

13 April 2023  
L 230406 RB Cover Letter



Cotswold District Council  
Planning Service,  
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Dear Sir/Madam,

**Full planning application for the change of use of land from agricultural to residential garden land, and retrospective consent for a treehouse at The Barns, Condicote, Cheltenham, GL54 1ES  
Planning Portal Reference: PP-12077564**

Savills is instructed as agent for Mr and Mrs Chamberlayne (hereafter the 'Applicant') to submit a planning application in respect of a change of use of land from agricultural to residential garden land, and for retrospective consent for a treehouse within the curtilage of the property at The Barns, Condicote, GL54 1ES.

The following documents and plans have been submitted in support of the application:

- Application form
- Photograph schedule with map of image locations
- Location Plan (23/12/01)
- Site Plan (23/12/02)

**Site Context**

The Barns is a residential property within the village of Condicote. It is located centrally within the village, to the north west of the village green. The Barns is not a listed building, however Glebe Farmhouse to the south of the property is Grade II listed (seen in Photograph 11 in the photograph schedule) . The Barns are located in Condicote Conservation area, therefore trees within the site are protected. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). There are limited views into the site from village and Conservation Area.

The Barns was originally an agricultural barn, although was converted and extended for residential purposes. There is no planning history associated to this on the Council's website, it is believed the conversion occurred in the early 20<sup>th</sup> Century. The property has been in residential use ever since. The Applicant purchased The Barns and the small area of residential curtilage (Photo 12) surrounding the building, shown in the blue line area on the Location Plan, in July 2013. The wider site, shown in the red in the Location Plan, known as Glebe Farm Yard and drive was purchased in December 2016. The residents of Glebe Farmhouse have a right of access on the drive, to access their parking area to the rear of their property.

The additional land was purchased in December 2016 to be used as a garden, as the original garden was small for the size of the property. Planning permission was granted in 2017 for the demolition of barns and a new shed. The land was then turfed and has been used as garden land since. The parcel of land is turfed, and is divided centrally by a timber fence, as seen in photo 9. The external boundary is a dry stone wall. The site is bound to the north by residential properties and their gardens, and to the south is the residential Glebe Farmhouse, and its garden. Old Hinchwick Road runs along the eastern boundary of the site, there are more residential properties and gardens immediately on the other side of the lane. To the west of the site, there is a paddock (seen in photo 13) which extends as far as the village does to the west.

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In August 2022, a treehouse was constructed in a tree on the western boundary of the site. This treehouse can be seen in the enclosed Photograph schedule (Photos 1 to 5). In February 2023 the Council issued an enquiry relating to the treehouse and requested that a retrospective application should be submitted.

### Planning History

As previously mentioned, once the additional agricultural land was purchased in 2016, the applicant sought planning permission to remove redundant agricultural barns. These applications are set out below.

Planning Application Reference	Description	Outcome
<p><b>16/03932/NOTDEM</b></p>	<p><u>Demolition of a 3-bay steel framed Dutch Barn, clad in corrugated iron.</u></p> <p>This application referred to the barn adjacent to Old Hinchwick Road on the eastern edge of the site. Pre-application advice was sought from the council (reference: 16/03050/ENQ), which established that planning permission was not required for the demolition of a steel framed dutch barn, but notification of demolition should be submitted. Therefore the applicant submitted a notification of demolition.</p>	<p>The Council confirmed that prior approval was not required for the proposed demolition on 19<sup>th</sup> October 2016.</p>
<p><b>17/01537/FUL</b></p>	<p><u>Demolition of 4 barns (A, B, C and D) and construction of a new shed on the site of Barn A</u></p> <p>This application referred to 4 barns, clad in corrugated iron. These barns were located towards the west and north-western edge of the site. Pre-application advice was sought from the council (reference: 17/01189/AGFO), which established that a full planning application was required for the proposed works. The full planning application provided details of the new timber shed to be located in the place of Barn A.</p>	<p>The Council approved the application on 2<sup>nd</sup> June 2017.</p>

There is no other planning history associated with the site available on the Council's website.

### The Proposal

The planning application seeks to retrospectively change the use of land from agricultural land to residential garden land, this refers to the land outlined in red on the site plan. This reflects how the land has been used by the current residents since it was purchased in 2016. This land can be seen in Photos 6 to 10. This area of land has always been an enclosed small parcel of land, within the settlement boundary of the village.

This application also seeks the retrospective approval of the treehouse that was constructed in August 2022. The treehouse can be seen in photographs 1 to 5. The treehouse is constructed of timber, which has not been painted. The treehouse is securely located on a raised platform in a large tree on the western boundary of the site, south of a remaining open-sided barn, which is shown on the site plan.

## Planning Policy

### National Planning Policy Framework (NPPF)

As Condicote is a designated Conservation Area, where there are a number of listed buildings, there are a number of National Planning Policies that are applicable within Section 16: Conserving and enhancing the historic environment. Paragraph 206 states that LPAs should look for opportunities for new development within Conservation Areas “*to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*”. Paragraph 207 acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 15 concerns conserving and enhancing the natural environment which indicates that planning decisions should contribute to, protect and enhance the natural and local environment. Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

### Cotswold District Local Plan

The development plan for Cotswold District Council comprises of the Cotswold District Local Plan 2011 to 2031.

