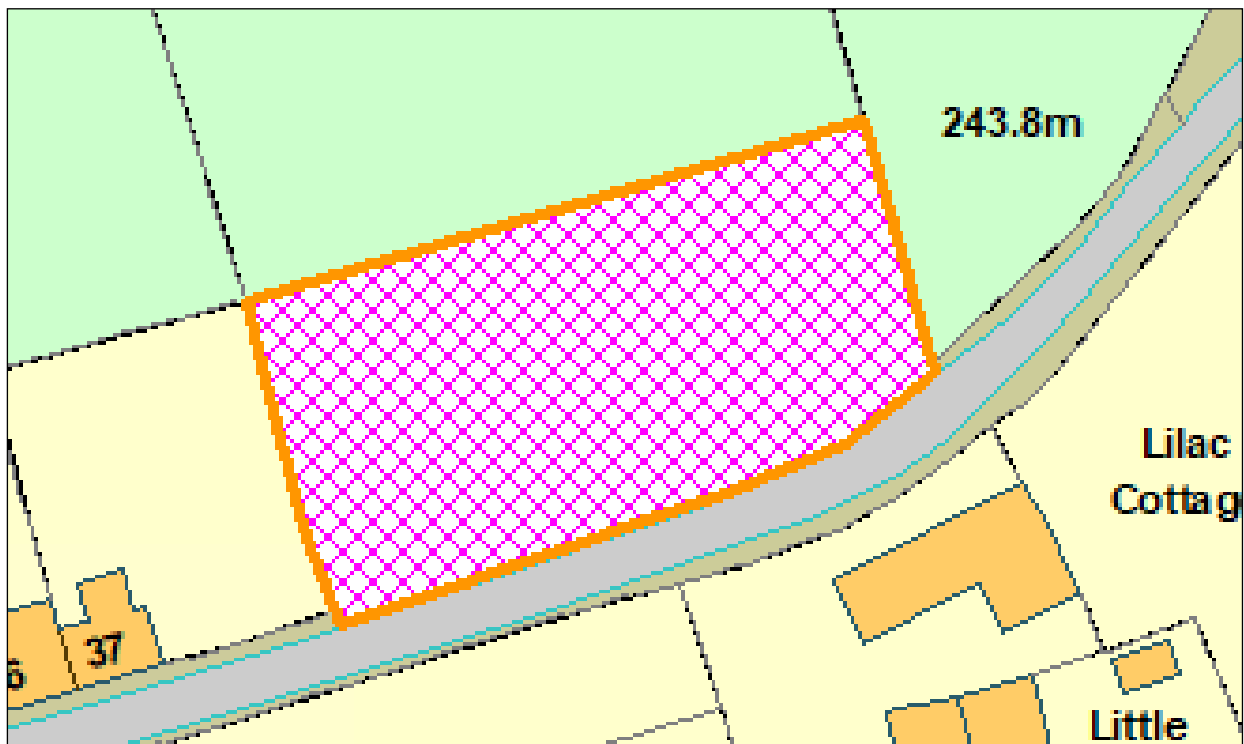


Planning Committee

Date	25 May 2023
Case Officer	Anthony Foster
Application No.	22/01058/PIP
Site Location	Parcel 5004 Opposite Lilac Cottage Hawling
Proposal	Application for Permission in Principle for the construction of two dwellings.
Ward	Winchcombe
Parish	Hawling
Appendices	Site location plan
Reason for Referral to Committee	Called in for Committee determination by Councillor Mason, to assess the impact on the surrounding AONB Objection to the scheme from Hawling Parish Council
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJ7X1NQDONB00>

- 1.1 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the erection of up to two dwellings.
- 1.2 The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage.

