

Permission in Principle application for the erection of 1 x modest single storey dwellinghouse at Land to the South of Manor Court Eastleach Gloucestershire

Permission in Principle 26/01821/PLP	
Applicant:	Mr Richard Scholes
Agent:	
Case Officer:	Joanne Reeves
Ward Member(s):	Councillor David Fowles
Committee Date:	11 August 2026
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Principle of development

2. Reason for Referral:

- 2.1 The application has been referred to Planning and Licensing Committee for determination, in accordance with the Council's adopted scheme of delegation, as the applicant is related to Councillor Helene Mansilla, the elected Ward Member for Lechlade, Kempsford and Fairford South.

3. Site Description:

- 3.1 The application site comprises a parcel of agricultural land (orchard / paddock) to the south-east of The Walled Garden ('Manor Court') in the village of Eastleach.
- 3.2 Originally two parishes separated by the River Leach, the hamlets of Eastleach Turville and Eastleach Martin were linked by a road bridge in the early 19th century and became a village in 1935. The village is located approximately 4 kilometres north-east of the Principal settlement of Fairford, as the crow flies, and 5 kilometres to the north-west of the Principal settlement of Lechlade.
- 3.3 The application site is located on the western edge of Eastleach Turville and comprises approximately 0.05 hectares. It is bounded to the north by the southern wall of The Walled Garden, and by a post and rail fence to the south

and west and a low drystone wall to the east. The latter separates the site from the formal gardens of Manor Farm House (rebuilt in 1872) to the north-east.

- 3.4 The site is within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty), and outside but adjacent to the Eastleach Conservation Area (to the east).
- 3.5 The application site appears on the 1st, 2nd, and 3rd Edition Ordnance Survey Maps (1844-1888, 1894-1903, and 1898-1939), whereupon it formed part of a larger parcel of agricultural land, with orchard immediately to the south, east and west. Whilst the orchard to the south of the application site appears to have disappeared by the late 19th century, the orchard to either side survived into the 20th century. Today, there are several trees on the application site, and immediately to the south and south-east (Manor Farm House gardens). The site remains undeveloped albeit for a greenhouse adjacent to The Walled Garden, and the existing means of enclosure.

4. Relevant Planning History:

- 4.1 22/04151/OUT - Outline planning application (all matters reserved) for the erection of a dwelling including the creation of new residential curtilage and associated works - Withdrawn 23/03/2023.
- 4.2 25/02520/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for use of land to the south-west of Flat 6, Manor House as residential garden - Refused 15/04/2026.
- 4.3 26/00922/PLP - Permission in Principle application for erection of 1no. single storey dwellinghouse - Returned.

5. Planning Policies:

- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Pr
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- TNPPF The National Planning Policy Framework

6. Observations of Consultees:

6.1 Local Highway Authority -

Refusal: "The proposed dwelling would be located in a poorly connected rural location with very limited opportunities to access services and facilities by sustainable transport modes. The site has a DfT [Department for Transport] connectivity score of 10, has no Public Rights of Way connections in the vicinity and would result in future occupiers being predominantly reliant on the private car for day-to-day journeys. The location of the development is therefore unacceptable in principle and contrary to the objective of promoting sustainable transport and reducing the need to travel by private vehicle."

6.2 Biodiversity Officer -

"I have no objections to the permission in principle for the erection of 1 dwelling. However, the applicant should be aware that an ecological impact assessment specific to the site and the proposed development, and information demonstrating how the biodiversity gain objective will be met will be required at the technical design stage."

6.3 Flood Risk Management Officer -

6.3.1 "At the Permission in Principle stage, consideration is limited to whether flood risk presents a fundamental constraint to the location or amount of development."

6.3.2 According to the Environment Agency flood mapping, the site is located within Flood Zone 1, defined as land having a low probability of flooding (less than 0.1 percent annual probability of fluvial flooding). There are no mapped surface water or groundwater flood risks that would prevent the principle of a new dwelling on this land.

6.3.3 Therefore, we have no objection in principle to the proposal on flood risk grounds.

6.3.4 Detailed surface water drainage design, including infiltration testing (if applicable), discharge hierarchy assessment, SuDS proposals, runoff rate/volume control, exceedance routing and long-term maintenance arrangements will need to be provided and assessed at the Technical Details Consent stage."

