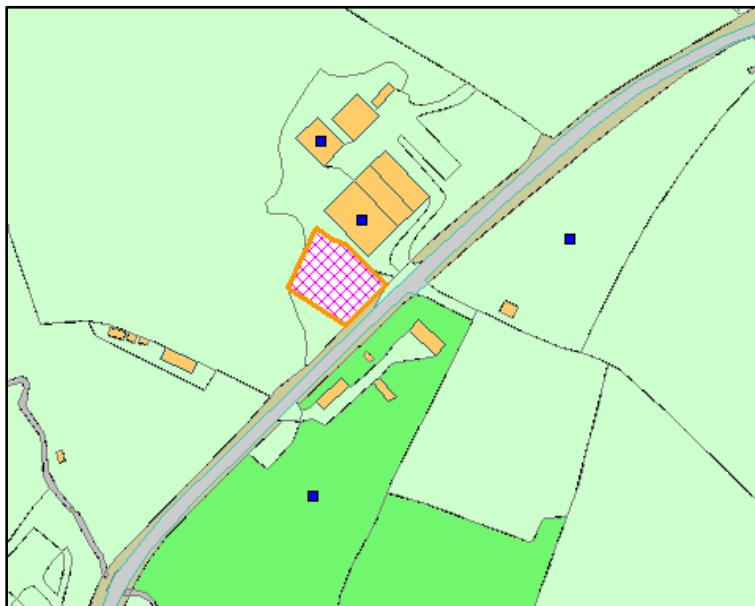


Planning Committee

Date	19 September 2023
Case Officer	Chloe Buckingham
Application No.	23/00187/FUL
Site Location	Barn at Cold Pool Lane, Badgeworth
Proposal	Rebuild of barn and subsequent use in C3 residential along with associated infrastructure - resubmission of application 21/01263/FUL.
Ward	Badgeworth
Parish	Badgeworth
Appendices	Existing and Proposed Site Location Plan Location Plan Existing Plan, Elevations and Sections Proposed Plans and Elevations Details 1 Details 2 Details 3 Proposed Site Plan and Landscaping Window and Door Elevations
Reason for Referral to Committee	Cllr Vines has requested the application is determined by the Planning Committee as the site is in a Green Belt location.
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 The application seeks full planning permission for a new dwellinghouse in place of a collapsed barn along with associated infrastructure.
- 1.2 This application is a resubmission of withdrawn planning application 21/01263/FUL for the same development.

2. Site Description

- 2.1 The application relates to a parcel of land where an agricultural barn once stood and adjacent to a small complex of agricultural buildings at a working farm on the north-western side of Cold Pool Lane, Badgeworth.
- 2.2 The former barn comprised a rectangular shaped timber framed structure with lean-to projections to both side elevations, as well as a metal clad projection to the front. The site is presently clear with the exception of some hardstanding and reclaimed building materials.
- 2.3 The site is located outside of a designated settlement boundary, within the open countryside and in the Green Belt.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
14/00868/PDAD	Change of use of existing agricultural barn to 3.no residential dwellings and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).	Withdrawn	29.10.2014
15/00343/PDAD	Conversion of agricultural buildings to 3x dwellings houses.	Refused	03.06.2015
17/00971/FUL	Conversion of an existing barn to a dwelling	Permit	15.12.2017
18/01005/PDAFU	Proposed change of use of agricultural barn to a flexible commercial use (specifically B8 storage and distribution)	Approve	26.11.2018
20/01086/PDAD	Prior approval for conversion of agricultural buildings into 3no. larger dwellinghouse (use class C3) and associated building operations.	Withdrawn	16.12.2020

21/01263/FUL	Replacement of Barn and construction of a dwelling and associated works.	Withdrawn	29.09.2022
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4. Consultation Responses

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

- 4.1 **Cllr Vines** – ‘Given the Green Belt location of this application I feel it important that the planning application is determined by the planning committee’.
- 4.2 **Badgeworth Parish Council** – Objection - Does not comply with policy RES7 and is inappropriate development in the Green Belt.
- 4.3 **Highways** – **Objection** on sustainability grounds
- 4.4 **Ecology** – **No objection** subject to conditions.
- 4.5 **Drainage** – **No objection**.

