

Planning Committee

Date	19 September 2023
Case Officer	Sarah Smith
Application No.	23/00476/PIP
Site Location	Hales Farm Malleson Road Gotherington
Proposal	Permission in principle application for development of the site to provide between 1 and 5 dwellings
Ward	Cleeve Hill
Parish	Gotherington
Appendices	Site location plan
Reason for Referral to Committee	Objection to the scheme from Gotherington Parish Council
Recommendation	Permit

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=RUP3D7QD0PB00>

- 1.1** The application is a permission in principle application for up to five dwellings. The application documents include a number of alternative illustrative plans which show, for one option, the retention and conversion of the older traditional buildings for one dwelling and four new detached units on the site, but also a mixture of options for five dwellings that include the demolition of the traditional buildings and the erection of a mix of five new detached or semi-detached dwellings. The more modern agricultural buildings on the site would also be demolished for all the different proposed layouts. The existing access to the property would be utilised for the proposed development.
- 1.2** Other than the access itself the site is largely outside the settlement boundary as defined on the Local Plan Map for Gotherington. Part of the site is also within the Special Landscape Area.
- 1.3** 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 provision of between one and five dwellings. 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** This application relates largely to a former farmyard adjacent to the farmhouse which currently appears to be being used as a builder's yard and storage associated with this use but also comprises part of an agricultural field. The site is therefore partly used as a builder's yard and associated storage. However part of the site extends into an agricultural field to the north and west (the western element behind the large modern storage building to be demolished).
- 2.2** The site is generally level and covers approximately 0.4 hectares with a number of buildings within the site and the open area consisting of mostly hardstanding with the exception of part of the field included within the proposed development site. There is no definable boundary to the north and the red line of the proposed site appears to have been determined by the actual trodden path of the PROW a little north of that defined on the map. The site is bounded by three residential properties and the existing access to Malleson Road to the south, agricultural land to the north and partly to the west, residential rear curtilages to the west and the applicant's dwelling and domestic curtilage to the south east. Land belonging to the applicant is situated to the east which appears to be in agricultural use for an orchard.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
96/01296/OUT	Outline application for the demolition of existing farmhouse & the erection of 2 detached houses. Construction of new vehicular access.	PER	06.05.1997
97/00529/FUL	Erection of dwelling and alteration to access	PER	22.07.1997
99/00830/FUL	Change of use of agricultural land to residential curtilage. Formation of a swimming pool.	PER	12.10.1999
50/00083/FUL	Improvements to cowhouse and dairy farm.	PER	
12/00785/APP	Storage building.	REF	15.10.2012
13/00947/FUL	Proposed stable block with tack room and hay store	PER	22.11.2013

4. Consultation Responses

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

4.1 Gotherington Parish Council – Object on the following grounds:-

- Quantum of development already exceeded in the village by a significant margin
- The proposed development does not maintain Gotherington's east-west linear form, or separation from Woolstone.
- The development would be clearly visible from the AONB and would constitute harm to these views to the east of the village
- Gotherington isn't a sustainable location.
- Village infrastructure cannot cope with further development.
- Loss of agricultural heritage and buildings.
- Poor access.
- Community should be allowed to integrate the new residents for the consented developments before further applications are consented.

4.2 Environmental Health Officer – No objection subject to conditions on working hours during construction.

4.3 County Highways Officer – No objection on the following grounds:-

- The application site is approximately 500m to the west of the centre of the village.
- There are a number of day to day facilities within Gotherington, which includes a village store, post office and cafe. Furthermore, there is a primary school approximately 800 metres from the site.
- Manual for Streets states that walkable neighbourhoods should include a range of facilities within an 800 metre walking distance, which equates to an approximate 10 minute walking time. In this instance the site has a number of facilities which are within a comfortable walking distance of the site.
- The nearest bus stop is located immediately adjacent to the site access.
- Location of the site would allow for travel by non-car modes.
- No unacceptable impact on highway safety or a severe impact on congestion.
- No justifiable (highway) grounds on which an objection could be maintained.

4.4 Public Rights of Way Officer – Comments as follows:-

- There appears to be no mention of the legal definitive route of PRow AGO/9, as represented by the pink line on the attached first attached screen shot and would require a diversion undertaken by Tewkesbury LPA under s257 of the TCPA and included as part of the planning approval. The Area Rights of Way Officer should be consulted as part of this process.

