concrete pad and its replacement with carefully controlled hard and soft landscaping would result in a slight visual improvement to the rural setting of the SM overall. I note that this view is shared by Historic England. For these reasons, I am satisfied that the proposal would not have a harmful impact on archaeological remains and that the SM's setting would be preserved.
49. Interested parties have raised concerns regarding the visibility of the access track onto the main road. Whilst the future occupants of the dwelling would utilise this junction, the level of traffic movements from a single dwelling are likely to be limited. The main road whilst narrow and rural in character with tall hedgerows to either side, was not particularly heavily trafficked at the time of my site visit. Although a snapshot in time, there is no evidence to suggest that the main road carries significant volumes of traffic at other times.
50. The Council has confirmed that although the Highway Authority was not consulted at the time of the application, it determined that there was no highway safety concern arising from the proposal. Whilst visibility may be somewhat reduced when the hedgerows are in full leaf there is no substantive evidence before me to indicate that the proposal would result in an unacceptable impact on highway safety.

#### Conditions

51. The suggested conditions contained within the Statement of Common Ground have been considered and the wording varied where necessary, to ensure precision and compliance with the PPG and paragraph 56 of the Framework.
52. Along with the standard time limit and to list the plans in the interests of certainty, conditions are imposed to require the submission of external walling and roof repair materials, and implementation of the landscaping masterplan in the interests of consistency of appearance. Conditions relating to compliance with the ecological appraisal, the submission of a precautionary working method statement for roman snails, details/provision of bat roosting features and a lighting design strategy are necessary and reasonable, to



ensure that biodiversity is protected and enhanced. Similarly, conditions to ensure that car parking spaces are laid out and retained within the appeal site for their intended use and the provision of a contamination assessment, would be reasonable and relevant to the development permitted.

53. Prior to the commencement of development conditions are required to secure a written scheme of archaeological investigation and a surface water drainage scheme. The appellants have accepted the need for these conditions which are required in the interests of protecting the SM and ensuring effective drainage from the appeal site. A condition requiring the removal of permitted development rights is considered necessary to retain control over the appearance of the appeal site given its location within the CNL.
54. Informatives are not added to appeal decisions. The appellants should be aware of these from the Council's evidence.

#### Conclusion

55. The proposal accords with the development plan. There are no other material considerations, including provisions of the Framework, which override this finding or indicate that my decision should not be otherwise than in accordance with the development plan.
56. For the reasons set out above, the appeal is allowed.

*M Clowes*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Paul Fong	Managing Director at Morgan Elliot Planning
Claudia Jones	Associate Director at Morgan Elliot Planning
Nick Harman	Associate Director at Rappor
Jonathan Nettleton	Director and Owner of Blake Architects
Mark Walsh	Structural Engineer
Richard Morriss	Director and Owner of Richard K Morriss & Associates
Mrs Maria France	Appellant

### FOR THE LOCAL PLANNING AUTHORITY

Helen Cooper	Senior Planning Officer, Cotswold District Council
--------------	--

### INTERESTED PARTIES

Yogeeta Deshpande

Tim Barker

Michael Costley-White

\*\*\*\*\* Schedule of Conditions \*\*\*\*\*

1. The development shall be started by 3 years from the date of this decision notice.
2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 23.12.03.01 Rev A, 23.12.03.15 Rev E, 230382-RAP-XX-XX-DR-L-4101 Rev P04.
3. Prior to the construction of any external wall above slab level of the development hereby approved, samples of the proposed walling materials shall be approved in writing by the Local Planning Authority. Only the approved materials shall be used, and retained and maintained for the lifetime of the development.
4. The existing roof covering as present on the date of this permission shall be retained with any necessary insulation provided internally. Where repairs are required, they shall be carried out to match the existing roof covering in terms of material, texture, shape and colour. The rooflights shall be of a design which when installed, shall not project above the plane of the roof slope. The roof and rooflights shall be retained as such thereafter.
5. No development shall take place, including vegetation clearance, until a precautionary working methods statement for Roman snails has been submitted to and approved in writing by the local planning authority. The strategy shall include, but is not limited to the following:
  - Precautionary working methods;
  - The timing of works;
  - The roles and responsibilities on site of an ecological clerk of works or similar person;
  - Protocols in the event a Roman snail is discovered.The approved strategy shall be implemented in full in accordance with the approved details.
6. No development above slab level shall take place prior to details of the provision of at least 2 no. bat roosting features (e.g. bat boxes/tubes/bricks on south or south-west facing elevations) and at least 2 no. nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) externally mounted on the dwelling hereby approved or within a suitable tree, being submitted to the local planning authority for written approval. The details shall include a drawing showing the types of features, their locations within the site, including elevations and heights and a timetable for their provision. The approved details shall be implemented prior to first use of the development hereby approved, and thereafter permanently retained.
7. The development shall be undertaken in accordance with the recommendations in section 4.0 of the consultancy report (Ecological Appraisal. Prepared by All Ecology, dated December 2023). All of the recommendations shall be implemented in full and permanently retained thereafter.

8. Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy 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 disturb or prevent nocturnal species using their territory. All external lighting shall be installed only in accordance with the approved specifications and locations and shall be retained as such thereafter.
9. The development hereby permitted shall be carried out in accordance with the approved Landscape Masterplan, drawing number 230382-RAP-XX-XX-DR-L-4101 Revision P04, and the detailed planting plans, drawing numbers: 230382-Rap-XX-XX-DR-L-4201 Revision P02 and 230382-RAP-XX-XX-DR-L-4202 Revision P02 and the accompanying document entitled 'Outline Planting Specification /Establishment.

The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the barn conversion.

A five-year maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to the Landscaping scheme being completed. This shall then be adhered to for the aforementioned time frame.

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

10. No development shall take place until further information is submitted, notwithstanding the 'Oakshire Environmental, Phase 1 Preliminary Risk Assessment, Barn at Scrubditch Farm, North Cerney, Cirencester, Gloucestershire, GL7 7DZ, 07 February 2024', to assess the nature and extent of any contamination, whether or not it originated on site and the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On

completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

11. Prior to any below ground works at the site, including the removal of the concrete slab adjacent to the Scheduled Ancient Monument (list entry number 1003437), the appellant, or their agents or successors in title, must secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The approved programme of archaeological work must be adhered to during any below ground works and for the removal of the concrete slab.
12. 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.
13. Prior to the first occupation of the development hereby permitted, the parking spaces shall be provided on site in accordance with drawing number 23.12.03.10 Rev D and shall be retained thereafter for the lifetime of the development.
14. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or outbuildings shall be erected within the application site nor any new windows, doors or rooflights installed/inserted in the dwelling hereby permitted other than those permitted by this decision.

# Appendix 2 – Vets letter



# Waterlane Equine Vets

Fourways Farm, Waterlane, Oakridge, Stroud GL6 7PH

Tel: 01452 770268 Out of hours: 07796 338979

Email: [waterlaneequine@gmail.com](mailto:waterlaneequine@gmail.com) Web: [www.waterlaneequinevets.co.uk](http://www.waterlaneequinevets.co.uk)

## **RE: Horses at Grove Piece**

To whom it may concern,

Miss Barraclough, whose horses reside at Grove Piece, is registered with us at Waterlane Equine Vets.

Over the years we have undertaken the usual health checks but unfortunately have had to attend a number of emergency call outs. Some of these have required Miss Barraclough to be onsite 24/7 to oversee the welfare of the horses whilst they are unwell.

I am monitoring the long term health of one of Bryony's horses, who has a condition called Equine Metabolic Syndrome (EMS). As part of his management he needs to be kept at a healthy weight and often needs dietary restrictions. Being in the lower barn allows for easier management of his diet as he has to stay off grass for periods of time. Spring is an especially risky time for these horses, EMS can predispose horses to laminitis which in severe cases can be life threatening. The arena also allows the horse to move without having any grass, he has age related arthritis and becomes very stiff with no grazing time. Additionally, it is important for his welfare to be able to exhibit normal behaviours according to the five freedoms of animal welfare (National Equine Welfare Council, 2009).

Miss Barraclough's other horse also needs to be carefully managed. He was diagnosed and treated for gastric ulcers recently which can be triggered by stress. The horses are bonded and to be separated can be a very stressful event. As a result they do need to be housed together.

Regardless of the number or type of horses, they can all incur injuries in the field/stable or become unwell. For this reason, it is advisable that someone should live on site as an essential need for a horses' health and welfare.

Yours faithfully,



Dr Georgia Heap BVSc MRCVS

### Reference

National Equine Welfare Council (2009), 'Equine Industry Welfare Guidelines Compendium for Horses, Ponies and Donkeys'. Available at:  
[https://newc.co.uk/article\\_category/equine-health/?\\_advice\\_type=equine-law](https://newc.co.uk/article_category/equine-health/?_advice_type=equine-law)