

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 February 2021
Site Location:	Dog Lane Witcombe Cheltenham Gloucestershire
Application No:	20/01043/FUL
Ward:	Badgeworth
Parish:	Badgeworth
Proposal:	Demolition of existing barn, byre and pig pens and replacement with single dwelling (revised application following withdrawal of 20/00540/FUL / following Approved 18/00568/FUL in terms of siting and design).
Report by:	Dawn Lloyd
Appendices:	Site location plan. Site layout plan. Proposed Elevations. Proposed Ground and First Floor Plans. Proposed Site Sections. Appeal decision. Appeal decision plans.
Recommendation:	Refuse

Councillor Vines has called the application in for determination by the Planning Committee in order to assess the suitability of the proposed revised application following Approved 18/00568/FUL in terms of siting and design in this Green Belt and AONB location.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the site of agricultural buildings at Oakland Farm, Dog Lane, Witcombe. The buildings are situated to the north west of the existing farm house. The buildings to be demolished are in a poor state of repair and comprise of a corrugated iron clad agricultural barn, a single storey outbuilding and row of former pig pens. Access to the site is gained from Dog Lane via a track which sweeps down to the buildings sited on a level area of ground excavated into the side of the hill
- 1.2 The site is located in the open countryside in a remote, sparsely populated location of the steeply sloping west facing side of the Cotswold Escarpment. The site is situated in the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Green Belt.
- 1.3 The application is for the demolition of the existing agricultural buildings on the site and the erection of a two storey dwelling with a carport and workshop building.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Application 06/00486/FUL for a two storey dwelling on the site was refused and dismissed at appeal APP/G1630/A/072045382 on 17 September 2007.
- 2.2 Application 18/00568/FUL for a single storey dwelling with a smaller footprint was approved by the Council at the Planning Committee Meeting on 25th September 2018.
- 2.3 Application 20/00540/FUL was submitted for a two storey dwelling with an associated carport and workshop building on the site situated forward of the approved location for the single storey dwelling 18/00568/FUL. The application was withdrawn on 28th September 2020.

3.0 RELEVANT POLICY

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

National guidance.

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

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

Policies SD4, SD5, SD7, SD14, SD9, SD10, INF 1, INF2.

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

HOU10.

No relevant saved local plan policies:

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

Policies RES 3, RES4, RES5, RE11 and DES1.

Cotswold Area of Outstanding Natural Beauty Management Plan 2018-2023.

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).

The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

- 4.1 **Badgeworth Parish Council** - No objection (in summary)

- On the grounds of the decision in September 2018, the Parish Council supports the erection of a dwelling on this site. The sustainable development issues in September 2018 will not, in the opinion of the Parish Council, have changed through the redesign and repositioning of the proposed dwelling.

- No objection by neighbours to its erection.

- Need to minimise any adverse effect on the Green Belt and AONB in terms of its openness, landscape and surrounding character.

- Appropriate landscaping and tree planting required

- To ensure the new build blend with the surrounding countryside the ridge height should be reduced if possible, materials to be Cotswold mixed building stone, naturally grained wooden windows/doors. Grey Cotswold tiling, avoiding white upvc facias, guttering and down pipes.

4.2 **Environmental Health Officer** (in summary)– No objection recommend conditions for a site investigation of agreed methodology is undertaken with regard to contaminated land and any remediation measures agreed with the local planning authority.

4.3 **Land Drainage Officer**- No comments to make on the proposal.

4.4 **County Highway Authority**- Recommend Refusal.

Since approval of application 18/00568/FUL there has been new local guidance introduced Manual for Gloucestershire Streets July 2020. The development site is located in a rural environment with limited amenities and no schools within walking or cycling distances, (The Institution of Highways & Transportation providing for journeys on foot maximum walking distances of 2km), therefore due to narrow highway width, limited verge and no footway a parent and child have little opportunity to avoid conflict with traffic. No convenience store is within walking distance. No cycling routes are located within the vicinity of the site and employment or secondary education facilities are not within cycling distances. The location for a permanent residential use would not be considered to be suitable in terms of sustainability due to the lack of public transport facilities or footways linking to bus stops, shops, schools, employment and other amenities, therefore resulting in the proposed development being solely reliant on the use of a private vehicle (Car).