2. Site Description

- 2.1 The application site is a currently undeveloped parcel of land located on the northern side of Hawling. The parcel of land is directly adjacent to the east of no 37 Hawling, opposite Lilac Cottage.
- 2.2 The site is 0.15ha in area providing a circa 38m road frontage and a depth of 15m, similar in depth to that of the neighbouring residential curtilage.
- 2.3 The site lies within the Cotswold AONB within the Cotswolds High Wold Plateau Character Area.
- 2.4 The site is located within Flood Zone 1 as defined by the Environment Agency's Flood Risk Maps.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.3486	Construction of vehicular access.	PERMIT	20.12.1960
19/00418/FUL	Rear, side extensions and detached garage	PER	30.07.2019
60/00220/FUL	Construction of vehicular access.	PER	20.12.1960
20/01204/FUL	Erection of rear extensions, detached car port & stone boundary wall to replace fir hedge.	PER	04.03.2021
T.5890	Outline application for two detached houses with double garages. New vehicular accesses.	REFUSE	19.01.1972

4. Consultation Responses

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

4.1 Hawling Parish Council –objection.

The submission from McLoughlin Planning on behalf of the applicant details policy frameworks from *Tewkesbury Borough Local Plan 2011-2031*, the *Cheltenham, Gloucester & Tewkesbury Joint Core Strategy 2017* and the *National Planning Policy Framework 2021*. While we do not challenge these frameworks as such, the McLoughlin interpretation in the application is narrow and partial, completely ignoring the unusual character of Hawling as an isolated settlement in an Area of Outstanding Natural Beauty (AONB) in the High Cotswolds. Such hamlets are increasingly rare and should be properly protected assets for both current and future generations. The use of a PIP application, often associated with brownfield developments, has also allowed that there are no contextual photographs of the site presented in the application nor any disclosure of the adjoining landholdings of the applicant.

Hawling lies either side of a narrow lane running east-west following the topography of a hilly and wooded valley containing a tributary of the river Windrush. It is not in any sense a continuous settlement awaiting the infilling of any undeveloped land, but a mosaic of houses, a church and a chapel and open agricultural land in continuous use since the village was re-established in its current location for use as pasture for the raising of livestock. The site of the proposed development, Parcel 5004, is not “in a central position ... that is part of the continuous built-up area of the settlement” as stated by McLoughlin (paragraph 4.20 of their Proposal) but abuts the “strong line of trees to the north of the site that form a natural northern edge to the village” (paragraph 4.15) and “relates more to the surrounding countryside than to the built-up area of the settlement” (see Paragraph 3.32 of the Local Plan which is cited in paragraph 4.19(b)). When viewed from the village lane, this agricultural land to the north (including the site in question) is seen within the broader visual context of the rising fields from the brook northwards towards Roel on the horizon and is an important heritage asset where livestock (chiefly sheep) have been reared, in the village settlement, adjacent to the lane and with access to it for droving. This is a quintessential feature of small Cotswold hamlets, few of which still survive in this form.

The north side of the lane, within which the property development is proposed, has had no new development since 1860. Photographs attached to this petition show the relation of the site to the village and to the surrounding agricultural landscape which is such an integral feature of the village. A new build on this site with no previous footprint fundamentally damages a key asset and character of the village as well as establishing a damaging precedent for further development both on this northerly side and elsewhere in the village, potentially on land owned by the applicant.

A further historical perspective on the non-development of land to the north of the lane is that the mid-nineteenth century constructions were solely undertaken by the diocese of Gloucester in connection with the provision of a new Rectory for St. Edward’s Church and a schoolhouse and associated dwelling for a school teacher to serve the surrounding villages. All the adjoining fields have remained to the present day as agricultural land for the raising of livestock as part of the wider landscape within the village.

National planning policy frameworks give great weight to conserving and enhancing landscape, scenic beauty and cultural heritage in Areas of Outstanding Natural Beauty. A change of use was approved by Tewkesbury Borough Council (Application number 06/00932/FUL, 11-07-2006) for conversion into residential accommodation of a schoolhouse and its adjoining cottage located on the north side of Hawling. Whilst the Planning Permission related to two entirely discreet properties with no internal connection, conditions were applied so that only a single residence could be created “to ensure that no separate additional dwelling unit is established on the site in this unsustainable location in the open countryside”.

Indeed, in an earlier ruling (Application number 88/91245/OUT, 26-04-1988), planning permission was refused for a detached new-build dwelling with double private garage that would have been in-filling on land adjacent to this schoolhouse. There was no footprint for such a construction. Planners emphasised that “the proposed development would have a visually detrimental and urbanising impact on the rural character and appearance of the area and would be harmful to the natural beauty of the landscape”.

