

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	20 April 2021
<b>Site Location:</b>	Box Farm Stockwell Lane Woodmancote Cheltenham Gloucestershire GL52 9QG
<b>Application No:</b>	21/00144/PIP
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Application for Permission in Principle for the Construction of 1 Dwelling
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan
<b>Recommendation:</b>	Approve

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the north side of Stockwell Lane, in Woodmancote.
- 1.2 The site measures approximately 0.15 hectares and comprises part of the garden of the farmhouse of Box Farm, which lies to the east. The land within the site rises towards the north. There are residential properties to the west of the site and the Mill and Liberty Farm are located to the south side of Stockwell Lane.
- 1.3 The site has a boundary hedge to the south, and a lower managed hedge towards the west and north boundaries. To the north of the application site and east of Box Farm lies the open countryside.
- 1.4 A Public Right of Way (PROW) runs from Stockwell Lane to the west of the farm to approximately 90m to the north of the site.
- 1.5 The site is located within the Cotswold Area of Outstanding Natural Beauty.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
04/01339/FUL	Erection of 4 bay storage and garage building in place of existing sheds and garaging.	PER	08.03.2005
88/00135/FUL	Alterations to existing barn/garage to provide a dwelling unit.	PER	23.03.1988
08/00262/FUL	Erection of 2 no. loose boxes.	PER	30.04.2008

## 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

Policy SP1 (Need for New Development) Policy SP2 (Distribution of New Development).

Policy SD6 (Landscape).

Policy SD9 (Biodiversity).

Policy SD7 (AONB).

Policy SD10 (Residential Development).

Policy INF1 (Transport Network).

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

### Policy RES2 – Settlement Boundaries

### Policy RES5 – New Housing Development

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

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

#### 4.1 **Woodmancote Parish Council** – Objection (in summary)

- Not represent infilling in the existing built-up area of a town or village therefore does not comply with JCS policy SD10. Therefore the “built up area” has to be part of a village and cannot just be a collection of houses forming a sporadic ribbon development along a road outside the village. The proposed development therefore conflicts with policies SP2 and SD10 of the JCS in that it 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.
- The proposed development would result in an unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty “AONB” at a transitional point where the Village of Woodmancote ends and gives way to agricultural land and old farm houses Box Farm (which is itself a non-designated historic asset) and views up the escarpment.
- Contrary to contrary to Cotswold AONB Management Plan 2018 whose guidelines require any new development to maintaining the open and sparsely settled character, avoiding extensions to settlements and conserving the rural road network. Conflict with policies SD6 and SD7 of the JCS 2017.
- Outside the settlement boundaries in policies RES2 and RES 4 of the Pre-submission Tewkesbury Borough Local Plan which is at Public Inquiry.
- Not a sustainable location. Additional trips generated, no public footpath, conflicts with pedestrian and cyclists. Therefore an additional access to the street should not be supported on safety grounds.
- The NPPF paragraph 11presumption in favour of development in both plan making and decision making unless it is protected land as defined in footnote 7 which includes the AONB. Therefore there is no presumption in favour of development.
- As a final summary point, it is the objectively assessed housing need that is out of date and does not take proper account of the stalled growth in jobs from 2015-2018, nor the impact of reduced immigration as a result of Brexit not to mention the impact Covid has had on accelerating the changes in the retail landscape to online dominance. It is therefore most misleading to refer to the policies being out of date because of the failure to meet an out of date and planning over inflated housing supply target.

- 4.2 **County Highways Officer** – No Objection to the principle of development as there would not be an unacceptable impact on Highway safety or severe impact on congestion. At stage 2 technical details the Highway authority would require a design compliant vehicular access, parking and turning arrangement, parking provision (car/cycles) proposed for the dwelling including electrical vehicle charging points.
- 4.3 **Conservation Officer**- Due to distance and intervening houses and vegetation it is not considered that the proposal would have a negative impact upon setting of the Conservation area or the listed buildings. A judgement needs to be made as to whether Box Farmhouse is a non-designated heritage asset and what the impact would be on its setting.
- 4.4 **Archaeologist** – No objection.
- 4.5 **Environmental Health Advisor** – No objection, no adverse comments to make in relation to noise/nuisance.