6.4 Tree Officer -

6.4.1 "The site is just outside a conservation area. It is not presently affected by any TPOs. It appears some smaller trees will need to be removed to enable the proposal. No arboricultural information has been submitted.

6.4.2 If granted consent, at TDC stage detailed arboricultural information prepared in accordance with BS5837:2012 must be submitted and include:

- *Tree survey*
- *Arboricultural Impact Assessment*
- *Proposed tree protection measures in relation to the site layout.*

6.4.3 I am unlikely to view favourably a layout that requires the removal of, or is not compatible with, trees of high arboricultural quality.

6.4.4 Any tree loss must be appropriately mitigated by new tree planting. All arboricultural information must be prepared by a competent arboricultural practitioner such as an arboricultural consultant."

7. View of Town/Parish Council:

7.1 Eastleach Parish Council -

7.2 7th July 2026

7.2.1 "The Council have not had a response from you to the email below. We have heard that the response date had been brought forward to the 9th July which does not give time to write a substantive response but the Council objects to this application as the application does not improve on the previous application and those objections remain valid.

7.2.2 Policies DS3, EN4, EN5, EN11. 5 & Highways access requirements appear to be ignored."

7.3 24th July 2026

7.3.1 "This site is not suitable in principle because the only access from the Public Highway to the application site is via a private driveway owned by the freeholders of The Manor House Eastleach.

7.3.2 This application should not be considered until legal permission has been sought from The Manor House to use the private driveway, both for building works and in the longer term when the house might be in use.

7.3.3 This proposal will have a negative visual effect on the Eastleach Conservation Area. The rear part of this site is not enclosed by development and although it is not visible from the highway, the site creates a transitional landscape between the formal gardens of the Manor House and the wider agricultural landscape and open countryside beyond. Building on this site would constitute a loss of open space that allows views out or into the conservation area which makes a valuable contribution to the character of Eastleach. Small incremental changes over time have a big impact on the conservation area.

7.3.4 The site is within 100 meters of the Listed Buildings at Byre Cottage, Scissor Cottage, Tallett cottage all part of the former Barn at Manor Farm.

7.3.5 The site location lies in a transitional space between the built settlement and open farmland. Therefore, we would argue that falls outside of the Eastleach non principle setting and which means policy DS4 applies. This specifies that new open market housing will not be permitted outside the settlement unless other policy supports residential development in that area.

7.3.6 Eastleach has not been identified as one of the areas that is deemed appropriate for development in the process of review of the Local Plan. The Cotswold District Council has made a commitment to protect The Cotswold National Landscape.

7.3.7 The site lies immediately outside the Eastleach Conservation area but within the Cotswold National Landscape.

7.3.8 The applicant refers to the site as having a domestic garden character. There is local knowledge that the applicant changed the look of the site just before applying for a CLEUD in 2025. There is local knowledge that the site has always been an orchard. The separate CLEUD application (Ref 25/02520/CLEUD) for use of the land as a residential garden has been refused by the Cotswold district Council. Therefore, any reference to the use of the land as a garden should not be considered to be so in the decision process.

7.3.9 The GRCC with help of Eastleach Parish Council carried out a housing needs Survey in 2024 the results of which showed that there was only a need for social housing in Eastleach. The application in principle does not address the Village's need of affordable social rented dwellings."

8. Other Representations:

8.1 At the time of writing this report 29 third-party objections have been received, although at least 4 of these appear to be from the same two individuals. These objections can be summarised as follows:

