



Existing view



Proposed view



PLANING STATEMENT

Construction of a new self-build dwelling (and associated site enhancement works) following removal of the existing building and hard-standing | April 2023

Land to the north of Greenway Lane, Ullenwood, GL53 9QS

On behalf of Mr & Mrs Bunner

Contents

1.0	Introduction	1
2.0	Background, location and context & the proposal	2
3.0	Planning policy context, fallback & planning considerations	6
4.0	Conclusions and planning balance	24
	Appendices	26

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1.0 Introduction

- 1.1 This planning statement relates to the resubmission of a planning application seeking consent for the '*Construction of a new dwelling (and associated site enhancement works) following removal of the existing building and hard-standing.*' The development is proposed on land to the north of Greenway Lane, Ullenwood, GL53 9QS.
- 1.2 The application is submitted on behalf of Mr and Mrs Bunner, who are residents of Cheltenham, and are seeking to construct the new house as a self-build property, to be their life-long family home. The applicants did not own the property when the previous applications for the redevelopment of the site were considered. The applicants bought the site in summer 2022 with the benefit of planning permission to convert the building to residential use and construct a basement beneath.
- 1.3 The opportunity to construct their own home is a long-held desire. They are intent on building their home at the site and they hold a firm belief that the development proposed can deliver greater benefits both in terms of the quality of the proposed accommodation and also in environmental and landscape character terms, when compared to the conversion scheme.
- 1.4 It is acknowledged that a previous application and appeal relating to the replacement of the existing building was refused. This proposal is cognisant of this and seeks to address the reasons for refusal.
- 1.5 The new building will be contemporary in architectural style, designed to sit quietly within the landscape, deliver ecological enhancement and embrace a low-carbon approach to construction and living through sensitive material specification and installation of renewable energy technology.

2.0 Background, location and context & the proposal

BACKGROUND

- 2.1 Planning permission for the change of use of the building from agricultural use to stables was granted on 15th March 2018; reference 17/03563/FUL. This required the installation of an improved kerb radii at the site access. The new access is in situ, having been implemented in line with the requirements of the planning permission.
- 2.2 Following the previous tenant vacating the site planning permission was granted in 2019 for the change of use of the building to a single dwelling with associated residential curtilage, reference 19/01013/FUL. The permission has lapsed as it was not implemented.
- 2.3 Subsequently, in 2020 planning permission was refused for the construction of a 'replacement' dwelling, reference 19/04286/FUL seeking the demolition of the existing building and its replacement with a new house, including a basement. The reasons for refusal related to the perceived impact on the Green Belt and non-compliance with the local spatial strategy. A subsequent appeal was dismissed by an inspector for similar reasons. The scheme proposed featured a basement offset from the above ground element.
- 2.4 The present scheme addresses matters raised during the determination of the previous application and appeal, with a revised design of a smaller footprint and less above ground volume than the present building.
- 2.5 Since the consideration of the replacement dwelling scheme, a further planning application (reference 21/00467/FUL) relating to the conversion of the existing building to residential use to include the construction of a basement beneath the converted building, was granted in January 2022. The officer's report confirmed that the construction of a basement under the existing building did not have an impact upon the openness of the Green Belt. This permission is extant, is fully able to be implemented, and thus is a very realistic planning fallback. The applicant though wishes to deliver additional benefits which would not be achieved through the conversion scheme. These benefits are discussed later in this report.

2.6 Over the course of recent applications and appeals the following matters have been established and these should be given positive weight in the determination of this application:

- The principle of residential use at the site is established and there is an extant permission enabling residential use to be carried out.
- The application site is classified as brownfield or previously developed land.
- It has been acknowledged by the LPA that the construction of a subterranean basement does not affect the openness of the Green Belt and is acceptable.
- The use as a single dwelling would not impact the tranquility of the AONB.
- Through sensitive design it is possible to mitigate adverse impacts on the AONB and its dark skies with regards to potential light spill.
- That the relocation of the building further into the site can deliver landscape enhancements.