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 neighbour notification letters and consultation for a period of 21 days. One representation objection to the proposal has been received. The comments raised are summarised below:
- Only reason planning was permitted originally on this site was as a barn conversion.
 - A new build would not have been allowed as the site is in the Green Belt
 - There are no special circumstances
 - Not within the built area of Badgeworth
 - Is ribbon development which should be discouraged
 - Note original barn "collapsed" during conversion
 - There was no scaffolding to give the barn support during building work
 - Wooden construction of the barn dismantled
 - Low retaining wall was removed and replaced with a flat concrete base
 - No visual evidence of the original barn footprint. Whilst any alleged building work was being done there was no building equipment in evidence.
 - Are any original oak timbers left for cladding the outside?
 - Original application stated native hedge planting would be used
 - Site and the site next door have been planted up with laurel hedging
 - Not native and highly poisonous

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 (The Need for New Development)
Policy SP2 (The Distribution of New Development)
Policy SD4 (Design Requirements)
Policy SD5 (Green Belt)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Amenity)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)

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

Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES7 (Re-use of rural buildings for residential use)
Policy DES1 (Housing Space Standards)
Policy HER2 (Listed Buildings)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy GRB4 (Cheltenham-Gloucester Green Belt)

6.5 Neighbourhood Development Plan

None

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of development

- 8.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans.
- 8.2** Policy SD10 of the JCS specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (Paragraph 80 refers) seeks to avoid isolated new homes in the countryside.

- 8.3** Policy RES3 states that outside of the defined settlement boundaries (identified on the Policies Map) the principle of new residential development will be considered acceptable where development being proposed consists of:
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.
- 8.4** Policy RES4 sets out that, to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements and providing it complements the form of the settlement and is well related to existing buildings within the settlement.
- 8.5** Planning permission was granted in 2017 for the conversion of a former barn at the site to a dwelling (17/00971/FUL) however, the conversion was not implemented, and the building has now collapsed and site cleared.
- 8.6** Attention is drawn to a comparable appeal case (APP/F0114/W/16/3163432) where the Inspector stated that; '*... There was a barn on site but it does not exist now. In this case the metal framework of what was the original barn has been raised in height...but the works required to provide a dwelling in this position could not by any stretch of the imagination be described as conversion works*'.
- 8.7** This approach is particularly pertinent to this application where the existing structure has been completely dismantled, site cleared and limited original building fabric retained in site. The previous permission at the site can therefore not be lawfully implemented as in effect there is no longer a building present to convert.
- 8.8** As such this application stands to be considered on the basis of a new-build dwelling as the previous permission can no longer be implemented. Furthermore, it is considered that this previous approval (conversion of an existing redundant building) cannot be considered a 'fall-back' as the prospect of those works taking place no longer exists.
- 8.9** This application therefore stands to be considered on the basis of a new dwelling within then open countryside. The proposal would not comply with any of the exceptions set out at Paragraph 4 of JCS Policy SD10 or criteria set out in policies RES3 and RES4 of the TBP in that the proposal lies outside of the built up area of the settlement and would not constitute infilling within the built up area of a town or village.

- 8.10** It should also be noted that while Policy RES7 of TBP relates to the re-use and conversion of redundant and dis-used buildings in rural areas (areas located outside of defined settlement boundaries) for residential use, this is provided that (amongst other criteria) 'the building is of a substantial construction, is structurally sound and is capable of conversion without the need for significant new building works and/or extension'. This policy would not apply in this instance as the agricultural building at the site has collapsed and was clearly not of a sound construction and is questionable if the building was actually structurally sound in the first instance when planning permission 17/00971/FUL was granted.