4.5 Council’s Ecological Advisor – Original Comments:- No ecological information has been provided.

Revised Comments:- No ecological grounds for refusal at this stage.

- A Preliminary Ecological Appraisal has been submitted. Ecological surveys that would be required to determine the application at the technical detail stage (TDC) are as follows:- Bat surveys on the buildings identified as having potential to support bat roosts. Impacts from lighting and commuting/foraging routes should also be considered to avoid impacts on commuting and foraging bats. Reptile presence/likely absence surveys will be required. The Proposals should also seek to provide Biodiversity Net Gain.

4.6 Conservation Officer – Original Comments:- Object:

- Site contains traditional stone built agricultural buildings in the south west corner of the site.
- Buildings appear to represent the surviving remnants of the farm buildings associated with Hales Farm.
- Southern section of the historic yard was demolished to make way for No.74 and 76.
- Surviving buildings appear to consist of a one and half storey stone-built stables/granary/store with tallet steps and is attached to an L shaped range of open sided shelter sheds.
- The survival of these buildings and their form represents the last vestiges of the historic farmstead associated with Hales Farmhouse.
- These buildings would have some local heritage interest and are considered to be non-designated heritage assets
- The effect of the application on the significance of the non-designated heritage assets should be taken into account in determining the application.
- Indicative plan shows the heritage assets demolished in order to achieve this density.

- The scale of loss of the heritage assets would be absolute and the level of harm would therefore be high.
- Such proposal in principle would highly likely result in actions contrary to section 16 of the NPPF, Policy SD8 of the JCS and Policy HER5 of the Local Plan.

Revised Comments:-

- Amended indicative plans demonstrating the erection of 4 new dwellings
- Retention of the historic farm buildings (for conversion to residential use).
- If it is possible to secure the retention of the historic farm buildings then there would be no heritage objection to the construction of the new dwellings.

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 14 days in accordance with the requirements for a Permission in Principle application.

5.2 37 letters of objection have been received on some or all of the following grounds:-

- Not infilling
- Outside settlement boundary
- Partly in Special Landscape Area
- New housing in village already in excess of Neighbourhood Plan
- More housing does not protect village's stretched resources
- Does not maintain village's east-west linear form
- Does not protect identity of Gotherington preventing its coalescence with Woolstone
- Increased traffic levels
- Highway safety issues due to narrow access
- No need for housing delivery to be speeded up in Gotherington
- Does not provide visual improvements
- Mostly greenfield not brownfield development
- Would create more traffic movements not less
- Loss of countryside
- Does not provide increased amenity for residents
- Gotherington becoming sprawling housing estate with no community feel
- Will set a precedent
- No parking facilities in village
- Insufficient services to support the development
- Limited bus service
- Flooding will be exacerbated
- Build a new village elsewhere
- Will affect view to Crane Hill
- Increased in traffic noise and pollution
- Loss of important tranquil landscape
- Undermine property values
- Insufficient infrastructure
- Impact on mental health of loss of view
- Disruption caused by construction
- Impact on approach to AONB
- Impact on PROW towards Freeman's Fields
- PROW will require redirection

- Impact on landscape
- Impact on ecology
- Not enough community space in village
- Deciding to sell and move away due to developments
- Realise village must grow but not so it merges with other villages
- Would not harmonise with existing properties
- Village does not need large 4 bedroom dwellings
- Impact on orchard
- Impact on road quality
- Modern estate houses are in appropriate here
- Local views in NP not listened to
- Object to demolition of farm buildings which have heritage interest
- Existing buildings are not unkempt and dilapidated
- Young people might wish to stay in village but house prices outside their reach
- Impact on amenity of neighbouring dwellings
- A smaller proposal may be acceptable up to 2 dwellings if there was minimal damage to the heritage buildings and built form did not extend to Woolstone
- Welcome retention of barn on revised layouts

5.3 17 letters of support have been received on some or all of the following grounds:-