2.7 The application is supported by the following:

- Planning Application Form and certificates
- CIL forms
- Planning Statement
- Design and Access Statement (DAS)
- Ecological Appraisal
- Landscape and Visual Impact Appraisal (LVIA)
- 2210_P_001-Site Location Plan
- 2210_P_003-Site Location Plan
- 2210_P_100-Existing Site Plan
- 2210_P_110-Proposed Site Plan
- 2210_P_200-Existing Ground Floor Plan
- 2210_P_210-Proposed Ground Floor Plan
- 2210_P_211-Proposed Lower Ground Floor Plan
- 2210_P_212-Proposed Roof Plan
- 2210_P_700-Existing Elevations_ Sheet 1
- 2210_P_701-Existing Elevations_ Sheet 2
- 2210_P_710-Proposed Elevations_ Sheet 1
- 2210_P_711-Proposed Elevations_ Sheet 2
- Landscape Strategy 23022.101

LOCATION AND CONTEXT

- 2.8 The application site comprises an existing concrete frame block-built building with a corrugated asbestos sheet roof. The building sits within a wider site comprising a mix of grass and extensive hard-standing areas. The site sits north of Greenway Lane, from which it takes its access at the south eastern corner of the site. To the west is a dense woodland copse and the northeastern and eastern boundaries adjoin an area of grazing land. The land adjacent to the north of the site is within the applicant's ownership.
- 2.9 A range of site photographs are included in the submitted design and access statement.
- 2.10 A residential access sits opposite the access point and is associated with the dwelling built at the former Ullenwood Camp. Greenway Lane itself is a single carriageway lane with a junction with Leckhampton Hill to the east, at the crossroads junction with the road into Ullenwood itself, including National Star and a golf course. Greenway Lane forms part of the Cotswold Way long distance footpath.
- 2.11 The former Ullenwood Court Industrial Estate sits at the entrance of Greenway Lane to the southwest. That site is presently being developed for residential purposes with 26 properties in place of the former industrial units. The industrial units were of a similar construction to the building at the application site.
- 2.12 Prior to their demolition, some of the industrial buildings had been subject of prior approval determinations enabling their conversion to residential use. Subsequent applications to replace those buildings (amongst others) with residential properties were granted. As with the application site, the former Ullenwood Court Industrial Estate is located within the Green Belt and the Cotswold AONB.
- 2.13 The site is not located within or in close proximity to any environmental designations and is located within flood zone 1.
- 2.14 There have been no material changes in circumstances since the previous confirmation of the site's brownfield status to suggest it is anything other than a brownfield site.

THE PROPOSAL

- 2.15 After demolition of the existing building the construction of a new contemporary style dwelling will follow. This will be at a position in the site which is considered less sensitive in landscape terms.
- 2.16 Architecturally the building has been designed to respond to the site and its surrounding context, utilising local materials such as Cotswold stone, timber cladding and a green planted biodiverse roof. Its design is intended to assimilate the building with its surroundings and to enhance the site's contribution to the wider landscape.
- 2.17 Information regarding the design is identified by the detailed Design and Access Statement and associated plans by Millar Howard Design Workshop Ltd.
- 2.18 The application is also supported by a detailed landscape strategy drawing 23022.101, which sets out the enhancement features that have been incorporated into the design.

3.0 Planning policy context, fallback & planning considerations

PLANNING POLICY CONTEXT

- 3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, in order to assess the acceptability of this proposal, it is necessary to assess it against the adopted development plan. It is also necessary to consider any material considerations relevant to the development proposal such as national planning policy contained within the National Planning Policy Framework (NPPF July 2021) and national planning guidance contained within Planning Practice Guidance (PPG), as well as locally adopted supplementary planning guidance (SPG) and documents (SPD).
- 3.2 The development plan consists of the Cotswold District Local Plan 2011-2031; adopted in August 2018. The local plan policies relevant to the application are:
- Policy DS4 - open market housing outside principal and non-principal settlements
 - Policy EN1 - built, natural and historic environment.
 - Policy EN2 - design of the built and natural environment
 - Policy EN4 - the wider natural and historic landscape
 - Policy EN5 - Cotswolds Area of Outstanding Natural Beauty (AONB)
 - Policy EN8 - biodiversity and geodiversity: features, habitats and species
 - Policy SP1 - Gloucester and Cheltenham Green Belt
- 3.3 Relevant policies of the Cotswold AONB Management Plan are also a relevant consideration. These are:
- Policy CE1 -Landscape
 - Policy CE3 - Local Distinctiveness
 - Policy CE4 – Tranquility
 - Policy CE5 – Dark Skies
 - Policy CE7 – Biodiversity and nature recovery
 - Policy CC1 – Climate change – mitigation
 - Policy CC2 – Climate change - adaption

