

Planning Committee

Date	17 October 2023
Case Officer	James Lloyd
Application No.	21/01307/FUL
Site Location	Moat Farm, Malleson Road, Gotherington
Proposal	Erection of 4 dwellings following the demolition of existing agricultural buildings.
Ward	Cleeve Hill
Parish	Gotherington
Appendices	Site Location Plan Proposed Site Plan Proposed Site Overview Plot 1 Elevations Plot 2 Elevations Plot 3 Elevations Plot 4 Elevations Garage Elevations Appeal Comparison Plan
Reason for Referral to Committee	The application requires a Committee determination as the Parish Council has objected to the proposal as outlined in Paragraph 4.1.
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=R1P0FPQDHO000>

- 1.1 The application seeks full planning permission for the redevelopment of the site with 4 detached dwellings. The site would be laid in a courtyard arrangement and the proposed amenity space would project out from the dwellings, leading to a concentrated built form in the centre of the site (**See attached site plan**).
- 1.2 The buildings are designed to reflect the existing functional agricultural character of the site (**See attached elevation plans**). The finished materials would include timber cladding, standing seam roofs and metal sheet cladding in order to maintain the functional appearance of the site.
- 1.3 The development is designed to be accessed from the existing entrance to the southwest of the site. This is served from Malleson Road, which leads out of the village and joins with the A435.

Previous Planning Application (14/00749/OUT) & Dismissed Appeal

- 1.4 A planning application was submitted in July 2014 seeking outline consent for a residential development of up to 42 dwellings and associated infrastructure. The application site comprised of a parcel of land at Moat Farm, located to the northern edge of the village of Gotherington. This site encompassed the area of Moat farm that the current planning application relates to (**See attached site comparison plan**).
- 1.5 The application was recommended for refusal by Officers on several grounds, these are summarised below;
 - The proposal would not respect the form, character and history of the adjacent area and fail to achieve high quality and inclusive design.
 - The proposal would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area on the basis that it would encroach into the rural landscape.
 - Would not provide appropriate affordable housing
 - Would not provide adequate provision for on or off site play pitches and sports facilities.
 - Would not make provision for the delivery of secondary education infrastructure and library provision
 - The application does not make provision for improved local public transport, highway improvements and access.

1.6 Members resolved to refuse the application at committee in November 2014. Following the Council's refusal an appeal was submitted to the Planning Inspector. A Public Inquiry followed in which the appellants reduced the scheme to 35 units (although the application site remained the same size).

1.7 The Inspector subsequently dismissed the appeal on the following grounds;

- Whilst the Council could not demonstrate a 5-year housing land supply at the time, and there was a strong requirement for affordable housing, it was judged that the proposed development would cause **substantial harm to the valued landscape** (Special Landscape Area) and to the **setting of the non-designated heritage asset**. The Inspector concluded that the harm would significantly and demonstrably outweigh the scheme's benefits in terms of housing provision and any associated economic benefits.

1.8 The appeal was dismissed, the full decision can be found here;

[14/00749/OUT | Outline planning application for a residential development of up to 42 dwellings and associated infrastructure, including the demolition of an annex to the existing property in order to enable vehicular access. | Moat Farm Malleson Road Gotherington Cheltenham Gloucestershire GL52 9ET \(tewkesbury.gov.uk\)](#)

2. Site Description

2.1 The application relates to a parcel of land at Moat Farm (approximately 0.4 hectares) which is located to the northern edge of the village of Gotherington (see attached location plan). The site has previously been utilised for agricultural and equestrian uses and currently comprises of a number of existing agricultural buildings that are formed around a yard area, which are associated with the surrounding agricultural land that is also in the applicant's control. The site is generally flat with a gradual fall towards the south. The site is currently accessed off Malleson Road via an existing domestic access and a via a farm track to the southwest.

2.2 Immediately to the south of the site is existing residential development which straddles Malleson Road. To the west is a large playing field and to the north and east are open fields and countryside. The north-western corner of the site is located within a designated Special Landscape Area which provides the foreground setting for the Area of Outstanding Natural Beauty (AONB) to the north of Gotherington. To the east of the site is a public footpath which links to Malleson Road. The nearby Moat Farmhouse is considered to be a Non-designated Heritage Asset. The site is wholly located within Flood zone 1.

