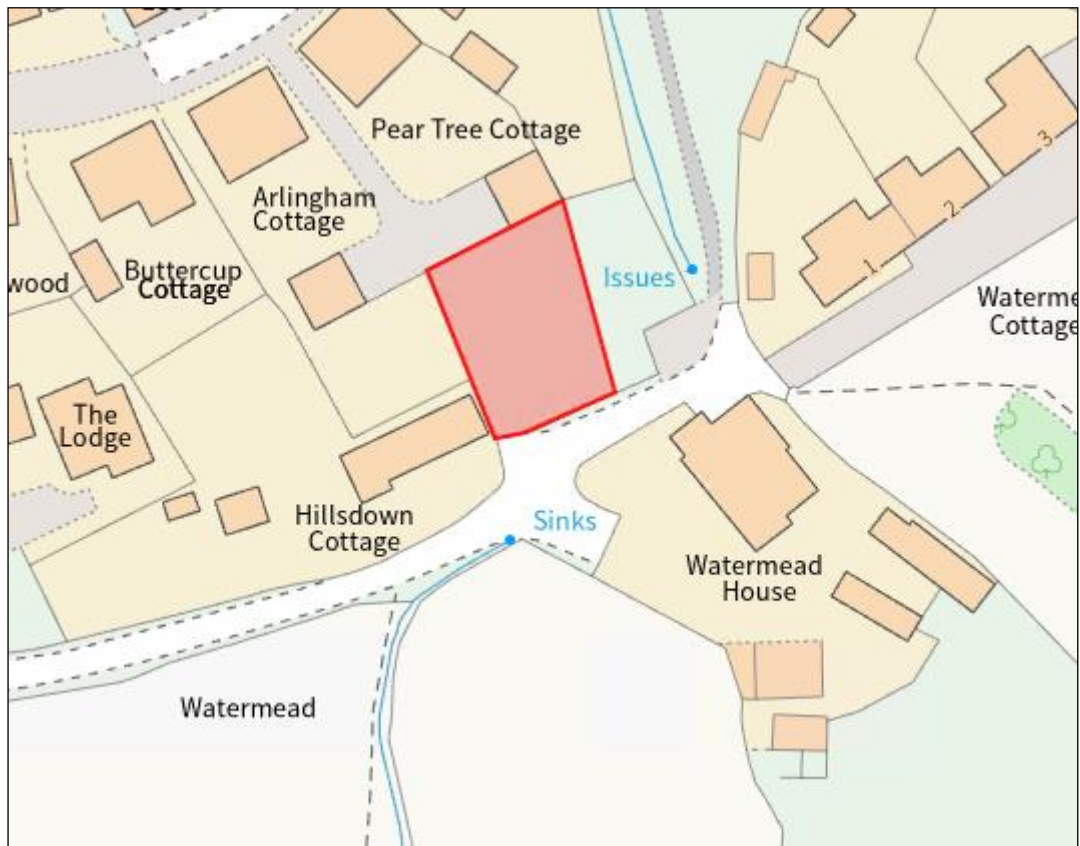


Planning Committee

Date	19 December 2023
Case Officer	Joe Gibbons
Application No.	23/00850/FUL
Site Location	Pear Tree Cottage Tumper View Brockworth
Proposal	Incorporation of buffer land into residential garden of Pear Tree Cottage, Tumper View, Brockworth (retrospective application).
Ward	Brockworth West
Parish	Brockworth
Appendices	Site Location Plan Block Plan
Reason for Referral to Committee	Brockworth Parish Council objection on impact to setting of the Cotswold Area of Outstanding Natural Beauty.
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=S1BTGWQDKIP00>

- 1.1 This application seeks retrospective planning permission for the change of use of an area of 'buffer land' to form an enlarged residential garden to Pear Tree Cottage.

2. Site Description

- 2.1 Pear Tree Cottage is a modern detached dwelling which was approved as part of a wider residential development of 80 dwellings in 2010 (08/01221/OUT). The area of land subject of this application is located to the south (rear) of the garden and parking area to Pear Tree Cottage, is presently maintained as grass and accommodates a number of lightweight chicken coops located against the southern fence line with a lane off Green Street.
- 2.2 The application site lies in Flood Zone 1 (lowest risk of flooding) and is not subject to any other constraints, however the site is in proximity to the edge of the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty).
- 2.3 The site comprises a number of moveable chicken coops which are considered to be lightweight, portable structures which could be moved around the site. The coops are not considered to amount to development as set out within Section 55 of the Town and County Planning Act 1990 and therefore are not within the scope of this application.
- 2.4 Condition 29 of 08/01221/OUT required the proposed public open space, landscape buffer area and Locally Equipped Play Area (LEAP) to be provided in the areas shown on plan TP Plan Ref:3675. This plan identified the application site as part of the a 'landscape buffer' area along the southern margin of the development. The condition was required to provide adequate provision of open space and to ensure that the development integrates harmoniously with its surroundings and does not adversely impact on the landscape, providing a sliver of green space along the lane.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
92/94020/FUL	Erection of 23 bungalows with garages. Construction of new vehicular accesses and footpaths	REF	07.04.1992
07/01395/FUL	Residential development comprising 81 units (1, 2, 3 and 4 Bed Houses and Flats) with associated access road, parking, landscaping and open space.	REF	26.02.2008
08/01221/OUT	Outline planning application for residential development for up to 80 dwellings including means of access.	PER	29.11.2010

11/00720/FUL	Removal of condition 7 attached to 08/01221/OUT (outline permission for up to 80 dwellings) which requires measures to be put in place to prevent through vehicular traffic to and from Green Street.	PER	17.10.2011
88/00319/OUT	Outline application for residential development (0.67 ha) Including construction of a new vehicular and pedestrian access.	REF	11.05.1988
22/00744/CLP	Erection of a single storey rear extension.	CLPCER	12.10.2022

4. Consultation Responses

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

- 4.1 Objection Parish Council – Objection due to impact on the setting of the Cotswold Area of Outstanding Natural Beauty.
- 4.2 Building Control – No comment
- 4.3 Environmental Health – No objections.
- 4.4 Gloucestershire Highways – 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 a site notice for a period of 21 days and one letter of support and one letter of objection have been received.

