



Planning Committee

18 October 2022

Application Reference	19/01201/FUL
Case Officer	James Lloyd
Location	Fortitude, Birdlip Hill, Witcombe
Development	Demolition of an existing log cabin and the cessation of the extant log cabin development and erection of a new single dwelling and associated landscaping. Change of use of part of the site from lawful residential/holiday curtilage back to agriculture/paddock land.
Ward	Badgeworth
Parish	Badgeworth
Expiry Date	7 February 2020

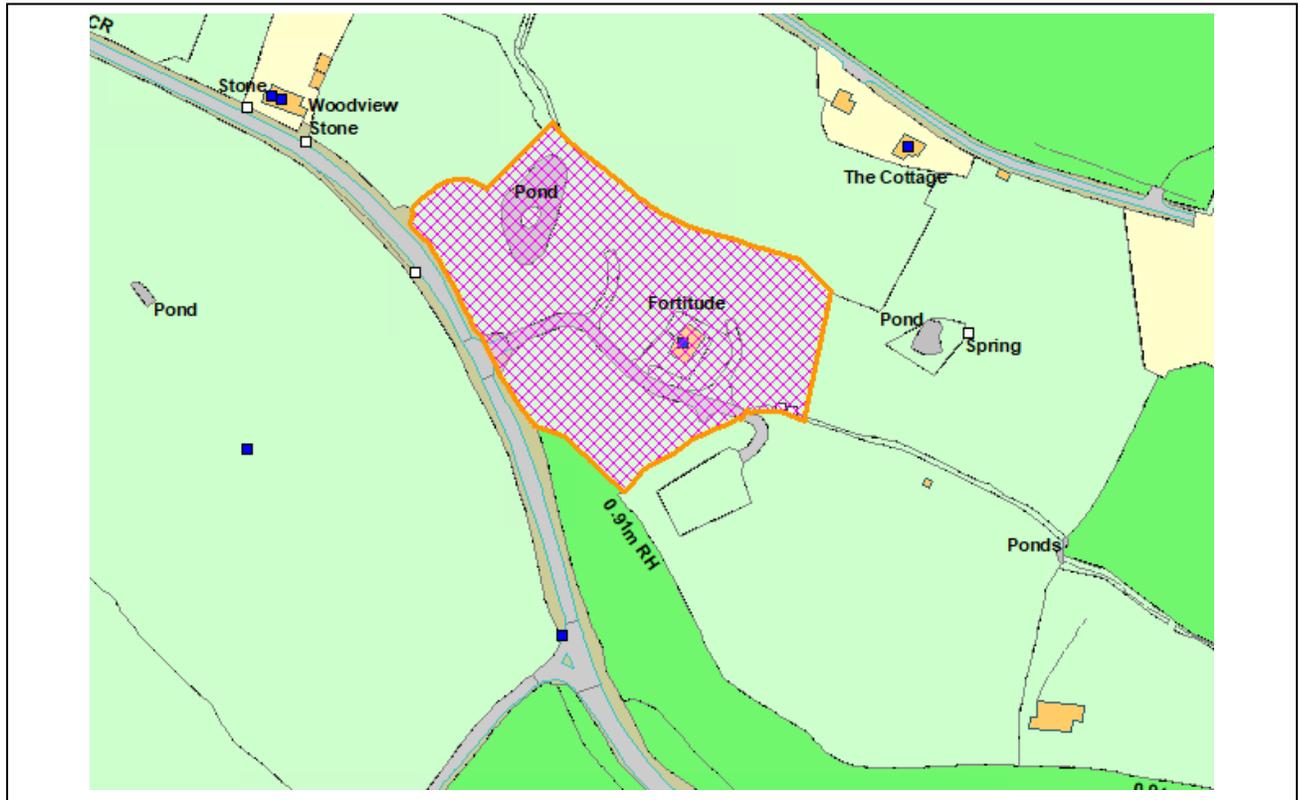
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Scheme of Delegation

The application has been called into Planning Committee at the request of Councillor Vines to assess the suitability of the proposal given its location within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Site Location



1. Recommendation

1.1 Officer recommendation is to **refuse** the application.

2. The Proposal

2.1 The development would involve the demolition of an existing 4-bedroom holiday log cabin on the site, together with the cessation of the extant lawful use of the site that provides for a total of 9 log cabins, a proprietor's dwelling and a leisure building.