2.3 The existing buildings on site vary in scale and means of construction, with elements of concrete block, timber and metal cladding utilised as walling materials. Roofing materials generally comprise a mix of metal cladding and cement fibreboard. Buildings on site are single storey, with the largest of the barns on site positioned to the northeast portion of the site. This has been most recently used for the storage of machinery and tools used on the holding.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
14/00749/OUT	Outline planning application for a residential development of up to 42 dwellings and associated infrastructure, including the demolition of an annex to the existing property in order to enable vehicular access.	Refused (Committee Decision)	11.11.2014
15/00004/DECISI	Outline planning application for a residential development of up to 42 dwellings and associated infrastructure, including the demolition of an annex to the existing property in order to enable vehicular access.	Appeal Dismissed	23.09.2015

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 – Objection on the following grounds:

- The Gotherington NDP allows for redevelopment of existing buildings.
- The proposal buildings are of no architectural merit and will stand prominently in the landscape when viewed from Woolstone Hill.
- They do not replace the 25% occupancy of the site as at present.
- A Change of use has not been applied and we are concerned that the storage provided by these barns and the yard will need to be replaced elsewhere.

4.2 Building Control – No objection – Building Regulations Approval required.

4.3 Environmental Health (Air Quality) – No adverse comments to make.

4.4 Environmental Health (Noise & Nuisance) – No objection.

4.5 County Highways – No objection, subject to conditions.

4.6 Conservation Officer – No objection.

4.7 Flood Risk & Drainage Officer – No objection, subject to conditions.

4.8 Landscape Officer – Additional information requested and received, no objections, subject to conditions.

4.9 Ecology – No objection, subject to conditions.

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 and 13 representations have been received. The contents of these are summarised below:

5.2 Objection

- This proposal is not included in Gotherington's NDP, the Tewkesbury Local Plan or the Joint Core Strategy of Gloucester, Cheltenham and Tewkesbury. Neither is it 'infill'.
- Loss of Farmland
- Outside of the settlement boundary
- Harmful impact upon views around Gotherington
- Gotherington has had sufficient housing and met its requirement for the plan period
- Impact upon the Special Landscape Area
- Impact upon the Non-designated Heritage Asset known as Moat Farmhouse
- The inspector concluded the benefits of using previously developed land for housing carry only modest weight in any decision
- The proposal will have substantial negative impact to the nature and character of the village but offers little benefit (i.e. only 4 houses) and should be refused.
- The proposal for having 4 dwellings is not the same as having farm buildings and will be incongruous
- The proposal will encourage further applications to build more housing on land surrounding these fields, which the village does not want or need, and it is not for affordable housing
- The development of this land is likely to increase surface run off and cause increase flood risk for the housing in the downstream village of Woollstone

5.3 Support

- The proposal would be a good use of a brownfield site
- The erection of dwellings would enhance the area

5.4 Natural

- Two factors that require consideration – where would the current machinery and equipment be stored? The height of the proposed hedge should be limited so as not to obstruct any views.

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 SD6 (Landscape)
Policy SD8 (Historic Environment)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Development)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)
Policy INF3 (Green Infrastructure)

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

Policy RES1 (Housing Site Allocations)
Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES5 (New Housing Development)
Policy LAN1 (Special Landscape Area)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy DES1 (Housing Space Standards)
Policy HER5 (Locally Important Heritage Assets)
Policy COM4 (Neighbourhood Development Plans)

6.5 Neighbourhood Plan

Gotherington Neighbourhood Development Plan – 2011-2031

Policy GNDP01 (New Housing Development Within The Service Village)
Policy GNDP02 (Meeting Strategic Development Needs)
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 GNDP10 (Protecting Locally Significant Views)
Policy GNDP11 (Development Outside of the Defined Settlement Boundary)
Policy GNDP12 (Biodiversity)