Five Year Housing Land Supply

- 8.11** As set out in the latest Tewkesbury Borough (TBC) Housing land supply statement in March 2023 the Council considers that the Borough can demonstrate a five-year land supply using the standard method. The NPPF states that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.12** 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. 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. On 7th March 2023, the Council's Interim Five-Year Housing Land Supply Statement was published which set 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. This is a position not accepted by the current applicants with respect to the subject site.
- 8.13** The Council's approach to calculating the five-year housing land supply under the standard method was considered by Inspectors appointed by the Secretary of State at two appeals earlier this year, Hill End Road, Twynning (January 2023) and St Margaret's Drive, Alderton (April 2023). In both appeals the Inspectors did not accept the Council's revised approach to calculating the five-year housing land supply following the introduction of the standard method. Consequently, in the opinions of the Inspectors, the Council could not demonstrate a five-year housing land supply. However, the Council maintained its approach to calculating its five-year housing land supply at the recent appeal at Trumans Farm, Gotherington where the Inspector's decision is awaited. The Council consider that currently a five-year land supply can be demonstrated, and the 'tilted balance' is not currently engaged, and as a result the adopted strategic policies of the JCS are still considered to carry full weight.

Green Belt

- 8.14** Paragraph 137 of the Nation Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.15** Paragraph 138 of the NPPF states that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
 - (b) to prevent neighbouring towns merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns; and
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.16** Paragraph 147 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.17** Local Plan Policy GRB4 and Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to a number of exceptions set out at Paragraph 149, none of which would apply in this instance.
- 8.18** Local Plan Policy GRB4 and Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. As the former barn at the site has collapsed none of the listed exceptions would apply.
- 8.19** It is therefore considered that the proposal for a new dwelling in this location would constitute inappropriate development in the Green Belt and that no very special circumstances exist which would outweigh the harm to the Green Belt by way of inappropriateness. The site is presently clear of development and the construction of a new dwelling would by its presence impact openness and the purposes of the Green Belt. The proposal is therefore contrary to section 13 of the NPPF, JCS Policy SD5 and Tewkesbury Local Plan Policy GRB4.

Very Special Circumstances

- 8.20** The appellant has referred to and appeal in support of their application where an Inspector in an appeal in Mid-Sussex placed weight on the appellants' personal circumstances, at paragraph 20 saying: *In the event of dismissal, I acknowledge that any potential subsequent enforcement action would risk grave financial and personal repercussions for the appellants. Whilst not determinative in itself, I am nonetheless mindful of this factor in reaching my decision.*
- 8.21** However, the appeal application is different because the dwelling in the approved appeal had already been built and as such the financial implications would have been far graver than in this current application, where the dwelling has not been built. Whilst it is appreciated the applicant has spent money on this site, as the Inspector also explained within the appeal, there is always a risk involved when buying such structures.
- 8.22** The applicant has explained that other very special circumstances are that a building of the form and scale that traditionally stood at the site and it's proposed rebuilding will continue the longstanding relationship between built development and the wider rural context, and that there will be no harm generated to the character and appearance of the area. The applicant has explained that previous planning permissions have also established a residential use at the site without generating undue harm in planning policy, environmental or other technical terms. The applicant has also explained that the new dwelling will strive to meet passivhaus standards and therefore adopts energy efficiency at the core of its construction and future use is a key benefit. The applicant has also suggested that the ability to improve on the building specification due to the structure being rebuilt rather than a conversion of an aged building, whilst making use of as much of the original materials as possible, will deliver greater energy efficiency benefits and allow the building respond better to climate change.
- 8.23** However, it is considered that these factors cannot be considered to be 'very special circumstances' as they could apply to a number of similar situations or any sound justification for a new dwelling in this location given the clear conflict with national and local policy.
- 8.24** The applicant also suggests that very special circumstances are present in that the previous permission will have contributed to the planning authority's housing supply and hence it's loss from the overall calculation will have a negative impact upon supply calculations. However, as explained above, the Council can demonstrate a 5-year housing supply and also, the loss of one dwelling which was yet to be delivered is considered to have a negligible impact on the Council's 5-year land supply, even if the Council could not prove there was a 5-year housing land supply.
- 8.25** The applicant has also stated that the provision of a self-build unit is also a very special circumstance. Whilst it is noted that the applicant has stated this is a self-build property, this is not considered to override the adopted policies in the Joint Core Strategy and the Local Plan. It is also noted that the applicant is not listed on the Council's self-build register. Furthermore any application for a self-build property would be required to comply with relevant development plan policies

- 8.26** For the reasons stated above, it is considered that very special circumstances have not been demonstrated and the proposal is in conflict with Policies SD5 and SD10 of the JCS and Policy GRB4 of the TBLP.