2.2 The proposal seeks full planning permission for the erection of a new single dwelling and associated landscaping. Change of use of part of site from lawful residential/holiday curtilage back to agriculture/paddock land.

2.3 The application has been amended following discussions with officers and the Design Review Panel. The principal changes are summarised below:

- Provision of additional contextual analysis to justify the landscape and design characteristics of the proposal.
- Provision of a Concept Landscape Plan.
- Submission of an updated Addendum Planning Statement, Design and Access Statement and Landscape and Visual Appraisal.
- The floor levels have been lowered by approximately 750mm.

- The central ridge light and gable glazing have been removed.
- Less glazing provided in the front gable.
- The materials palette has been reconsidered.

3. Site Description

- 3.1** The application relates to a parcel of land located at Birdlip Hill, Witcombe, which is set within an area of open countryside forming the lower slopes of the Cotswold Escarpment within the Area of Outstanding Natural Beauty.
- 3.2** The site comprises approximately 1.3 hectares of land and benefits from an existing access off the Birdlip Hill Road, which is a classified highway. A single detached timber log cabin, which is used as holiday accommodation, and an internal access track and gates are located on the land. The site is located outside of any defined settlement boundary and within Flood Zone 1 as shown on the Environment Agency's most up-to-date Flood Maps.

4. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.2286	Proposed stationing of 10 caravans.	REFUSE	21.02.1956
89/90343/FUL	Retention of alterations to existing access.	PERMIT	
02/01723/OUT	Outline application for the erection of 10 holiday log cabins with associated sports facilities, proprietors accommodation and new access (Renewal of permission 98/7589/0097/OUT)	PERMIT	06.03.2003
03/00300/APP	Submission of landscaping details - reserved matters application	APPROV	13.09.2004
05/00640/FUL	Application for a revised log cabin design Plot 3 - Resubmission	REFUSE	17.08.2005
05/01099/FUL	Retention of a temporary secure storage building	REFUSE	10.10.2005
05/01116/FUL	Retention of entrance gates (natural stone gate piers) and erection of stone front boundary wall.	REFUSE	18.10.2005
05/01581/FUL	Retention of a temporary secure storage building (Re-Submission)	REFUSE	31.01.2006
06/00294/FUL	Retention of entrance gates and erection of stone front boundary wall - Re-submission	REFUSE	19.04.2006
07/00073/FUL	Retention of Log Cabin as built.	PERMIT	23.10.2007
14/00491/FUL	Variation of condition 10 attached to permission Ref: - 98/7589/0097/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins have been completed as opposed to 10.	REFUSE	15.08.2014

15/00063/FUL	Variation of condition 10 from application 02/7859/1723/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins have been completed as opposed to 10.	REFUSE	16.03.2015
15/01188/FUL	Erection of four detached dwellings and associated works.	REFUSE	16.02.2016
16/00274/FUL	Erection of three detached dwellings and associated works	REFUSE	07.06.2016
18/01295/OUT	Outline application for the demolition of an existing log cabin and the cessation of the extant log cabin development and erection of a new single dwelling (including means of access)	REFUSE CONSENT	27.11.2019

5. Consultation Responses

5.1 Great Witcombe Parish Council – Object. Due to the following reasons:

Visual impact: The proposer says one considerably larger building will have less impact than a smaller log cabin. On his documents he seems to have highlighted the colours to reflect this in magenta which really is only being done as an exercise to cover it up and make them look visually worse. A very much larger single dwelling is going to impact more.

AONB: We are very lucky to live in an AONB and the meeting felt that this proposal does not fit in with any of the local planning guidelines and would have a negative effect on the local environment.