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), saved policies of 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** Gothington is identified as a Rural Service centre in the JCS and Policy SP2 sets out that Service centres will accommodate lower levels of housing which will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.
- 8.2** A small part of the application site, which would comprise of the access, is within the defined settlement boundary, the majority of the site is adjoining but outside of the defined settlement boundary.
- 8.3** As the site is not allocated in the TBP or a Neighbourhood Plan, Policy SP2(6) of the JCS states that in the remainder of the rural area, Policy SD10 of the JCS will apply for proposals for new residential development.
- 8.4** With relevance to the application, Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Service Centres, or it is:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. 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, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans
- 8.5** The site does not represent previously developed land within the built-up area of a service village. Whilst the site comprises of a range of rural buildings, paraphernalia and hardstanding, the NPPF states that land last occupied by agricultural or forestry buildings is not considered to be previously developed. The site not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBP or GNDP which would allow for the type of development proposed. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policies GNDP01, GNDP02, GNDP03 and GNDP011 of the Gothington neighbourhood Development Plan.

- 8.6** In terms of the Borough Plan, Gotherington is identified as a Service Village. The site is not an allocated site as set out in Policy RES1, nor is it located within the defined settlement boundary of Gotherington and therefore Policy RES2 does not apply. Notwithstanding, the site is located adjacent to the settlement boundary of a defined Service Village; the application site is not located in an isolated rural location and future residents would have access to services in Gotherington, Bishops Cleeve and beyond. The NPPF seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities (Paragraph 79). The location of the site immediately adjacent to a defined Service Centre, which would have access to services, weighs in favour of the proposal.

Five Year Housing Land Supply

- 8.7** The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.8** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The position of the recent appeal decision is that the Council's five year supply of deliverable housing sites is, at best, 3.39 years, and that this shortfall is significant, which is accepted. The Council's policies for the provision of housing should not therefore be considered up-to-date in accordance with footnote 8 of the NPPF.
- 8.9** It is notable that the Council is shortly due to publish its annual housing monitoring Housing Land Supply Statement which will confirm that the Council is unable to demonstrate a five year housing land supply. The final figure is not yet confirmed. A further update will be provided to Members at the Committee meeting.
- 8.10** Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Status of the Gotherington Neighbourhood Development Plan (GNDP)

- 8.11** Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- I. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - II. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

- III. the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- IV. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

8.12 The GNDP was adopted as part of the development plan on the 19th September 2017 and is therefore older than two years. Consequently, it no longer benefits from the protection that would have been afforded by paragraph 14 of the Framework. However, the GNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

Conclusions on Principle of Development

8.13 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.

8.14 The application conflicts with policies SP2 and SD10 of the JCS, Policies GNDP01, GNDP02, GNDP03 and GNDP11 of the Gotherington neighbourhood Development Plan and Policies RES1 and RES2 of the TBP, therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.

8.15 However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Landscape impact

8.16 Paragraph 174 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing Valued Landscapes in a manner commensurate with their statutory status or identified quality in the Development Plan.

8.17 JCS Policy SD6 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. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

- 8.18** Policy RES5 bullet point 3 of the TBP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the countryside.
- 8.19** The application site is located outside and adjacent to the residential development boundary. Part of the site is located within the Special Landscape Area (SLA) as designated in Policy LAN1 of the TBP. SLAs are a local landscape designation and are defined as areas of high-quality countryside of local significance. The Reasoned Justification for Policy LAN1 states that while SLAs are of a quality worthy of protection in their own right, they also play a role in protecting the foreground setting for the adjacent Cotswolds AONB.
- 8.20** Policy LAN1 of the TBP states that proposals within the SLA will be permitted providing that the proposal would not cause harm to those features of the landscape character which are of significance; and the proposal maintains the quality of the natural and built environment and its visual attractiveness; and all reasonable opportunities for the enhancement of landscape character and the local environment are sought. Policy LAN1 goes on to state that where a proposal would result in harm to the SLA having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the SLA will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm. Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.21** Policy GNPD09 of the GNP states that to protect and enhance the landscape of the Gotherington neighbourhood development plan area, where appropriate, development proposals will have to demonstrate, inter alia, that they would not have a detrimental impact on the views to and from surrounding hills (e.g. Crane Hill, Nottingham Hill, Prescott Hill and Cleeve Hill), or the Area of Outstanding Natural Beauty, and views of the Vale of Gloucester. The sense of enclosure found in Gotherington village should also be maintained along with the strong separation of Gotherington village from Bishop's Cleeve, Woolstone and the A435. It also states that existing settlement patterns should be preserved, including the strong east-west form of Gotherington, particularly by avoiding encroachment into open countryside ridgeline development, or development that intrudes into the foreground of surrounding features such as hills, and the Area of Outstanding Natural Beauty.
- 8.22** Policy GNP10 of the GNP follows and sets out a number of significant views that will be given special consideration when assessing planning applications. Of particular relevance to this application are the views into Gotherington from Moat Farm, as identified as site D (views 9 & 10) in the Gotherington NDP.
- 8.23** The effect on the character and appearance of the landscape was a key consideration in the previous appeal on this site and the findings of the Inspector are a material consideration (the indicative site layout for application ref: 14/00749/OUT is included in the Committee Presentation). The Inspector noted that in their opinion regarding the development as a whole:

“Possibly the most damaging of all would be the effect on the views from the opposite side of the Tirlé valley, within the AONB. From just north of the footbridge, Footpath 23 climbs the lower slopes of Crane Hill, giving elevated, panoramic views over the valley, in which the appeal site is seen close behind the Brook. From this direction, the proposed development would appear as a rather randomly-sited urban sprawl, extending into the open valley. As such it seems to me that this development would be quite different from the established and relatively discreet urban edge that currently exists in this part of Gotherington, mainly following the line of Malleson Road and Gretton Road.”

- 8.24** However, whilst the Inspectors’ comments are relevant in this case, it must be noted that the current application comprises of a much smaller area of the former appeal site and consists of an existing developed agricultural unit. At the time of the Appeal the Inspector also referenced this part of the site:

“Part of the appeal site is outside the SLA, and in general terms I agree that development on that part of the site would cause less harm than that within the SLA itself. But there is no suggestion that the number of dwellings now proposed could be accommodated without encroaching significantly into the SLA.”

“I acknowledge that there is some other existing development to the north of Malleson Road, including the row of houses at Woolstone Lane. But the latter are visually well contained by existing woodland, and do not intrude on the more open part of the Tirlé valley. There is also the Freemans Field sports ground itself, and the tennis courts to the rear. But these do not have the same impact as buildings. None of the other development identified at the inquiry encroaches on the open landscape in the way that the appeal proposal would. And to the extent that any such existing development did, that would not necessarily make it an example to be repeated.”

“The existing buildings on the rear part of the appeal site are utilitarian and have no aesthetic merit. But they are agricultural in style, and to that extent they are in keeping with the rural nature of the surroundings. In any event, they cover a relatively small proportion of the site, and due to their siting, they are not intrusive in the landscape. Their removal would be a minor benefit, but would not offset the impact of the much larger and more extensive development now proposed.”

- 8.25** The current proposal is confined within the existing developed land, saved for a small strip of agricultural land that runs along the eastern edge, outside of the SLA. This land is covered with hard surfacing and contains several dilapidated agricultural buildings and associated structures. Whilst the Inspector acknowledged that the buildings are utilitarian and agricultural in nature, they also considered that they cover a relatively small portion of the site and are not intrusive into the landscape.

- 8.26** The application proposes the removal of these buildings and the replacement with residential housing. The new dwellings have been designed to mimic a rural courtyard and appear agricultural in nature. The design of the buildings is contemporary with a nod to modern agricultural form and materials, three of the plots are single storey and relatively low in profile. The dwellings are centred within the site around a courtyard, with the gardens orientated as such that they create a soft buffer between the site boundary and open fields beyond.