The Highway Authority consider the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which is at variance with paragraphs 108 and 110 of the NPPF2019.

4.5 **Ecological Advisor** – (in summary) Our Ecologist reviewed the submitted Ecological Appraisal which indicated building 3 (the disused cattle byre) has high potential for roosting bats but that the building is not to be demolished immediately. Bat emergence surveys of the building will be required prior to determination of the planning application to determine whether the building is used for roosting, what species and number of bats present. Bat surveys cannot be conditioned and more information is required when building 3 is to be demolished. Mitigation is recommended for great crested newts (GCN) and reptiles.

Habitats Regulations Assessment submitted as required by Natural England and with appropriate assessment and measures to be set out to safeguard The Cotswolds Beechwoods Special Area of Conservation through education and awareness for the new homeowners.

All ecological pathways were reviewed including habitat loss, air pollution, noise, light, water quality and quantity and recreational pressure. All were deemed to not have significant effect on the SAC alone or in-combination. The demographic effects from a single dwelling in a rural parish outside a growth area is considered negligible and there are other alternative footpaths and recreational activities that are close to the site. Natural England publication state that the average walking route length was 2.51km – 2.63km with 75% covering up to 3.8km, the report states that the site is too distant for regular circular walks, however at

1.8km from the SAC this cannot be ruled out, although one family will be highly unlikely create a significant impact.

Mitigation has been proposed which includes an information letter including alternative informal recreational spaces, information about the SAC and nearby SSSIs along with the recommendations to minimise disruption to wildlife and habitats when visiting these sites.

It has been concluded that there will be no significant impacts on the SAC alone or in combination and the assessment does not require to progress to stage three of the HRA process providing all mitigation recommendations are met.

4.6 Natural England – Previous comments as for 20/00540/FUL apply.

A Habitats Regulations Assessment (HRA - Stage 2 Appropriate Assessment) was required and a Shadow Habitats Regulations Assessment dated September 2020 by FPCR Environment and Design Ltd was submitted. The comments of Natural England were received after notification of withdraw of application 20/00540/FUL. However, Natural England considered the above Shadow Habitat Regulations Assessment which has been submitted with the current application and considered without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC)
- damage or destroy the interest features for which the 'Cotswolds Commons & Beechwoods' and 'Crickley Hill & Barrow Wake' Sites of Special Scientific Interest have been notified.
- In order to mitigate these adverse effects and make the development acceptable, the mitigation options described in the submitted shadow Habitats Regulations Assessment and appropriate assessment report dated September 2020 by FPCR Environment and Design Ltd should be secured be condition.

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 nine letters of support have been received (in summary):

- Replaces dilapidated agricultural buildings, proposal would visually enhance the area.
- The proposed dwelling would be in keeping with the environment and character of the area.
- Applicant already lives in the lane there will be no impact from increased traffic.
- Due to distance from other neighbours there will be no impact with regard to noise or disturbance.
- Being one of the few properties with direct line of site to this development the proposal seems to offer along with proposed new and existing trees and shrubbery an improvement on what is currently visible.

6.0 POLICY CONTEXT

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.

The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

The Pre-Submission Tewkesbury Borough Plan 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).

The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of the development

- 7.1 The site proposed development is contrary to JCS Policy SD10. However, planning permission was granted by the Council for a single storey dwelling on the site on 25th September 2018 therefore, the principle of a dwelling on this site is established, the proposal would replace the previous permission and therefore would not add to the supply.
- 7.2 Therefore, the main considerations are the revised siting and design of the dwelling with regard to the Green Belt, landscape setting and Cotswold Area of Outstanding Natural Beauty, design and character of the area, biodiversity and highway safety.

Green Belt

- 7.3 The application site is located in the Green Belt. The NPPF makes it clear that local planning authorities should regard the construction of new buildings as inappropriate development except in specific circumstances as set out in paragraphs 145 and 146 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. JCS Policy SD5 (Green Belt) is consistent with the advice contained in the NPPF.