Setting a Precedence: At the meeting this was one of the strongest views. It is a large plot and it was muted that if this was granted permission shortly afterwards there could be another application for another property on the site. It was felt that if this was approved it would really set a huge prescience in the area for people building on green field sites. It would clearing set a precedent if this was approved for people to get planning permission for holiday accommodation then further down the line try and change that to a permanent residence, in a rather back handed unsavory manner.

Housing Supply: We are all aware we have a need for more housing, however by building one large property does not ease this in any way.

Also we need to consider that there are no amenities locally, there is no bus route, safe walking areas and with the increase in traffic that will be happening while ‘the missing link’ in Birdlip is constructed we feel that from a safety point of view it would also be highly dangerous and should be rejected.

5.2 Badgeworth Parish Council – Object. Due to the following reasons:

1. This application site is situated within the Cotswold AONB and is within attractive and somewhat isolated countryside on the slopes of Birdlip Hill, Witcombe. Members of the Borough Planning Committee will be aware of the long planning and enforcement history relating to this development site.

2. Following a successful planning appeal in 1992, approval was granted for the erection of 10 log cabins for use as holiday homes - these homes were to be used for temporary residence for holiday/leisure purposes only. This is not a brownfield site where the removal of existing buildings would allow arguments to be put forward that the AONB would be significantly enhanced through the erection of new dwellings or some other form of new build. The substitution of log cabins by the erection of 4 modern detached dwellings would do nothing to improve this area of the AONB landscape. Quite the reverse.
3. The National Planning Policy Framework makes it abundantly clear that great weight should be given to conserving landscape and scenic beauty. Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. There is no doubt, in the eyes of the Parish Council and the local community, that the erection of 4 large detached dwellings would have a damaging effect on this local landscape. The applicant, in the opinion of the Parish Council, has not made a case that very special circumstances exist which would allow for the development to be classed as an appropriate development in the AONB.
4. The Parish Council concurs with the opinion of the Borough Councils Urban Design Officer that this development should not be approved because of its position within the AONB.
5. The development site is not within a defined settlement area. The Witcombe/Birdlip/Bentham areas have not been classified as Service Villages and the development site is not identified within a strategic development area or emerging Local Plan. The Joint Core Strategy clearly endorses that the whole of this area should remain within the Green Belt and AONB. Building 4 detached dwellings on the slope of Birdlip Hill would certainly be seen as inappropriate development.
6. The development site is not sustainable. It is, as mentioned by the Urban Design Officer, a car dependent location. There are no services such as a local shop, health centre/doctors surgery, public transport, community meeting place. The local primary school in Birdlip is at the top of the escarpment and can only safely be reached by car. There are no pavements or street lighting on Birdlip Hill.
7. In November 2011, a development application for the erection of 3 houses on this site was refused by the Borough Planning Committee. The principal grounds for refusal were that the site was not sustainable, it was outside any settlement boundary and was within the AONB. Nothing has changed and the Parish Council considers that the Planning Committee should reach the same decision in respect of the present application.
8. Access in and out of the development site is not ideal. Birdlip Hill is a steep, twisting and narrow rat-run road to and from the A417 where extreme caution would be required by those emerging from the development site.

5.3 Local Highways Authority

Awaiting final comments – Members will be updated prior to the Planning Committee meeting.

5.4 Tree Officer

No objection – subject to conditions.

5.5 Building Control

Building regulations approval required.

5.6 Public Rights of Way

No objection.

5.7 Landscape Officer

No objection to landscaping scheme (planting etc) on the basis of further information being submitted.

5.8 Neighbours

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

The application has been publicised through the posting of a site notice for a period of 21 days.

10 no. letters of representation have been received; comments are summarised below:

Objections

- Concern that a precedent would be set.
- Safety concerns around the vehicular access.
- Negative impact upon the AONB.
- Scale of the building is substantial and inappropriate for the setting.
- Isolated site with no services.
- An ultra-modern building is not in keeping.

Support

- A single dwelling would be more appropriate than the log cabins.
- One dwelling would have less impact on the AONB.