- No published site notice, lack of prior consultation, speculative development, use of land as residential garden deemed 'unlawful' (25/02520/CLEUD), land subject to third party covenants, land outside village / in an unsustainable location in the countryside, impact on Cotswolds National Landscape (CNL) and heritage assets, limited access, flood risk, impact on biodiversity, impact on trees, and applicant's relationship to an elected Ward Member.
- Principle of development and site's rural edge of settlement location, impact on the character of the CNL and "the transitional landscape between the enclosed formal gardens of the Manor House and the wider agricultural landscape" (as opposed to domestic garden), harm to the setting of the conservation area, precedent, narrow shared access, and impact on drainage.
- Increased flood risk.
- Outside the boundary of the village, agricultural land not residential, unsustainable location, site landlocked, and flood risk.
- Late published notice, lack of prior consultation, speculative development, use of land as residential garden 'unlawful' (25/02520/CLEUD), land subject to third party covenants preventing development, site outside village, unsustainable location, site distinct from settlement / in the countryside, prejudicial impact on CNL, damaging impact to heritage, no access to proposed land / site landlocked, risk of flood damage to neighbouring properties / inadequate drainage, prohibited "in-fill" development, harmful proximity to historic building, impact on biodiversity and wildlife, including several mature trees.
- Development unsuitable in relation to the application site and Eastleach as whole. Does not address housing need in the village or the wider Cotswold District.
- Granting 'Permission in Principle' would endorse residential development on land that currently forms the rural edge of Eastleach. Harmful impact on CNL, not garden land, harm to setting of conservation area, risk that approval would be used to justify further incremental development on adjacent land resulting in a pattern of encroachment into the countryside that would be difficult to resist in future. Highway access and drainage have not been adequately addressed.

- Impact on wildlife and CNL, loss of orchard.
- Unsustainable location, concerns with respect to drainage and water run-off from further 'in fill' development, the site is in the CNL and outside the village boundary.
- A single dwelling does not address the housing need within Cotswold District; the site is within an AONB [CNL] and unsustainable. The site is not within the village boundary, access to the site is unclear and ambiguous, and a new house on a greenfield site outside the village envelope would set a dangerous precedent.
- Limited access and potential impact on the root system of an oak tree.
- No notification of application from Cotswold District Council (CDC) to residents, lack of required supporting documents on the CDC website, lack of prior consultation, use of land as residential garden deemed 'unlawful' / refused by CDC this year (25/02520/CLEUD), the site is located outside the built envelope of the village, unsustainable location, the site is within the CNL, detrimental impact on local biodiversity and wildlife, no access to the proposed land, previous conservation / historic environment objections, applicant related to an elected Ward Member.
- Single new build in the CNL (which does not address housing need) and outside the village boundary.
- Site within the AONB [CNL] and outside the defined village boundary.
- Outside the village and within the CNL.
- Impact on wildlife and lack of access.
- Outside the village boundary and within the Cotswolds National Landscape.
- Concerns as to what constitutes a "modest self-build dwelling", amount of development, change of land use, location, lack of credibility for new housing need, CNL, the site lies outside the boundary of the village.
- Access to the site, no amenities, such as water, electricity, power are available on the site. The village does not have scope for more development as has no shops or services other than the pub. Impact on the surrounding countryside and wildlife.
- Third-party covenant preventing development, the site is land-locked with no access. The proposed construction of a dwellinghouse would result in the permanent loss of an open space as well as a long-term damaging impact on the heritage and lived environment of the Eastleach area.
- Construction traffic, demonstrable harm to the tranquillity of the historic character of Eastleach and would exacerbate the existing pressure on village infrastructure.
- Location, land use and amount of development, the application site is part of the countryside that surrounds the existing housing within Eastleach and is not part of a lawful, residential site. The location of the proposed site is landlocked with no legal access.

- Impact on the adjacent conservation area, the proposed site is land locked, would push the village boundary further into the adjacent open countryside, there was flooding in 2007 which affected Turville Barns, proposal would have a detrimental effect on wildlife and trees.
- Inappropriate development which will result in a serious loss of amenity for existing residents and will be materially detrimental to the local environment.
- The proposed site is an orchard and falls outside the village boundary and forms part of the CNL. A new single dwelling on this site would have no benefit to the village of Eastleach or to the overall supply for housing in the Cotswolds.
- Conflicts with the principle of protecting the integrity of village settlements and would form a precedent for similar unsuitable, piecemeal development on the village boundary with agricultural land. It will increase traffic on the Manor drive, which has already limited and difficult access to the narrow village street.
- Site not within the Eastleach boundary and therefore in the countryside, proposed site not garden area but an area designated Orchard/agricultural, no access to the site - either for construction or potential residents, development in this area may adversely affect flooding - historically this has been an issue (to some degree or another on an annual basis) and with the ongoing issues of climate change, is likely to get worse.