- Quality homes in centre of village more beneficial for everyone than unkempt, dilapidated farm buildings
- Less traffic movements with development
- Reduce future commercial use of site
- Good use of brownfield site
- Would help with housing shortage in District
- Development would be of premium quality
- Settlement boundary should include Hales Farm
- Comments re footpath and field to be built on are untrue
- Represents sustainable development
- Well placed for amenities
- More suitable use of land in this location
- Will enhance ecology on site
- Proposed houses do not extend physical village boundary
- Buildings no longer suitable for farming use
- Will support local business
- Ensures people have work locally
- Will help prevent spread of village
- More suitable than several sites that have received Planning Permission in village
- The layouts are only indicative
- Proposes wider access than exists at present

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

- Policy SP1 (Need for New Development)
- Policy SP2 (Distribution of New Development)
- Policy SD4 (Design)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

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

- Policy RES2 (Settlement Boundary)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES7 (Re-use of Rural buildings for Residential Use)
- Policy LAN1 (Special Landscape Area)
- Policy HER5 (Non-designated Heritage Assets)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)

6.5 Neighbourhood Plan

Gotherington Neighbourhood Development Plan – 2011-2031

- Policy GNDP01 (New Housing Development within Gotherington Service Village)
- Policy GNDP02 (Meeting Strategic Development Needs in Gotherington as a service Village)
- Policy GNDP03 (New housing Development in the Open Countryside)
- Policy GNDP04 (Securing a Suitable Mix of house Types and sizes in New Development)
- Policy GNDP07 (Gotherington Design Principles)
- Policy GNDP08 (Development Affecting Non-designated Heritage Assets)
- Policy GNDP09 (Protecting and Enhancing the Local Landscape)
- Policy GNDP11 (Development Outside of the Defined Settlement Boundary)
- Policy GNDP12 (Biodiversity)

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 provision of between 1 and 5 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

Location: Principle of Development

- 8.2** The application site has not been allocated for housing in the JCS and therefore the criteria of Policy SD10 of the JCS would apply. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if they meet certain conditions.
- 8.3** Of some relevance are Criteria 3 and 4 (ii) of Policy SD10. Criterion 3 states 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. However only approximately half the area of the site is previously developed land as defined in the NPPF. Criterion 4 (ii) states that development will only be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development." It is not considered that the site is a typically defined infill development in that it does not provide a direct frontage to the existing road yet it meets the definition set out in the JCS since the site is under-developed and relates well to the existing built form.
- 8.4** Policy RES3 of the Tewkesbury Local Plan is relevant. The site is for the most part outside the settlement boundary for Gothington and extends to a degree outside the rear established built form into the field beyond and therefore does not comply with most of the criteria set out under Policy RES3 although some of the indicative layouts show the reuse of the traditional farm buildings within the site. Neighbourhood Plan Policy GNPD02 states in the event that the future development plan identifies an additional need for further strategic housing development in Gothington (as a service village) beyond the allocations in this plan, then any proposals to meet this additional identified need will be managed to at, or about, that identified need and are encouraged to meet the following criteria: a) Adjoin the defined settlement boundary; b) Maintain the village's east-west linear form; c) Not have an adverse impact on the Area of Outstanding Natural Beauty; d) Maintain the separation of Gothington village from Bishops Cleeve and Woolstone.

- 8.5** Gotherington has provided a more new housing than envisaged by the JCS and Local Plan but the amount is not limited directly in policy. Importantly, in this particular case, the proposed amount of housing envisaged on this site is small in number and half of the site is covered in buildings and hard standing and relates reasonably well to the built form of the village and therefore also relates well to the services and amenities that the village provides as an identified Service Village in the Local Plan. The development would also be read against the built form of the village from northern viewpoints.
- 8.6** As set out above in broad terms Policy SD10 of the JCS provides support for the proposed development although there are some tensions with the Local Plan and Neighbourhood Plan in providing support for the development. It is considered that the development would predominantly be seen within the context of existing built form and would not appear divorced from the settlement. Although finely balanced in this respect, the proposal is considered to be acceptable in principle.

Location: Landscape impact

- 8.7** 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.
- 8.8** Policy LAN1 Special Landscape Areas of the TBLP is relevant. This states that new development will be permitted within SLAs subject to the following 3 criteria:-
- The proposal would not cause harm to those features of the landscape character which are of significance;
 - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
 - All reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 8.9** 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. 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.
- 8.10** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.11** In considering proposals for new housing development Policy RES5 of the TBLP requires proposals to consider the impact of any development on the form, character and landscape setting of the settlement which will be important considerations.