Over twenty years ago a previous owner of Hawling Manor, Mr. Kevin Lomax, proposed a development of a number of houses on three adjoining paddocks in the village (reference: Minutes of Hawling Parish Meeting, 22nd October 2001). This did not proceed. Tewkesbury Borough Council was against it due to “the site being in an Area of Outstanding Natural Beauty, a green-field site, close to the archaeological remains of the medieval village, lack of services for additional people and so on”. It is on the middle of these three paddocks (parcel 5004) that Mr. Holder’s development is proposed. He is also believed to be the owner of the other two paddocks.

A similar approach was also adopted by Tewkesbury Borough Council Planners in their refusal of permission for development (Application number 07/01214/OUT, 17-09-2007) in the construction of a new dwelling at 31 The Cottage, which is located on the south side of the village on a quiet side lane. Reasons for refusal were:

- “The site lies in the open countryside outside any recognised settlement and in a location where new housing is strictly controlled, and it is not essential to the efficient operation of agriculture or forestry.”
- “The site is located outside any defined settlement, remote from the nearest facilities and services and in an area poorly served by public transport, and the introduction of further new general residential development at this location, would be likely to encourage reliance on the use of the private motor vehicle, contrary to the accessibility aims of national policy guidance and Policy T1 of the Gloucester Structure Plan Second Review.”
- “The proposed development would have a visually detrimental and urbanising impact on the rural character and appearance of the area and would be harmful to the natural beauty of the landscape.”

Sustainability or unsustainability of development is an important criterion in planning frameworks. In practice, Hawling has no amenities whatsoever other than a church and a chapel. There is no village hall, public house, school, shop, street lighting, public transport, mains drainage nor reliable mobile phone signal. In view of the isolated location there is no meaningful connection to surrounding villages in terms of sustainability. That is part of Hawling’s charm and character and one reason why people live here.

Adding further dwellings, therefore, can neither support nor sustain local services when in reality there are none (paragraph 5 above). They would however increase “reliance on the use of the private motor vehicle(s)” (paragraph 8 above).

McLoughlin Planning argue (inaccurately, as their percentage figure exceeds guidelines) that an increase of two in Hawling's 37 dwellings (5.4%) would not "represent an adverse cumulative impact in terms of the village's character or infrastructure". (Note: the number of households within the village is actually 34, which changes the percentage to nearer 5.9%.) That argument is completely rejected in view of the rebuttals put forward in this petition. Furthermore, starting from that base and projecting over 10 and 20 years, building 5.4% more a year would rapidly change the scale of the village, up to 57 houses within 10 years and 95 in 20 years. This would destroy the character, charm and assets of Hawling and its unique position in the North Cotswolds Area of Outstanding Natural Beauty.

In summary, previous planning decisions in Hawling confirm the unsuitability and unsustainability of newbuild developments on greenfield sites without a footprint. They are harmful to the natural beauty of the Hawling landscape, visually detrimental and have an urbanising impact on the appearance of the village. Approval of this development would establish a damaging precedent. The planning application should be rejected.

4.2 Drainage Engineer – No objection in principle. Conditions recommended.

4.3 Ecologist – Comment – Preliminary Ecological Appraisal required at Technical Details stage to assess impacts to habitats and protected species.

5. Third Party Comments/Observations

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. A total of 20 representations have been received. Their comments are summarised below:

- Impact upon the appearance of the Cotswold AONB
- Impact upon the character of the Village
- The site lies outside of a defined settlement boundary
- There are very few local amenities in the village
- The village would be unable to sustain 2 new dwellings
- The proposal would add traffic noise and disturbance to what is currently a idyll village setting
- There would be an increase in the damage to the existing road infrastructure.
- Impact upon ecology due to the loss of undeveloped land
- This would set a worrying precedent
- The location is unsustainable in terms of access to amenities
- The existing road is dangerous an increase in the number of users will contribute further

5.2 A petition has been received from local residents with 34 signatories objecting the application, through supporting the submission made by Hawling Parish Council.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD5 (Green Belt)
- SD6 (Landscape)
- SD7 (The Cotswolds Area of Outstanding Natural Beauty (AONB))
- SD9 (Biodiversity and Geodiversity)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- RES3 (New Housing Outside Settlement Boundaries)
- RES4 (New housing at other rural settlements)
- RES5 (New Housing Development)
- RES12 (Affordable Housing)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- ENV2 (Flood Risk and Water Management)
- TRAC1 (Pedestrian Accessibility)
- TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

None

7. Policy Context

7.1 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017.