8.2 *Officer response -*

8.2.1 The application was publicised for a minimum of 14 days (i.e. the statutory consultation period required as part of the consideration of an application for permission in principle) by display of two site notices on 30th June 2026 on or near the land to which the application relates in such a way as to be easily visible and legible by members of the public. The occupants of several neighbouring properties were also notified in writing. As was the Parish Council, the Ward Member and several consultees.

8.2.2 Regarding private rights of access, the purpose of the planning system is to manage the development/use of land in the public interest. Examples of public-interest matters include acceptable standards of privacy, adequate daylight or sunlight, and freedom from excessive noise. Boundary disputes, restrictive covenants, and other property rights are private matters. This includes private rights of way or 'easements', where a private right of way entitles one landowner to pass over another piece of land in order to get to their own land. Such matters are not relevant in deciding whether to grant or

refuse planning permission. This is because they are not material planning considerations, but private matters.

8.2.3 Other matters discussed below.

9. Applicant's Supporting Information:

- Heritage Statement
- Planning Statement

10. Officer's Assessment:

10.1 This application seeks 'Permission in Principle' for the erection of what is described as a 'modest single storey dwellinghouse' on the site. The application has been submitted in accordance with the provisions of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

10.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development. It is a two-stage process.

10.3 The Government's Planning Practice Guidance (PPG) sets out the matters that can be covered by a permission in principle application:

"What matters are within the scope of a decision on whether to grant permission in principle?"

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage [stage 1]. Other matters should be considered at the technical details consent stage [stage 2]. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Paragraph: 012 Reference ID: 58-012-20180615"

10.4 If permission in principle is granted, the applicant will then need to apply for Technical Details Consent. The Technical Details Consent will include all the detailed aspects of the scheme such as design, layout, access, drainage, impact

on residential amenity etc. The Council has 35 days in which to determine a permission in principle application.

- 10.5 Regarding the decision-making process, the PPG states:

"How must a decision on whether to grant permission in principle to a site be made?"

A decision on whether to grant permission in principle to a site following a valid application or by entering it on Part 2 of a brownfield land register must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.

Paragraph: 011 Reference ID: 58-011-20180615"

- 10.6 In considering this application, the Council is restricted to considering the principle of development rather than matters of technical detail. It cannot request additional information at this time and cannot add conditions to a decision notice. Such matters would be covered at the Technical Details Consent stage.

Principle of development

- 10.7 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 this planning application is therefore the current development plan for the District, which is the Cotswold District Local Plan 2011-2031.
- 10.8 The National Planning Policy Framework (NPPF) must be considered in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 10.9 The application site is located outside a Principal Settlement as identified in the Cotswold District Local Plan 2011-2031. The Principal Settlements are identified as the most sustainable locations to deliver future growth. These settlements were selected because of their social and economic sustainability, including accessibility to services and facilities. This notwithstanding, the Local Plan also

recognises that some rural settlements have greater sustainability credentials than others and include everyday facilities such as a shop/post office, a school and/or good public transport access to neighbouring services / employment opportunities. These settlements are described as 'Non-Principal Settlements'.

10.10 Whilst Eastleach has a church (one open, one closed), a pub, a village hall and a limited bus service, there is no village shop, and the nearest primary schools are located in the neighbouring villages of Hatherop and Southrop, and then the larger settlements of Fairford and Lechlade. Employment opportunities are also limited.

10.11 Local Plan Policy DS3 'Small Scale Residential Development in Non-Principal Settlements' states that -

"1. In non-Principal Settlements, small-scale residential development will be permitted provided it:

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; and

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

10.12 In contrast, Local Plan Policy DS4 'Open Market Housing outside Development Boundaries and Non-Principal Settlements' 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."

10.13 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. 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.

