

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	18 August 2020
Site Location:	Dryfield Farm Cheltenham Road Winchcombe Cheltenham Gloucestershire GL54 5AG
Application No:	19/01041/FUL
Ward:	Winchcombe
Parish:	Winchcombe
Proposal:	Erection of an agricultural workers dwelling
Report by:	Mr James Lloyd
Appendices:	Site location plan Proposed site layout plan Proposed elevations Proposed floorplans (Ground and first floor)
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. Dryfield Farm is situated just to the south of the B4632 approximately 2 miles west of Winchcombe and just to the north of Cleeve Hill. The current farmstead comprises of an existing agriculturally tied dwelling house (owned and occupied by the applicant), several utility buildings such as a grain store, an adjoin Dutch Barn and a 150ft x 45ft Monopitch Barn. The farm currently occupies 208 acres, 100 hundred acres of which is owned and the additional 108 is rented. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2. The site for the proposed agricultural workers dwelling is located upon currently undeveloped agricultural land within the holding of Dryfield Farm. Located adjacent to a cluster of agricultural and residential buildings the site is a parcel of land located to the south west of the existing farmhouse. The site has an area of approximately 0.1hectares with a width of 40 meters along the frontage, and a maximum depth of 40 meters. The site slopes upwards from front to back, there being a level difference of approximately 4 meters at its maximum. The site is accessed via an existing track that serves Dryfield House and other residential properties in the immediate area.
- 1.3. The proposal is for a detached dwelling to provide accommodation for an agricultural worker and their family. The applicant is seeking to retire from the existing farm business and pass over running and management to his son's (one of whom would reside at the proposed dwelling). The applicant intends to remain within the existing Farmhouse which is agriculturally tied.

- 1.4. The proposed dwelling would be a two-story detached house with an integral office, garage. The property would benefit from off road parking for three cars, residential garden space and an additional detached garage building. It is calculated that the dwelling and detached garage would have a combined floor area of approximately 230m², the dwelling would be constructed with Stone gables and cornerstones, with render to the remaining walls. The roof would be reconstituted Cotswold stone and the windows would be aluminum in a gun metal grey colour.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.2119	Erection of dairy.	PERMIT	21.06.1955
T.2119/A	Erection of an agricultural building and an extension to existing agricultural building (728 ² m).	PERMIT	29.07.1986
85/00523/FUL	Erection of an agricultural building and an extension to existing agricultural building (728 ² m).	PERMIT	29.07.1986
86/00410/FUL	Change of use of existing barn to farmhouse. Construction of a new vehicular and pedestrian access.	PERMIT	01.08.1986
88/93108/FUL	Conversion of 3 barns to 3 dwellings	PERMIT	19.07.1988
88/93109/FUL	Construction of a sewage treatment plant.	PERMIT	
88/93110/FUL	Alterations and extensions to barn and remains to provide two dwelling units.	REFUSE	
89/93112/FUL	Alterations and extension to agricultural building to provide a dwelling unit.	REFUSE	
89/93117/FUL	Erection of domestic residential garages.	PERMIT	
96/01145/FUL	Alterations and extension to farmhouse	PERMIT	07.01.1997
96/01256/AGR	Erection of grain storage bin	CONSE N	22.01.1997
02/00008/FUL	Renewal of planning permission 96/2119/1145/FUL - Alterations and extension to farmhouse	PERMIT	04.03.2002

07/01250/FUL	Alterations and extension to farmhouse.	PERMIT	11.12.2007
15/00674/FUL	Retrospective application for the change of use of an agricultural barn to stable horses and use of land for associated grazing and for equestrian purposes (Racehorse Training Establishment)	PERMIT	29.04.2016

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3. Policies:

SD3 (Sustainable Design and Construction)
SD4 (Design Requirements)
SD6 (Landscape)
SD7 (The Cotswolds Area of Outstanding Natural Beauty)
SD9 (Biodiversity and Geodiversity)
SD10 (Residential Development)
SD14 (Health and Environmental Quality)
INF1 (Transport Network)
INF2 (Flood Risk Management)