Ecology

- 8.27** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.
- 8.28** Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.29** The updated Preliminary Ecological Appraisal (PEA) report (Cotswold Environmental, July 2023) has been reviewed. The habitats on site in June 2023 comprised of hardstanding, bare earth, building materials, and tall ruderal vegetation. The report confirmed that there are no buildings on site following the collapsed and removal of a barn structure. The tall ruderal vegetation on site offered some sheltering and foraging habitat for reptiles and amphibians and the site offered some commuting/foraging habitat for bats (though no roosting opportunities). Consideration of the likely presence of great crested newt (GCN) was included in the PEA report, and a Natural England Rapid Risk Assessment was undertaken, indicating proposed works were 'highly unlikely' to result in an offence. The row of scrub at the south-east boundary of the site was assessed as offering nesting opportunities for birds. Appropriate mitigation measures were included within the PEA report to avoid potential harm to commuting/foraging bats, reptiles, and amphibians.
- 8.30** The mitigation measures outlined in the PEA report should be strictly adhered to and this would be conditioned if the scheme were acceptable in principle. The PEA report included recommendations to enhance the site for wildlife including native species hedgerow planting (including trees), installation of bat and bird boxes, and installation of hedgehog holes in any proposed fencing. Therefore, if the scheme were acceptable a plan detailing the location and specification of proposed ecological enhancement features would be required to be submitted to the Local Planning Authority prior to commencement, for review and approval. Should external lighting be proposed, details of proposed lighting should also be provided prior to commencement, and lighting should be designed carefully, to avoid potential negative impacts to commuting/foraging bats which may use the site. These conditions could be attached to any permission if the scheme were considered acceptable.

Design and Visual Amenity

- 8.31** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

8.32 Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.

8.33 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
- be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
- where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
- not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
- incorporate into the development any natural or built features on the site that are worthy of retention;

8.34 The current proposal seeks permission for a new dwelling which would broadly replicate the size, dimensions, design and materials as approved in application under planning permission no.17/00971/FUL for the conversion of the former barn building to a dwelling. The proposal would comprise a mix of re-used timber, brick and original roof tiles, where possible.

8.35 The proposed design would be the same as that previously approved for the conversion of the former agricultural building and would result in a simple building with a linear form. While the design as previously is considered appropriate (subject to compliance with any conditions in respect of materials) this would not outweigh the harms identified above and conflict with policies in respect of the location of new residential development.

Effect on the Living Conditions of Neighbouring Dwellings

8.36 JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

8.37 Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.

8.38 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

8.39 Due to the distances between the proposed dwelling and neighbouring dwellings, there are not considered to be any significant negative residential amenity impacts for neighbouring occupiers or future occupiers of the proposed dwelling.

8.40 The room sizes in the proposed dwelling comply with the nationally described space standards and the proposed outdoor amenity space to serve the dwelling is considered acceptable.

Highways

8.41 Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and accessible connections to the transport network should be provided to enable travel choice for residents and commuters.

8.42 Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:

- 1) the accessibility of the development;
- 2) the type, mix and use of development;
- 3) the availability of and opportunities for public transport;
- 4) local car ownership levels;
- 5) an overall need to reduce the use of high emission vehicles; and
- 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

8.43 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;

8.44 The application has been assessed by the Highway Authority who have advised that given the isolated rural location of the site which is outside of and some distance from the built-up area of any settlement. The proposal would be car dominated and would fail to address sustainable transport. The consultee comments have also explained that tools such as a travel plan cannot address the harm due to the lack of transport choices available to support the development and that there are no footways along Cold Pool Lane which could facilitate pedestrian access for facilities in the wider area. The proposal would therefore be contrary to JCS Policy INF1 which requires development to provide credible travel choice.

- 8.45** The site access would replicate that previously approved and the local highway where it was considered that appropriate visibility splays could be achieved subject to compliance with conditions. The Local Highway Authority has raised no highway safety objections to this proposal. Similarly, the proposal would provide an area of hardstanding to the front of the dwelling which is considered appropriate so serve the reasonable requirements of any future occupiers of the dwelling.