PLANNING FALLBACK

- 3.4 The need to attribute weight to a fallback position is set by planning case law.
- 3.5 The Samuel Smith case¹ establishes a “realistic prospect” of a fallback being implemented by an applicant as sufficient to influence the outcome of a planning application or appeal. The basic principle is for a prospect to be a real prospect, it does not have to be probable or likely, a possibility will suffice.
- 3.6 The principles established by the Mansell² case confirm it is entirely reasonable to take into account a fall-back position and to assume that the fall-back position will be relied upon in order to achieve a residential use at the site. In fact, Mansell only requires a fall-back to be a theoretical possibility.
- 3.7 With regards to the relevant planning history that establishes a fall-back at the site, on 16th August 2019 planning permission was granted for the change of use of the existing building to a single dwelling with associated residential curtilage, reference 19/01013/FUL.
- 3.8 Planning condition 3 of planning permission 19/01013/FUL relating to materials was discharged on 10th August 2020.
- 3.9 Most recently, planning permission for the change of use of the stables to residential, including the construction of a basement, was granted on 28th January 2022.
- 3.10 To answer the question of whether the identified planning fallback is a possibility in the context of development at the site, it should be noted that the applicants, Mr & Mrs Bunner, were not connected with the previous applications and they have expressly purchased the site with the intention of establishing their family home along Greenway Lane. The decision to purchase the property was driven by a desire to fulfil a long-held dream of building their own home in a beautiful location, on a large site with attached grazing land. They have already invested a significant amount of money in the site in preparation for their future life there.

¹ Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333

² Michael Mansell V Tonbridge and Malling Borough Council [2017] EWCA Cic 1314

- 3.11 The applicants are intent on establishing their home at the site and will implement the conversion scheme if necessary. This application has been submitted though as they believe there is a genuine opportunity to deliver a greater range of benefits both in terms of the proposed accommodation and in environmental terms, than can be delivered by the conversion scheme. A key objective is to build a house that responds positively to the challenges of climate change, is adaptable and delivers positive change.
- 3.12 The 2022 planning permission is extant and creates the planning fallback position relevant to the consideration of the application. It is relevant as it establishes that a residential use can be carried out on site, that the activities and any paraphernalia associated with that use will occur, and that vehicle movements and the normal activities of life will happen in any event.

Similar examples

Ullenwood Court

- 3.13 When considering the application of fall-back positions, the most recent planning consent at Ullenwood Court (18/01615/FUL) is an example of where the LPA has done so correctly. The most significant planning considerations (inter alia) were:
- The principle of development outside of recognised settlement boundaries (Policy DS4)
 - The development of previously developed land
 - Weight to be afforded to the planning fallback (in this case an outline consent for 20 units and a number of lapsed prior notifications for the change of use of the existing building to residential use)
 - Sustainability
 - Impact upon the Green Belt
 - Design and impact on the Cotswold Area of Outstanding Natural Beauty (AONB)
- 3.14 The planning officer's report for 18/01615/FUL considers that full weight should be given to policy DS4 given the council's 5 year housing supply position. The report does, however, acknowledge the need to have full regard to the economic, social and environmental roles set out in the NPPF.

- 3.15 The report acknowledges the Council's general position of support for the better utilization of brownfield land and confirms that when considering the sustainability of the Ullenwood location the fallback positions (permitted development and outline consent) are material considerations which carry weight. Of further note with regards to sustainability is the officer's acknowledgement that *'there is support in the NPPF for the complete or partial redevelopment of brownfield land in the Green belt which is a material consideration...'*
- 3.16 The report gives moderate weight to the fallback position set by Class PA of the GPDO relating to the change of use from class B1(c) office to class C3 residential use. The report implies that greater weight would have been given to this material consideration if the prior notifications hadn't expired. In any event the report places significant weight to the fallback position set by the outline consent for 20 residential units and states *'as such it is considered that there is a realistic fallback position for residential development on the site that overall is afforded significant weight by officers in the planning balance'*.
- 3.17 The report acknowledges that the development does not conflict with any of the five purposes of Green Belt designation and that the starting point for assessing the proposals is whether it has a greater impact upon the openness of the Green Belt. The report also confirmed that *'Officers are content that given the placement of the proposed units and the sympathetic heights overall, the volume and the scale of existing buildings on site in addition to proposed landscaping (which in this case is considered to be of benefit to the character an appearance of the site, which has been poorly managed) the proposal will result in no greater visual or spatial impact than existing development on the site'*.
- 3.18 In conclusion the officer's report finds the following:
- 'Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The above report sets out the material conditions relevant to this application. Policy DS4 of the Local Plan carries significant weight against granting planning permission. However, the officer's recommendation is drawn in the interests of the boosting significantly the supply of homes in accordance with paragraph 59 of the NPPF, directing new build open market housing to previously developed sites in accordance with the core principles of the NPPF and securing benefits over and above the applicant's fallback position...'*

- 3.19 The assessment by officers identifies that positive weight should be given to directing new build open market housing to previously developed sites in accordance with the core principles of the NPPF and securing benefits over and above the applicant's fallback position.