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

3.4. Policies:

AGR2 (Agricultural Workers Dwelling)

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (July 2019)

3.5. Policies:

AGR3 (Agricultural Workers Dwelling)
ENV2 (Flood Risk and Water Management)
TRAC1 (Pedestrian Accessibility)

Neighbourhood Plan

3.6. Winchcombe and Sudeley Neighbourhood Development Plan 2011 – 2031

1.1 (Protecting the distinctive character of the area)
3.1 (Infill development)
5.1 (Design of new development)
5.2 (Off street parking)
5.6 (Gardens)

- 3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

Winchcombe Town Council: No objection

Building Control: The application will require Building Regulations approval.

Agricultural Consultee: There is no essential need for any further dwellings at Dryfield Farm and the proposed dwelling is considered larger than one would consider to be commensurate.

County Highways: No objection

Environmental Health Officer: No objection to the application in terms of any nuisance issues.

Severn Trent: No objection

Flood Risk Management Engineer: No responses received at the time of writing this report.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and one letter of support has been received. The member of public supports this application as they believe accommodation for agricultural workers in an area where property prices exclude working people and is necessary for the working of the farm.
- 5.2. Councillor Mason has requested Committee determination to assess the impact on the surrounding area.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of direct relevance to this application is the Winchcombe & Sudeley Neighbourhood Plan 2011-2031 which is formally part of the Development Plan.
- 6.3. A further material consideration is the Pre-Submission Tewkesbury Borough Plan to 2031, which was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- 6.4. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance and the National Design Guidance (NDG).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1. JCS Policy SD10 sets out that housing development will be permitted at sites allocated for housing and within Tewkesbury town, rural service centers and service villages and that housing on other sites will only be permitted where there are specific exceptions, including those defined in district or neighborhood plans. The site does not fall within any of the specific exceptions within Policy SD10 however Saved TBLP Policy AGR2 relates specifically to the provision of new agricultural workers dwellings. This policy requires applications to demonstrate there is a long-term need for a dwelling, that there is no suitable alternative accommodation elsewhere and there is a need for 24-hour attendance or supervision.
- 7.2. Policy AGR2 is reflected in emerging PSTBP Policy AGR3. The NPPF indicates support for rural dwellings where they can be robustly justified however not specifically in locations such as Dryfield Farm which is not 'isolated'. The Winchcombe and Sudeley NDP is silent on the matter of rural workers dwellings.
- 7.3. Paragraph 83 of the NPPF states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 7.4. The Council cannot demonstrate a five-year supply of deliverable housing sites and the above development plan policies are thus considered to be out of date having regard to paragraph 11 of the NPPF. The implications of this are discussed below, however first it is necessary to consider whether the proposal complies with those policies, i.e. whether there is an essential need/agricultural justification for an additional dwelling at Dryfield Farm to serve the agricultural enterprise, and can thus be supported in principle.

Agricultural Justification

- 7.5. The reference to the essential need for a rural worker to live permanently at or near their place of work, originated from Planning Policy Statement 7 (PPS7), which went on to recommend that planning authorities should follow the guidance in Annex A to PPS7. While PPS7 has been superseded by the publication of the NPPF, Annex A continues to provide a useful framework as to whether an essential need exists, particularly in the absence of alternative guidance. In view of this it is necessary to establish whether there is an essential need arising from a functional need for a rural worker to be permanently based on a site, the labour requirements of the business, its financial viability and the availability of other dwellings in the locality to meet an identified need.

Functional Need

- 7.6. One of the most frequent reasons for a functional need for an agricultural worker to be permanently located on site is that somebody experienced is available to deal quickly with any emergency animal welfare issues that are likely to arise throughout the year outside of normal working hours into the night.

