

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 18 June 2024 commencing
at 9:30 am**

Present:

Chair	Councillor G M Porter
Vice Chair	Councillor S Hands

and Councillors:

D J Harwood, M L Jordan, G C Madle, J R Mason, P E Smith, R J G Smith, R J E Vines,
M J Williams (Substitute for M A Gore), P N Workman and I Yates

PL.9 ANNOUNCEMENTS

- 9.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 9.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.

PL.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 10.1 Apologies for absence were received from Councillor M A Gore. Councillor M J Williams would be acting as a substitute for the meeting.

PL.11 DECLARATIONS OF INTEREST

- 11.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.
- 11.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G M Porter	Item 5c – 24/00323/FUL – Bickford House, Leckhampton Lane, Shurdington.	Is a Ward Councillor for the area. Had been involved in relation to the removal of the site from the Green Belt in his role as Chair of Shurdington Parish Council but had not had any further involvement.	Would speak and vote.

R J E Vines	Item 5b – 22/01137/OUT – Land at Badgeworth Lane, Badgeworth.	Is a Gloucestershire County Councillor for the area. Owns land adjoining the application site.	Would not speak or vote and would leave the room for consideration of this item.
R J E Vines	Item 5c – 24/00323/FUL – Bickford House, Leckhampton Lane, Shurdington.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
M J Williams	Item 5d – 24/00299/FUL – Chestnut Barn, Barrow, Boddington.	Is a Ward Councillor for the area but had not received any correspondence or expressed an opinion in relation to the application.	Would speak and vote.

11.3 There were no further declarations made on this occasion.

PL.12 MINUTES

12.1 The Minutes of the meeting held on 23 May 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.13 DEVELOPMENT CONTROL – APPLICATIONS TO THE BOROUGH COUNCIL

13.1 The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

22/01163/FUL - Uckington Farm, The Green, Uckington

13.2 This application was for demolition of agricultural buildings and erection of 16 dwellings, creation of access, landscaping and associated works.

13.3 The Senior Planning Officer advised that, as set out in the Additional Representations Sheet, attached at Appendix 1, an updated education contribution had been provided by Gloucestershire County Council as the previous figure had expired. Amended plans had also been submitted to provide for more traditional materials and design. The application was for demolition of existing agricultural buildings and erection of 16 dwellings with vehicular access from the west and pedestrian access to the south. The land was not currently farmed for food production with the existing land and buildings principally used for agricultural storage. The barns were considered to be in a poor state of repair. In relation to principle, the site was located within the urban fringe settlement of Uckington and a small portion of the site was outside of the settlement boundary and would be used as an open space area with orchard tree planting. In terms of the wider site layout, there would be a range of 1.5 and two storey dwellings with a mix of sizes, each with its own parking area and rear garden providing private amenity space. As mentioned, updated plans had been received to provide for a higher quality design with a more traditional design form by way of the red brick, roof materials,

contrasting brick arched heads and cills. The main area of discussion was in relation to the regional agricultural land classification maps produced by Natural England – a high level assessment produced in 2010 - which showed the site to be designated as Grade 1 agricultural land. The applicant had provided an Agricultural Land Assessment which identified that the application site comprised only 16% Grade 1 agricultural land and concluded that this failed to meet the classification and should generally be considered as Grade 3b at best. Whilst the development would result in the loss of some Grade 1 land it would be a very small amount. Following discussions and amendments, the Highway Authority had no objection to the proposal subject to conditions. In relation to amenity, there was no objection from the Environmental Health Officer subject to conditions as each dwelling met the space standards and had been sensitively designed to ensure there was no overlooking to existing properties. The scheme would provide six affordable units - three social rent and three shared ownership – equating to 37.5% affordable housing provision; a commuted sum of £60,000 would be paid via a Section 106 Agreement to bring it up to the required 40% and this had been reviewed and agreed with the Housing Strategy and Enabling Officer. The site was not within a Conservation Area but was located within the setting of a number of listed buildings to the north as well as non-designated heritage assets to the south. The Conservation Officer had reviewed the application and had no objection to the proposal. By way of financial contributions, six affordable housing units would be provided along with an offsite contribution of £60,000 for the provision of affordable housing; Cotswolds Beechwoods Special Areas of Conservation (SAC) Strategic Mitigation Contribution of £10,000; refuse and recycling provision; and an education contribution of just under £77,000. In summary, all 16 dwellings were within the settlement boundary where residential development was acceptable in principle, there would be a very small loss of Grade 1 agricultural land and six affordable units would be provided on site. On that basis, the Officer recommendation was delegated permit, subject to completion of a Section 106 Agreement.

- 13.4 The Chair invited the representative from Uckington Parish Council to address the Committee. The Parish Council representative indicated that he wanted to say a few words with regard to the materials proposed to be used in the construction of the residential units with particular reference to the walls and roofing. There was comprehensive acknowledgment and acceptance in the applicant's own documentation that these materials must complement and enhance the traditional palette found in the immediate locality and the existing built form, with due recognition to be given to the designated and non-designated assets in the immediate locality. In essence, the walls and roofing had to be in traditional red brick and clay tiling. Paragraphs 1.10 and 8.28 of the Committee report referred to the materials plan only containing an indication of the brick and tile types to be used and the necessity for this aspect to be conditioned as reflected by condition 9. Amazingly, on this fundamental point, it was only on 13 June 2024 that the 'House Types' were filed on the Planning Portal which appeared to indicate red and off-white dappled brick walls and a mix of black slate effect roofing on eight units and red tile roofing on the other eight units. The Parish Council submitted that black slates - whether authentic or of 'effect' - of which Units 4, 5 and 7 overlooked the paddock at Elton Lawn, were totally out of character and unacceptable in this locality. All units should be finished in traditional red brick walls and clay tile roofing and he questioned whether the Planning Committee had been provided with samples for consideration as to their suitability, as would be expected. As a possible acceptable example, he referred to the quality and shade of red brick walls and red / russet clay tiling at the current development across the road at Pigeon House Farm. Consequently, if this permission was to be permitted, condition 9 should be duly amended to incorporate these points.