- 10.14 Whether Eastleach is a Non-Principal Settlement or not is debatable. Whilst the settlement does not sit entirely comfortably within the definition of a Non-Principal Settlement, neither the village, nor the application site is considered 'isolated' in terms of paragraph 84 (isolated homes in the countryside) of the NPPF. Therefore, given its proximity to the villages of Hatherop and Southrop, and the Principal settlements of Fairford and Lechlade, the village is, on balance, considered a Non-Principal Settlement, notwithstanding the reliance on the motor vehicle to access most if not all services and facilities.
- 10.15 Notwithstanding the above, when reaching a decision, the Council must also have regard to policies in the NPPF. The NPPF and the Planning Practice Guidance (PPG) represent significant material considerations. The December 2024 update to the NPPF, in combination with the updated PPG on Housing and Economic Needs Assessment, introduced a new standard method for calculating local housing need. Prior to the December changes, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, because of the changes the Council can now only demonstrate a 1.8-year supply.
- 10.16 Prior to December 2024, the Council's 5-year supply was measured against the residual Local Plan housing requirement, which was 265 homes per year (based on the Housing Land Supply Report August 2023). However, the new standard method means that the Council's 5-year supply must now be measured against the standard methodology calculation of the number of homes needed in the district, which increased in December 2024 from 504 to 1036 homes per annum. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

"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."

10.17 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes *"for applications involving the provision of housing, situations where: the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years."* Considering this guidance, it is considered that both Local Plan Policies DS3 and DS4 are 'out-of-date' at the present time and that paragraph 11 would be engaged in such circumstances.

10.18 Regarding sub-paragraph (d) i. footnote 7 advises that policies in the NPPF that protect areas or assets of particular importance include National Landscapes, such as the Cotswolds National Landscape and designated heritage assets, such as listed buildings and conservation areas. Harm to these areas or assets of particular importance, therefore, potentially provides a strong reason to refuse an application for housing even if a 5-year supply of housing land cannot be demonstrated.

10.19 In the case of criterion d ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, against the adverse impacts of the proposal. This includes ensuring developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 135 c). However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits for an application to be refused.

- 10.20 As noted above, in considering this application, the Local Planning Authority is restricted to considering the principle of development rather than matters of technical detail. Design, layout, access, drainage, and impact on residential amenity, would therefore be assessed as part of any subsequent Technical Details Consent application. This notwithstanding, the potential impact of the provision of a dwelling on the site, in terms of its impact on the Cotswolds National Landscape and the setting of the adjacent conservation area, is a material consideration in terms of determining if the location of the proposed development is acceptable in principle.

Cotswolds National Landscape

- 10.21 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.
- 10.22 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.
- 10.23 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.
- 10.24 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.

10.25 The Cotswolds National Landscape Management Plan 2025-2030 is also a material consideration in the determination of the application (where compatible with relevant Local Plan and national policy). The Management Plan includes several policies which are considered applicable to this application, including:

10.25.1 "Policy CE1. Landscape

CE1.1 Proposals that have the potential to impact on, or create change in, the landscape of the Cotswolds National Landscape (CNL), should be delivered in a way that is compatible with and seek to further the conservation and enhancement of the landscape character of the location, as described by the CNL Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.

CE1.2 Proposals that have a potential impact on, or create change in, the landscape of the CNL, should seek to further the conservation and enhancement of the scenic quality of the location and its setting, views, including those into and out of the National Landscape and visual amenity.

10.25.2 Policy CE4: Local distinctiveness

CE4.1 Proposals that are likely to impact on the local distinctiveness of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this local distinctiveness. This should include:

- being compatible with the CNL Board's Landscape Character Assessment, Landscape Strategy and Guidelines, Local Distinctiveness and Landscape Change and any relevant position statement or guidance published by the Board.*
- being designed to respect local settlement patterns, building styles, scale and materials in accordance with design guidance prepared by local planning authorities;*
- using an appropriate colour of Cotswold limestone to reflect local distinctiveness.*

10.25.3 Policy CE5: Tranquillity

CE5.1 Proposals that have the potential to impact on the tranquillity of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance.

CE5.3 Proposals that have the potential to impact on the tranquillity of the CNL should have regard to - and be compatible with - the CNL Board's Tranquillity Position Statement."