8.12 As noted earlier the proposal is relatively small in scale and in principle it is considered that the development would be read against the built form of the village from northern viewpoints. Nevertheless the east to west linear nature of Gotherington village is considered an important characteristic as defined in Policies within the Neighbourhood Plan and this proposal would extend the residential development to a degree northwards. Yet in this particular case this would only be to a small extent northwards taking into account the existing settlement boundary which extends further north itself immediately west of the site. The northern and part western elements of the site are within the SLA. Any impact will need to be weighed against the benefits of the proposed development and likely enhancement measures when the detailed layout is provided at technical details stage.

Land Use

8.13 The guidance sets out that housing led development is the accepted land use for a PIP application.

8.14 As discussed above, it is considered that approximately half of the site consists of previously developed land, the site is also partly within and partly adjacent to the settlement boundary and the proposal relatively small scale and could be considered to comply with the definition of infilling set out in the JCS such that that on balance its use for housing led development is considered acceptable, subject to approval of technical details.

Amount

8.15 The application seeks permission for between one and five dwellings on a site comprising 0.4 ha which would give rise to a maximum residential development density of circa 12 dwellings per hectare, which is a relatively low development density but appropriate in this location.

8.16 Policy SD10(6) of the JCS states that residential development should seek to achieve the maximum density which is compatible with good design and, inter alia, the character and quality of the local environment.

8.17 Whilst the layout is a consideration for Technical Matters stage, due to the sensitivities of the site which abuts the open countryside and the need to consider the conversion of the traditional buildings within the proposals, a lower density form of development with a high-quality landscaping scheme would be an appropriate form of development.

8.18 Therefore, as the characteristics of the site would likely give rise to a lower density form of development at Technical Matters stage it is considered that the principle of up to 5 dwellings for development on this site is acceptable having regard to the provisions of Policy SD10(6) of the JCS.

Other Matters

- 8.19** It is not within the scope of this application to determine the details of site layout, design, access, landscaping or drainage. Permission in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have unacceptable impacts regarding these specific details. Any proposal for the diversion of the PROW would need to be considered under separate legislation. Some of the matters raised by local residents are not matters that can be considered within the scope of the application and would be considered at the technical details stage. Any issues which may arise must be overcome through that part of the process and before development could proceed.
- 8.20** However the original indicative layout showed the demolition of the traditional farm buildings on the site to which the Conservation Officer raised an objection and recommended refusal. The applicant has responded with providing a number of indicative layouts which largely retain these buildings as a residential conversion and if the buildings are retained in any subsequent proposed layout on this basis the Conservation Officer is satisfied. Officers have discussed with the agent a slight change to the description of development to 'provide between 1 and 5 dwellings'. In addition a Preliminary Ecological Appraisal was carried out on the site and evidence of bat activity was found. The Council's Ecological Advisor has recommended that further assessment on ecological matters is carried out with the submission of Technical Details. The relevant consultees have not raised any insurmountable concerns and as such there are no reasons for refusal for the principle of residential development at this stage.

9. Conclusion and Recommendation

- 9.1** This application for permission in principle is limited to consideration of Location, Use and Amount and on this basis it is considered that the proposal complies with the NPPF, Policy SD10 of the JCS and, while there are some tensions with Policy RES3 of the Tewkesbury Local Plan and Policy GNDP02 of the Gotherington Neighbourhood Plan, the proposal is acceptable. Therefore it is recommended that Permission in Principle is **PERMITTED**.

10. Informatives

- 1.** The technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.
- 2.** For the avoidance of any doubt the applicant is advised that any technical details consent should seek to retain the traditional buildings (non-designated heritage assets) on the site as part of the future layout.
- 3.** A diversion of PROW AGO/9 is required according to the PROW officer and would need to be secured prior to any approval of the Technical Details.

4. 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.

5. CIL: IMPORTANT INFORMATION Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched as soon as possible after planning permission or consent is granted. If you do not receive a Liability Notice please contact the Council. If you have been granted a Permission in Principle you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Technical Details application. IMPORTANT - All CIL requirements, including assuming liability to pay the charge, claiming any exemption or relief and notifying the Council of your intention to commence development, must be met before any works begin on site - including any demolition. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.