- 8.27** A Landscape and Visual Impact Assessment (LVIA) has been submitted with the Application. The report sets out that the proposal would be noticeable in views from Woolstone to the North and North East of the Site, and then from elevated points on the Cotswold escarpment to the East.
- 8.28** The LVIA concludes that the visual envelope for the development extends from the immediate vicinity, to North to Woolstone and then to elevated viewpoints to the East, over a kilometre away. Most viewpoints are within the Cotswold AONB. The viewpoints to the North are within half a kilometre, so any changes will be noticeable to receptors. It notes that the significance of visual impacts vary from Minor to Moderate/Major at three viewpoints, namely from the path to the north of the Site (viewpoint 7) and the lane to Woolstone Hill Farm (viewpoints 10 and 11). However, given that the proposal is on land already built over with poor quality agricultural buildings and surfaces, the significance criteria is not necessarily adverse.
- 8.29** The LVIA further concludes that in respect of the Landscape effects, with appropriate mitigation, the development will have a minimal effect on any national or local landscape designations. In relation to the Visual impacts, the report concludes that the visual envelope for the development extends from the immediate vicinity, to North to Woolstone and then to elevated viewpoints to the East, over a kilometre away. Most viewpoints are within the Cotswold AONB. The viewpoints to the North are within half a kilometre, so any changes will be noticeable to receptors. The sensitivity of receptors within the AONB has been accommodated in the site, building and landscape design so that overall, the changes from the development will be perceived as an improvement to the vista, with Moderate Beneficial significance.
- 8.30** The Councils Landscape Consultant has assessed the submitted LVIA and advises that the report is an objective and unbiased appraisal, based on the professional judgement of a suitably qualified and experienced landscape architect and meets the requirements of the relevant Regulations. The Councils Landscape Consultant generally concurs with the findings, however, raised some points of clarification around the requirement for additional agricultural buildings, the drainage impacts, proposed planting and road surfacing details.
- 8.31** Subsequently the applicant has submitted supporting information to these questions and the Landscape Consultant is now satisfied with the proposals. Given this, it is considered that some harm would arise from the site becoming more formal and urban in appearance within the rural context. However, the LVIA has identified that the proposed layout and design of the new buildings, over an already developed site, would provide a moderate benefit subject to appropriate landscaping and planting.
- 8.32** The previous inspector's decision is a material consideration when assessing the proposal, however, the primary difference between the two applications is the size and scale of development and the design of the new dwellings.
- 8.33** It is also worth noting that since the previous appeal decision, the context of the application site has also altered to some degree, following the construction of 9 dwellings to the northeast of the application site at land adjoining 59 Gretton Road (19/00422/APP).
- 8.34** In conclusion, it is considered that the proposed development at worst would result in a neutral impact on the landscape and at best a moderate benefit particularly when assessed against the site in its current form. Furthermore, the proposal would allow delivery of further planting and landscaping which would benefit the natural environment. This would weigh in favour of the development.

Access and highway safety

- 8.35** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.36** A transport assessment has been submitted in support of the application; this outlines that access into the site would be taken from the existing access point along Malleson Road (which is within the applicant's ownership). The access would be widened to approximately 4.8m. The assessment highlights the visibility splay analysis that has been undertaken, along with a review of the local highway network and collision data. The report concludes that the approval of this scheme would not result in severe or unacceptable impact upon the safety or operation of the local highway network.
- 8.37** The report also advises that the parking allocation has been undertaken in accordance with local highway standards and the forecast trip generation is not considered significant.
- 8.38** The Local Highway Authority (LHA) have assessed the proposal and advise that there are no recorded incidents near the vicinity of the site within the most recent 5 years and that the relevant visibility splays can be achieved within land under the applicants ownership. The LHA advise that the trip generations would not result in any safety or capacity concerns. In conclusion the LHA raise no objection to the proposal.
- 8.39** The LHA have proposed the inclusion of a condition (should permission be granted) for the installation of vehicular charging points. Whilst this is acknowledged, recent changes in the Building Regulations (2010) require the erection of new residential dwellings to provide access to a vehicle charging point. Given this it is not considered reasonable to apply a condition to any grant of permission in relation to charging points.
- 8.40** Given the above it is considered that the proposal would not have a detrimental impact on highways safety or the capacity of the network. Access can be achieved and sufficient turning and parking provisions would be available.

Design and layout

- 8.41** The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 8.42** 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. Criterion 6 of Policy SD10 of the JCS states that 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.