6. Relevant Planning Policies and Considerations

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

6.2 National guidance

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

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

- SP1 (The Need for Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Housing Development)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBPL)

- Policy RES1 (Housing Site Allocations)
- Policy RES2 (Settlement Boundaries)
- Policy RES4 (New Housing at Other Rural Settlements)
- Policy RES5 (New Housing Development)
- Policy ENV2 (Flood Risk and Water Management)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)

6.5 Neighbourhood Plan

None

6.6 Other

- Cotswold AONB Management Plan 2018 – 2023
- Human Rights Act 1998 - Article 8
- The First Protocol - Article 1
- National Design Guide - 2021

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Fall Back Position
- Landscape Impact & Design
- Access and Parking
- Ecology
- Flood Risk and Drainage
- Trees
- Residential Amenity

7.1 Principle of Development

- 7.1.1** The application site is located along the Birdlip Hill, Witcombe and is set on the lower slopes of the Cotswold Escarpment. The site measures an area of approximately 1.3 hectares, the main access road is located to the south with open fields beyond. The site is surrounded on the north, east and west by open countryside.
- 7.1.2** The site is located outside of any recognised settlement boundaries and is situated within a countryside location. In general term the NPPF seeks to prevent the unsustainable creation of new housing development in the open countryside. Paragraph 80 of the NPPF states that policies and decisions should avoid the development of isolated homes in the countryside.
- 7.1.3** The application site is not allocated in the plan and lies outside of the built-up area of the nearest town or village. Criteria 4(ii) of JCS Policy SD10 sets out that housing development on other sites (those not allocated within the plan or comprising previously developed land) will be permitted where 'It is infilling within the existing built-up areas' of, (and amongst other areas), Tewkesbury Borough's villages (except where otherwise restricted by policies within district plans). The supporting commentary states that 'For the purposes of this policy (4 ii), infill development means the development of an under-developed plot well related to existing built development.'
- 7.1.4** The proposed dwelling would be set a significant distance away from any other residential development and clearly outside of the built-up area of a town or village, the proposal would therefore not constitute infill development or any other form of appropriate development and would be contrary to Policy SD10 of the JCS.
- 7.1.5** Policy RES3 of the Tewkesbury Borough Local Plan (TBLP) sets out criteria in which new housing outside of settlement boundaries would be supported. The criteria of this is set out below:
1. The reuse of a redundant or disused permanent building (subject to Policy RES7)
 2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8)
 3. Very small scale development at rural settlements in accordance with Policy RES4
 4. A replacement dwelling (subject to Policy RES9)
 5. A rural exception site for affordable housing (subject to Policy RES6)
 6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3)
 7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.

The proposal would not reuse a redundant or disused building nor would not result in a sub-division of an existing dwelling. Given the rural and isolated nature of the site it is not located at a rural settlement (in accordance with RES4) and whilst it would be a replacement building the current use of the building is for holiday rental purposes and not full residential therefore Policy RES9 would not apply in this instance. It is not a rural exception site, nor is it for the purposes of an essential rural worker. The site has not been allocated through the Development Plan.

In view of the above, the proposal would be contrary to Policies RES3 & RES4 of the

TBLP.

- 7.1.6** The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement – August 2022) concludes that the Council can demonstrate a 5.90. year supply. Given this the Council considers that development plan policies are up to date and Paragraph 11 d) is not triggered.
- 7.1.7** Given this, the principle of development is considered unacceptable however this would need to be balanced against any other material considerations.