- 7.7. The application is supported by an Agricultural Report (Undertaken by Reading Agricultural Consultants) and subdivides the agricultural business into 4 main enterprises;
- 1) Arable – maize, corn, swede and kale on 32.4 ha.
 - 2) Livestock (Sheep) – Flock of 400 breeding ewes.
 - 3) Livestock (Game birds) – 10,000 – 15,000 pheasants/partridge raised each year.
 - 4) Equestrian Livery – 10 horses (2 in hand and 8 rented out to a third party).
- 7.8. It is also understood that the applicant's sons are seeking to take over the management of the business from their parents and share the responsibility of running the farm alongside their contracting business. In doing so there is a proposal to rent a further 200 acres and expand the sheep heard numbers.
- 7.9. The Local Authority's agricultural consultant has assessed the submitted information to establish whether there is a functional need based on the enterprises described above.
- 7.10. Generally during the farming year, livestock husbandry would be largely routine such as handling, sorting, feeding, checking, and treating, which in any case would generally be carried out during the working day, with checks first and last thing as considered appropriate. Although this is the case, there will likely be times when urgent action needs to be taken, for example with birthing.
- 7.11. In terms of the sheep enterprise, for the majority of the year the sheep will be out to grass, however, during the lambing period (around April/May) there will normally be a requirement to have somebody on duty in and around the ewes during the day and for a large part of the period during the night time hours.
- 7.12. Whether there is a dwelling on site or not, does not affect the welfare of the ewes and lambs during lambing, since lambing is something that is planned for, and is something that is expected to occur regularly around the clock during a specified period which in this case is around say 5 weeks.
- 7.13. Provided there are the basic facilities close to the buildings, it would not be considered essential for the person(s) on night duty, to require the use of an onsite dwelling, as they will be in and around the lambing ewes on a regular basis, through the night if required, as they would be during the day.
- 7.14. Some sheep businesses station a touring caravan on site to house a student (typically veterinary or agricultural) during seasonal lambing. Not because there is a functional need for onsite accommodation, but to provide "off shift" accommodation for that person who might have travelled far, and the business not being in a position to source short term accommodation; plus of course provision of basic facilities where they are not already on site.
- 7.15. Even if it was found that there was a functional need for there to be somebody actually based on site during the lambing period, it would be considered to be a seasonal need.

- 7.16. Turning next to the Game Rearing, the rearing season would typically run from mid-April through to July/August (3-4 months) there will be initially egg incubation and then following on the management of day old's through to pouts. There will be particularly vulnerable times e.g. when the day old's are introduced to the brooders. Also, in the rearing pens, panic amongst the birds can occur, brought on by noise and predator intrusion, which in turn can cause birds to 'bunch up'.
- 7.17. These are amongst the reasons why having somebody on hand is at the very least reasonably necessary during the rearing period. However, as with the lambing this is considered to be a seasonal requirement.
- 7.18. The equestrian enterprise is based around a letting arrangement with the welfare of the horses judged to be the responsibility of the tenant. The arrangement with the tenant is considered to be an arrangement which could come to an end with little or no notice and so it could not in any case be given any weight with regard functional need for the foreseeable future. There is currently no indication that if the current arrangement with the tenant ceases the applicants would seek to start their own equestrian enterprise other than possibly a DIY business where the responsibility of horse welfare would rest with the owners of the horses, as would be the case with the two existing DIY liveryes.
- 7.19. Security is always a consideration in these matters, however it is far from overriding and in any case there are existing residential dwellings in and around the application site, including the existing tied dwelling which would continue to be lived in by a family member, and is therefore not considered particularly vulnerable. Whilst security has been mentioned within the supporting agricultural report no evidence has been provided as to why this site is particularly vulnerable.
- 7.20. Based on the information provided, it is therefore concluded that there is no functional need for somebody to be based at Dryfield Farm on a permanent basis throughout the majority of the year.