- 10.26 The Cotswold National Landscape Character Assessment describes the different landscape character types typical of the Cotswolds, including the landscape character and key features of the Dip-Slope Lowland - South and Mid Cotswolds Lowlands, which includes the application site -

"Summary description

10.26.1 The Dip-Slope Lowland forms a broad area of gently sloping, undulating lowland with a predominantly south-easterly fall, and provides the final transition between the high Cotswold country and the Thames Valley. The lowland form is gently, although infrequently, dissected by small watercourses, with the overall impression of a well-managed, productive landscape of mixed arable and improved pasture. Medium to large scale regular fields enclosed by hedgerows predominate, although fences and stone walls are not entirely absent. Intermittent small villages and isolated farmsteads define the pattern of settlement, although there are some larger settlements present. There is also a distinctive pattern of large estates and their associated parks and woodland, some of which are of national importance. Otherwise, woodland is limited to isolated copses and shelter belts.

Landscape sensitivity

10.26.2 The strongly structured cultivated Dip-Slope Lowland landscape is sensitive to large scale developments that might interrupt wide views across the landscape and in particular to developments that would introduce tall vertical elements such as pylons and wind turbines. However, the presence of more intensively managed landscapes makes the Dip Slope Lowlands generally less sensitive than remoter and more elevated landscapes on the High Wold and High Wold Dip-Slope. Areas where a strong woodland framework exists are particularly suited to accommodate development. However, development

proposals should avoid extensive new woodland planting to screen developments, as this would compromise the open character of the landscape and long views across the Dip-Slope Lowlands.

10.62.3 Areas of ancient woodland and species rich grassland represent a small fraction of the extent that once existed and are therefore highly sensitive to developments that might compromise their survival or setting. Parkland landscapes are particularly sensitive to developments that might compromise their historic character and the contribution they make to the wider landscape of the Dip-Slope Lowlands. Care should be taken to ensure that developments do not compromise elements that constitute the wider setting of designed parklands such as estate villages and tree plantations."

- 10.27 The application site is located on the western edge of the rural settlement of Eastleach in an area where the built form of the village dissipates and transitions into the open countryside.
- 10.28 The provision of a single dwelling on the site, and the associated change in the use of the land from agricultural to residential, and its domestication, would result in an unacceptable encroachment of the domestic built form, and its associated paraphernalia and trappings, into the wider landscape setting. As a result, the provision of a dwelling on the site would fail to respect the existing settlement pattern, or conserve or enhance the natural beauty of the area. The historic and natural landscape character, together with the visual quality and local distinctiveness of the area would be diminished, including views into the settlement from the open countryside and farmland to the south, as well as views out.
- 10.29 For these reasons, it is considered that the provision of a dwelling in this location would neither maintain nor enhance sustainable patterns of development, nor complement the form and character of the existing village, or the contribution it makes to the wider landscape setting of the Cotswolds Natural Landscape.
- 10.30 In summary, the provision of a dwelling in this location, and the associated change in the use of the land from agricultural to residential, and its domestication, would fail to protect or enhance the intrinsic character and beauty of the Cotswolds Natural Landscape, contrary to the requirements of Cotswold District Local Plan Policies EN4 and EN5, and chapters 2 and 11 of the National Planning Policy Framework.

Setting of conservation area

- 10.31 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.
- 10.32 Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that development proposals that would affect conservation areas and their settings, will be permitted provided (amongst other things) they;
- 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;
 - include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area; and
 - 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.
- 10.33 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, such a listed building or a conservation area, 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.

- 10.34 The northern boundary of the application site is formed by the southern wall / south-east corner of The Walled Garden. The latter is a defining feature, which demarcates the south-western terminus of the built form in the area, both historically and today - the agricultural buildings to the north-west being modern, and mid to late 20th century in date.
- 10.35 Whilst a dwelling has recently been permitted (circa 2017) within The Walled Garden, this was a replacement dwelling, and both the building and its residential curtilage are contained by the walls of the garden. In contrast, the current application site extends south of The Walled Garden into an area historically used as an orchard, before transitioning into open farmland. The eastern boundary of the application site demarcates the western edge of the Eastleach Conservation Area. To the east of this, the formal gardens associated with the unlisted, albeit historic (circa 1872), Manor Farm House, form the southern edge of the conservation area, further contributing to the visual qualities of this transitional landscape.
- 10.36 Both Manor Farm House and its formal gardens have been deliberately included within the conservation area boundary, and contribute positively to the latter's character and appearance, with the extensive gardens preserving the soft, edge of settlement character of the area. The provision of a dwelling on the site would result in the unacceptable encroachment of the built form into the wider landscape setting, resulting in the erosion of this transitional character. As a result, the proposed development would fail to complement the form and character of the settlement. The setting of the conservation area would be diminished, and the undeveloped character of the site would be irrevocably lost, together with a key element of the designated heritage asset's setting. Whilst the harm to significance would be less than substantial, and the provision of a dwelling on the site would contribute to the five-year supply of deliverable housing within the District, the ensuing public benefits associated with a single dwelling would be limited and considered not to outweigh the harm to the setting of the conservation area, as both a designated heritage asset and an 'asset of particular importance'.
- 10.37 In summary, there is an 'in principle' objection to the provision of a dwelling in this location in terms of its failure to respect the existing settlement pattern / complement the form and character of the settlement, and its harmful impact