Is the proposal inappropriate development?

- 7.4 The proposed dwelling does not form part of the exceptions under para 145 of the NPPF and is therefore defined as inappropriate. Engineering operations are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

- 7.5 Para 144 of the NPPF 2019 considers that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 7.6 The submitted supporting documents indicate that the application site and adjacent land to the southeast is in part of made ground and there is evidence of slope movement and landslip. Engineering operations would therefore be required to stabilise the land to enable a dwelling to be constructed on the site. Point 7.2 of the applicant's Ground Report states that the slope shows clear signs of instability and construction is required in the form of a retaining wall to support the failed section between the yard and midlevel which could be a contiguous pile wall or gabion wall.
- 7.7 The lowest cost option for engineering operations would be a gabion wall along the eastern side of the development site. The Report states that the gabion wall would need to be combined with drainage measures and the removal of soil from the crest of the slope (to the east) to improve the upslope stability. A maintenance corridor at the base of the slope would be required and the dwelling sited more central within the yard, a raft foundation for the dwelling is recommended.
- 7.8 Therefore, the engineering operations need to be considered whether they preserve the openness of the Green Belt and do not conflict with the purposes within it. The dwelling is inappropriate development and therefore, very special circumstances need to be demonstrated.

Engineering operations and impact on openness.

- 7.9 Openness, as highlighted in the NPPF, is an essential characteristic of the Green Belt to which the Government attaches great importance and is a separate issue from the character and appearance of an area. It is a matter of physical presence rather than its visual qualities and although there is no formal definition of 'openness', it is generally accepted to be the absence of built form or otherwise urbanising development. In *R (Lee Valley Regional Park Authority) v Epping Forest DC* [2016] EWCA Civ 404 Lindblom LJ said " *The concept of "openness" here means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact*". Further, in the Hampstead Heath case, Sullivan LJ (as he was then) said " *While it may not be possible to demonstrate harm by reason of visual intrusion as a result of an individual - possibly very modest - proposal, the cumulative effect of a number of such proposals, each very modest in itself, could be very damaging to the essential quality of openness of the Green Belt ..*" - it is here that the "death of a thousand cuts" analogy was introduced.
- 7.10 The site is in an elevated position on a ground which has been cut into the hillside. The site is visible from views from the north and west. The disused cattle byre and livestock shed are situated towards the western boundary with the storage building closest to the bank to the east. The existing agricultural buildings would be demolished and material excavated from the site reducing grounds slightly. The gabion wall would be to the eastern slope to the rear of the proposed dwelling. The structural engineers report indicates a wall of double stacked gabions which would be visually obscured by the dwelling and carport the engineering operations would introduce additional built form into the landscape and therefore impact openness.

Proposed Dwelling and impact on openness

- 7.11 The dwelling is inappropriate development in the Green Belt and therefore very special circumstances need to be considered. The site has extant permission for residential use and the erection of a single storey dwelling sited towards the south eastern boundary and this would be considered as a fall-back position. The extant permission would require substantive and costly engineering operations. However, the cost of the engineering operations would not be considered as very special circumstances as the cost is relative to the individual, not to the resolution of the scheme.
- 7.12 The application is for a lower cost engineering solution of a gabion wall and which requires the dwelling to be sited further from the south eastern boundary with a more rectangular footprint for the raft foundation. However, the engineering operations do not justify the increase in scale of the dwelling. The proposed dwelling would be two stories, 8.5m to the ridge and floor area 198sqm. The application also includes a building for a carport and workshop situated towards site entrance to the north which would have a ridge height 5.4 m and footprint of 28.5sqm. It is material that a two storey dwelling of similar height on the site was dismissed at Appeal (ref: 2045382) with the Inspector concluding the siting and height of the dwelling would make it more prominent than the existing buildings when viewed from the north and higher ground within the farm group (see attached appeal decision and plans).
- 7.13 The Applicant considers that the development would not impact openness due to the floor area of the dwelling being less than that of existing agricultural buildings. There is no dispute that the overall footprint of the buildings on site would be reduced. However, the Inspector in the above appeal decision considered the increase in height and prominence of the proposed two storey dwelling would not outweigh the benefit of reducing the footprint of existing buildings on the site.
- 7.14 It is the case that the proposed dwelling would be greater in terms of height, scale and mass than the dwelling of application 18/00568/FUL which was 5.3m, similar in height to the storage barn and footprint less than that of the existing agricultural buildings. The proposed dwelling would result in a taller and more prominent building at 8.5m. The application includes widening the access drive and significant lengths of stone walls and fencing along the boundaries of the site. The introduction of formal hard boundary treatments, the additional width of the access track and increase in scale of the dwelling would materially affect the openness of the Green Belt compared existing agricultural use and the consented single storey dwelling. There are also some clear parallels with the dismissed appeal proposal (2045382).