Pook Barn

- 3.20 Whilst not located within the Borough, the Pook Barn appeal reference APP/B3830/W/20/3246048 considered the weight to be given to a fallback position for the conversion of a building; albeit in the case of the appeal the prior approval had expired. The appeal decision is at appendix 1 of this statement. The inspector gave weight to the fallback saying that '*Planning Practice Guidance (PPG) indicates that the planning history of a site may be a relevant consideration in the determination of an application*'.
- 3.21 In the same appeal the inspector also placed weight upon the additional benefits that the redevelopment scheme would achieve when compared to what could be delivered under the conversion proposals. Positive weight was applied to the proposal being a self-build scheme and to the use of sustainable construction methods. The inspector at paragraph 19 said:

'The appeal dwelling has been constructed to incorporate various energy efficiency measures. These include a heat use and retention system which incorporates elements of passive solar design, effective insulation within external wall cavities and the roof, and a rainwater harvesting system. Externally, an electric vehicle charging point has been installed. The development has also incorporated numerous biodiversity enhancements to the appeal site, including extensive tree and hedgerow planting, a wild flower meadow, a natural wildlife pond, a bat cave and bat boxes. These features were readily apparent on my site visit, and help amplify the overarching sustainability credentials of the site. These are all benefits of the scheme, which again weigh in its favour.'

- 3.22 The delivery of additional benefits when compared to a fallback position should be given positive weight in the planning balance.

Broadlake

- 3.23 Also attached at appendix 2 is a copy of the Broadlake appeal decision which related to the replacement of an existing barn with planning permission for conversion to a dwelling house. In allowing the appeal, Inspector Praine acknowledged the findings of the courts with regards to the weight to be given to a planning fallback position and confirmed that when considering the location of the appeal site, which was away from services and not falling in previously developed land, any impacts from replacing the building with a new one *'would create no greater harm than the fallback position'*.
- 3.24 Interestingly, Inspector Praine also placed positive weight on the long term benefits of replacing the existing building when considering sustainable design and construction, finding that *'the longer-term benefits which arise from a new building, which is required to fully comply with Building Regulations, outweigh the harm derived from demolition in this instance.'*
- 3.25 The proposed development at the application site seeks to deliver significant sustainable design and construction benefits when compared to the existing situation and seeks to ensure that existing materials are utilized in some form in the construction of the new building. This is explained in detail within the Design and Access Statement and later in this Planning Statement.

PLANNING CONSIDERATIONS

The principle of development

- 3.26 The spatial strategy identifies that it is imperative that the character, appearance and diversity of the District is protected and wherever possible enhanced, especially within areas of high historic, landscape or nature conservation importance. It is also important to ensure that new development is well designed; respects biodiversity and green infrastructure; and does not lead to the coalescence of settlements.
- 3.27 With regards to the spatial plan's objectives for the natural and historic environment, the plan seeks to protect the open countryside against sporadic development, while also avoiding coalescence of settlements.
- 3.28 The application site is not located within a defined settlement boundary and as such policy DS4 (open market housing outside of principal and non-principal settlements) is relevant.
- 3.29 It is acknowledged that the policy seeks to reinforce the identified spatial strategy for the district. The supporting text though confirms there is flexibility regarding consent for dwellings outside settlement boundaries stating that where those result from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings they will be supported.
- 3.30 As set out in this report, there is an established fallback position for the principle of residential use at the site. Whilst not yet a dwelling, the proposal seeks to replace a building which can be used for residential purposes and will be in the alternative. The acceptability of the use of the site for residential purposes should be unquestioned.
- 3.31 In relation to the proposal's compliance with the objectives of the spatial plan, it does not conflict with the objective of protecting the character and appearance of the district, and given that a residential use will occur at the site it does not lead to sporadic development in the open countryside. The site location also means that the proposal does not contribute to the coalescence of settlements.
- 3.32 Whilst the proposal does not comply with DS4 as it is not located within a defined settlement, it is clear the proposal does not generate harm when considering the objectives of the spatial strategy as a whole.

Green Belt

- 3.33 As the site is located within the Gloucester and Cheltenham Green Belt, policy SP1 is relevant, which simply directs to the provisions in the NPPF.
- 3.34 Paragraph 149g of the NPPF confirms that the following type of development is an exception to the normal rule that new buildings in the Green Belt are inappropriate. It says:
- 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*
- 3.35 The site is previously developed land and there has been no recent change in circumstances which would lead to a different conclusion on this matter.
- 3.36 With regards to the impact on the openness of the Green Belt, the development will lead to a reduction of above ground built volume of approximately 10m³ when compared to the existing building. The roof height of the building will be reduced by circa 0.9m.
- 3.37 A basement will be constructed. This will be entirely subterranean and officers concluded when determining the most recent planning application that a basement extension did not have an adverse impact on the openness of the Green Belt.
- 3.38 For the reasons set out above the proposal complies with paragraph 149g of the NPPF and should not be considered inappropriate development.

