

Demolition of existing outbuilding and erection of new dwelling at Outbuilding to the East of Poplars Barn Green Lane Evenlode Moreton-In-Marsh Gloucestershire GL56 0NN

Full Application 21/01892/FUL	
Applicant:	Clarissa Astor
Agent:	LPC (Trull) Ltd
Case Officer:	Charlotte Van De Wydeven
Ward Member(s):	Councillor David Cunningham
Committee Date:	14 May 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Character and Appearance of Moreton-in-Marsh Surrounds
Special Landscape Area
- (c) Impact on Setting of Evenlode Conservation Area
- (d) Residential Amenity
- (e) Access and Parking
- (f) Biodiversity
- (g) Other considerations
- (h) CIL

2. Reasons for Referral:

- 2.1 Not relevant

3. Site Description:

- 3.1 This application relates to an existing timber building located on a parcel of land measuring approximately 650sqm hectares in size located on the north-eastern side of the village of Evenlode. The site lies to the north-east of Poplars Barn and is accessed via a track between this and Pump Green House. The access track is also a PROW; serves a parking area to Pump Green House; and provides access to the rear of Martlett House to the northwest and agricultural land beyond the site to the north. The building on the site is of timber construction and the supporting information with the application states that it is used for covered parking, storage and studio use having previously been stabling.

- 3.2 The north-eastern boundary of the site adjoins agricultural fields, to which the access track leads with a 5-bar gate providing access into the fields. The eastern boundary abuts land in the ownership of Pump Green House which was (June 2020) granted planning permission for use as residential curtilage under 20/01632/FUL. The northeastern boundary of this site is formed by a tall, established hedgerow with it being concluded that the land had residential characteristics and its use as domestic garden would not adversely impact upon either the Moreton-in-Marsh Surrounds Special Landscape Area or the Evenlode Conservation Area. To the northwest of the site is the substantial garden to Martlett House.
- 3.3 The site is located within Moreton-in-Marsh Surrounds Special Landscape Area.
- 3.4 The site is located outside Evenlode Conservation Area (CA). The boundary of the CA extends along the south-western boundary of the application site.
- 3.5 A Public Right of Way (HEV6) extends in a north-east to south-west direction along the north-western side of the application site.

4. Relevant Planning History:

- 4.1 97.01793 - Erection of timber loose box and associated storage, erection of timber field shelter - Permitted

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN6 Special Landscape Areas
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- INF4 Highway Safety
- DS3 Small-scale Res Dev non-Principal Settle
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 GCC Highways: Objection as it was considered that the proposed dwelling would increase peak hour vehicle trips on the existing outbuilding in an unsustainable location without regular commutable bus services nearby to

significant settlements and associated education, shops, employment and amenities.

6.2 CDC Drainage: No objection subject to condition

6.3 Biodiversity Officer: No objection subject to condition

6.4 Environmental Health: No objection

7. View of Town/Parish Council:

7.1 Evenlode PC object to the application on the following grounds:

- (i) Over-development of the Poplars Barn property. Already a guest annexe adjacent to the main property.
- (ii) Widening of the building on the site brings it closer to the farm access track and PROW.
- (iii) For such a small village an additional AirBnB type property is excessive.

8. Other Representations:

8.1 Five letters of objection have been received from 4 households within the village raising the following concerns:

- (i) Design
- (ii) Highways access and parking
- (iii) Over development
- (iv) Privacy, Light and Noise
- (v) Other issues not considered material planning considerations
(restrictive covenants, financials)

9. Applicant's Supporting Information:

- Design and Access Statement
- Bat Survey and Report
- Preliminary Ecological Appraisal

10. Officer's Assessment:

Proposed Development

10.1 This application is for the demolition of the existing timber outbuilding, and the erection of a single storey detached dwelling, comprising two bedrooms, an

open plan living, kitchen, dining area, shower room and utility area following the demolition of the existing timber outbuilding on the site. An area of private amenity space is proposed to the southeast side, adjacent to the recently extended garden at Pump Green House. Off-street parking provision for 2 no. vehicles, along with a turning area, would be provided to the northeast end of the site, where there is currently an area of concrete hard standing.