Drainage and Flood Risk

- 8.46** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the council's Flood Risk and Water Management SPD.
- 8.47** Policy ENV2 of the TBLP states that (inter alia) all proposals will be expected to incorporate sustainable drainage systems where appropriate and be proportionate to the scale and nature of development proposed. The policy goes on to explain that proposals must demonstrate that development is designed to use and manage water efficiently, including rainwater harvesting and greywater recycling where possible. Surface water drainage proposals should, where appropriate, achieve significant betterment on existing discharge rates for all corresponding storm events. Sustainable drainage systems should be designed to achieve multifunctional benefits. Priority should be given to green/soft solutions and the integration of sustainable drainage systems with green infrastructure and street networks.
- 8.48** The Council's drainage engineer has been consulted and has explained that there are no objections subject to a condition. Therefore, if the scheme were acceptable a condition could be attached to ensure that discharge would be to the existing ditch south of the application site, subject to a Land Drainage Consent. It is believed that the ditch will discharge into the Ham Brook. The drainage engineer has explained that it is possible that the ditch is a highway asset which will require written approval from the local highway department. This could be submitted as part of the land drainage application. Subject to compliance with this condition, the scheme would accord with Policy INF2 of the JCS and policy ENV2 of the TBLP.

Community Infrastructure Levy (CIL)

- 8.49** The applicant has submitted the relevant CIL forms claiming self-build exemption from CIL. It is however, noted that the applicant is not listed on the self-build register at the time of writing this report.

9. Conclusion

Planning Balance & Conclusion

- 9.1** In light of the above, it is considered that the proposed development conflicts with the housing & Green Belt 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 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'.

Benefits

- 9.2** It is agreed that the provision of one dwelling would result in some albeit very limited economic and social benefit.
- 9.3** The applicant has also explained that the new dwelling will strive to meet passivhaus standards and therefore adopts energy efficiency at the core of its construction and future use is a benefit. The applicant has also suggested that the ability to improve on the building specification due to the structure being rebuilt rather than a conversion of an aged building, whilst making use of as much of the original materials as possible, will deliver greater energy efficiency benefits and allow the building respond better to climate change. However, all new buildings would be required to comply with building regulations and meet appropriate energy efficiency measures.
- 9.4** The applicant also suggests that the previous permission will have contributed to the planning authority's housing supply and hence it's loss from the overall calculation will have a negative impact upon supply calculations. However, as explained previously, the Council can demonstrate a 5-year housing supply and also, the loss of one dwelling is considered to have a negligible impact on the Council's 5-year land supply, even if the Council could not prove there was a 5-year housing land supply. This benefit is very limited.

Harms

- 9.5** The site is located within the Green Belt and the proposed development represents inappropriate development which is harmful by definition. The proposal would introduce built form on the site and therefore the proposal would erode the openness of the Green Belt and conflict with the purposes of including land within it. This fact alone weighs considerably against the proposal. Furthermore, it is considered that no very special circumstances exist which would outweigh this harm.
- 9.6** The application site lies outside of the built-up area of any rural settlement and the proposal does not fit within any of the exceptions set out in Policy SD10 of the JCS and Policies RES3 and RES4 of the TBLP. This weighs heavily against the proposal.

Neutral

- 9.7** The proposal is identified as providing a self-build property however it is noted that the applicant is not listed on the Council's self-build register.
- 9.8** Subject to compliance with conditions the proposal would have no adverse impacts in ecology or flood risk.

Conclusion

- 9.9** 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. The previous approval of the barn conversion on site holds some weight, however, as this barn has since collapsed and the conversion was never implemented, it is considered that this weight would not outweigh the conflict with the Council's policies in respect of new dwellings and Green Belt policies.
- 9.10** Therefore, there are no material considerations which indicate that the determination of the application should be other than in accordance with the development plan.

10. Recommendation

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

11. Refusal Reasons

- 1** The proposed development conflicts with Policies SP2 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 (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 new residential development.
- 2** The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. There are not considered to be any very special circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies RES3, RES4 and GRB4 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 3** The location of the proposed development results in no realistic transport choices other than the private vehicle to gain access to the site and to access local and community facilities. The scheme is therefore contrary to Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and would conflict with the sustainable transport aims of the NPPF.

12. Informatives

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.