8.43 Policy GNDP07 of the GNP sets out a number of design principles for development within Gotherington, which include:

- a) Preservation of the setting and separate identity of the village;
- b) New boundary treatments should be appropriate to their immediate surroundings;
- c) Existing routes including roads, lanes and footpaths should be retained and new links provided where appropriate and reasonable;
- d) New buildings, by way of design, materials, height and layout should seek to enhance the distinctive village character of Gotherington;
- e) Use of features to minimise light pollution and maintain the area's dark skies; and
- f) All new development, where appropriate, should provide off-road car parking.

8.44 The application site lies beyond, but adjacent to the residential edge of the village and presently comprises a cluster of agricultural buildings. While such structures and ancillary storage and activities are not an uncommon feature to the rural landscape, the scale, condition and juxtaposition with the edge of the residential development in the village and creates a somewhat jarring feature.

8.45 The design and layout of the proposals have evolved through a period of negotiation during the lifespan of the current application. The layout has been designed in a courtyard formation around a central access point, whilst the buildings have been designed with in an architectural style that represents the edge of settlement location. The scheme proposes to replicate the appearance and form of a range of rural buildings around a yard with a palette of material that would complement the local vernacular and rural edge.

8.46 Initially concerns were raised by officers regarding specific design details of the plots, such as roof alignments, chimney flues, roof lights and materials details. Concerns were also raised regarding the proposed surfacing of the accessway in. the applicant responded positively to these concerns and amended the scheme accordingly, providing a revised suite of plans to reflect the changes.

8.47 Following receipt of the revised designs, Officers and the Conservation Officer have assessed the details and consider that the proposal broadly reflects the local vernacular, and the design approach is considered acceptable. Notwithstanding this, detailing around the proposed materials is still required and should the application be permitted, a suitably worded condition could be applied to ensure an appropriate and high quality of materials are secured for the development.

8.48 In addition to the built development the application also proposes additional landscaping throughout the site and the introduction of tree and hedgerow planting to the site boundaries, which would serve to soften the development and reflect the rural character of the area. The Councils Landscape Consultant has reviewed the proposals and raises no objections subject to a suitable condition requiring details of the planting species etc.

8.49 In light of the above, the design and layout of the proposal are considered acceptable.

Residential amenity

8.50 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.

- 8.51** The proposed development is separated from adjoining dwellings in the village by a private drive and the development would be screened by the hedges running along the southern boundary of the site. As a result, the proposal would not result in any demonstrable harm to the living conditions of adjoining occupiers.
- 8.52** In terms of future occupiers of the development, the proposed plots would be laid out in an acceptable manner and would not result in any adverse impacts from loss of light, overlooking or overbearing impacts. Furthermore, the proposed gardens are commensurate with the proposed dwellings and would provide adequate private amenity space for future residents.

Housing mix

- 8.53** Policy RES13 of the TBP (in accordance with SD11 of the JCS) seeks to ensure that an appropriate mix of dwelling sizes, types and tenures are achieved with new housing developments. The Policy advises that the appropriate mix of house types and sizes for each site will depend upon the size and characteristics of the site and the viability of the scheme. Policy GNDP04 of the GNDP echoes this, although advises that on sites less than 5 dwellings the mix requirement is not necessary, and proposals will be permitted where they are in accordance with other policies in the NDP.
- 8.54** The scheme proposes four detached dwellings, two 3 bedroom units and two 4 bedroom units. The proposal would provide three single storey units and only one two storey unit. Given the low density of the site, the type and amount of units and the semi-rural context of the site it is considered that the mix would be appropriate for the area and would comply with the Policies set out in the TBP, JCS and GNDP.

Affordable housing

- 8.55** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, this is mirrored in Policy RES12 of the TBP. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Similarly, Policy GNP04 of the GNDP requires a proportion of affordable housing where the viability of development allows.
- 8.56** Policy SD12 of the JCS and RES12 of the TBP both set out that the threshold for requiring affordable housing provision is 10 or more dwellings or a site area of 0.5 hectares. The proposal is for 4 new dwellings and the site area is 0.10 hectares, therefore the provision of affordable housing is not required on this site.

Drainage and flood risk

- 8.57** 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 is reflected in Policy ENV2 of the TBP and the NPPF.