- 13.5 The Chair invited a local resident speaking in objection to the application to address the Committee. With regard to appearance, the local resident indicated that the development had an unacceptable impact on all adjacent properties including the listed building group of Uckington Farmhouse and the Old Dairy. The impact of Plots 1 and 2 had been exacerbated by raising the pad circa 1m above natural ground level to the eaves height of the Old Dairy and the first floor of Uckington Farmhouse visually becoming 2.5 storey buildings. In addition, Plots 1 and 2 had moved closer to the listed building group, were clearly out of proportion and crammed in, both laterally and vertically, and should be removed from the plan to preserve the setting of the listed building group and avoid the significant loss of light and both visual and audio privacy. Their conversion of the dairy barn into a residence, and the later garage build, had been completely sympathetic and in keeping with the surroundings, with the planning gain of removing a large metal cowshed which had been returned to grass, and improved the setting of the listed building group. Their modern garage building had been approved by the local authority and was considered to be quite low key and around 50m away from Uckington Farmhouse – it was indistinguishable externally from a typical period building. In terms of flooding, The Green had flooded to impassable levels on several occasions and the road drains were full even more regularly. This proposal did not demonstrate that there would be no impact or runoff from the site to The Green, Leigh Brook or the existing properties, merely considering the new properties from a flood risk perspective. In respect of access and safety, there were five access points onto The Green and the fire appliance strategy clearly demonstrated areas outside the coverage zone against established standards including Plot 1 garage, all access points and the public open space. The access to agricultural land would permit a mixture of, presumably, animal and machinery movements across the public open space. In conclusion, the development lay mostly outside of the Uckington settlement boundary and hence was inappropriate; the site was not redundant as there were cows grazing and buildings were in use as they had been over many recent years; the proposal was not cohesive, had numerous issues and many more marginal considerations, so he implored Members to reject the application.
- 13.6 The Chair invited the applicant's representative to address the Planning Committee. The applicant's representative advised that, as Members would be aware, Newland Homes was a Climate Considerate Developer having achieved carbon neutral status for a second year and recently winning the WhatHouse? Award for Best Sustainable Development. It was a local house builder, providing homes within the South West, and was proud to deliver all developments as zero carbon - within the last month, it had celebrated its one hundredth zero carbon home. The site at Uckington Farm would also be zero carbon and it was understood that Newland Homes was still the only developer committed to this standard. Its carefully considered design approach included locally recognised traditional details and characteristics seen in Uckington. This ensured the site integrated well with the surrounding area and was respectful towards the Grade II listed Uckington Farmhouse, and associated buildings and curtilage listed buildings which were in close proximity. The site was located off The Green in Uckington, within the eastern part of the village, and all homes had been carefully planned to sit within the settlement boundary. The proposals delivered 16 dwellings and the Council's requirement of 40% affordable housing would be provided with six affordable homes on site and a contribution for the remaining 0.4 which would be secured via a Section 106 Agreement. A range of house sizes would be provided, from one bedroom through to larger family size homes. An area of 0.62 acres of the site had been set aside as public open space; that area contained existing orchard trees and would be enhanced with new fruit trees, as well as new tree and shrub planting, wildflower meadow areas and a play area. This, along with on-plot landscaping, had

been carefully designed by a landscape architect and featured many native species. Detailed ecology reports had been submitted as part of the application which verified the proposed enhancements provided great ecology and wildlife benefits equating to 18% biodiversity net gain for habitats and almost 23% for hedgerows. The main access to the site was taken from The Green and would provide vehicle, cycle and pedestrian access. Detailed discussions had been held with Gloucestershire County Highways and various updates had been made to the plans to ensure visibility, highway safety and tracking for all vehicles was acceptable – those details would be supported by County Highways Officers. A shared cycleway and pedestrian access would be provided to the south of the site which would connect to the A4019 Tewkesbury Road and vehicle parking and cycle storage complied with highway requirements. The site was located within Flood Zone 1 and the Flood Risk Assessment and Drainage Strategy contained details relating to the proposed Sustainable Drainage Systems (SuDs) which would use permeable paving within the driveway areas of the site. Foul water would be disposed of via the existing sewer. The development would provide substantial Community Infrastructure Levy (CIL) contributions with contributions towards local education provision, offsite affordable housing, Cotswold Beechwoods SAC and refuse and recycling.

- 13.7 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member sought clarification that the points raised by the Parish Council regarding materials had been addressed by the revised plans. The Senior Planning Officer confirmed that all dwellings now had traditional red brick with weatherboard cladding removed. Further details in relation to materials, including samples, were requested via condition 9. Another Member noted that a lot of weight was being attributed to the agricultural land assessment supplied by the applicant and asked if any data was available to independently assess whether it was Grade 1 land. In response, the Senior Planning Officer advised that at present there was not; however, even if the whole site was Grade 1 agricultural land, the Inspector for the recent appeal in relation to Chestnut Farm had stated that Natural England would only consider applications of over 20 hectares or above – in this instance, only 0.16 hectares was classed as Grade 1 agricultural land. The Member went on to indicate that the application hinted there would be air source heat pumps but he did not see any details about how the energy would be supplied and asked if the District Network Operator had signed this off. The Senior Planning Officer advised that the details had been reviewed by the Environmental Health Officer who had requested the inclusion of condition 17. This required a noise assessment to be undertaken which included noise associated with heat pumps so the details of the heat pumps would be provided as part of that condition. He noted it was a spacious plot so, depending on the type of heat pump, they could be sited so as not to disturb neighbouring residents. The Member asked why there was no mention of Great Crested Newts in the ecology section of the report and the Senior Planning Officer advised that the applicant had submitted a number of ecological reports which had all been reviewed by the Council's Ecologist. The nearest Great Crested Newt had been found outside the 500m parameter so no further mitigation was required. The Member drew attention to Page No. 25, Paragraph 8.8 of the Committee report which set out that Uckington was an urban fringe settlement which represented a sustainable settlement possessing a good range of services and asked for clarification on what those were. The Senior Planning Officer explained that Uckington was defined as an urban fringe settlement in the Tewkesbury Borough Plan and, in this instance, those services were in Cheltenham, a less than 1km walk away with footpaths on both sides of the road.

- 13.8 A Member asked how affordable housing provision was assessed as, based on her calculations, there were 48 bedrooms across the whole site, only 10 of which were affordable which equated to 20%. The Development Management Team Manager (South) advised that, the affordable housing sought was based on the recommendation of the Housing Enabling Officer who reviewed the need in the community for the type and size of dwellings which were secured via Section 106. The Housing Enabling Officer had assessed this application and considered the proposed mix and size of housing appropriate to meet demand in the area. The Member raised concern that there were people who needed three or four bedroom houses and she imagined the affordable housing calculation would be based on the whole site rather than just the smaller units. The Development Management Team Manager (South) reiterated they could only rely on the professional advice of the Housing Enabling Officer who considered the mix appropriate.
- 13.9 It was proposed and seconded that authority be delegated to the Associate Director: Planning to permit the application subject to conditions, any additional/amended conditions and completion of a Section 106 Agreement to secure the requirements specified in the Section 106 obligations section of the Committee report subject to any amendment arising from ongoing discussions. With regard to affordable housing, a Member indicated that it was her understanding that the percentage was based on the number of dwellings rather than the number of bedrooms and each individual application was assessed by the Housing Enabling Officer who made a recommendation based on what was needed in the area; if there was a need for four bedroom houses, that was what would be required. Generally, a higher percentage of social rent properties were sought by the authority which she felt was a positive thing. Another Member felt a valid point had been made in terms of the calculation and suggested it was something to be discussed by the Planning Policy Reference Panel outside of this meeting. A Member asked why an offsite contribution was being requested rather than seeking an additional affordable unit and the Development Management Team Manager (South) advised that only 40% could be required - an additional dwelling would take this to 40.01% which was not policy compliant. A Member questioned whether any of the properties were accessible; 16% of the country's population were in need of support either through disability or illness and she felt that should be reflected in the planning system. The Chair suggested this was another point which could be picked up by the Planning Policy Reference Panel.
- 13.10 A Member drew attention to Page No. 36, Paragraph 9.7 of the Committee report which stated that further economic benefits would arise from the proposal both during and post construction. She noted this was included in most Committee reports for residential developments and asked what the evidence base was for this. In her view, if there was no evidence that similar developments generated economic benefits, this should not be included in reports. The Development Management Team Manager (South) advised that it was a commonly accepted fact that the construction process would have an impact on the economy through job creation as well as contributions via new residents' spend in the local area. The Member pointed out that communities such as Alderton had not benefited from residential development in the area with local shops in danger of closing and she felt reports should be reflect what was actually known rather than an assumption.
- 13.11 Upon being put to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Associate Director: Planning to **PERMIT** the application, subject to conditions, any additional/amended conditions and completion of a Section 106 Agreement to secure the requirements specified in the Section 106 obligations section of the Committee report subject to any amendment arising from ongoing discussions.