Very Special Circumstances

- 7.15 Very special circumstances have been presented for works to stabilise the site. As considered above the engineering operations would impact openness by virtue of their built form and therefore inappropriate. The proposed dwelling would be inappropriate development, the more central location of the dwelling within the site and the raft foundation has been put forward as very special circumstances for the alteration in the design. However, the foundations do not justify the increase in scale of the proposed dwelling and additional built form on the site which would impact openness of the Green Belt.

Conclusion on Green Belt

- 7.16 The proposed development would be inappropriate development in the Green Belt which is harmful by definition. The very special circumstances presented do not justify the increase in scale of the proposed dwelling and additional built form on the site compared to the extant permission, which impacts openness of the Green Belt.
- 7.17 In addition, the proposal would fail to safeguard the countryside from encroachment. These are matters that carry substantial weight against the proposal. Whilst there would be a reduction in the overall footprint of buildings on the site, the benefits on openness would be limited and offset by the creation of residential curtilage and accumulation of associated paraphernalia. The development would therefore conflict with the purposes of designating land as Green Belt.
- 7.18 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

8.0 Impact on the Cotswold AONB and Landscape character

- 8.1 The application site is located within the Cotswolds AONB an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty Para 172.
- 8.2 Policy SD7 of the JCS requires all development proposals within the setting of the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are also required to be consistent with the policies set out in the Cotswolds AONB Management Plan 2018-2023. Policies CE1, CE3, CE4 and CE5 are considered most relevant in this particular case and require development to, amongst other things, be compatible with the distinctive character of the location, be designed to respect local building styles and materials, having regard to tranquillity, have regard to dark skies by seeking to avoid and minimise light pollution.
- 8.3 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the existing buildings to be of low value and a visual detractor in the AONB landscape. It is subsequently concluded that the proposed development would offer an opportunity to improve the site and its surroundings by delivering an enhanced landscape character without harm to local visual amenity. Furthermore, it is commented that the views of the site from the east and north are screened by the landform of the escarpment and woodland, with greater potential for views from lower areas in the south-west and north-east but these are somewhat limited due to the presence of foreground vegetation. In any case, the LVIA makes reference to potential landscape mitigation, including new native hedging along the north and western boundaries orchard planting and hedging in the adjoining field to the west and trees planting to the south and east of the site (also in the applicant's ownership), to screen the proposed development and enhance the landscape and visual qualities of the Cotswolds AONB. The site layout plan indicates planting of some additional planting of native or fruit trees on the western boundary and northern side of the widened access drive. No formal details have been submitted although it is acknowledged that some of the proposed mitigation could be controlled by way of condition.