on the historic environment, including in terms of diminishing views of the conservation area from the open countryside and farmland to the south and south-west. The provision of a dwelling on the site is therefore considered contrary to the requirements of Local Plan Policies EN10, EN11 and EN12, and chapters 2 and 16 of the NPPF.

- 10.38 Notwithstanding the above, given the separation provided by the existing intervening built form (The Walled Garden, Manor House Farm etc.,) the provision of a dwelling on the site would be unlikely to affect the setting of the Grade II listed buildings to the north-east (Byre Cottage, 6. 7 and 8, Scissor Cottage and Tallett Cottage).

Connectivity to the public highway

- 10.39 It has not been clearly demonstrated as part of the application how the site would connect to the public highway (Back Lane). Instead, the site appears landlocked, with no direct access or frontage onto a highway maintainable at public expense. Whilst access is a technical details matter, in this instance, it is not clear if or how the existing access to Manor Farm House would be utilised, or if it is capable of being utilised, should 'permission in principle' be granted, or whether a new access would need to be formed onto Back Lane. In particular, no mechanism has been provided to demonstrate that the applicant can gain reasonable access to the site, or if any material changes would be required to secure that access.
- 10.40 Whilst the applicant has been given the opportunity to submit a plan in support of the current proposal showing how the application site would be accessed from the public highway, they have declined to do so by reference to a 2021 High Court decision (Case No: CO/4168/2020) whereby it was determined that the red line did not need to include existing access land up to the public highway where no new access works or material change to that access were proposed, and by stating *"No amendment to the submitted red-line boundary is therefore proposed"*. This is notwithstanding a 2024 Appeal decision (Appeal Ref: APP/X1165/W/24/33407880) where the Planning Inspector declined to determine an Appeal on the basis that, in his opinion, the local planning authority in question should not have determined the application in the absence of a plan showing how the site would be accessed from a public highway. On this basis, Officers do not consider such a request to be unreasonable, as it is potentially in the applicant's interests to demonstrate that the application site is capable of being connected to the public highway in a manner that would allow the proposed residential use to be achieved in principle.

10.41 Considering the concerns regarding the site's connectivity to the public highway, Gloucestershire County Council, in its capacity as Local Highway Authority (LHA), has been consulted, and commented as follows:

10.41.1 "This application has been submitted as a Permission in Principle (PiP) application. The scope of PiP is limited to the consideration of the location, land use and amount of development only. Detailed design, access arrangements and other technical matters are reserved for consideration at the subsequent Technical Details Consent stage.

10.41.2 The application site is not directly connected to the public highway within the submitted red line boundary. The nearest public highway is road number 400968, Eastleach Turville to Eastleach Road, a Class 4 publicly maintainable highway. Furthermore, there are no Public Rights of Way connections in the vicinity of the site.

10.41.3 The site is located in a rural location with a DfT [Department for Transport] connectivity score of 10, indicating a very low level of accessibility to services and facilities by sustainable transport modes. As a consequence, future occupiers would be heavily reliant upon the private car for the majority of day-to-day trips.

10.41.4 At the Permission in Principle stage, the Highway Authority is only able to consider whether the location of the proposed development is acceptable in principle. Given the site's poor connectivity and limited opportunities to access services and facilities other than by private vehicle, the proposal represents a form of development in a location that is inherently car-dependent.

10.41.5 The Highway Authority therefore considers that the location of the development is unacceptable in principle and recommends that Permission in Principle be refused on transport sustainability grounds.