The Council are in the proposes of partially updating the Local Plan. A Regulation 18 Consultation took place in February to March 2022 and a further Regulation 18 Consultation is expected in Summer 2023. Therefore the plan is in early stages and is not considered below.

The policies of relevance are set out below:

Policy EN1 (Built Natural and Historic Environment) sets out how development should promote the protection, conservation and enhancement of the natural environment.

Policy EN2 (Design of the Built and Natural Environment) states that development should accord with the Cotswold Design Code, and should be of design quality that respects the character of the locality.

Policy EN4 (The Wider Natural and Historic Landscape) seeks to avoid significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside).

Policy EN5 (Cotswolds Area of Outstanding Natural Beauty) states that when determining proposals within the AONB, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Policy EN10 (Historic Environment: Designated Heritage Assets) states that proposals should sustain and enhance the character, appearance and significance of designated heritage assets.

Policy EN11(Historic Environment: Designated Heritage Assets – Conservation Areas) states that proposals should preserve and where appropriate enhance the special character and appearance of the Conservation Area.

## Planning Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development proposals will be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The key consideration in relation to this application relates to the impact of the change of use of land and the treehouse on the character and appearance of the surrounding area, including the impact on the conservation area.

The land has previously been used as agricultural land, however due to the location and size of the site, it was considered to be unsuitable and impractical for agricultural purposes. The site is considered to be within the settlement boundary of Condicote, as the land is surrounded by residential properties and their gardens to the north, east and south. The land is located centrally within the village, and the developed area of the village extends further in all directions in comparison to the site. Therefore residential garden land is considered to be a more appropriate use of this land. Therefore, in line with Policy EN4, the change of use of the land to residential garden will be in keeping with the tranquillity of the village.

The change of use of the land to residential garden accords with key principles in the Cotswold Design Code, specifically principle H (GI and landscape provision on individual plots) which outlines that gardens should be of an appropriate size for the dwelling. The change of use to residential garden land ensures that The Barns have sufficient outdoor amenity space for a detached family dwelling, in comparison to the original provision shown within the blue line on the Site Plan.

National and local planning policies place importance on conserving and enhancing the natural environment. As the land is being maintained as a green space, it has continued use as a natural habitat and area of biodiversity. Additionally, the treehouse has been carefully constructed and positioned in the tree to avoid damage to the tree, considering the protected status within the Conservation Area. The tree does have evidence of fire damage from several years ago, but this is not related to the treehouse installation.

The land that has changed from agricultural to residential garden is not highly visible from the conservation area, therefore the change of use does not affect the character and appearance of the conservation area. Therefore, the change of use of land is in accordance with policies EN10 and EN11.

Glimpses of the treehouse can be seen up the driveway to The Barns, from the conservation area and from the curtilage of the Grade II listed Glebe Farmhouse. The treehouse does not detract from the character of the listed building, nor will it harm the setting of the listed building. This is due to the treehouse having been constructed using timber which is neutral, and will weather over time, as well as the modest size of the structure and its siting to the rear of the property. The timber material of the treehouse is natural and reflects the rural character of the surrounding area and means it blends into its setting. As stated in the Cotswold Design Code, considerations for timber sheds/summerhouses include a timber finish which is considered to be subdued and blend with garden settings. It is important to consider that the photographs of the treehouse have been taken when the trees are not in bud, therefore shows the treehouse at its most visible annually.

Given the above, the treehouse does not affect the special character and appearance of the Conservation Area and the materials used are appropriate, in line with Policies EN2 and EN11. Likewise, the treehouse does not impact the wider landscape and character of the AONB due to its scale and screening from existing trees along the boundary of the property. The treehouse is not visible beyond the paddock to the west and accords with Policies EN4 and EN5.

The treehouse is set away from the boundaries with neighbouring properties and is over 20m from the northern and southern boundaries of the property. This ensures there is no impact on privacy in line with the Cotswold Design Code.

## Conclusions

This letter has been prepared in support of the retrospective change of use of land from agricultural to garden, and retrospective consent for the treehouse at The Barns in Condicote.

This letter sets out the need and context for the proposal, and assesses the proposals against policy, which demonstrates that the proposals are in accordance with local and national planning policies. The letter provides details of the treehouse, demonstrating that it preserves the character and appearance of the conservation area, setting of the nearby listed building and the AONB. The change of use of the land for residential garden land will also preserve the character and appearance of the conservation area.

Given the above, we respectfully request that formal recognition is given for the use of the land as a garden, through a retrospective change of use. We also request that approval is given retrospectively for the existing treehouse.

We would be pleased to discuss anything further with you. Please do not hesitate to get in touch using the contact details above.

We look forward to hearing from you in due course.

Yours faithfully,

A solid black rectangular box used to redact the signature of Rosie Blenkinsop.

**Rosie Blenkinsop**  
Graduate Planner

Enc. As listed above