Landscape and AONB

- 3.39 The site's location in the AONB means local plan policy EN5 is relevant, and it requires great weight to be given to the conservation and enhancement of the natural beauty of the landscape.
- 3.40 The LVIA confirms the site's location within an area of recognized landscape and visual sensitivity, confirming that to be of medium to high sensitivity and high value. To account for and accommodate these sensitivities the landscape consultant has had a key role in the design to ensure that what is proposed is appropriate for its location and delivers enhancement of the AONB.
- 3.41 The current contribution of the site in landscape and visual terms has also been considered and the LVIA confirms that whilst the site sits in an area of value, the site itself is considered uncharacteristic of the wider landscape area. Furthermore, the site is considered to be a local detractor due to its form, condition and uncharacteristic materials, and therefore makes only a limited contribution to the desirable features of the local landscape character or visual amenity. It is therefore considered that there is capacity to deliver landscape and visual enhancement as a key benefit of the proposal.
- 3.42 To help achieve enhancement, a detailed landscape strategy has been developed and proposes the following key features:
- Small scale development contained to the north by the existing woodland.
 - New hedge and tree planting along Greenway Lane to contain domestic curtilage, conserving rural character of the lane.
 - Recessed access to set domestic curtilage away from the lane.
 - Open view retained through field gate entrance towards Leckhampton Hill.
 - Proposed tree planting outside of domestic curtilage to the northeast to filter views of new built form from Leckhampton Hill.
 - Native hedge boundaries to assimilate into immediate landscape and prevent encroachment into open countryside.
 - Reduction of access bell mouth and visual 'softening' of existing tarmacked access with more appropriate surface materials such as resin bound gravel.

3.43 The proposal also includes the following landscape enhancements:

- Reinststate historic field boundary which has been lost over time (in accordance with SEO3 of the Cotswolds NCA)
- Improve diversity of grass sward through management along site and woodland margins to extend species-rich grassland and encourage retention/creation of new limestone grassland (in accordance with SEO3 of the Cotswolds NCA)
- Introduce new materials carefully to ensure they include characteristic boundary materials such as dry-stone walls and native hedges as opposed to post and rail fences.
- Introduce sustainable management of boundary vegetation and woodland/trees belts to ensure successful longevity, particularly in light of high ash content and risks from ash dieback disease (in accordance with AONB Landscape Strategies and Guidelines and SEO3 of the Cotswolds NCA)
- Introduce new tree species, such as Beech, around margins of site to provide future tree structure where currently trees are predominantly ash and at risk of Chalara Dieback (as recommended by Cotswolds AONB Landscape Strategy and Guidelines) and to complement the nearby Cotswolds Beechwoods Special Area of Conservation (SAC and Natura 2000 site).

3.44 In addition to the consideration of the potential impacts upon visual and landscape character, the LVIA has considered the potential impacts of the proposal upon dark skies. The assessment has influenced the scheme design, with a set of mitigation measures included:

- A low-profile structure with natural finishes, living green roof and use of local materials and finishes. No skylights are proposed in the roof.
- External Louvres to reduce light spill from the house and prevent glare and light trespass from internal spaces.
- Minimal external lighting; lighting only areas which need to be lit. Low-level bollard lighting and downward facing lighting using passive control triggers.

3.45 The LVIA concludes that no significant harm will occur to the dark skies of the Cotswold AONB because of the proposed development.

3.46 In considering the potential effects of the proposal in landscape and visual terms, the proposed mitigation and enhancement measures incorporated into the design, along with the established ability to carry out a residential use at the site, are key factors in assessing potential effects. The LVIA concludes that:

'Overall, the assessment has identified that the development proposals would not result in significant effects that would exceed this threshold or conflict with the strategies and guidelines for the high wold character area that add to recognised pressures for change. As such the development proposals will maintain and enhance a strong sense of place and will conserve the landscape character and visual beauty of the AONB in accordance with both national and local policy requirements.'

3.47 The delivery of enhancements to the site setting, landscape character and the scenic beauty of the AONB should be given great weight in line with the tests at local plan policy EN5. As there is a planning fallback available to create a single residential unit at the site, the proposal shouldn't be considered major development in the AONB. It does not generate additional residential units when compared to the fallback and in this regard the proposal complies with policy EN5; and again great weight must be given to the benefits delivered by the proposal in AONB terms.