22/01137/OUT - Land at Badgeworth Lane, Badgeworth

- 13.12 This was an outline application for a cross-subsidy affordable/open market residential development comprising up to 50 dwellings (of which 50% would be affordable housing and a further 10% would be self/custom build), vehicular and pedestrian access, internal streets, drainage, landscaping and all other ancillary engineering works with all matters reserved except for vehicular access onto Badgeworth Lane. It was noted that Councillor R J E Vines had left the room for consideration of this item in accordance with Minute No. PL.11.2.
- 13.13 The Senior Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which provided an update in relation to self-build figures. He advised that the existing site related to parcel of land off Badgeworth Lane which was currently in use for agricultural purposes. The land was enclosed by hedgerows and trees with the main front hedgerow protected by legislation. The site was located outside the settlement boundary of Shurdington within the Green Belt. In terms of the site history, the site was allocated for housing in the pre-submission version of the Tewkesbury Borough Plan and was proposed to be removed from the Green Belt. Following a review by the Inspector, the housing allocation was deleted and the land reinstated as Green Belt. The Inspector had stated that housing allocation SHU1 would significantly extend housing development along the A46, encroach into the countryside to the south of the village and breach the existing strong boundary formed by Badgeworth Lane. The necessary exceptional circumstances to justify releasing the site from the Green Belt for housing purposes were not present, therefore the Inspector did not consider the site suitable for housing. An application for an almost identical scheme had been withdrawn by the same applicant under reference 21/01286/OUT – that application was recommended for refusal with the same five refusal reasons as the current application but was withdrawn shortly before the Planning Committee meeting in June 2022. This application was considered to be inappropriate development in Green Belt terms and should only be approved in very special circumstances. The applicant had put forward their case for very special circumstances, as had been circulated to Members of the Planning Committee the previous week, and whilst the Council acknowledged there were clear benefits to the proposal, it was not considered they amounted to being truly special. The majority of the benefits were provided as a consequence or result of the development and were policy requirements such as highway works to make the scheme safe, a 40% affordable housing contribution, education contributions and Community Infrastructure Levy which was a requirement of all residential development schemes. By way of rural landscape, the scheme would introduce development that would not respond positively to, or respect, the character of the site, as such, it would be harmful to the character and appearance of the area. The development would also require the removal of 19m of hedgerow and reduction of the height of the remainder to accommodate the highway works. This hedgerow was protected under the Hedgerow Regulations Act 1997 and the Council's Tree Officer had objected to this element of the scheme. The Parish Council had also objected to the proposal but there were no objections from statutory consultees, subject to conditions that would require further information and detail to be provided via condition at the reserved matters stage. The Officer recommendation was to refuse the application due to conflict with the strategy for housing development, inappropriate development in the Green Belt, unacceptable intrusion into the rural landscape, removal of an important hedgerow under the Hedgerow Regulations and the absence of a signed Section 106 Agreement.

- 13.14 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the application sought outline permission for the erection of 50 dwellings on a site which the Council originally allocated for housing when it submitted the current Tewkesbury Borough Plan for examination. The Council proposed to remove the site from the Green Belt as it was considered the most sustainable, and appropriate, housing site in Shurdington; whilst it remained within the Green Belt, that did not prevent Members from approving the application if they considered the package of benefits would justify it in this instance. It should be borne in mind that, with a worsening national housing crisis, an affordability emergency and dwindling delivery of new homes, there was an opportunity to deliver real benefits in Shurdington through the proposals, which included: 50% affordable housing, of which 10% would be first homes; 10% custom and self-build properties; funding and delivery of traffic lights on the A46/Badgeworth Lane junction; dedicated school parking within the site; a signalised crossing between the site and the school; footpath improvements along Badgeworth Lane; a bus stop upgrade; and, most significantly, the provision of family housing in Shurdington, providing opportunities for the village to grow sustainably. Whether these benefits comprised very special circumstances was a matter of judgement for the decision-taker – there was no right or wrong answer and each application was assessed on its own merits. The applicant had worked proactively, and patiently, with Officers to overcome concerns raised during the course of the application. Members would be aware that the Council could not currently demonstrate a five year supply of housing land and this application provided the Council with an opportunity to deliver market and affordable housing to meet its requirements, on a site which would have little impact upon the surrounding area. The site boundary aligned with the site recently approved to the north and the site was well contained by existing trees with no landscape objection being raised in relation to the application; hedgerow removal for highways reasons could be mitigated through the provision of additional planting as part of the landscaping proposals. The application represented a one-off opportunity for the village to receive a substantial package of benefits, whilst delivering market and affordable housing in the local area, and it was noted that a letter of support had been received from the Headteacher of Shurdington Primary School. In short, the proposals would not result in unacceptable harm to the Green Belt and would bring significant benefits which would outweigh any suggested impacts and he asked Members to support the application on that basis.
- 13.15 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member asked where the safeguarded parking for the school would be located as it was not clear from the plan and anyone local would know that, even without the proposed 50 homes, this was not a safe road at least twice a day due to the school. The County Highways advised that the details stated there would be 16 parking spaces for the school but, as these were not shown on the plan, he could only assume they would be in the open space; there may be an assumption that parking would be displaced to the access roads but traffic regulations would be necessary to permit parking on the neighbouring roads between the access and the new signalised junction. County Highways had raised no objection to the access, but it did not necessarily follow that there would be no objection to the layout. It should be noted that the Manual for Gloucestershire Streets did not support additional school parking in the interest of encouraging people to walk and cycle to school; whilst that was not for consideration at this stage, it was an important point to acknowledge. In terms of loss of hedgerow, the proposal would also need to be considered not just in relation to the point of access but also the impact of achieving visibility splays of 90m. A Member queried whether Shurdington Parish Council had been consulted on the application and the Senior Planning Officer clarified that the application site was within Badgeworth Parish so he presumed Shurdington Parish Council would not have been consulted.

- 13.16 It was proposed and seconded that the application be refused in accordance with the Officer recommendation. A Member indicated that his concerns were in respect of parking and he echoed the comments made earlier regarding the safety of the road with Badgeworth Lane at times unpassable; there was already a considerable problem with parking and traffic issues and he did not believe the development would help in any way. A Member felt there was a lot to be said for the mix of housing being provided on site and the way the proposal had been put together and he would like to see the developer come forward with a similar proposal on more appropriate land. Upon being put to the vote, it was

RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation.