Fall-back position

- 7.1.8** The applicant has referred to the fall-back position on the site that would allow the construction of tourist facilities including 10 log cabins, proprietors' accommodation and associated facilities. It is argued that this fall-back position, if fully implemented, would have more harmful impacts in terms of: harm to the AONB; and higher vehicle / car movements, than would result from the current proposal. Furthermore, that there would be benefits to the neighbours in terms of reduced noise and disturbance.
- 7.1.9** It is acknowledged that the use of the site for tourist purposes has been implemented and the extant permission **could** be implemented in full. However, it is an important factor that whilst market dwellings are unacceptable in principle in this location, tourist accommodation can be acceptable as different planning policies apply to each. Indeed, tourist accommodation serves a very different function than market dwellings.
- 7.1.10** In granting planning permission for this use, the Appeal Inspector highlighted that there was a clear difference between allowing holiday accommodation for tourism purposes and allowing permanent residential development. He reasoned that the proposal was for a tourism related use, which is fundamentally supported by national and local planning policy, including on sites within the AONB. The Inspector considered that the holiday accommodation scheme would have been of high quality and given the low-key form of the log cabins and the nature of the use, the development would not have contributed to the appearance of sporadic residential development in the countryside.
- 7.1.11** It should also be borne in mind that it has been almost 30 years since the permission for the log cabin development was originally permitted and whilst one cabin has been constructed, there seems to be little intent to implement the remainder of the permission. The weight that can be given to the applicant's fall-back argument for full implementation should be judged accordingly.
- 7.1.12** Therefore, whilst there is a fall-back position in relation to what could be built on site the fact remains that tourist accommodation is acceptable in principle in this location and market dwellings are not (as set out above).
- 7.1.13** The previous planning application (18/01295/OUT) for one new dwelling was refused by members at Planning Committee in November 2019. The reasons for refusal were an unsustainable location that does not meet the strategy for the distribution of new development in Tewkesbury Borough and failure of the development to conserve or enhance the landscape and scenic beauty of the AONB. Minutes from this meeting show that whilst Members had considered that a single dwelling may have a lesser impact than the extant permission ultimately the scheme was lacking in enough information to make an informed judgement. Notwithstanding this Members resolved to refuse the application inline with officer recommendation in that it would conflict with the Councils strategic Housing policies and the harm to the AONB.

7.1.14 Since the decision was made at Planning Committee there has been a Material change in Policy in that the Council can now demonstrate a 5 Year Housing Land Supply and the Borough Plan (2011 -2031) has been adopted.

7.1.15 Nonetheless, the applicants case for the current proposal in the context of the fall-back position is explored further below.

7.2 Landscape Impact & Design

Landscape Impact

7.2.1 The application site is located within the AONB. The site slopes downwards from east to west. The Framework at paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 176, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty. This is reflected in Policy SD7 of the JCS and LAN2 of the TBLP. Policy CE1 of the Cotswolds AONB Management Plan provides further guidance setting out, amongst other things, that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views - including those into and out of the AONB - and visual amenity are conserved and enhanced.

7.2.2 The application has been submitted with a LVIA which was subsequently revised following the Gloucestershire Design Review Panels (GDRP) assessment in July 2021. This report concludes that the development proposals would create beneficial landscape and visual effects when considered against the baseline created by the extant permission. It highlights the potential opportunities for increasing biodiversity through the landscape strategy and a judgment is made that the landscape and visual effects would conserve the special qualities of the Cotswolds AONB and would not conflict with guidelines and policies set out in the Cotswolds AONB management Plan 2018-2023.

7.2.3 The revised LVIA considers that given the application sites location on the lower slopes of the escarpment it would not be a site which is prominent or easily identifiable in longer range views. Whilst the absence of wider impacts on the AONB described in the LVIA are generally accepted it is considered that the assessment underplays the impact the development would have on local views particularly from the public highway to the west and viewpoints 1 and 2 identified in the submitted LVIA.

7.2.4 Following the GDRP and previous discussions with Officers the revised LVIA has sought to review certain elements of the proposal in landscape terms. The review sets out changes required to the entrance into the site with a view of ensuring a rural character was enhanced. The introduction of a new 'traditional' orchard has been made on the road frontage, and the addition of a new meadow grassland. These approaches have been made in order to enhance biodiversity and provide landscape mitigation. Proposed changes to the design of the building have also taken place, seeking to set the building more into the slope and reducing roof height. Internal hedges have been added to aid separation of more natural and domestic areas of the site. The revised report goes on to add that "as this is a long settled landscape it is not unacceptable to see settlement features in the immediate landscape, but views should be incidental and

glimpsed rather than prominent and direct”.