- 4.6 **Flood Risk & Management Officer** –The proposal is for a single residential property. The site has a watercourse running through it, provided no building is within 5m of the watercourse I would have no objection to the PIP.
- 4.7 **Cotswold Conservation Board** - The site lies within the Cotswold National Landscape. The LPA in their decision making have regard to the Cotswold Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 and associated policy/guidance.
- 4.8 **Natural England** – No comments refer to standing advice.
- 4.9 **Ecological Advisor** – No ecological information has been provided. More detailed plans will assist with ecological constraints, however as there are habitats onsite that could support protected species and therefore be impacted by the proposal a Preliminary ecological Appraisal will be required prior to determination. Any further surveys that are required are also to be carried out prior to determination.

## 5.0 PUBLICITY AND REPRESENTATIONS

**Local Residents** – 6 Letters of objection (in summary)

- Previous applications for a new dwelling on the site has been refused and dismissed at appeal.
- The site is agricultural land (green field Land rather than previously development land (brownfield land).
- The site does not lie within a village and nor within the built-up area of the village. The built-up area of Woodmancote starts further west as indicated by the residential development boundary on the TBLP Proposals Map.
- The location and land use are inappropriate as it contravenes the spatial strategy laid out in the JCS.
- The application site lies within the AONB. The open, agricultural, rural nature of the site adds to the rural setting of the villages of Woodmancote and Cleeve Hill and its development will erode this contribution.
- The 'Location Plan' does not accurately represent borders between Box Farm and Beech Cottage.
- Box Farm house is a non-designated heritage asset. Its western elevation, facing the site, is one of its principal elevations and a new dwelling on the application site could have an impact on the setting of the heritage asset.
- Any planning application which will increase traffic on Stockwell Lane. The road is already heavily used by walkers, riders and drivers, whose needs conflict. It is also a
- Rat-run for traffic heading for local schools and the shopping centre in Bishops Cleeve. We do not need more traffic generated by development along the lane.
- An additional property on this plot would result in a cramped form of development that does not respect the local character of the area and will lead to other developments and further destruction of the AONB.

- Para 3.5 in the Planning Statement incorrectly claims that Woodmancote does not have an NDP in draft form whereas, in fact, after as many as five drafts, the NDP is well-advanced with a draft about to be made available under Regulation 14 for public comment before final adoption. An in-fill in this location would spoil the view of the AONB at least briefly for a passer-by and more permanently for nearby residents. It does not enhance or maintain the vitality of a rural community nor conserve or enhance the landscape and scenic beauty in the AONB.

## **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 for this area currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 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).
- 6.4 The Council has approved the designation of a Neighbourhood Plan Area and whilst it is understood that a Plan is being progressed, no Plan has yet been published for consultation.
- 6.5 Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.

## **7.0 ANALYSIS**

- 7.1 The guidance (paragraph 012 of the Planning Practice Guidance) for permission in principle states that the scope of the pip is limited to:

- location
- land use
- amount

Each of these are discussed in below.

### **LOCATION**

- 7.2 Woodmancote is a 'Service Village' as defined by policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017)(JCS). The site does not fall within an allocated area in the village and therefore the provision in policy SP2(5) does not apply. However, policies SP2 and SD10 of the JCS together allow for development of housing in the remainder of the area in certain circumstances, including on previously developed land and infilling in a village.

- 7.3 JCS policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the principal urban area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a community right to build order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.
- 7.4 Woodmancote does not have a defined development boundary, so a degree of judgment is necessary regarding whether the site is within the village. The site is part of the garden of Box Farmhouse and is within the residential curtilage. Recent appeal decisions have considered this area as a ribbon of development formed by a collection of detached dwellings set within spacious plots that extend along the lane away from the main body of the village. Given that the view of Inspector's in recent appeal decisions regarding development radiating from Woodmancote along these lanes and that there is existing development to the east, west and south of the site, the development would be viewed within the context of existing built form and would not appear divorced from the settlement. Therefore, notwithstanding the commentary on the emerging Borough Plan's development boundary below, the proposed development site is considered to be within the built-up area of the village and complies with SD10 in this regard.
- 7.5 The Pre-submission Tewkesbury Borough Local Plan (TBLP) proposes a settlement boundary for Woodmancote (policy RES2). Outside of these settlement boundaries the policy RES 3 stipulates that new residential development will only be acceptable if it falls within a specified criteria of development types (for example, it would be a replacement dwelling) or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders. Outside settlement boundaries RES3 part 4 considers 3 that very small scale development at rural settlements in accordance with Policy RES4.
- 7.6 Whilst not part of the development plan, policies RES3 and RES4 of the emerging Tewkesbury Borough Plan to 2031 are also material considerations. Policy RES3 supports very small-scale development at rural settlements in accordance with Policy RES4. Policy RES4 follows and supports very small-scale residential development within and adjacent to the built up areas of other rural settlements providing:
- a) it is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
  - b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general rule no more than 5% growth or 10 dwellings, whichever is lesser, will be allowed;
  - c) it complements the form of the settlement and is well related to existing buildings within the settlement;
  - d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;
  - e) the proposal would not result in the coalescence of settlements;

f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.