24/00323/FUL - Bickford House, Leckhampton Lane, Shurdington

- 13.17 This application was for a part two storey and part single storey side extension following demolition of existing single storey detached double garage.
- 13.18 The Planning Officer advised that this application related to Bickford House, a detached rendered dwelling located in Shurdington. A range of trees and hedges were located along the front and side boundaries and the site was within both the Cotswolds National Landscape and Green Belt. The plans showed a double garage and boot and utility room on the ground floor and a fifth bedroom with a dressing area and ensuite on the first floor. The proposed southeast and northwest elevations showed that the proposed two storey side extension would have a hipped roof set lower than the ridge of the existing main dwelling which would protrude to the northeastern side elevation and encompass most of the area of the existing detached garage. Large, pitched roof dormer windows were proposed on either side of the roof slope and the scheme incorporated an integral garage with a large roller shutter door. The single storey element would be located to the rear of the proposed two storey side extension and would be stepped in slightly from the existing rear building line. The scheme proposed to use matching materials to the host property. A permitted development fallback position of a detached single storey outbuilding that had been put forward as 'very special circumstances'; however, as explained within the Committee report, the proposed fallback would be single storey which, by its nature, would be less visually intrusive when compared with the proposed two-storey extension. Furthermore, the fallback position was for a single storey outbuilding comprising a gym, study and workshop. Therefore, as the applicant was seeking a fifth bedroom on the second floor, it was considered that the proposed fallback was not exactly what the applicant wanted to achieve in the application and was not comparable. If the recommendation was overturned, the applicant could carry out the construction of the outbuilding as well as the proposed two storey side extension. Consequently, the very special circumstances that were necessary to justify the development did not exist. The Planning Officer advised that, when conducting her site visit, whilst she did not enter through the gates, she could see the existing garage through the trees, and it was evident that the two storey extension would fill the existing gap. The Officer recommendation was to refuse the application for the reasons outlined within the Committee report.
- 13.19 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the applicant was seeking to provide modest additional living accommodation, as well as replacing the existing detached double garage with an integrated double garage. The existing double garage measured 52 sqm in floorspace and, following its removal, the proposed extension would only represent a 9% increase over the floorspace of the existing dwelling. In their view, this increase was modest and allowed for a fully integrated design, reducing the spread of built form across the site. The extension itself had been designed with materials to match the existing dwelling, accommodation within the roof slope and associated

reduced eaves and ridge height to soften its impact. Furthermore, it should be noted that the property retained its permitted development rights. They had demonstrated that there was a legitimate fallback position available to the applicant through the creation of a large detached outbuilding located to the rear of the property. As outlined, this would result in a 26% increase in floorspace over the existing position and would further disperse built form across the site. In their view, this fallback position would have a significantly greater impact on the Green Belt and therefore amounted to clear very special circumstances in favour of the development. Whilst the proposed 9% increase in floorspace over the existing position view clearly demonstrated the very modest nature of these proposals, a numerical calculation was only one method to assess the impact of development. They strongly suggested that the best way to consider whether this extension was proportionate and respected openness was following a site visit. This was highly pertinent in this case as, despite the Officer recommending refusal on the basis of visual harm to both the Green Belt and character and appearance of the host dwelling, the Planning Officer had advised that they did not access the site on their site visit. As could be seen from the photographs he had circulated on Friday, there was dense vegetation on the front boundary which obscured views to the front, side and rear of the property, including the existing garage. The site was also not visible from any other publicly accessible location. Respectfully, they maintained their view that the site visit undertaken by the Planning Officer would not have been sufficient to reach the visual and openness harm conclusions outlined in the Committee report. Therefore, they strongly suggested that Members defer the application to the next Planning Committee in order to undertake a site visit – they considered this to be of utmost importance in this instance. In conclusion, they considered that the proposed extensions had been appropriately designed and accorded with other similar Green Belt extensions recently approved by the Council. Through their assessment of the proposals, they considered that the openness of the Green Belt and the visual character of the dwelling would be preserved. Notwithstanding this, a clear fallback position of a less desirable permitted development scheme also existed in this instance. The applicant was today seeking the Planning Committee's support in a positive determination of this application. Alternatively, if Members continued to have concerns, they would respectfully request that a Planning Committee Site Visit be undertaken prior to determining the application with the associated deferral until the next Planning Committee in July.

- 13.20 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member sought clarification as to whether the applicant's agent was correct in saying that the fallback position could go ahead and the Planning Officer confirmed that was the case. It was proposed and seconded that the application be permitted on the basis that the proposal would be an appropriate addition and the fallback position would have a more harmful impact. A Member expressed the view that she could not support the motion as this was against the Council's Green Belt policy which Members had a duty to follow. Another Member shared this view; however, he could not understand why they were in a situation whereby the fallback position would cause greater harm to the Green Belt than the proposal and he suggested this would be a good case for the Planning Policy Reference Panel to consider. A Member indicated that he was in favour of the scheme as the existing garage was separate from the house and, in his view, the Green Belt would be enhanced by its removal and replacement with an extension which was part of the residential dwelling; he noted the fallback position would mean that the garage could be demolished and rebuilt. Another Member explained that she did not normally agree with applications which went against Green Belt policy but on this occasion she felt it would be logical to grant permission, particularly given what could be built without planning permission.

- 13.21 A Member questioned whether permitted development rights would be removed should Members be minded to permit the application. The Development Management Team Manager (South) reminded Members that the National Planning Policy Framework stated that the construction of new buildings in the Green Belt should be regarded as inappropriate; one of the exceptions to this was that the extension or alteration of a building did not result in disproportionate additions over and above the size of the original building. Although there was no definition of what was proportionate within the National Planning Policy Framework or policy, in this instance the building had been significantly extended in the past and, as a result of this proposal, the cumulative floor area would increase from 73% to 108% so Members needed to ask themselves whether this was proportionate. Whilst all applications should be assessed on their own merits, in a recent appeal decision for an extension to a property in Staverton which would result in an increase to 98%, the Inspector had considered that represented a substantial increase to the size of the original building and did not meet the criteria of Paragraph 154 c of the National Planning Policy Framework. Officers generally took 50% as the tipping point to look at any material matters which may justify an increase over and above that. The fallback position was construction of an outbuilding so Members needed to consider whether a single storey building would be lesser or greater than a two storey building – Officers considered the additional mass at first floor would impact openness and the perception of openness. The applicant had stated they required a garage and first floor bedroom yet there could be a fallback position for a gym, study and workshop; if Members were minded to permit the application, permitted development rights would still exist so what had been proposed as the fallback position could continue to be built elsewhere in the plot.
- 13.22 A Member felt that the Committee needed to take care not to rewrite policy through ad-hoc decisions and raised concern about the potential precedent that might be set. The proposer of the motion pointed out that the Committee had recently permitted an application for five houses in the Green Belt and Cotswold National Landscape on a site off the A46 just around the corner. He was of the view that it was important to keep up with modern living and this proposal would be deemed acceptable in any other location outside of the Green Belt. The proposed extension would be screened by trees and was opposite a site which was being developed with 26 houses so he did not feel there would be any additional harmful impact on the Green Belt. As mentioned by the Development Management Team Manager (South) there was no definition of a disproportionate addition so this was a judgement for Members to make and he could see no issue with the proposal. The Development Management Team Manager (South) pointed out that the application for five dwellings which the Member had referred to was infilling within a village, which was one of the exceptions for development in the Green Belt, and the site for 26 houses had been removed from the Green Belt through the Tewkesbury Borough Plan. A Member asked if the Committee could remove permitted development rights and the Development Management Team Manager (South) indicated that, in his opinion, it would be unreasonable to do so in this case. The Legal Adviser explained that, whilst a condition to remove permitted development rights could be included, should Members be minded to permit the application, this would depend on the particular circumstances and whether it was considered reasonable to do so - the Officer advice in this instance was that it would be unreasonable. In response to a query, the Legal Adviser indicated that, whilst there was a right of appeal in relation to conditions, she was not aware of any precedent in terms of a challenge against a condition to remove permitted development rights; however, this would come down to the specifics of the case and whether the Inspector felt that such a condition was reasonable. A Member expressed the view there would be little benefit in removing permitted development rights as the potential addition would be behind the existing building and there would be no

resultant impact on openness. Notwithstanding this, she could not support the motion to permit the application given that it would be against the Council's Green Belt policy.

- 13.23 Upon being put to the vote, there was an equality of votes for and against, as such, the Chair exercised his casting vote and the motion to permit the application was lost. It was subsequently proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation.