Full Time Labour

- 7.21. The figures provided by Reading Agricultural Consultants indicate that the equivalent 1.9 workers are attributable to livestock husbandry. The data has been calculated using the Standard Man day (SMD) for cropping and livestock husbandry activity.
- 7.22. The Council's Agricultural Consultant has questioned the method for working these figures out in relation to the Game Bird enterprise and the Equestrian set up. It is concluded that the data provided includes personal use (Family Shoot) and the use of equestrian labour given that this side is DIY Livery and tenanted out.
- 7.23. It is therefore judged that a more reasonable assessment of livestock labour requirement, assuming the sheep enterprise up and running, to be one full time person and part time labour as and when required eg lambing.

Establishment and Viability

- 7.24. Other factors aside, a permanent dwelling cannot be considered essential, unless the enterprise on which the proposed essential need is based is viable, and likely to remain so for the foreseeable future. The sustainability of the proposed enterprise will be reliant on the enterprise being able to survive financially, with a frequently used minimum requirement of meeting the cost of a full-time worker to justify an on-site presence.

- 7.25. The Agricultural Consultant has had sight of the accounts. However, these accounts appear to directly relate to the business at Dryfield Farm and the figures appear to bear little resemblance to the figures in the business plan.
- 7.26. At this stage it is judged that there is very little to demonstrate that the livestock enterprise (of which the essential need is based) could support a full-time worker. Therefore, there is not enough information to fully assess the financial situation.

Other Dwellings

- 7.27. It remains implicit in the latest national planning policy and in local policy that, if the essential need to house a rural worker can be met within the existing local housing stock, further isolated residential development in the countryside should be avoided.
- 7.28. The existing farmhouse is currently occupied by the applicants, who intend to remain in residence following their retirement from active involvement in the management in the farm business. It is understood that the applicants propose to continue to occupy the dwelling and they will remain compliant with the occupancy condition since they will not be moving on to any alternative non-agricultural employment. Whilst it is acknowledged that there is no alternative accommodation to meet the desire of the applicants to create a new dwelling on site, this does not overcome the fact that there is no functional need for a dwelling on the site.

Size of Dwelling

- 7.29. The size of the proposed dwelling should also be considered in relation to its functional role as a worker's dwelling. The general consensus is that the size of a proposed dwelling should be proportionate to the essential need.
- 7.30. Without any more recent guidance it would seem reasonable to look back at Annex A of PPS7 which referred to a dwelling size that was... "*commensurate with the established functional requirement*". Annex A also stated that it is the "*It is the requirements of the enterprise rather than those of the owner or occupier that are relevant in determining the size of dwelling that is appropriate to a particular holding*"
- 7.31. It is therefore considered reasonable to take these matters into account when assessing whether proposed dwelling's design and scale is commensurate, unless there are exceptional circumstances which might suggest otherwise.
- 7.32. The Council's agricultural consultant advises that within the last 10 - 15 years, a dwelling with a gross internal area of 150 -160 square metres, has been a frequently accepted size limit for a new rural worker's dwelling, based on the primary functional requirement for animal welfare management. This equates to a reasonably sized 3-bedroom house with room for a small office and downstairs WC.
- 7.33. The proposed dwelling would measure a floor area of 190 square metres (including an office). In addition there are two garages (one internal and one external) which would add approximately 40m². The overall accommodate would therefore equate to a floor area of over 230m² (approximately). Whilst the consultants comments are noted and no justification has been given to support the need for a dwelling of this scale,, the Council has previously permitted dwellings of the scale proposed in recent years and it is not considered that the scale of the dwelling in itself weighs against the proposal (notwithstanding the comments in respect of landscape impact below).