- 7.2.5** Further, the LVIA appraisal summary concludes that the sensitivity of the landscape is considered to be low. However, this assessment seems to be largely as a result of the "uncharacteristic" wooden chalet style buildings. The appraisal describes this as "detractor elements" and the summary goes on to say that the development offers opportunities to introduce enhancements replacing uncharacteristic built form with build form that reflects local architectural style. The revisions following the GDRP seek to address this.
- 7.2.6** However, whilst it is accepted that the extant planning permission could be implemented, the log cabin buildings were deemed to have an acceptable landscape impact by the Inspector and to be a characteristic form of tourism development. In refusing the previous applications for three residential properties it was considered that by virtue of their urban design and character and the inevitable domestication of the land as a result of residential curtilages and domestic paraphernalia, the development would have a significantly greater impact on the AONB than the extant permission.
- 7.2.7** The applicant argues that the current proposal for a single dwelling would have less of a landscape impact than the previous proposals for 3 - 4 dwellings that were refused and that more assessment has been made following the submission of the Outline application. Furthermore, that the likely design for the dwelling would be Cotswold Vernacular and far more in keeping within this AONB setting than the log cabin development.
- 7.2.8** Given this the design merits of the proposal will need to be assessed in order to determine what weight can be attributed to this aspiration.

Design

- 7.2.9** The proposal seeks to introduce a single dwelling, which a floor area of circa 700sqm. The building would be of a contemporary in a 'H' form set over 2 storeys. The first floor element would be built with a gabled roof, with flat roof elements to the single storey sections. The building would be part subterranean, with levels onsite being altered to accommodate the dwelling. The building is designed with a contemporary aesthetic with the ground floor being laid out around an entrance courtyard providing access to the building and the garage. The material palette includes render finish, natural stone and zinc roof and PPC aluminium windows.
- 7.2.10** The scheme as originally submitted was presented to the Gloucestershire Design Review Panel (GDRP) in July 2021. The assessment identified the site as being a sensitive site in an attractive part of the AONB that was rich in character. Furthermore the GDRP established that the landscape and the new dwelling were inextricably linked and if the applicant was not able to demonstrate a good quality landscape proposal that supported the development of a new dwelling, as well as an enhancement to the entire site, it would be inevitable that the 'high bar' of achieving a good quality design would not be met.
- 7.2.11** The panel questioned the design approach in terms of the 'H' plan form. Whilst it was acknowledged that this can be a form of good design, in this instance the first floor element of the proposed design would exacerbate the height of the dwelling. Whilst it was acknowledged that the design was 'lively' and 'imaginative' there was little to justify the design approach in this context and concerns were raised that the current design

would result in a greater emphasis to the first floor and would be visually apparent.

The accompanying landscape proposal did very little to enhance the site and was a little confused in its overall approach.