24/00299/FUL - Chestnut Barn, Barrow, Boddington

- 13.24 This application was for erection of a new detached outbuilding for car parking and storage. The Planning Committee had visited the application site on Friday 14 June 2024.
- 13.25 The Planning Officer advised that the application related to Chestnut Barn, a detached converted barn located in Boddington. The property was set back from a single track lane which served a small number of properties in the immediate vicinity of the site. Although the barn was a non-designated heritage asset, it had undergone previous extensions and alterations which had reduced the barn-like character of the building. Permitted development rights had been removed from the property and the site was within the Green Belt. The garage would be positioned approximately 6.5m to the front of the property and would be 7m in width, 10m in length, 4m in pitch and 2.1m to the eaves. It would be constructed from plain roof tiles, a brick plinth to match the main house and oak cladding. The Officer recommendation was to refuse the application as set out in the Committee report.
- 13.26 The Chair invited the representative from Boddington Parish Council to address the Committee. The Parish Council representative advised that the application had the full support of Boddington Parish Council and he was, therefore, extremely disappointed that this support appeared to have been totally disregarded by the Planning Officer who had recommended refusal, for grounds which were unknown. He explained that Barrow was a hamlet of 24 homes and a Ministry of Defence site, spread along two lanes over half a mile. It was very rural and they were fortunate to live in an area that many chose to travel to in order to walk their dog, ride their horse and to cycle. There were large barns on the approach to Barrow from the southeast which were part of Boddington Estate followed by an impressive large whitewashed house called Barrow Court; beyond this and adjacent to Barrow Court was a large and well maintained field which was part of the grounds belonging to Chestnut Barn, which dropped down towards a copse and a lake with a distant backdrop of the Forest of Dean and the Malvern Hills. Chestnut Barn resembled a property from a Country Life article – the home and grounds were immaculate and maintained to an exceptionally high standard. The owners took great pride in the maintenance and presentation of their home and the wider community spaces. They had exceptionally good taste and everything they did to their property brought elegance, class and refinement – the provision of a carport and storage space would be further evidence of this trend. The plans were entirely in keeping with the local area and very similar to the car port and storage at 'Sundorne', thereby following a precedent that has already been set. The Parish Council considered that the building would enhance the property and the aesthetics at the front of Chestnut Barn, providing symmetry and order and he trusted that the Committee would see sense by supporting and approving the application.

- 13.27 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the application was for a detached outbuilding within the residential curtilage of the property known as Chestnut Barn. The building would provide for two undercover car parking spaces and a small storage bay which the property did not currently have. The outbuilding would enable the applicant to store their cars under cover, rather than leave them open to the elements and where they lacked security, as well as providing some much needed outdoor storage space. As Members would know, planning policy allowed for domestic extensions and outbuildings to properties in the Green Belt providing they were not disproportionate and that they respected the openness of the Green Belt. The overarching purpose of the Green Belt in Gloucestershire was to prevent the coalescence of Cheltenham and Gloucester and, ultimately, Members needed to assess whether allowing this application would fundamentally conflict with this purpose – if it did not cause such harm, the government's expectation was that planning permission should be granted. He noted from the Committee report that the assessment of Green Belt impact had been made having regard to a volumetric calculation of percentage increase to the original house. In other cases, Officers had used footprint, or even floor space, as a basis of calculation, each of which would give a different percentage increase. In his view, using an arbitrary metric calculation to assess Green Belt impact, particularly when the method of calculation could readily change depending on what one was trying to achieve, was not representative of true Green Belt impact. Furthermore, this approach was not always appropriate when considering detached outbuildings which were, as a matter of fact, not extensions and did not appear as 'additions'. He suggested the best way for Members to consider whether the outbuilding was proportionate and respected openness would be through an 'on site' visual assessment. He understood that Members had visited the site on Friday and would therefore have a very good idea of the real impact on Green Belt and would have established whether the coalescence of Cheltenham and Gloucester was really at risk if this domestic outbuilding went ahead, or, if they shared the local view which was that it caused no Green Belt harm whatsoever. Boddington Parish Council supported the application and there were no objections from any statutory consultees or the local community - clearly, the people of Boddington did not believe that the application would cause any harm to the Green Belt. In a parish where other householders had been able to extend their properties substantially to 80, 90 and 100%, and where nearly every property benefited from garaging within its grounds, he could not see how this small addition would be a problem. Page No. 113, Paragraph 8.21 of the Committee report set out that the development was in keeping with the character of the host property and the wider area and, if that was the case, he questioned how it could then be considered disproportionate to the house. As such, he asked that Members permit the application and allow the homeowners, who were long-standing settled members of the community, to live their lives whilst benefitting from a basic domestic need – a garage.
- 13.28 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member noted that the applicant's agent had referenced inconsistency in the measurement of additions and a precedent in the area and asked if there was any merit in those comments. In response, the Planning Officer advised that this application had previously been extended to the rear of the main dwelling and the previous Officer had calculated this as a volume increase rather than a floor area increase which they had considered to be more appropriate given it was a single storey property - she had followed suit with this application. In terms of other properties in Boddington she did not have that information. It was proposed and seconded that the application be permitted on the basis that the proposed extension would not result in disproportionate additions over and above the size of the original dwelling, would preserve the setting and special

character of the area and would not conflict with the five purposes of the Green Belt as set out in the National Planning Policy Framework. The proposer of the motion explained that after visiting the site and thinking about the purpose of the Green Belt, she felt the proposal would be in keeping with the existing property and its surroundings. The Planning Officer indicated that, should Members be minded to permit the application, she recommended the inclusion of conditions in relation to the commencement of development within the standard timeframe, the development being carried out in accordance with the approved plans and submission of materials samples. The proposer and seconder of the motion confirmed they were happy to include the recommended conditions.

13.29 A Member drew attention to Page No. 111, Paragraph 8.11 of the Committee report which set out that the cumulative volume increase would equate to approximately 130% and she did not see how it could be permitted on that basis. She felt that it would be dangerous to go against Green Belt policy and was of the view that the proposal would have a visual and spatial impact and there were no very special circumstances to justify that. She was sure that people buying properties in the Green Belt would be aware of restrictions on development and this property had already had one significant extension. As such, she could not support the motion to permit the application. Another Member understood why the applicants wanted to extend the building and have somewhere to put their cars – in his view it was a well-designed proposal which would have minimal impact and would fit well with the existing building. Another Member raised concern that this was against the Council's Green Belt policy which was only a few years old and he urged his fellow Councillors to think very carefully before they started to disassemble it. A Member understood the points which had been made about the reason for the application but that was not a material planning consideration and when the Committee had visited the site, he had felt the outbuilding would be overbearing and disproportionate to the rest of the building so he would be voting against the motion to permit.

13.30 A Member indicated that he failed to see how the proposal would conflict with any of the five purposes of the Green Belt as outlined at Page No. 110, Paragraph 8.2 of the Committee report. Another Member shared the view that the application would have no impact in terms of the main purpose of the Green Belt which was to prevent the coalescence of settlements. The proposer of the motion agreed that the majority of the purposes did not apply in this instance and, with regard to Paragraph 145 d) of the National Planning Policy Framework, 'to preserve the setting and special character of historic towns', there were other buildings across the road with car ports of similar design; she felt the proposed design was very attractive and would preserve the setting and special character of the hamlet given it would be in front of an existing house on a hard standing. A Member expressed the view that the professional Officers had assessed the application and come up with a recommendation - Members seemed to be suggesting their interpretation of the policy was wrong and he urged caution in going against the expert advice.