(a) Principle of Development

- 10.2 The application site is located within the village of Evenlode. The village contains 40-50 dwellings, a church and a village hall. It is also served by a very limited bus service. However, it has no other services or facilities that would typically be used by residents on a day-to-day basis. Future occupiers of the new dwellings would therefore be reliant on the use of the motor car to undertake most day-to-day activities. Notwithstanding this, the site is located midway between two Principal Settlements (Moreton-in-Marsh and Stow-on-the-Wold). A range of services and facilities can be found in the aforementioned settlements including a railway station, hospital, primary schools, foodstores and employment estates. Paragraph 83 of the National Planning Policy Framework (NPPF) also states that 'housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.
- 10.3 In light of the size of the settlement and its proximity to two Principal Settlements, it is considered that the village could reasonably be classed as a Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031.
- 10.4 When viewing the site in the context of the surrounding uses, including the previously approved residential garden land to the rear of Pump Green House, it is considered that the site lies within the village of Evenlode, which is a non-principal settlement.
- 10.5 Policy DS3 of the Local Plan supports small-scale residential development in non-principal settlements subject to a number of criteria:
- (a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.

(b) is of a proportionate scale and maintains and enhances sustainable patterns of development;

(c) complements the form and character of the settlement;

(d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

- 10.6 The village of Evenlode has a church and village hall but there is no shop or public house and so there are limited facilities. However, the erection of the proposed dwelling will seek to support and enhance these services and may also help support services in nearby villages, as suggested within paragraph 83 of the NPPF. The proposal will also provide a small home, which the NPPF says can make an important contribution meeting the housing requirement of an area, as they are often built-out relatively quickly. The type of dwelling that is proposed for this site is capable of being constructed quickly and therefore point (a) is met.
- 10.7 The provision of one additional unit would be of a proportionate scale to the village and the services and facilities within the village would be accessible from the proposed dwelling. The proposal would therefore accord with point (b) of DS3.
- 10.8 The proposed dwelling would be single storey in height and a simple linear layout as per the existing outbuilding on site. The existing outbuilding is 15m x 5.4m and the proposed dwelling would be 17.6m x 5.9m. As such, while the proposed dwelling would be marginally wider and longer than the existing outbuilding it is considered that its scale, simple linear layout and use of materials conducive to the original outbuilding would complement the form and character of this part of the settlement in accordance with point (c) of DS3 given the existing building on site.
- 10.9 With regard to point (d) of Local Plan Policy DS3, no other new-build dwellings have been permitted in the Local Plan period in the village of Evenlode although it is noted that there is a currently application for a replacement dwelling and one additional dwelling currently in the planning system at Little Orchard. The proposal is not considered to have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.
- 10.10 Taking the above into account, the proposal is considered to comply with the Local Plan Policy DS3 and paragraph 83 of the NPPF.

(b) Impact on the Character and Appearance of Moreton-in-Marsh Surrounds Special Landscape Area

10.11 The site is located within Moreton-in-Marsh Surrounds Special Landscape Area (SLA).

10.12 Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. '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.
2. 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.'

10.13 Local Plan Policy EN6 Special Landscape Areas states:

'Development within Special Landscape Areas will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity'.

10.14 In addition, paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'. On the basis of the SLA designation, it is considered that the site would fall within a valued landscape. Paragraph 187 of the NPPF would therefore be applicable when considering this proposal.

10.15 The site is located within the village and between existing residential dwellings and associated gardens. The site is seen in context with existing village development and the proposal will not result in an encroachment of development into the open countryside. Subject to the existing vegetation located along the boundaries of the site being retained or replaced with a suitable alternative, the proposal is also unlikely to have a material impact on the setting of the village within the SLA landscape. It is therefore considered that the proposals would not have an adverse impact on the character or appearance of the SLA.

10.16 Overall, it is considered that the proposed development will not have an adverse impact on the character or appearance of the SLA. The proposal is considered to accord with Local Plan Policies EN4 and EN6.