Conclusion on Principle of a New Dwelling

- 7.34. Given the evidence provided to support the planning application it is concluded that there is no functional requirement for there to be somebody based at Dryfield Farm on a full time, all year-round basis.
- 7.35. As no functional need has been demonstrated, an additional dwelling for a rural worker is considered to be unjustified and consequently contrary to JCS Policy SD10 and policies AGR2 of the TBLP and AGR3 of the Pre-submission Tewkesbury Borough Plan as there is not an essential need to be living on-site to deliver this rural business.
- 7.36. Nevertheless, as set out above, these policies are out of date as the Council cannot demonstrate a five year-supply of deliverable housing sites. On that basis, having regard to paragraph 11 of the NPPF the presumption is in favour of the granted of permission unless:
- i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*
- 7.37. In this instance the site is in the AONB which is one of the areas of particular importance which could provide a clear reason for refusing the proposed development which would disengage the tilted balance. This is discussed below.

Design and Layout

- 7.38. JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live and having appropriate regard to historic environment.
- 7.39. Saved Policy AGR2 of the TBLP relates specifically to agricultural dwellings and requires that proposals should be sited where they can enhance the environment and the scale of the dwelling should be related to the size and function of the farm unit.
- 7.40. Policy 5.1 (Design of New Development) of the Winchcombe and Sudeley NDP requires new development to reflect the character of its surroundings and, where appropriate, for planning applications to demonstrate an understanding of those qualities and features that make up this character, and show how their proposals will respect and complement what is already there. Policy 5.1 specifies that the design of new development will be expected to complement and enhance, where appropriate, the prevailing size, height, scale, materials, layout, density and access of any surrounding development.
- 7.41. In terms of design the supporting design and access statement refers to a style in the local Cotswold vernacular. The use of gables and windows of traditional proportions are referenced along with keeping the roof at a low height whilst providing first floor accommodation. However, no attempt has been made to further demonstrate how the building would reflect the character of its surroundings and complement the existing built form around it.

- 7.42. The design of the building features an awkwardly off-set wing projecting off the front (principle elevation) of the main body of the house and juts out to the side. Generally traditional wings would extend from the rear of the building, contained within the main body of the house. This form, especially with the integral garage, is common on executive housing estates but is uncharacteristic of the Cotswold vernacular, which is the prevailing building style in this area and a substantial element of the area's local distinctiveness. Likewise, integral garaging is not a traditional feature and are more reminiscent of a modern executive suburban house than a design that assimilates with local distinctiveness.
- 7.43. Smaller details such as the chimney being offset from the gable and the fenestration pattern to the first floor of the rear elevation are also considered incongruous and are not typical of the local character.
- 7.44. On the whole, the design constitutes very poor design in this prominent location and does not represent the local Cotswold Vernacular. The proposal does not complement its surroundings and would therefore fail to assimilate with local character/distinctiveness and would be contrary to the NPPF, Policy AGR2 of the TBLP, Policy 5.1 (Design of New Development) of the Winchcombe and Sudeley NDP and Policy AGR3 of the emerging Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019). This weighs heavily against the proposal in the overall planning balance.

Landscape (Impact upon the AONB)

- 7.45. Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside.
- 7.46. As set out above, the application site is located within the Cotswolds AONB. Paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Paragraph 172 further states that the scale and extent of development within these designated areas should be limited. Policy SD7 of the JCS sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.47. Policy 1.1 of the Adopted Winchcombe and Sudeley NDP specifies that development should respect local character and, where relevant, must protect and enhance the Cotswolds AONB.
- 7.48. The Cotswold Management policy CE3 relates to local distinctiveness of the Cotswold AONB. Development should have regard to and be compatible and reinforce the local distinctiveness. Being designed and where relevant, landscaped to respect the settlement local pattern, building styles, scale and materials.