- 8.4 The proposal would have a greater built volume and be more prominent than the approved single storey dwelling and would be similar in scale to the previously refused scheme which was dismissed at appeal. In application 18/00568/FUL the dwelling was sited towards the bank to the south east and the existing cow byre building was to be retained. The cow byre in part screened the single storey dwelling from views from the west assisting the development in retaining in part its agricultural appearance and context. The current application proposes to demolish all the existing agricultural buildings on the site although not all at once. The residential curtilage would be enclosed with hard boundary treatment including drystone walls and a stone face to the existing concrete walls, topped with metal estate style fencing, the latter boundary treatment would not be well related to the agricultural character of the wider area. The visual landscape assessment proposes mitigation through planting outside the application site to provide screening for the development. Policy CE3 of the Cotswold AONB Management Plan (CMP) gives consideration to the local distinctiveness of Cotswolds AONB in terms of design and landscaping of proposals. It is considered that the proposal would erode the rural landscape character by introducing a prominent residential dwelling with its associated curtilage that requires substantive mitigation works outside the application site to screen the development in an area afforded one of the highest levels of protection. Thus, for these reasons, the proposal is considered contrary to JCS Policy SD7.

9.0 Five Year Housing Land Supply

As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.

- 9.1 Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 9.2 However, the presumption in favour of sustainable development set out in the NPPF does not apply in this case given that the proposal represents inappropriate development in the green belt and would not conserve or enhance the natural beauty of the AONB, nor its character or special qualities. These are matters that provide clear reasons for refusal and in accordance with paragraph 11 d(i) of the framework, the presumption is not engaged in this case.

Design and layout

- 10.0 Policy SD4 of the JCS states 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.
- 10.1 The proposed dwelling would be a detached two storey dwelling constructed from natural Cotswold stone with clay small plain tiles. The design is considered that of a modern standard house the scale, width and detailing of the house and garage/workshop would not be considered of the Cotswold vernacular although the design does make reference to it. However, there are two storey detached properties of similar scale in the wider vicinity of the site and therefore the design would be considered appropriate to the character of the area.

Local Amenity

- 11.0 JCS Policy SD14 requires new development to cause no unacceptable harm to local amenity, including the amenity of neighbouring occupants. In this case, the site's isolated location means there would be no resultant harm to the residential amenity of neighbouring occupants from the proposed dwelling in terms of overbearing impact, loss of light or privacy. Similarly, the proposed dwelling is deemed to afford future occupants with sufficient private amenity space and would not conflict with neighbouring land uses. The proposal is therefore considered to accord with the requirements of JCS Policy SD14 in this regard.

Nature Conservation

- 12.0 The application has been accompanied by an Ecology Report to determine the current ecological value of the site and the presence of any protected species and/or habitat.
- 12.1 The Ecology Report considers the impact of the proposal on protected species Bats, Birds and Great Crested Newts.
- 12.2 The agricultural buildings have been assessed the main agricultural building ('Barn B1) and the former pig pens (Barn B2) had negligible potential to support bat roosts. The slightly older cattle byre (Barn B3) has been identified as having high potential for roosting bats, having a number of suitable roosting features present. The report confirms evidence of bat activity in this building although it is noted that no bats were observed at the time of the survey being undertaken. All the existing buildings on the site identified to be demolished although it is indicated the building B3 which has evidence of bats would be demolished at a later date. The Council's Ecologist states that further bat emergence surveys of the building are required prior to determination of the application to determine whether the building is used for roosting, the species, number of bats are present and mitigation works required. Circular 06/05: biodiversity and geological conservation) states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. As additional surveys are required insufficient information has been submitted to determine the impact of the development on a European Protected Species.