13.31 Upon being put to the vote, it was

RESOLVED

That the application be **PERMITTED** on the basis that that the proposed extension would not result in disproportionate additions over and above the size of the original dwelling, would preserve the setting and special character of the area and would not conflict with the five purposes of the Green Belt as set out in the National Planning Policy Framework, subject to conditions in relation to commencement of the development within the standard timeframe, the development being carried out in accordance with the submitted plans and submission of materials samples.

PL.14 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

14.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 119-120. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

14.2 It was

RESOLVED That the current appeals and appeal decisions be **NOTED**.

The meeting closed at 11:17 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 18 June 2024

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

A general indication of the content is given but it may be necessary to elaborate at the meeting.

Agenda Item	
5a	<p>22/01163/FUL - Uckington Farm, The Green, Uckington</p> <p>Updated Plans</p> <p>Since writing the Committee report, amended plans have been received (See attached drawings).</p> <p>The updated plans are considered to be acceptable and provide for a higher quality finish to the plots which would be more in keeping with the character of the area. The dwellings will all consist of mixed red brick, and the weatherboarding has been removed, window materials and sizes have been updated and contrasting brick arched heads and brick cills have been added.</p> <p>Condition 2 will be updated (to reference the revised drawings) as follows:</p> <p>"Location Plan 829 - DRN - 01 Rev A Topographical Survey 22980-200-01 Site Layout P21-0510DE_01 Rev G Building Heights P21-0510DE_02 Rev D Land Use Plan P21-0510DE_03 Rev C Movement Plan P21-0510DE_04 Rev D Adoption Plan P21-0510DE_05 Rev C External Works P21-0510DE_06 Rev D Refuse Strategy Plan 829 - 147 Rev C Materials Plan P21-0510DE_09 Rev D House type WH4 - plots 1 & 16 House type GT5 - plot 2 House type PL4 (DA) - plot 3 House type HT4 - plot 4 House type PB3 - plot 5 & 7 House type PL4 - plots 6, 14 & 15 House type 3B5P - plots 8 & 9 House type 1B2P - plots 10 & 11 House type 2B4P - plots 12 & 12a Single Garage Plan P21-0510_08</p>

	<p>Double Garage Plan P21-0510_08</p> <p>Illustrative Street Scene P21-0510_10 Rev C</p> <p>Highway Arrangement Plan 829 - 105 Rev F</p> <p>Proposed Site Access - Junction Layout 829 - ED - 04 Rev D</p> <p>Proposed Site Access - Junction Layout - With Tracking 829 - ED - 05 Rev C</p> <p>Proposed Site Access - Junction Layout - With Junction Visibility 829 - ED - 06 Rev C</p> <p>Drainage Layout 829 - 142 Rev E</p> <p>Swept Path Analysis 829 - 144 - 1 Rev F</p> <p>Swept Path Analysis 829 - 144 - 2 Rev C</p> <p>Swept Path Plans 829 - 144 - 3 Rev A</p> <p>Parking Allocation Plan 829 - 145 Rev C</p> <p>Flood Routing Plan 829 - 146 Rev D</p> <p>Refuse Strategy Plan 829 - 147 Rev C</p> <p>Fire Appliance Strategy Plan 829 - 148 Rev B</p> <p>Detailed Landscape Proposals 22/558/02 E"</p> <p>Updated Education Contribution</p> <p>At Paragraph 8.78 of the Committee report, the education contribution states £56,584.50 would be required for secondary schools. This figure provided by the County Council expired on 12 December 2023. The County Council has now requested an updated contribution of £76,579.84.</p> <p>The applicant has agreed to this education contribution.</p> <p>Notwithstanding the above, the recommendation remains as set out in the Committee report, subject to the amended condition.</p>
5b	<p>22/01137/OUT - Land At Badgeworth Lane, Badgeworth</p> <p>Update to Paragraph 8.21 of the Committee report</p> <p>There is a typing error at Paragraph 8.21 in the report which should read as follows:</p> <p>8.21 In terms of the proposed 10% Self-build and Custom Housebuilding properties, the most recent Self and Custom Build monitoring year runs from 31/10/2022 to 30/10/2023. The demand arising from Part 1 of the Self and Custom Build Register (Base Periods 1-5) to be met by the 30/10/2023 equates to 124 plots. 49 plots explicitly for Self and Custom Build have been permissioned as at 30/10/2023. There is therefore an outstanding shortfall of 75 plots to be carried over. The provision of 10% Self build plots would be a benefit of the proposal.</p> <p>A representation has been received from the applicant in support of this application and setting out their case for Very Special Circumstances. The applicant circulated this directly to Members of the Planning Committee by email on Friday 14 June.</p> <p>Notwithstanding the above, the recommendation remains as set out in the Committee report.</p>

5c

24/00323/FUL - Bickford House, Leckhampton Lane, Shurdington

A late representation has been received from the agent and applicant which was sent to Officers and Members of the Planning Committee on Friday afternoon requesting this application be deferred to the July Committee to allow a Planning Committee Site Visit. The representation repeats what was set out in the original submission to explain that, following removal of the single storey detached garage, there would be a 9% increase in floor area compared with the existing situation and repeated information submitted regarding permitted development rights relating to a single storey outbuilding.

The agent has sets out that the Officer did not enter through the front gates to conduct the site visit and questions the assessment made regarding the harm to the Green Belt and the appearance of the host dwelling.

In response to this late representation the Officer's comments are set out below:

As explained within the Committee report, this is not simply a 9% increase in floor area. Within the 2009 application for a two-storey side extension it was calculated that, combined with all previous extensions, as well as the 2009 extension the floor area had already increased to 73% over and above the original, and this further increase in floor area in this current application would equate to a 108% cumulative floor area increase, which is a significant percentage above the 50% (proportional addition) which would typically be acceptable.

As explained within the Committee report, the permitted development fallback position does not represent 'very special circumstances'. This is because the hypothetical outbuilding would be single storey which by its nature is less impactful than the large two storey side extension.

Furthermore, the outbuilding comprises a gym, study and workshop, whereas this application is seeking a fifth bedroom on the second floor. The proposal is not, therefore, considered comparable to the development being applied for. Furthermore, if the applicant receives planning permission for the current two-storey side extension they could also then construct the outbuilding under permitted development. As such, very special circumstances are not considered to exist.

Whilst the site was not entered, the Officer observed the site from the front gates the gates which offered an ample view in addition to aerial photos and the existing and proposed plans, allowing for an appropriate and recommendation to committee.

To clarify, the reason for refusal is due to the extension being a cumulative disproportionate addition over and above the size of the original dwelling. This element of the Green Belt assessment can be made by calculating the increase using the submitted plans and the history of the site. Regarding the openness of the Green Belt it was evident that, due to the extensive tree and vegetation coverage to the front and sides, the two-storey extension would be relatively screened from view. It was clear that the reduction in openness and harm to the Green Belt would be limited. As also explained within the Committee report, the proposed two storey extension would be apparent in gaps between the existing trees, which would be more prominent in the winter; however, it was considered that the extension would have a limited effect on the openness of the Green Belt considering the tree and vegetation coverage.