10.41.6 In addition, it is noted that the application red line boundary does not appear to include any land that would provide a connection to the public highway. Whilst access is a matter for consideration at the Technical Details Consent stage, the Local Planning Authority may wish to satisfy itself that the application has been correctly validated and that the necessary land and rights can be demonstrated."

10.42 Notwithstanding the reliance on the motor vehicle to access most if not all services and facilities, the Local Planning Authority does not necessarily agree with the LHA that the application should be refused on transport sustainability

grounds alone, as that would have wider implications for the District given its predominantly rural character. Although, it is noted that the LHA shares the LPA's concerns regarding the lack of connectivity to the highway demonstrated, and the questions it raises as to whether this is achievable.

Other matters

- 10.43 Other matters, such as biodiversity (protected species), biodiversity net gain, drainage and the potential impact on trees, are not objectionable in principle having regard to the scope of the permission in principle application, and would be dealt with at the technical details stage, together with design, layout, and impact on residential amenity etc.
- 10.44 As discussed, boundary disputes, restrictive covenants, and other property rights are private matters. This includes private rights of way or 'easements', where a private right of way entitles one landowner to pass over another piece of land to get to their own land. Such matters are not relevant in deciding whether to grant or refuse planning permission. This is because they are not material planning considerations, but private matters.

11. Conclusion:

- 11.1 The provision of a dwelling in this location, and the associated change in the use of the land from agricultural to residential, and its domestication, would fail to protect or enhance the intrinsic character and beauty of the Cotswolds Natural Landscape, contrary to the requirements of Cotswold District Local Plan Policies EN4 and EN5, and Chapters 2 and 11 of the NPPF.
- 11.2 The provision of a dwelling in this location would result in the encroachment of the built form into the wider landscape setting of the conservation area, eroding its transitional character. The development would fail to complement the form and edge of settlement character of the area, diminishing the setting of the conservation area. The undeveloped character of the site would be irrevocably lost, together with a key element of the designated heritage asset's setting, contrary to the requirements of Local Plan Policies EN10 and EN11, and Chapters 2 and 16 of the NPPF.
- 11.3 The harm identified to the Cotswolds National Landscape and to the setting of the Eastleach Conservation Area attracts great weight. These protected areas and assets fall within the scope of NPPF footnote 7 and provide a strong reason for refusing the development. In any event, the adverse impacts identified

would significantly and demonstrably outweigh the limited benefits of the proposal when assessed against the Framework taken as a whole.

12. Reasons for Refusal:

1. The application site is located within the Cotswolds National Landscape wherein the Local Planning Authority is statutorily required to seek to further the purpose of conserving and enhancing the natural beauty of the landscape. The provision of a dwelling on the site, and the associated change in the use of the land from agricultural to residential, and its domestication, would result in an unacceptable encroachment of the domestic built form, and its associated paraphernalia and trappings, into the wider landscape setting, thereby failing to protect or enhance the intrinsic character and beauty of the National Landscape, as both a valued landscape and an 'area of particular importance'. Consequently, the provision of a dwelling on the site is considered contrary to Cotswold District Local Plan Policies EN4 and EN5, and chapters 2 and 11 of the National Planning Policy Framework.

2. The application site is located outside but immediately adjacent to the Eastleach Conservation Area. The provision of a dwelling on the site would result in the encroachment of the built form into the wider landscape setting of the conservation area. The setting of the conservation area would be diminished, and the undeveloped, transitional edge of settlement character of the site irrevocably lost, together with a key element of the designated heritage asset's setting. Whilst the harm to significance would be less than substantial, and the provision of a dwelling on the site would contribute to the five-year supply of deliverable housing within the District, the ensuing public benefits associated with the provision of a single dwelling would be limited and would not outweigh the harm to the setting of the designated heritage asset. The proposed development would also fail to protect an 'asset of particular importance'. Consequently, the provision of a dwelling on the site is considered contrary to Cotswold District Local Plan Policies EN10 and EN11, and chapters 2 and 16 of the National Planning Policy Framework.

3. The application site is landlocked with no direct frontage onto a highway maintainable at public expense. Insufficient information has been submitted in support of the application to demonstrate that the application site is capable of being connected to the public highway in a manner that would allow the proposed residential use to be achieved in principle.