- 7.49. The agent has submitted their own Landscape and Visual Assessment (within the Design and Access Statement) which highlights the following:
- The location the subject of this application has been chosen both for its close relation to the existing farm complex but also because of the screening given by the existing landscape and buildings. These all ensure that, the proposed dwelling would not have an impact on the natural beauty of the AONB.
 - Careful consideration has been given to the design and materials to be used for the proposed dwellings to ensure they respect the local character and protect the AONB.
- 7.50. Whilst it is acknowledged that the building would be located on the peripheries of the existing farm complex and that additional planting could be applied there are fundamental concerns regarding the size, scale and design of the building that would impact the wider AONB.
- 7.51. The application site and its immediate landscape setting typify the Cotswold escarpment landscape, the site is on the lower slopes of the escarpment in a rural landscape with a few scattered dwellings bunched together towards the west of the site. Many of these buildings have been converted from existing farm buildings.
- 7.52. The Design and Layout section above describes how it is considered that the new dwelling would not reinforce local distinctiveness or respect local building styles, scale or materials. It would intensify the residential use of the site and put pressure on surrounding farmland which would further impact rural character. The new dwelling, with its associated domestic paraphernalia would also have an urbanising impact on this rural landscape. This would materially harm the character and appearance of its rural surroundings and would not uphold the objective of conserving and, where appropriate, enhancing the landscape, scenic beauty, wildlife, cultural heritage and other special qualities of the Cotswolds AONB.
- 7.53. Accordingly, the proposed development is contrary to Policy SD4 with regard to design and would alter the character of and harm this part of the AONB. As such, the proposed development would not comply with policies set out in the Cotswolds AONB Management Plan, Policy SD7 and SD6 of the Joint Core Strategy, Policy 5.1 of the Winchcombe and Sudeley NDP and Para 172 of the National Planning Policy Framework 2019. This is a significant and demonstrable harm which weighs heavily against the proposal in the overall planning balance.
- 7.54. As a consequence of this harm, following the application of NPPF policy in respect of conserving and enhancing landscape and scenic beauty in AONBs, in this instance there is a clear justification for refusing the development proposed and it is not considered that the tilted balance applies. This will be considered further in the overall planning balance

Residential amenity

- 7.55. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

- 7.56. The proposed dwelling would be located south west of the existing farmhouse, on what is currently undeveloped agricultural land. The site sits adjacent to a cluster of existing residential properties, mainly barn conversions. The proposed dwelling would be sited approximately 33m from Dryfield Farm and 47m from Robin Hill and Hill Barn. Given the topography of the land the proposed dwelling would be set at a lower level than these buildings. First floor windows would face towards Dryfield Farm, however, given the distance between properties and the intervening levels changes, along with intervening boundary treatments it is not considered that the proposal would impact upon the living conditions of other nearby dwellings. The proposal would therefore conform with the NPPF and Policies SD4 and SD14 of the JCS in this regard.

Drainage and flood risk

- 7.57. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the Council's Flood Risk and Water Management SPD.
- 7.58. The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding.
- 7.59. The Water Management Statement (WMS) submitted in support of the application advises that surface water is proposed to be disposed of via soakaways (subject to percolation testing). In terms of foul drainage, it is understood that there is no mains sewer available within accessible proximity to the application site. The applicant has therefore suggested that the foul water would be connected to a bio digestion treatment plant.
- 7.60. The WMS advises that no percolation tests have yet been undertaken but the site is situated on Birdlip Limestone Formation - Limestone, ooidal. Sedimentary Bedrock and therefore it is highly likely soakaways will be acceptable.
- 7.61. This information has been submitted the Council's Flood Risk and Management Officer for comment to establish whether this approach for foul and surface water management would be acceptable and **an update will be provided at Committee.**

Access and highway safety

- 7.62. Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.63. Further, Policy 5.2 (Off Street Parking) of the Winchcombe and Sudeley NDP supports the provision of off-street parking areas as part of development proposals, to minimise additional on-street parking.
- 7.64. The site would be accessed via an existing vehicular access that leads from the B4632 and serves several residential units. The proposal would result in the increase in vehicular movements along this access, however, these would not result in a material increase that would compromise highway safety. The proposal seeks to provide 3 off road parking spaces, a turning area and two garages. In this instance it is considered that the provision of off-street parking and safe vehicular access can be suitably achieved.