3.48 The conclusions of the LVIA regarding dark skies show compliance with AONB management plan policy CE5. Furthermore, through controlling light spill and delivering a development which will have no greater amenity impact than the established fallback position, it must be that the proposal complies with policy CE4 relating to tranquility.

Biodiversity and trees

3.49 In accordance with Policy EN7, as identified by the landscape strategy, substantial new native hedge and tree planting come as part of the proposal.

3.50 In line with Policy EN8, proper assessment of the potential of the site to accommodate ecological and habitats species was undertaken to assess the potential impacts. The appraisal concluded that the proposal will not generate adverse impacts in biodiversity and ecological terms.

3.51 A range of enhancements for biodiversity and ecology purposes have been recommended as listed below:

- The hedgerow mix comprises the following species, Hawthorn 40%, Blackthorn 15%, Hazel 10%, Field Maple 10%, Holly, Dog-rose, Spindle, Wild Privet and Wych Elm, all 5%.
- Provision of bat roosting features either on/in the new building or by installing boxes on nearby mature trees.
- Installation of groups of individual boxes or colony boxes for species such as House Sparrows and Starlings.
- Individual boxes, such as the Schwegler Bird Home 1MR, to be installed at a height of at least 2 m.
- Boxes to be installed on retained trees; these should be fixed a minimum of 2 metres from the ground, with the entrance hole between north and east. This avoids the worst of the weather and prevents the box and its inhabitants becoming overheated in sunny weather.
- In order to enhance the site, new planting to concentrate on species native to the area and produce a range of seeds and berries at varying times of the year. Nectar rich plants to be used to encourage invertebrates on to the site, which in turn provide food for birds as well as other species such as bats.
- Dead wood piles will be provided on site, as well as invertebrate homes for pollinators.

3.52 The proposed measures will be delivered as part of the proposal and so the development will deliver a biodiversity enhancement. The proposal therefore complies with local policy EN8.

Design

3.53 Design is an important consideration of course, and we note the recent publication of the National Design Guide. Policy EN2 expects that '*Proposals should be of design quality that respects the character and distinctive appearance of the locality*', with reference to the Cotswold Design Code. At D.20, the Code confirms that '*on some sites a contemporary approach, well-executed, can be appropriate*', and paragraphs D.29 to D.34 expand on this principle. Those paragraphs are not repeated here, but with reference to the DAS it is evident that the proposed design is carefully considered, high quality, and appropriate to the site and its context.

- 3.54 The National Design Guide sets out the ten key characteristics for achieving good design and explains that creating high quality buildings and places is fundamental to what the planning and development process should achieve. In the context of the proposal the guidance set by the National Design Guide in relation to site context, local identity and nature are particularly prevalent due to the site's location in the Cotswold AONB. With particular regard to context the guide recognizes that well designed development responds positively to the features of the site itself and the surrounding context beyond the site boundary. In this regard the use of natural materials, a contemporary approach to assimilate the building with the surrounding landform and vegetation and the relocation of the building to open up key views through the site it is considered that the development complies with the requirements of the guide. The submitted design and access statement discusses the design response undertaken and of particular note are the model images and key views located at pages 30, 31 & 35 of the D & A statement as these describe how the proposed dwelling responds to its surroundings.
- 3.55 For the reasons set out in this statement the proposal responds positively to its locale and achieves an enhancement in terms of its contribution to the sense of place and wider landscape.

Energy efficiency and sustainability

3.56 The submitted design and access statement describes the measures that will be taken to improve the sustainability of the proposal compared to the conversion scheme. These are:

- Proposal to be built to passivhaus standard using a fabric first approach.
- The fabric first approach involves maximizing the performance of the components and fabric that make up the building fabric. The building will be designed to maximise air tightness and use high performing insulation materials.
- Rebuild roof with biodiverse plant roof to provide habitat benefits, protection of visual amenity and reduce rainwater runoff from the building. It also absorbs CO₂.
- Rebuild the structure with timber and local stone.
- Reuse concrete blocks from existing building as a substrate to ensure carbon dense materials are reused in the construction.
- Careful consideration of openings and sun shading to manage and optimize solar gain.
- Minimal glazing on north elevation and use of triple glazed windows and doors.
- The optimization of natural ventilation.
- Construction of walls using light double timber stud detail to shrink the carbon footprint of the building due to carbon retained in the building.
- Use of locally sourced Cotswold Stone to reduce embodied carbon of the proposal.
- Use of locally sourced timber to reduce carbon emissions associated with transport. Left untreated with natural weathering to minimize the use of chemical based treatment products.
- Use of air source heat pump rather than fossil fuel option.