- 7.7 For the reasons set out above (para 7.4), it is considered that the proposal would complement the form of the settlement and is reasonably well related to existing buildings. Furthermore, it is considered that the proposal would be proportionate to the size and function of the settlement and would not result in an adverse cumulative impact. The proposal would also not result in the coalescence of settlement. However, it is considered that the weight that can be afforded to this policy is currently reduced due to the level of unresolved objections.
- 7.8 The Parish Council are of the view that this part of Stockwell Lane lies outside the boundary of the village. However, at the present time there is no adopted defined settlement boundary and as set out above, officers have taken previous appeal decisions into account. In terms of 'limited infilling', the Framework does not define what this constitutes and therefore a judgement must be formed based on the individual circumstances of the case.

## **8.0 COUNCILS 5 YEAR HOUSING LAND SUPPLY**

- 8.1 It is the council's current position that a 4.35-year supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted 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.
- 8.2 The framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the framework provide a clear reason for refusing. As the site is within the Cotswold AONB, a judgment must be made as to whether the proposal would protect the AONB, and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

## **9.0 LAND USE IMPACT ON THE COTSWOLD AONB AND LANDSCAPE CHARACTER**

- 9.1 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 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).
- 9.2 Para 116 sets out that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. However, the framework does not place a blanket restriction on all development in the AONB and a single dwelling is not considered major development.

- 9.3 Policy SD7 (the Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals 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. The Cotswolds AONB Management Plan (2018-2023) is the statutory plan which sets out the Cotswold Conservation Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it.
- 9.4 Landscape character assessments for the area have been carried out at national, county and AONB level by Natural England; National Character Area, Gloucestershire County Council; Gloucester Landscape Character Assessment, LDA Design, 2006, and the Cotswolds AONB Conservation Board; Cotswolds AONB Landscape Character Assessment, 2006, respectively. In addition, a district level landscape character assessment: Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages, (LVSS) was published in 2014.
- 9.5 The LVSS puts the proposal within the landscape parcel Cotswolds AONB Landscape Character Area 2E: 'Winchcombe to Dovers hill - (Escarpment)'. The "Escarpment" landscape is characterised as a narrow landscape type, forming a dramatic, prominent and well-known landscape feature as part of the distinctive topography of the area. A key characteristic is "small scale settlement generally confined to lower shallower slopes of the escarpment, in sheltered locations and adjacent to spring lines"
- 9.6 The site is on the north side of Stockwell Lane residential properties of the west and farmhouse to the east. The site forms part of the garden of the farmhouse with a small orchard to the north west. To the south lies the dwelling of Liberty Farm which was allowed at appeal in 2015. The Inspector considered the Council's Landscape and Visual Sensitivity Study (2014) which concluded that the land parcel in which the appeal site is located is of high sensitivity but includes the qualification that:
- "there may be small scale opportunities for sensitive development immediately adjacent to the settlement edge. Whilst it is noted that the fidelity of the study is not sufficient to identify such opportunities, the appeal proposal would be located close to the settlement edge on the lower escarpment slopes, following the general pattern of development along Stockwell Lane and would be constructed from materials respective of the local vernacular. Consequently, the appeal proposal would not appear as a strident addition to this part of the AONB, thereby being in general conformity with the above studies that seek to guide rather than stymie, appropriate development."*
- 9.7 The southern boundary of the site is screened from Stockwell Lane by a boundary hedge and trees. There is a public right of way 90m to the north. The site would be visible from the public realm however, within the context of existing development. The site would be screened from the north in part by the orchard and due to topography of the site views would be directed beyond the site to the open countryside to the south.
- 9.8 The visual impact of the development from distant views would not be considered prominent or substantial due to its relationship with existing development.
- 9.9 It is considered that there would be limited harm to the AONB that would not, in this instance, provide a clear reason for refusal. Therefore, the tilted balance is engaged. Given the Council's current land supply shortfall, and in light of the above, it is considered that there would not be any adverse impacts that would significant or demonstrably outweigh the benefits of the scheme.