(c) Impact on Setting of Evenlode Conservation Area

10.17 The south-western boundary of the site adjoins Evenlode Conservation Area.

10.18 The following Local Plan policies are considered relevant to this proposal:

10.19 Local Plan Policy EN10 Designated Heritage Assets states:

- 1 'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 2 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.
- 3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:
 - The importance of the asset;
 - The scale of harm; and
 - The nature and level of the public benefit of the proposal.'

10.20 Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. 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;

- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.
- d. Have regard to the relevant Conservation Area appraisal (where available); and
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'

10.21 In terms of national guidance, paragraph 212 of the National Planning Policy Framework (NPPF) 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.'

10.22 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.'

10.23 The site lies adjacent to existing residential gardens and has a number of residential characteristics. At present, it appears as a transitional area between the existing houses and the open fields to the north-east. The site provides a relatively soft edge to both the settlement and the CA. Notwithstanding this, it is not truly agricultural in character or appearance and as such the boundary of the CA does not appear as if it lies immediately adjacent to agricultural land. The current character of the site means that the CA boundary appears to be located adjacent to existing village development rather than the open countryside.

10.24 In light of the current managed character of the existing site, it is considered that the proposed garden use will not be materially different in character or appearance to the existing land use. In addition, the proposal is considered not to have an adverse impact on the setting of the CA when viewed from the Right of Way to the north. The existing boundary hedgerow is residential in character and already has an influence on the setting of the CA. The proposed use does

not involve the erection of any buildings and as such the existing verdant nature of the site will remain.

- 10.25 It is considered that the proposed change of use is considered not to have an adverse impact on the setting of the CA or its relationship with the designated heritage asset. The proposal is considered to accord with Local Plan Policies EN10 and EN11 and guidance in Section 16 of the NPPF.

(d) Impact on Residential Amenity

- 10.26 (i) Nationally Described Space Standards and Amenity of Future Occupiers

The proposals are for a single storey 2 double bedroomed property. The NDSS requires a minimum internal space of 70sqm plus 2sqm of built in storage. The proposals would provide a total internal floorspace of 89sqm. In addition, the 2 double bedrooms exceed the minimum width of 2.75m for the 1st room and 2.55m for the 2nd. Therefore, the proposals would provide adequate internal living space to serve the future occupants and as such comply with the NDSS and Policy H1 of the Cotswold District Local Plan.

- 10.27 (ii) Amenity of Neighbouring Properties

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

- 10.28 The proposed development would not impinge on the residential amenities of the neighbouring properties having regard to loss of light, overlooking or have an overbearing impact. The proposed works would be set away from other neighbouring properties and would not cause unacceptable harm to the residential amenities of the neighbouring properties. The building is single storey which limits any potential overlooking and there is also limited fenestration on the elevations with the use of rooflights proposed for additional light. The proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF referred to previously in the report.

(e) Access and Parking

- 10.29 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.
- 10.30 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.31 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.
- 10.32 The application site enjoys existing vehicular access from Green Lane to the existing building and the farmland to its northeast. The field access to the applicant's land to the northeast will be retained, as will the area where vehicles park to the northeast of the existing building.
- 10.33 The proposed dwelling will be accessed on foot in the same manner that the existing building is accessed but the entrance will be on the southeast side where it will be accessible to pedestrians or visitors in a car.
- 10.34 There is provision within the curtilage of the dwelling for the parking and turning of two cars so that each vehicle will be able and leave the site in a forward gear. There is adequate room within the curtilage for the parking of cycles.
- 10.35 The Highways Officer raised concerns stating that the proposed dwelling would increase peak hour vehicle trips on the existing outbuilding as there are limited regular commutable bus services nearby to significant settlements and associated education, shops, employment and amenities. Whilst this may be the case, based on the analysis of the information submitted, it is considered that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion as a result of an increase in peak hour vehicle trips. There are no justifiable grounds on which an objection could be maintained. Overall, it is considered that the proposal accords with Local Plan Policies INF4 and INF5 and the NPPF.