- 7.2 The PPG advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed.
- 7.3 The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the erection of up to two dwellings.
- 7.4 The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage.

8. Evaluation

8.1 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

8.2 Each of these are discussed in below.

Five Year Housing Land Supply

8.3 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Paras 78-80 deal with rural housing.

8.4 Under Paragraph 74 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

8.5 The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5 year housing land supply position was reconsidered, based on the standard method of calculation. As a result of the move to the standard method TBC moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS.

8.6 On 7th March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five year housing land supply of 6.68 years. It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case.

Location: Principle of Development

- 8.7** The site is located beyond any recognised Residential Settlement Boundary as defined in the Adopted Tewkesbury Borough Plan Proposals Map and is thus located within the open countryside for the purposes of planning.
- 8.8** Policy SP1 of the JCS recognises the need for new development and Policy SP2 provides the spatial strategy for how that development will be distributed and delivered. Policy SP2 also states that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development.
- 8.9** The application site is not allocated for housing development and therefore JCS Policy SD10 applies.
- 8.10** The site is not: SD10 (2) allocated for housing development, SD10 (3) previously developed land, SD10 (i) a rural exception site, SD10 (ii) infilling within the existing built-up area, SD10 (iii) brought forward via a community right to build order, SD10 (5) the re-use of a vacant or redundant building.
- 8.11** Policy SD10 (iv) requires the exploration of other specific exceptions or circumstances and thus it is necessary to consider the policies of the Tewkesbury Borough Plan.
- 8.12** Policy RES3 of the TBP sets out the circumstances where new housing outside of defined settlement boundaries may be considered acceptable in principle. Criterion 3 of this policy provides for very small-scale development at rural settlements in accordance with Policy RES4. The site is located within the village of Hawling, for which there is no defined settlement boundary, therefore Policy RES3 is applicable.
- 8.13** Policy RES4 of the TBP supports the principle of very small-scale residential development in rural areas within and adjacent to the built up area of other rural settlements (i.e. those not featured in the JCS settlement hierarchy) to support the vitality of rural communities and the continued availability of services and facilities in rural areas. Hawling is also not included within the settlement hierarchy and as such Policy RES4 is applicable
- 8.14** Policy RES4 is criteria-based policy and any proposal for development must satisfy each test. An assessment against each criterion is provided below:
- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;*
- 8.15** Hawling is a small, traditional settlement comprising 37 dwellings. It is characterised by a loose pattern of development either side of a narrow lane running east-west following the topography of a hilly and wooded valley containing a watercourse. Hawling Manor and the village church is located at the western edge of the village. To the east dwellings and farms form loose clusters of development interspersed by gaps comprising open agricultural grazing land. These gaps afford views of the wider valley and are an intrinsic element of the character of the settlement. The agricultural land and roadside boundaries are defined by distinctive, continuous stone boundary walls, mature trees and hedges.

8.16 The application site is a large plot located centrally within the village on the northern side of the lane and forms part of a larger parcel of agricultural land that bleeds out to the edge of the village to the east. The application site is positioned alongside an existing pair of modest traditional semi-detached dwellings and sited opposite dwellings on the southern side of the road.

8.17 While a proposed site layout and design is not required to be submitted as part of a PIP application, the application site is of a size that could accommodate two dwellings of a scale proportionate to the size and function of the settlement. A future Technical Details Consent (TDC) application would need to consider the specific layout and design characteristics to maintain the character of the settlement.