- 9.10 The Parish council consider that Box Farm is a non-designated heritage asset and that the principle a dwelling in this location would impact the setting of a heritage asset. Box Farm is an attractive, unlisted building in the Cotswold vernacular and is understood to have 19<sup>th</sup> Century origins. Historic maps indicate that the original curtilage of the farmhouse was drawn tightly against the western wall of the house. The application site is shown to have been part of a larger field (orchard) and does not appear to have had an intimate, functional link to the house. Even at the turn of the 20<sup>th</sup> Century there was wayside development along Stockwell Lane, including those dwellings to the west of the application site. The quality of the farmhouse is considered to come from its architectural attractiveness in the vernacular Cotswold style. Even if the Farmhouse were considered to be a non-designated heritage asset, it is not considered that the proposal would unacceptably harm the setting of that asset as there is sufficient space around it to maintain its presence and integrity as a standalone building.

## **10.0 LAND-USE**

- 10.1 The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. The application is for up to one dwelling.
- 10.2 The application proposes up to one dwelling to be accommodated on site. It is considered that subject to suitable design, a dwelling could be accommodated on the site of 0.15 hectares, along with any associated outdoor amenity space and on-site parking provision. The site would have access onto Stockwell Lane. Following consultation with the Highways Authority, no objections are raised in respect of the principle of this development. The exact access details would be assessed at the technical details stage.
- 10.3 The site forms part of the garden land associated with the farmhouse of Box Farm and it has a domestic appearance. The site lies within the Cotswold AONB and for the reason cited above a dwelling would not appear out of character in this location and of limited harm to the AONB given the setting. The proposal would therefore have an acceptable impact on the character and appearance of the landscape subject to securing a suitable design.
- 10.4 Following consultation with the Environmental Health consultant, no objections are raised in respect of noise and nuisance. The County Archaeologist also advises that there are no archaeological constraints that would prevent development on the site.

## **11.0 AMOUNT**

- 11.1 Subject to achieving a suitable design, it is considered that dwelling could be physically accommodated on the site in an acceptable manner, along with any associated outdoor amenity space and on-site parking provision. It is also considered that the scale of development is proportionate to the size and function of Woodmancote.

## **12.0 OTHER MATTERS**

- 12.1 Issues have been raised during the consultation process regarding highway safety/access, residential amenity, ecology and drainage. These are all matters which are properly dealt with at 'technical details' stage

## **13.0 CONCLUSION AND RECOMMENDATION**

- 13.1 The proposal would be considered infill development within the existing built up area of Woodmancote and therefore acceptable in principle. The presumption in favour of development at paragraph 11 of the NPPF states that where policies are out of date planning permission should be granted unless:

*i) policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or*

*ii) any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in this framework taken as a whole.*

- 13.2 As the site is within the Cotswold AONB , a judgment must be made as to whether the proposal would protect the AONB , and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

#### **Benefits**

- 13.3 The proposal would deliver a single market dwelling which would contribute towards the shortfall in housing supply albeit limited. There would also be economic benefits during and post construction; these benefits would be similarly tempered by the scale of development.

#### **Harms**

- 13.4 The harm to the Cotswolds AONB would be limited due to the setting and existing development nearby. On that basis the impact on the AONB does not provide for a clear reason for refusal; consequently the tilted balance is engaged and the presumption is that permission in principle should be granted unless there are significant and demonstrable harms that indicate otherwise. No other significant harms have been identified in this case.

#### **Neutral**

- 13.5 It is considered that the design of the proposal development responds to the site's constraints and the context of the site. There would be no undue impact in terms of design, residential amenity, heritage, archaeology, drainage, the local highway network subject to the approval of technical details.

#### **Overall Conclusion and Recommendation**

- 13.6 In the absence of and clear reasons for refusal arising from the matters contained in footnote 6 of the NPPF, the tilted balance is engaged in this case. In light of the above, it is not considered that any harms arise which would significantly and demonstrably outweigh the, albeit limited, benefits of the proposal in this case subject to securing appropriate details at the technical details consent stage. It is therefore recommended that permission in principle is **Granted**.

#### **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 by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.