- 8.58** The application has been accompanied by a Drainage Statement, which advises that a SUDs system would be designed to ensure that there would be no increase to surface water run-off by utilising the existing farmland around the site. It also advises that any hard standing areas would be finished with permeable materials. 'Grey Water' would be saved on-site for re-use through water butts. The Existing sewer system would be utilised to dispose of foul water.
- 8.59** The submitted details have been assessed by the Councils Flood Risk Management Engineer who raises no objection but would require the final details by way of a planning condition, should the application be permitted.

Biodiversity

- 8.60** Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.61** JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures.
- 8.62** Policy GNDP12 of the GNP states that development that is likely to have either a direct or indirect adverse impact upon areas of local biodiversity should be avoided. Where this is not possible adequate mitigation should be proposed or, as a last resort, compensation should be provided at a suitable location within the Parish. The protection and enhancement of biodiversity by enhancing or creating new wildlife corridors and stepping stones, including hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, both within and adjacent to the borders of Gotherington parish will be supported.
- 8.63** The application was accompanied by a Preliminary Ecological Appraisal, following review of this appraisal by the Councils Ecologist further survey works were requested due to bat droppings being found in one of the buildings. A request was also made with regard to an updated ecological assessment into the impact upon Great Crested Newts (GCN).
- 8.64** The requested works were undertaken throughout 2023 and the results have been submitted to the Council and Ecological Adviser for review. The Ecologist has requested further information prior to the determination of the application regarding the GCN surveys and clarification over the proposed bat mitigation strategy. The applicant has submitted this information, which is currently under review by the Ecological Adviser. **Given this a further update will be provided to members in relation to the ecological impacts.**

Heritage assets

- 8.65** JCS Policy SD8 concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

- 8.66** Policy HER5 (Locally Important Heritage Assets) states that: Locally Important Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Locally Important Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance, and significance of the asset. Proposals that seek the preservation and/or enhancement of these assets will be encouraged. Historically important groups of farm buildings will be protected from proposals for destructive development or demolition.
- 8.67** The proposal is to create four new dwellings on land currently occupied by agricultural/storage buildings and an associated storage yard. None of the buildings to be developed are thought to be historic. The development site is accessed via Moat Farmhouse drive but is located obliquely behind post war residential development lining Malleson Road.
- 8.68** Moat farmhouse is not listed; however, it is a historic building which contributes positively to the historic appearance and character of the locality and is considered to be a non-designated heritage asset. The NPPF defines a heritage asset as a building, monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.
- 8.69** The Conservation Officer has been consulted and advises; “The design of the buildings is contemporary with a nod to the modern agricultural form and materials. They do not relate to any historic style. Due to location, distance and form it is not considered that the residential development itself would impact upon the setting of Moat Farmhouse or its historic outbuildings as non-designated heritage assets”.
- 8.70** The Conservation Officer has also referred to the previous appeal, noting that this was one of the reasons for dismissal; “The previous appeal regarding a proposal for 47 houses on the site was dismissed for a number of reasons including the impact upon the setting of the farmhouse as a non-designated heritage asset. The inspector was particularly critical of the scale and appearance of the access driveway which was suburban and dominant and a departure from the agricultural character of the existing access. In this case, and for the number of dwellings, it may be possible that the driveway would change little from its present state.
- 8.71** Following the Conservation Officers comments further information was sought from the applicant in relation to the proposed new surfacing of the road. The applicant has responded advising that the shared access road would be Cotswold stone coloured resin bound gravel, the kerbing/edging would be a Marshalls “Tegula” block.
- 8.72** Revisions were also made to the designs of the plots, these included re-orientating the garages to a more traditional position in relation to the dwellings and changes to the fenestration.
- 8.73** The Conservation Officer was reconsulted and advises that there are now no objections to the proposal given the additional information and proposed changes. It is therefore considered that the scheme would not cause harm or loss of the setting of the non-designated heritage asset in this instance.