- 7.2.12** The Panel addressed the fall back position, highlighting that in their opinion the extant consent offered did not in itself justify the presented scheme. The Panel felt that the only way in which a new dwelling on the site would be acceptable was if the development could unequivocally show that there would be significant enhancements to the site and the AONB that was supported by a high quality landscape and architectural design.
- 7.2.13** In conclusion the GDRP felt that the current proposal had failed to achieve this high standard of design and for this reason, the current proposal could not be supported by the Panel.
- 7.2.14** The proposal has subsequently been revised to reflect and address the points raised by the GDRP. The revised design and access statement responds to the panels comments and provides further detail about the design approach and previous design options considered. It goes on to justify the use of a pitch roof (seeking to replicate the local vernacular), an updated material palette, changes to the fenestration which addresses the dark skies elements and a justification for using the H plan form. A detailed energy strategy has been submitted and an updated landscape scheme which seeks to justify the mitigation and improve the access point into the site.
- 7.2.15** Following the submission of the revised details the applicant has been invited to send the scheme back to the GDRP to be re-assessed. The applicant has declined this option, highlighting that the Council is the determining Authority and the GDRP are more of an advisory position.
- 7.2.16** Whilst the revisions and additional information are welcomed, concerns are still raised in terms of the overall design of the proposal. The scheme proposes a subterranean approach to lessen the impact of the building, reduce its massing and scale and to work with the landform. This approach is accepted; however, it is considered that in the current form it does not make the desired impact. The second storey element, with a pitch roof, would be prominent and would not achieve the desired effect of a single storey building. This can be seen on the proposed elevations. It is considered that, notwithstanding the submitted justification, the design does not integrate well enough into its setting. It is considered that the H plan form in this instance would not have the desired effect of breaking up the massing of the building and it would appear as a large block on the hillside.
- 7.2.17** The updated landscape mitigation seeks to 'soften' the development with new meadow planting and orchard planting. The Council's Landscape Consultant advises that these approaches can be acceptable in the right context and raised further questions that have now been answered by the agent. Notwithstanding this it is considered that the additional landscaping alone should be relied upon to shield the building from views. A building that has been designed to a high standard should be able to stand alone without the requirement of screening and it is considered that in this instance the landscape design does not work in harmony with the design of the building, rather it is there to mitigate its form from views.

Summary of Landscape and Design impacts

- 7.2.18** Notwithstanding the above, Officers do agree that the log cabin development would have a landscape impact and that an argument could be made that a different, smaller scale and high quality residential scheme could potentially result in a better and less harmful development which in the overall balance, could potentially outweigh the conflict with housing policy. However, it is likely such a proposal would necessarily be smaller in scale, set within a much reduced curtilage and of an exceptionally high quality design. It is considered that this proposal that has been put forward does not address these points and does not meet the high standard required within the AONB.
- 7.2.19** As set out at paragraphs 7.1.8 - 7.1.15 above, the weight that can attributed to the fall-back position is tempered somewhat by the fact that only one log cabin has been implemented since planning permission was granted in 1993. On this basis it is concluded that the proposal would therefore be contrary to Policies SD6 and SD7 of the Joint Core Strategy, Policy LAN2 of the TBLP and section 15 of the NPPF (Conserving and enhancing the natural environment).

7.3 Access and Parking

- 7.3.1** Policy SD4 of the JCS requires new development to be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network.
- 7.3.2** With regards to the amount of services accessible to the site, there are few if any and the application site is located within an isolated location outside of a settlement boundary and remote from any service village or centre as defined by the JCS. The NPPF sets out in paragraph 9 of the NPPF is that development should be guided towards sustainable solutions, but in doing so should take into account the local circumstances to reflect the character, needs and opportunities of each area. The proposed development would add more development in a place which is not currently well served by public transport. Furthermore, walking and cycling along the Birdlip Hill Road would not be desirable, owing to the rural and unlit nature of the road.
- 7.3.3** The applicant points to the fall-back position, in relation to tourist accommodation. However tourist accommodation is considered differently in planning policy terms. This is because permanent residential uses are likely to create significantly greater levels of vehicular traffic movements than that of holiday accommodation, which is unlikely to achieve year round occupancy and does not usually result in the same number of daily vehicular trips. However, if the applicant's fall-back position on full implementation is accepted, then it is agreed that there would likely be a reduction in vehicle movements as a result of a single dwelling, and this is a matter that would weigh in favour of the application's sustainability credentials.
- 7.3.4** The County Highways Authority (CHA) have raised a request for additional information in regard to visibility splays. Information from the agent has been provided but a response from the CHA is still outstanding. **With this in mind an update will be provided to members prior to the committee meetings.** Notwithstanding this, as part of the 2018 application the CHA did not raise any objections in terms of highway safety grounds.

7.4 Ecology

- 7.4.1** The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.
- 7.4.2** An Ecological Survey has been provided with the application which is dated 12th July 2019. The Chartered Institute of Ecology and Environmental Management (CIEEM) advice that where reports / surveys are more than 2 years old they unlikely to still be valid and most, if not all, of the survey are likely to need to be updated. The 2019 Survey is therefore out of date and cannot be relied on. There cannot be any certainty that there are no ecological constraints that would preclude planning permission being granted. The proposed development is therefore considered to conflict with the NPPF and policy SD9 of the JCS.