- 12.3 The council has a statutory duty under regulation 3(4) of the Conservation (Natural Habitats) Regulations to have regard to the requirements of the Habitats Directive in the exercise of its functions. In R (Woolley) v Cheshire East BC and Millenium Estates Ltd 2009 judicial review of the council's decision to grant permission for the demolition of a house hosting a small roost for pipistrelle bats and its replacement with a larger one was sought. In its ruling on the case, the court held that a local authority could not discharge its duty under the Habitat Directives simply by making the obtaining of a licence from Natural England a condition of the grant of permission.
- 12.4 The Applicant has identified that additional surveys have been provisionally booked for 3rd May 2021, 17th May 2021, 31st May 2021 and their Ecologist has identified how the roost would be protected during construction work. However, the size of the roost, and the species has not been identified therefore additional information is required for the council to fully assess the ecological impacts of the application under its statutory duty under the Conservation of (Natural Habitat) Regulations 2017.
- 12.5 A Habitats Regulations Assessment Stage 2 Appropriate Assessment was submitted as the development could have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC), the 'Cotswolds Commons & Beechwoods' and 'Crickley Hill & Barrow Wake' Sites of Special Scientific Interest.
- 12.6 Natural England have confirmed the details the mitigation options described in the submitted shadow Habitats Regulations Assessment and appropriate assessment report are acceptable in this regard and are secured by condition.
- 12.7 In conclusion, insufficient information has been provided to assess the impact on bats resulting from the demolition of the former cattle byre building,
- Highways
- 13.0 The Highway Authority consider that the development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping contrary to paragraphs 108 and 110 of the NPPF2019. However the principal of a dwelling on the site has been established with the approval of application 18/00568/FUL.
- Drainage
- 14.0 JCS Policy INF2 requires new development to incorporate Sustainable Drainage Systems where appropriate to manage surface water drainage. In addition, the proposal would require drainage works to stabilise the site and drainage details have been submitted in tis regard.

15.0 OVERALL BALANCE AND CONCLUSION

- 15.1 The proposal would not add to the housing supply as it would replace a previously approved dwelling on the site.

- 15.2 As required by paragraph 144 of the NPPF substantial weight must be given to all the harms caused to the Green Belt. As set out in this report, the proposed dwelling is inappropriate development in the Green Belt and is harmful by definition. By virtue of its siting, scale and height, the proposed dwelling would have a materially greater impact on the openness of the Green Belt than the existing buildings, and the permitted dwelling (18/00568/FUL). Similarly, the proposal would introduce a formalised access and formal boundaries which would be more prominent than the previously approved development.. The proposal would therefore comprise inappropriate in the Green Belt that would harm openness and conflict with its purposes. This weighs heavily against the proposal in the planning balance.
- 15.3 In terms of other harms, there would be a degree of harm to the Cotswold AONB given the residential development would be more prominent than the previous consent and would require substantive mitigation works outside the application site to screen the development in an area afforded one of the highest levels of protection.
- 15.4 In terms of the applicant's Very Special Circumstance the development of the dwelling would be inappropriate development, and very special circumstance need to be demonstrated. The more central location of the dwelling within the site and the raft foundation is put forward as very special circumstances for the alteration in the design. However, the foundations and siting of dwelling do not justify the increase in scale and formalisation of boundaries.
- 15.5 The application proposes that the existing agricultural buildings would be demolished: one of which has been identified as having high potential for roosting bats. However, the required additional surveys have not been undertaken and the Council is therefore unable to fulfil its statutory duty in terms of the Habitats Regulations.
- 15.6 In terms of other matters relevant to the application, whilst the County Highways object to the unsustainable location of the development, the principle of a dwelling on this site has been established by pervious permission (18/00568/FUL). The site would not be unacceptable in terms of neighbour amenity, nor at an unacceptable risk of flooding.
- 15.7 In balancing these considerations it is not considered that the factors in favour of granting permission advanced by the applicant, individually or cumulatively, clearly outweigh the clear and identified harm to the Green Belt. It is therefore not considered that very special circumstances exist in this case to justify inappropriate development in the Green Belt, and it is therefore recommended the application is **Refused**.

Reasons:

1. The proposal would represent inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development would therefore conflict with Policy SD5 of the Joint Core Strategy (December 2017) and the provisions of the National Planning Policy Framework (2019).

2. The proposed development would result in an unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty and would therefore cause significant and demonstrable harm to the qualities and intrinsic beauty of the Cotswold Area of Outstanding Natural Beauty. Accordingly, the proposed development would conflict with guidance in the NPPF, policies set out in the Cotswolds AONB Management Plan 2013-2018, and Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
3. Insufficient information has been provided that demonstrates the proposal would not have a harmful effect on bats or that any harm caused could be appropriately mitigated. Consequently, the development would be contrary to Policy SD9 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policy NAT1 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission version 2019, and the NPPF.