The comments raised are summarised below:

Objection

- Land used by residents of Pear Tree Cottage since 2014.
- No right of way to Watermead Lane
- Buffer Zone should not be kept lawn but wild planting.
- Land should remain a landscape buffer.

Support

- Use established in 2014
- No negative impact as a garden
- No visual impact on the enjoyment of the environment
- There is a house adjacent to the garden, next to that there are two new houses with garden areas fronting the road
- Garden use is consistent with the immediate area
- No loss of privacy
- No impact on traffic, trees, landscape or the character of the area

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 SD6 (Landscape)
- Policy SD7 (Cotswold Area of Outstanding Natural Beauty)
- Policy INF1 (Transport Network)

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

- Policy RES11 (Change of use of agricultural land to domestic garden)
- Policy LAN2 (Landscape Character)

6.5 Neighbourhood 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), 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** Policy RES11 of the TBLP states planning permission will be granted for the change of use of agricultural land to domestic garden providing that; there is no adverse environmental or visual impact on the form, character or setting of the settlement, there is no significant encroachment into the surrounding countryside, the form of the extension is not incongruous with the characteristic pattern of surrounding gardens, and the land-use change would not have a significant impact on local ecological networks identified in the Local Nature Recovery Strategy) or deliver a net loss of priority habitat.
- 8.2** The land is located to the south of Pear Tree Cottage and Arlingham Cottage to the north, Hillsdown Cottage to the west, Watermead Cottages to the east and Watermead House and Farm to the southeast on the opposite side Green Street. It comprises a rectangular parcel of land which is grassed and maintained in a manner comparable to a residential garden. The applicant advises that the land has been used (without planning consent) as an enlarged garden since 2014.
- 8.3** While the site, as a residual parcel of land was identified as part of a wider landscape buffer to the housing development to the north, it however comprises a small pocket of land which is surrounded by existing built development. It is considered that given this context, the change of use of this land to residential garden would be well related to existing development and would not result in any unacceptable encroachment into the wider landscape, furthermore, it would integrate with existing and adjoining garden land and would not adversely impact the visual amenity of the area.
- 8.4** For the reasons set out above, it is considered the proposed development would comply with Policy RES11 of the TBLP and the development is therefore acceptable in principle, subject to the relevant policies.

Landscape impact

- 8.5** Policy SD6 of the JCS states development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.6** Policy SD7 of the JCS states all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape and scenic beauty.
- 8.7** Policy LAN2 of the TBLP states All development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.8** The site is located within, but on the southern edge, of the Brockworth settlement boundary. The site is not within the Cotswold National Landscape but is within its setting, with the boundary of the National Landscape falling immediately south of the site on the opposite side of Green Street.
- 8.9** As set out within this report, this application is for the change of use of the land to residential garden and no buildings are proposed. The site itself is of very limited landscape value being surrounded by residential development and being dominated by the backdrop of the Brockworth settlement when viewed from Coopers Hill.

- 8.10** Considering the setting of the site and its built-up context it is concluded that the proposed change of use would not result in any demonstrable erosion of the landscape character, significance or setting of the National Landscape. The proposed would therefore comply with Policies SD6 & SD7 of the JCS and Policy LAN2 of the TBLP.

Access and highway safety

- 8.11** Policy INF1 requires safe and efficient access to the highway network is provided for all transport modes. The site can be accessed from Green Street to the south and via the private drive and parking spaces on the north boundary.
- 8.12** Both the southern and northern boundaries of the land include access gates. The proposed change of use of the land to residential garden would not result in any associated or additional trip generation and the proposal would not adversely impact the operation of the highway network or safety. The Local Highway authority and raised no objections to the proposal which would comply with Policy INF1 of the JCS.

Residential amenity

- 8.13** Policy SD14 of the JCS requires development to cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively.
- 8.14** The site is between residential development on all 4 sides. The use of the land would be linked to the residential use of Pear Tree Cottage and used as outdoor amenity space for its residents.
- 8.15** It is considered that the proposed change of use would not result in any harm to neighbouring residential amenity and it is considered that the proposal would comply with Policy SD14 of the JCS.

9. Conclusion

- 9.1** Considering all of the above, it is concluded that the proposal would be of an appropriate use, respecting the form, character and setting of the settlement and would result in no adverse impacts upon residential amenity or highway safety. Furthermore, the proposal would conserve the landscape character of the Cotswold National Landscape, representing acceptable development within its setting.

10. Recommendation

- 10.1** It is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted subject to the following condition:

11. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following documents:
 - Site Location Plan received by the Local Planning Authority on 21.09.2023.
 - Block Plan received by the Local Planning Authority on 21.09.2023.

Except where these may be modified by any other conditions attached to this permission.

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

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.