8.18 Notwithstanding the above, the small, remote nature of Hawling, has limited community facilities (two places of worship) and poor pedestrian, cycle and public transport links to the nearest facilities. As a result, future occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle for travel to work, shopping, leisure, community facilities and other usual travel destinations. In this respect it is not considered that development in this location would maintain or enhance 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 indication no more than 5% growth will be allowed;

8.19 Hawling comprises circa 37 dwellings at present with the proposed development resulting in a growth in the settlement of 5.4%. While the resulting growth exceeds the 5% figure, this figure is termed as a 'general indication', not a finite threshold. Given the marginal increase it is considered that the development of two dwellings in the village would not result in an adverse cumulative impact.

c) it complements the form of the settlement and is well related to existing buildings within the settlement;

8.20 As set out above the form of the settlement is characterised by a loose pattern of development interspersed by open agricultural fields bounded by traditional stone boundary walls, forming open vistas to the surrounding countryside. Whilst the application site would be sited adjacent to existing dwellings, it is considered that the agricultural land of which the application site forms part does not have the character of an under-developed 'infill' plot within the village but is an important green gap that forms part of the intrinsic character of the settlement. In that sense the siting of two dwellings in this location is not considered to complement the form and character of the settlement, despite being located adjacent to existing dwellings within the village.

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;

8.21 As described above, the application site is considered to have significant visual amenity value in that this parcel of agricultural land forms an intrinsic part of the context, character and setting of the village in its undeveloped state.

e) the proposal would not result in the coalescence of settlements;

8.22 The application site is located within the context of the settlement and given its remote location would not result in the coalescence of adjoining 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.

8.23 The site is not located within the Green Belt.

8.24 Given the above assessment against the criteria of TBP Policy RES4 the proposed location of the development is not considered to be acceptable in principle.

Location - Landscape Impact

8.25 Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 174, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside.

8.26 As set out above, the application site is located within the Cotswolds AONB. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Paragraph 176 further states that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.

8.27 Policy LAN2 of the TBLP states that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003.

8.28 Policy SD7 of the JCS sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

8.29 Policy SD6 development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

8.30 In considering proposals for new housing development Policy RES5 of the TBP requires proposals to consider the impact of any development on the form, character and landscape setting of the settlement which will be extremely important considerations, particularly so where sites are located in or adjacent to the AONB. Care should be taken that such development, which could include minor infilling, does not harm open spaces or gaps that make a positive contribution to the character of the settlement, including views and vistas.

8.31 As set out above, the application site is on undeveloped, agricultural land located within the settlement of Hawling but outside of an identified settlement boundary. The site also falls within the Cotswolds AONB.

8.32 As set out above, it is considered that the application site forms part of the intrinsic character and landscape setting of the settlement in its undeveloped state. Accordingly, the development of the site would not serve to conserve or enhance the landscape scenic beauty of the Cotswolds AONB in this location.

Land use

8.33 The guidance sets out that housing led development is an accepted land use for the PIP application process. The application is for up to 2 new dwellings and is therefore acceptable in principle.

Amount

8.34 The application proposes up to 2 dwellings to be accommodated on site. The proposed number of units would be capable of being accommodated on the site and the amount is therefore acceptable in principle.

Other Matters

8.35 It is not within the scope of this application to determine the details of site layout, design, access, landscaping or drainage which would be assessed through a TDC application.

8.36 The County Highways Authority has not provided comments on this application. However, it is not within the scope of this application to determine the details of access to the site, this would be given full consideration at the technical approval stage. Permission in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have an unacceptable impact on the operation of highway network.

8.37 The Ecological Adviser has confirmed that a preliminary ecological appraisal should accompany any future technical details application.

8.38 The Council's Drainage Engineer has indicated that full details relating to both surface water and foul drainage would be required to be submitted at the technical details stage to allow the full assessment of the scheme.

9. Conclusion

9.1 The proposed development conflicts with policies SP2, SD6, SD7 and SD10 of the JCS and policies RES3 and RES4 of the TBP in respect of its location. It is considered that the benefits of delivering two dwellings would be limited and would not significantly and demonstrably outweigh the harms to the character and appearance of the area. In its undeveloped state the application site is a fundamental component of the context, character and setting of the village. Its development would result in a significant intrusion which would harm the intrinsic character and appearance of the village and locality.

10. Recommendation

10.1 In light of the above, it is recommended that permission in principle is **REFUSED** for the following reason.

1. The proposed development conflicts with policies SP2, SD6, SD7 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), and policies RES3 and RES4 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022) and the National Planning Policy Framework in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development. The site in its undeveloped state is a fundamental element of the context, character and setting of the village. Its development would result in a significant intrusion which would harm the intrinsic character and appearance of the village and locality.

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 offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with development plan policy no direct negotiation during the consideration of the application has taken place.