3.57 AONB management plan policy CC1 relates to climate change mitigation. A fundamental requirement of the policy is to reduce energy demand in existing and new buildings. Examples of how this can be achieved are identified in the policy and some of the more relevant ones to the proposal are:

- Reducing embodied carbon through secondary and recycled material use within all construction unless demonstrably unachievable on technical and practical grounds;

- Utilising passive measures, for example the orientation of buildings and the provision of high levels of insulation;
- Sustainable construction methods and management plans to reduce and manage construction waste should be implemented;

3.58 Policy CC2 – climate change adaptation says that '*Climate change adaptation should be a significant driver in all new development...*'.

3.59 The proposal clearly seeks to meet the challenge of climate change head on and in replacing the existing building there is the opportunity to drive up the energy performance of the building in line with the stated objective of the AONB management plan to address the climate change emergency. On the matter the management plan says

'Our climate is rapidly changing, driven by greenhouse gas emissions from human activities. We are already experiencing the dangerous impacts of a rapidly heating climate and many of the defining characteristics and Special Qualities of the Cotswolds National Landscape are threatened by climate change and potentially our responses to it. Even if we cut emissions to zero tomorrow, further warming is inevitable due to the legacy of greenhouse gases in the atmosphere that will take decades to decline to safe levels. However, a window of opportunity remains for ambitious climate action to prevent its worst impacts, and to help people and wildlife adapt.'

'The need for climate action is urgent, but it needs to be well thought out and carefully implemented. The Cotswolds National Landscape is not exempt from playing a full part, but all this can be and should be done in ways that conserve and enhance the Cotswolds for future generations. Improving carbon literacy and understanding of the Cotswold landscape will help ensure the Cotswolds National Landscape remains both beautiful and resilient into the future.'

3.60 The proposed development strives to meet the requirements of the AONB management plan and to make the most of the stated window of opportunity to prevent the worst impacts of climate change and in doing so help people and wildlife adapt to the inevitable consequences of climate change. There is clear compliance with the objectives and aspirations of the stated policies.

Other matters

Previously developed land

- 3.61 At the national level, the NPPF is very clear and in general terms supports the re-use of previously developed land (paragraph 119) and the need to increase the supply of new homes. Whilst this proposal does not in itself increase housing supply, as one dwelling is already approved at the site, the importance of delivering new homes of high design quality and on this type of site is unequivocal.

Highways matters

- 3.62 In the recent past the site has generated regular daily vehicle movements, often by large vehicles. The site also benefits from permission for one dwelling. The site access is considerable, perhaps excessive for a single dwelling (albeit it has been constructed in line with the conditional requirements of an earlier planning permission). The one dwelling as proposed will therefore not have any impact on traffic to and from the site, or on the access arrangements.
- 3.63 Recognising the sensitive context however, and the impact the current access has on this context and those who experience it, the proposals include for the reduction of radii of the access along with significant enhancements to its visual appearance all as set out in the DAS to the benefit of the AONB landscape and the site generally.

Self-build

- 3.64 The proposal is for a self-build home. The Self-build and Custom Housebuilding Act 2015, places a duty on local planning authorities to keep a register of parties wishing to acquire plots for self-build and custom housing and to have regard to such registers when carrying out planning functions.
- 3.65 The Housing and Planning Act 2016, places a duty on local planning authorities to meet the demand for self-build and custom-build housing in their areas.
- 3.66 National legislation and planning policy, and strategic planning policy presumes in favour of self and custom-build housing development.
- 3.67 The council has a statutory duty under the 2015 and 2016 Acts to:

- keep a register of parties wishing to acquire plots for self-build and custom housing;
- have regard to such registers when carrying out planning functions; and
- meet the demand for self-build and custom-build housing in its area.

3.68 Paragraph 62 of the NPPF states:

"....., the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travelers [sic], people who rent their homes and people wishing to commission or build their own homes." (Emphasis added).

3.69 Footnote 28, which relates to the above quoted paragraph 62 says that 'Self and custom-build properties could provide market or affordable housing'.

3.70 Analysis of self-build demand undertaken by the council in 2016 identified that the majority of registered self-builders in the district sought a small site and a plot in a secluded location, or rural location. There is clearly a need for the type of development proposed and the proposal clearly meets the applicant's requirements.