7.5 Flood Risk and Drainage

- 7.5.1** The site is located within Flood Zone 1 (low risk) according to the Environment Agency's most recent data, which means that the site has a less than 1 in 1000 annual chance of flooding (0.1% possibility of flooding). In light of this low risk and the relatively small-scale nature of the development, it is not considered that the development would present any significant risk of flooding.
- 7.5.2** Foul drainage is currently used on site and this approach could be used for a new dwelling.

7.6 Trees

- 7.6.1** Whilst there are a number of trees along the site boundaries a tree survey has been submitted with the application which confirms that no tree felling would be required to facilitate the development. Some tree surgery and management is proposed. Tree protective barriers would also be in place during in construction to protect the trees and their root protection areas.

7.7 Residential Amenity

- 7.7.1** In terms of residential amenity, the site is within a secluded rural location and is a significant distance to the nearest residential properties. As such, the development would not have an undue impact on the residential amenity of neighbouring properties.

8. Conclusion/Planning Balance

- 8.1** In light of the above, it is considered that the proposed development conflicts with the housing policies of the Joint Core Strategy, Tewkesbury Borough Local Plan and the NPPF. The Council can currently demonstrate a five year supply of housing. The planning balance in this case is a straight or flat balance of benefits against harm. In accordance with Section 38(6) of the of the Planning and Compulsory Purchase Act 2004, and section 70(2) of The Town and Country Planning Act 1990, the applications must be determined in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'.

Harms

- 8.2** In terms of the harms, the proposal for a new dwelling in this location would conflict with national guidance and development plan housing policy. The site is also within a location with poor accessibility other than by private car and is not well served by opportunities for sustainable modes of transport.
- 8.3** On the basis of the design revisions put forward and the additional landscape information, it is considered that the erection of such a substantial building in a prominent and elevated location would be likely to have a visually intrusive and urbanising impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The design of the building would not achieve a high enough standard of design that would enhance the character and natural beauty of the AONB.
- 8.4** The proposal would also result in the loss of a policy compliant tourism facility with a consequential loss to the rural economy.
- 8.5** It has not been demonstrated that there are no ecological constraints that would preclude planning permission being granted.

Benefits

- 8.6** The provision of one dwelling would result in some economic and social benefit; however these minor benefits should be balanced against the loss of the tourist facility. The tourism facility would be likely to result in more vehicle movements than a single dwelling and this would have sustainability benefits, albeit this would be dependent upon full implementation of the log cabin development.

Neutral

- 8.7** The impact upon residential amenity and flood risk/drainage are deemed to be acceptable.

Conclusion

- 8.8** It is concluded that the planning balance falls against the proposal. The proposal would be contrary to the provisions of the development plan taken as a whole and is not supported by the Framework. There are no material considerations which indicate that the determination of the application should be other than in accordance with the development plan.

9. Recommendation

- 9.1** It is recommended that the application should be **Refused** for the following reasons set out below.

10. Reasons

- 1** The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and Policies RES3, RES4 and RES5 of the Tewkesbury Borough Local Plan 2011 – 2031 (June 2022) 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 a new market dwelling.
- 2** The proposed dwelling, by reason of its siting, design, scale and form would fail to conserve or enhance the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development therefore conflicts with paragraphs 174 and 176 of the National Planning Policy Framework (2021), policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), policies RES3, RES4 and RES5 of the Tewkesbury Borough Plan 2011-2031 (2022) and Policy CE1 (Landscape) of the Cotswolds AONB Management Plan.
- 3** Insufficient information has been provided to demonstrate that the proposal would not have a harmful effect on biodiversity 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 (June 2022), and the NPPF.

11. 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 the 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.
- 2**
 - Human Rights Act 1998
 - Article 8 (Right to Respect for Private and Family Life)
 - The First Protocol - Article 1 (Protection of Property)