	<p>Regarding the size and design of the two-storey extension, it is considered that the existing and proposed plans show that the two-storey extension is overly large which would have a negative impact on the character and appearance of the host dwelling and this was apparent from the site visit.</p> <p>Notwithstanding the above, the recommendation remains as set out in the Committee report.</p>
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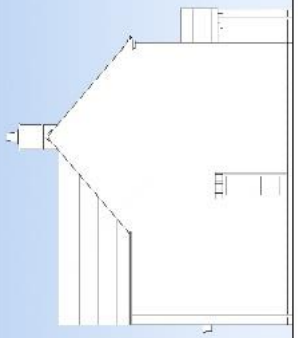
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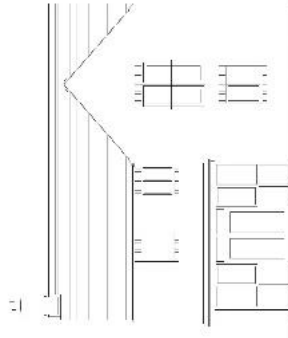
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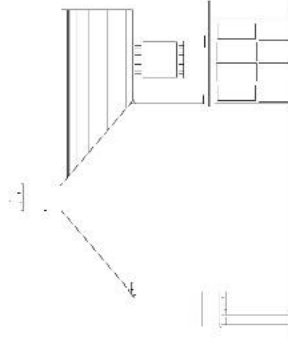
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



 Uckington Farm,

 Uckington

 House Type HT4 Plan and Elevation

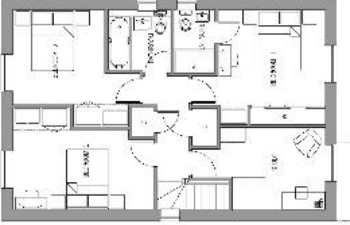
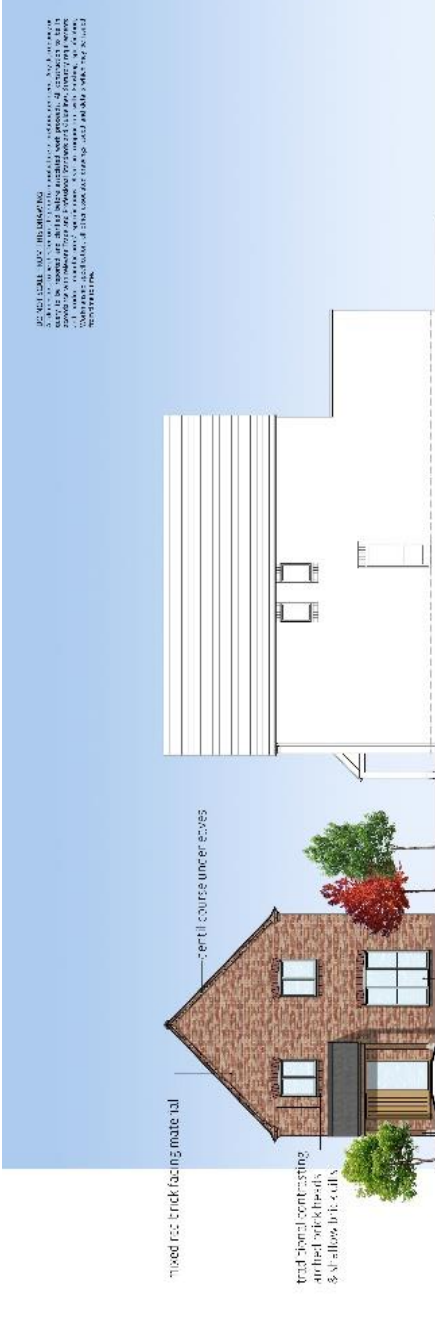
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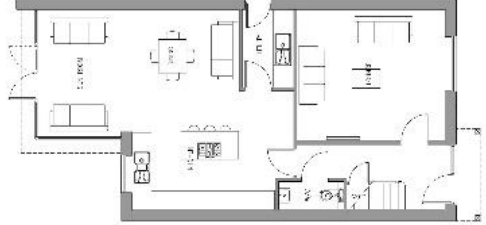
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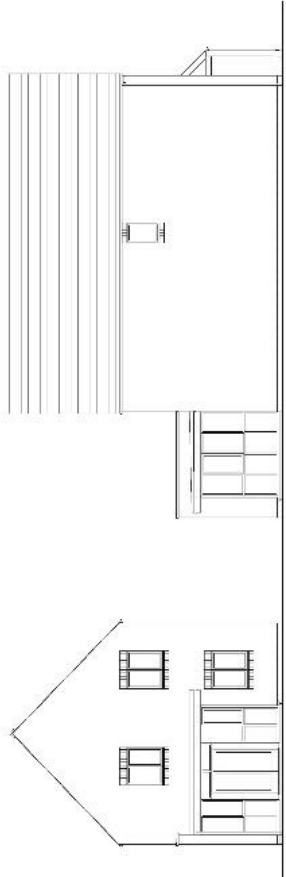
HOUSE TYPE H T 4



First Floor Plan



Ground Floor Plan



Rear Elevation

Side Elevation

NO.	DATE	BY	CHKD	OWNER

**Uckington Farm,
Uckington**
House Type PB3 Plan and Elevation

829-35

04.2023

HOUSE TYPE P B 3

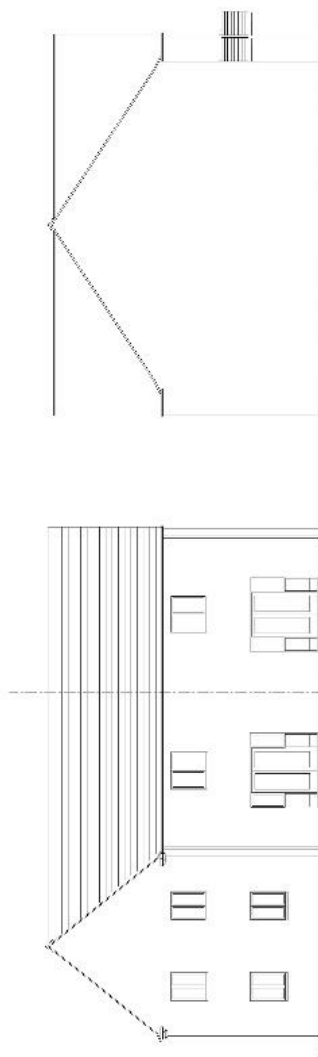


Front/Side Elevation

Front Elevation

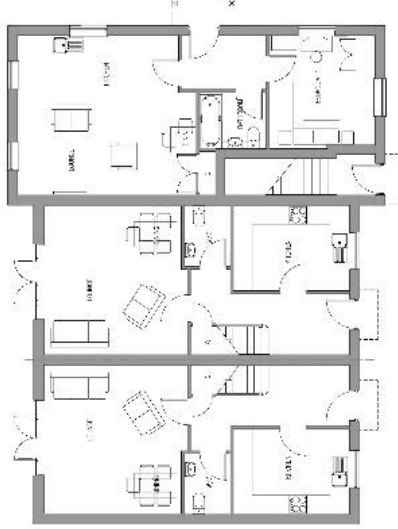


First Floor



Rear Elevation

Side Elevation



Ground Floor Plan

Newland HOMES

Uckington Farm,
Uckington
 House Type 1B2P & 3B5P 93
 Plan and Elevation

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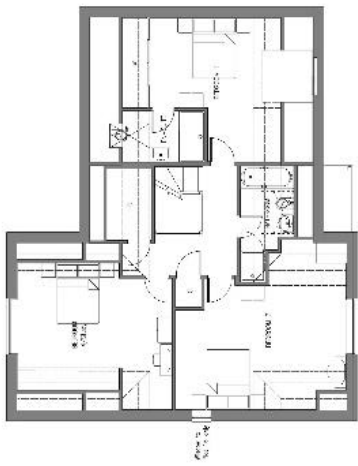
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First Floor Plan