3.71 With regards to addressing a need, according to the Government's published 'Right to Build Registers Monitoring 2016-2021' data, Cotswold District Council self-build data is set out on the following table:

Base Period	No. of Individuals on register	No. of Groups on Register	No. of Permissions Granted
End of first base period as at 30/10/16	66	0	-
Second base period 31/10/16 to 30/10/17	70	3	0
Third base period 31/10/17 to 30/10/18	10	0	0
Fourth base period 31/10/18 to 30/10/19	3	0	23
Fifth base period 31/10/19 to 30/10/20	-	-	-
Sixth base period 31/10/20 to 30/10/21	27	1	39
No. of entries in total (across all base periods 1 to 6)	186	2	62

- 3.72 Based on this published government information, which has been collected from the local authority itself, Cotswold District Council is significantly underperforming in its statutory duty to meet the demand for self-build and custom housing plots. The proposed development can help to meet the council's statutory duty to provide sufficient self-build plots to meet demand.
- 3.73 The applicants have long held a desire to construct their own home with the Cotswold and prior to purchasing the property have previously enquired about being entered onto the Council's self-build register. As they were not residents of the district then they did not meet the locational tests for being entered into the register. Nonetheless, the proposal will be for the applicant's own home and thus there will be a contribution to self-build delivery in the district.

4.0 Conclusions and planning balance

- 4.1 This planning application seeks consent for the existing building on site to be demolished and replaced with a high-quality contemporary dwelling. Building on a recently granted planning consent enabling the conversion of the existing building to residential use, the development brief has been to deliver a wide range of additional enhancements including the site's contribution to the wider landscape, biodiversity net gain and responding to the climate change crisis.
- 4.2 The proposed development will deliver significant benefits over and above what can be delivered by the scheme implementable under the extant planning fallback. The benefits are summarised as:
- The retention of the open view retained through field gate entrance towards Leckhampton Hill along with the proposed tree planting outside of domestic curtilage to the north east to filter views of new build form from Leckhampton Hill.
 - Recessed access to set domestic curtilage away from Greenway Lane and softening of access with new tree planting and use of sensitivity selected materials.
 - The implementation of a wide range of biodiversity enhancements.
 - Proposal to be built to passivhaus standard using a fabric first approach. The fabric first approach involves maximizing the performance of the components and fabric that make up the building fabric. The building will be designed to maximize air tightness and use high performing insulation materials,.
 - Rebuild roof with biodiverse plant roof to provide habitat benefits, protection of visual amenity and reduce rainwater runoff from the building. It also absorbs CO₂.
 - Rebuild structure with timber and local stone and reuse concrete blocks from existing building as a substrate to ensure carbon dense materials are reused in the construction, leading to the responsible use of resources.
 - Careful consideration of openings and sun shading to manage and optimize solar gain and the optimization of natural ventilation.
 - Construction of walls using light double timber stud detail to shrink the carbon footprint of the building as carbon will be retained in the building.
 - Use of locally sourced Cotswold Stone to reduce embodied carbon of the proposal and use of locally sourced timber to reduce carbon emissions associated with transport. Left untreated with natural weathering to minimize the use of chemical-based treatment products.

- Clear compliance with the requirements of the Cotswold AONB management plan relating to measure to address climate change.
- 4.3 It is clear from the submitted documents that in the context of the existing site and the planning fallback position of converting the existing building to residential use, that the proposal will deliver a range of landscape, architectural and biodiversity enhancement which contributes to strengthening sense of place and the scenic beauty of the Cotswold AONB.
- 4.4 When considering the planning balance and applying the principles that officer's have previously applied in considering the fallback positions of application in proximity to the site, and the principles of the example planning appeals provided, it is considered that there are significant material considerations present to outweigh any harm generated by the proposed development in relation to spatial plan. In any event it has been demonstrated that the proposal does not conflict with the general objectives of the spatial plan and thus the conflict is only a technical policy one. It is contended that the proposal does not generate actual planning harm.
- 4.5 Additionally, an example of recent appeal identifies that the proposed approach is acceptable and that the delivery of benefits over and above those achievable via a fallback position is a significant contributor to outweighing technical planning policy conflict.
- 4.6 For the reasons set out in this statement, it is considered that any harm generated by the proposal is limited to technical policy harm, and that the benefits of the proposal clearly outweighs that harm.
- 4.7 We trust that this statement has suitably demonstrated the appropriateness of the submission such that it can be supported, and planning permission be issued.

Appendices

APPENDIX 1 - POOK BARN APPEAL REFERENCE APP/B3830/W/20/3246048

APPENDIX 2 – BROADLAKE APPEAL REFERENCE APP/M2270/W/21/3275924



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