(f) Biodiversity

- 10.36 The submitted bat report has confirmed likely absence of roosting bats; therefore, this constraint does not need to be considered further. However, the bat report did identify the presence of two swallow nests and a disused blackbirds' nest in the open fronted section of the existing outbuilding.
- 10.37 To secure appropriate mitigation for nesting birds, Cotswold District Council's Precautionary Method of Working document will need to be adhered to. To secure compensatory bird nesting features, the above enhancement condition is recommended; swift bricks are also recommended as these features are known to support a number of bird species that feature of the Red List, and will deliver a biodiversity enhancement in accordance with Chapter 15 of the NPPF and local plan policy EN8.
- 10.38 Two ponds were identified within 250m of the proposed development. The submitted great crested newt survey returned a negative eDNA result from Pond 1, indicating great crested newts are likely to be absent from this pond. Pond 2, identified within 50m of the proposed development is no longer present, and therefore an assessment was not undertaken. The results of the phase 1 and 2 surveys indicate great crested newts are highly unlikely to be a constraint to the proposed development, nevertheless, there are other ponds present in the wider landscape and as such, precautionary mitigation outlined in Section 5 of the submitted ecology report will need to be adhered to.
- 10.39 As such the proposal is considered to accord with Section 15 of the NPPF, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

(g) Other Considerations

- 10.40 As mentioned previously, there is a public footpath along the northwestern boundary of the application site and this proposal will ensure that this is retained. It will be fenced off with an appropriate fencing.

(h) CIL

- 10.41 This development is liable for CIL because it is a new build that results in the creation of a dwelling.

11. Conclusion:

- 11.1 Overall, it is considered that the proposed change of use will not have an adverse impact on the character or appearance of Moreton-in-Marsh Surrounds Special Landscape Area or the setting of Evenlode Conservation Area. It is therefore recommended that the application is granted permission.

12. Proposed Conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): LPC,5077,21,03 A; 807_PL_404_SE-2; 807_PL_403_SE-1; 807_PL_402_RE; 807_PL_401_FE

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other statutory instrument amending or replacing it, no extensions, structures, hardstandings, openings, buildings, fences, walls or other means of enclosure shall be erected, constructed or inserted in the building the subject of this permission, other than those permitted by this Decision Notice.

Reason: The site has a distinct and attractive character and appearance which should be maintained. In order to protect these qualities, it is essential for the Local Planning Authority to maintain control over the types of development listed above, in accordance with Cotswold District Local Plan Policy EN2 and the NPPF.

4. Prior to the commencement of development, details of a sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out fully in accordance with approved details prior to the first occupation of the development and shall be maintained in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve water quality and to maximise the value for wildlife of drainage features in accordance with Cotswold District Local Plan and the National Planning Policy Framework. It is important that these details are established prior to the commencement of development so that the measures can be fully incorporated into the development scheme as it progresses thereby reducing the risk of flooding in the locality.

5. The development shall be undertaken in accordance with the recommendations contained in Section 5 of the consultancy report (Great Crested Newt eDNA Analysis, prepared by All Ecology, dated May 2022) and Cotswold District Council's Precautionary Method of Working document. All of 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 great crested newts and nesting birds are 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, Section 15 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.

6. Prior to the erection of any external wall, details of the provision of 2no. swallow nest cups and 2no. universal swift bricks on north or east-facing elevations of the new dwelling shall be submitted to the local planning authority for approval. The details shall include a technical 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 within 3 months of completion of the development hereby approved, and thereafter permanently retained.

Reason: To provide additional opportunities for nesting birds as biodiversity enhancements in accordance with Section 15 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Informatives:

1. This development is liable for CIL because it is a new build that results in the creation of a dwelling.

2. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the

species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority, then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works. Cotswold District Council's Precautionary Method of Working document can be found here:

<https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversityspecifications/>

3. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water
- Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment
- Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change> .
- Non-statutory technical standards for sustainable drainage systems (March 2015)