9. Conclusion

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.
- 9.2** The application site lies outside of the defined settlement boundary for Gotherington and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBP which allow for the type of development proposed here. The proposal therefore conflicts with the spatial strategy and Policies SP2 and SD10 of the JCS, Policy RES3 of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP.
- 9.3** However, On the basis the Council cannot at this time demonstrate a five-year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 9.4** As detailed throughout the analysis section of the report, there would be no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 9.5** The development would contribute towards the supply of housing to help meet the housing need which attracts significant weight in favour of granting permission in light of the Council's housing land supply position.
- 9.6** The scale of development, its relationship with and proximity to a service village and the existing built-up area, is a benefit that, in light of the Council's housing land supply position, would attract fair weight in favour of granting permission. Furthermore, the development would replace a substantial agricultural building and associated yard area which are in a poor state.
- 9.7** Although the development is relatively modest in scale , in economic and social terms a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain local services and facilities, which is considered a moderate benefit.

- 9.8 In environmental terms the redevelopment of the site would allow the opportunity for substantial new planting and biodiversity net gain which would be a significant benefit.

Harms

- 9.9 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS, although it is accepted that the Council's housing policies must now be considered in light of the tilted balance.

Neutral

- 9.10 In design terms, notwithstanding the final materials details, the design and layout are considered to be acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided. Contrary to the previous appeal decision, the proposal would not have an adverse impact on designated heritage asset or wider landscape impact including the SLA. The proposal is considered acceptable in regard to highway safety and accessibility. The proposal also provides an acceptable housing mix and ecological mitigation.

Overall conclusion

- 9.11 There would be some harm arising from the development, namely harm arising from conflict with development plan policies and the spatial strategy relating to housing.
- 9.12 Significant weight should be given to the provision of housing and this benefit would attract weight in favour of granting permission in light of the Council's housing land supply position along with economic and environmental benefits of the scheme.
- 9.13 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1 In the absence of policies in the NPPF which would provide a clear reason for refusal, and it is not considered that the harms of the development would significantly and demonstrably outweigh the benefits set out above. **It is therefore recommended the application be permitted subject to the conditions listed below.**

11. Conditions

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** The development hereby permitted shall be carried out in accordance with the following documents:

Site Location & Block Plan - 1772-01
Proposed Site Plan - 1772-10B
Proposed Site Overview - 1772-05C
Plot 1 Elevations - 1772-15A
Plot 2 Elevations - 1772-16B
Plot 3 Elevations - 1772-17A
Plot 4 Elevations - 1772-18A
Garage Elevations - 1772-20B

Reason: To ensure that the development is carried out in accordance with the approved plans

- 3** Notwithstanding condition 2, no development hereby permitted shall take place until details of site and development levels have been submitted to, and agreed in writing by, the local planning authority. Details shall include the existing levels on site and adjoining land, finished ground levels and ridge heights. The development shall accord with the agreed details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 4** Before their use as part of the development hereby permitted, samples or details, or both, of all external building, boundary treatment and surfacing materials to be used shall have been submitted to, and agreed in writing by, the local planning authority. The development shall accord with the agreed samples and details.

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

- 5** No dwelling hereby permitted shall be occupied until a landscaping scheme encompassing both hard and soft landscaping has been submitted to, and agreed in writing by, the local planning authority. The landscaping scheme, including the boundary planting around the paddock/field, shall be in broad accordance with approved plan no. 858_002, and shall include, by way of annotated plans or otherwise, details of:

- i. all existing trees and hedges on the application site (including in respect of the accurate position, canopy spread and species of each tree and hedge, and any proposals for felling or pruning and any proposed changes within the ground level, or other works intended to be carried out, within the relevant canopy spread), the layout of proposed trees, hedges, shrubs and grassed areas,
- ii. a schedule of proposed planting (indicating species, sizes at time of planting and numbers or densities of plants),
- iii. a written specification outlining cultivation and other operations associated with planting, the treatment of pedestrian links to the site,
- iv. a programme for undertaking landscaping, and
- v. a schedule of landscaping maintenance for a minimum period of five years from first installation.

All planting, seeding and turfing shall be carried out in line with the agreed details in the first planting season following the first occupation of any dwelling hereby permitted. Any planting, seeding or turfing carried out shall be maintained in accordance with the agreed schedule of maintenance. Any trees or plants which, within a period of five years from the carrying out of landscaping pursuant to this condition, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

- 6 No development shall commence on site until details of the design, implementation, maintenance and management of foul and surface water drainage works to serve the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment.

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.