- 7.65. Following consultation with the Highways Authority, no objections have been raised on the grounds of highways safety.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

- 8.2 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless:

(i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

(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.

- 8.3 Footnote 6 of the NPPF specifies the policies referred to [in sub-section (i) above] include those in the Framework relating to conserving and enhancing protected designated landscapes including AONBs.
- 8.4 As discussed in paragraphs 7.45 to 7.54 above, the proposed development would harm the landscape of the AONB. For this reason, applying the NPPF policies for conserving and enhancing protected landscapes, there is a clear reason for refusing the proposed development. Consequently, this means the 'tilted balance' is not engaged and the ordinary planning balance is applicable in this case.
- 8.5 The proposed development would result in both social and economic benefits arising from the provision of a new dwelling, however given the scale of the proposed development, these benefits would be very limited.
- 8.6 Harm would arise from the conflict with the housing policies of the development plan. Whilst the weight to these policies is reduced given that they are out of date, this conflict nevertheless weighs against the proposal.
- 8.7 There would be significant and demonstrable environmental harms arising from both landscape impact and the harm to the AONB, and the poor quality of the proposed dwelling, in conflict with the development plan, including the Winchcombe and Sudeley NDP.
- 8.8 There are neutral impacts of the proposal in that, subject to appropriately worded planning conditions, there would not be any adverse impact on the living conditions of nearby residents, highway safety or drainage/flood risk.
- 8.9 The dwelling would be unnecessary development in the open countryside harming the rural character and appearance of the area without justification.
- 8.10 Overall, it is concluded that the significant and demonstrable harms identified above outweigh the very limited benefits which would accrue from the proposal. It is therefore

considered that the proposal is contrary to the sections 2, 5, 6, 12 and 15 of the National Planning Policy Framework, and Policies SD4 and SD7 of the Joint Core Strategy 2011 - 2031 (December 2017), Saved Policy AGR2 of the of the Tewkesbury Borough Local Plan to 2011- Adopted March 2006, Policies 1.1 and 5.1 of the Winchcombe & Sudeley Neighbourhood Plan 2011-2031 and Emerging Policy AGR3 of the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019) and it is recommended that planning permission is **refused**.

REASONS:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development. Furthermore, the applicant has not demonstrated that there is a functional need that requires the provision of any additional permanent dwellings at the farm enterprise. The proposal would therefore also be contrary to saved Policy AGR2 of the of the Tewkesbury Borough Local Plan to 2011- Adopted March 2006 and Emerging Policy AGR3 of the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).
2. The site is located in the Cotswolds Area of Outstanding Natural Beauty where priority is given to the conservation and enhancement of the landscape. The proposed new dwelling, by reason of its poor design, scale and location would result in an intrusive, incongruous dwelling that would cause significant and demonstrable visual harm the character and appearance of the Cotswolds Area of Outstanding Natural Beauty landscape. The proposed development is therefore contrary to Section 15 of the National Planning Policy Framework, policies SD4 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), saved policy AGR2 of the Tewkesbury Borough Local Plan to 2011- Adopted March 2006, Policies 1.1 & 5.1 of the Winchcombe & Sudeley Neighbourhood Plan 2011-2031, emerging Policy AGR3 of the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019) and the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018 - 2023.
3. The design of the proposed building does not represent or respect the local Cotswold vernacular and would not compliment or enhance its surroundings. The proposal would therefore fail to assimilate with local character/distinctiveness and would be contrary to Section 15 of the National Planning Policy Framework, Policy SD4 and Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), saved policy AGR2 of the Tewkesbury Borough Local Plan to 2011- Adopted March 2006 and Policy 5.1 of the Winchcombe & Sudeley Neighbourhood Plan 2011-2031.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.