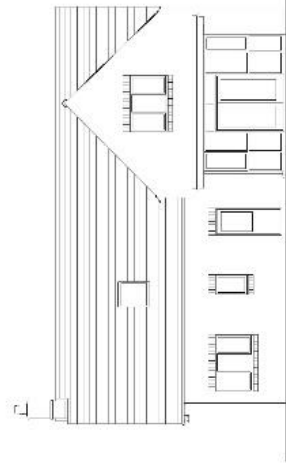
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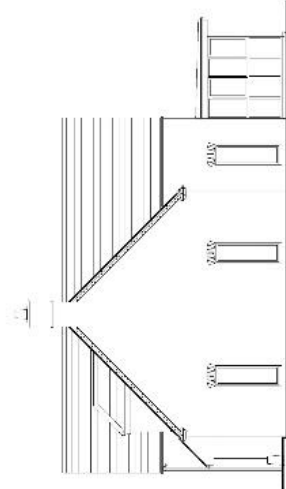
Side Elevation



Ground Floor Plan



Rear Elevation



Side Elevation

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2	2024.06.24	Issue for client review	AS	AS

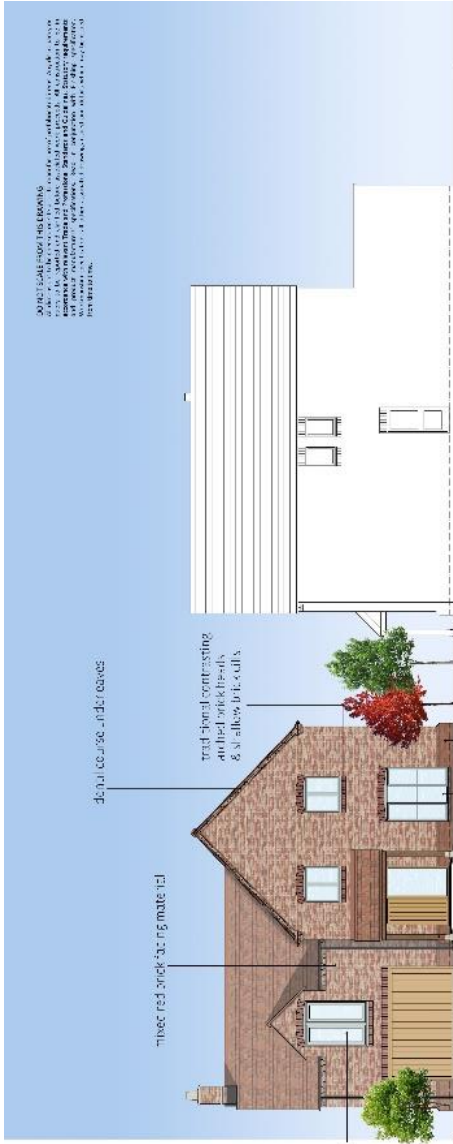


Uckington Farm,
Uckington
House Type WH4 Plan and Elevation

HOUSE TYPE WH4

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 2024.06.24

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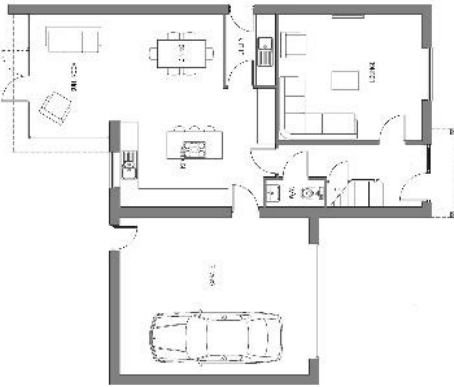


Front Elevation

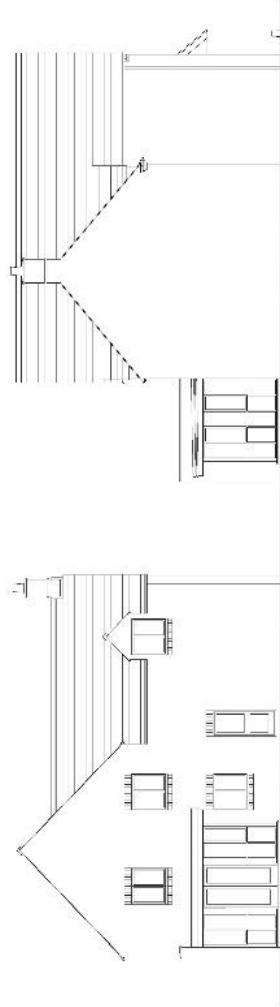
Side Elevation



First Floor Plan



Ground Floor Plan



Rear Elevation

Side Elevation



Uckington Farm,
Uckington
House Type PL4 Plan and Elevation

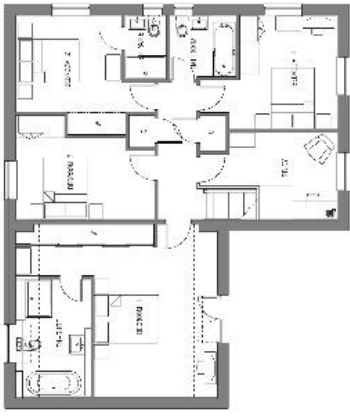
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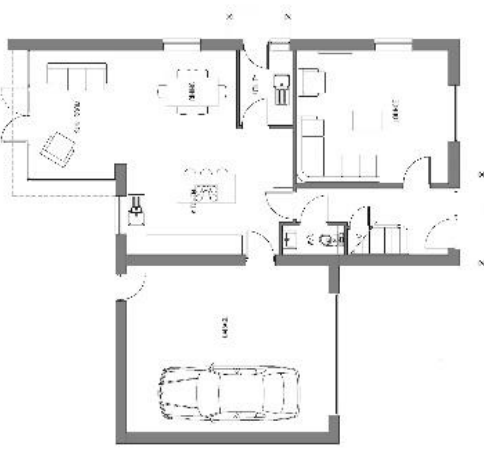


Front Elevation

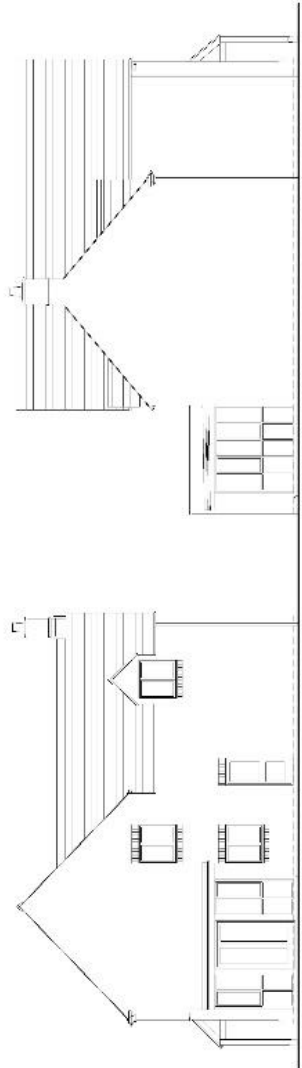
Side Elevation



First Floor Plan



Ground Floor Plan



Rear Elevation

Side Elevation

Uckington Farm,
Uckington
 House Type PL4 DA Plan and Elevation

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HOUSE TYPE P L 4 D A