

The Head of Planning Services  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

4<sup>th</sup> December 2023

**Your ref:** -  
**Our ref:** **AB/7274**

Dear Sir/Madam

**Re: Householder Planning Application – Erection of a Single Storey Outbuilding at 5 Ullenwood Court, Cheltenham GL53 9QS**

The following letter is prepared in support of a Householder Planning Application seeking consent for the erection of a single storey outbuilding for use for purposes incidental to the main dwellinghouse at 5 Ullenwood Court, Cheltenham.

The Council will be aware that the development at Ullenwood Court is under construction with a number of the plots now having been completed, following the grant of permission in May 2019 under Application Ref. 18/01615/FUL, and the subsequent non material amendments and discharge of conditions applications as listed on the Council's planning register.

The application site comprises Plot 5, now known as 5 Ullenwood Court, per the grant of planning permission, as shown on the approved Site layout Plan ref. PL005 Rev.1 appended to this letter at **AB1** for reference. The dwelling has been completed and is occupied.

At the time of granting planning permission for the development, the Council considered that exceptional circumstances existed to remove permitted development rights from the site as a whole, as a result of the location within the Green Belt, so that the Council could retain appropriate control over the character and appearance of the development and its impact upon openness.

The condition imposed is cited below for reference, as reflected within the decision notice; appended at **AB2** for completeness:

- 3 *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no alterations to the residential dwellings hereby approved shall be made including the erection, construction or siting of extensions, means of enclosure, containers, walls/fences, hard standings or outbuildings within the curtilage of the dwellings hereby approved, other than that permitted by this Decision Notice or subsequent Reserved Matters approval(s).*

**Reason:** *To ensure that the character of the buildings and the appearance of the site is conserved in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN5 and the provisions of the National Planning Policy Framework given the site's location in the Cotswold AONB and Cheltenham-Gloucester Green Belt.*

As a result of the condition imposed, the typical residential permitted development rights that would be available to the householder are not available and thus planning permission is required for the erection of a domestic outbuilding to meet the Applicant's needs.

The proposal before the Council is to erect a simple outbuilding to provide an office for the Applicant and storage space. The outbuilding is required solely for purposes incidental to the enjoyment of the dwellinghouse. It does not seek to provide additional primary accommodation, and this should be self-evident by the size and design of the modesty outbuilding.

The building is positioned close to the dwellinghouse, to the side of the plot in a location where it will be effectively screened by the trees and shrubbery south of the site and the new landscape planting; comprising native tree species, which sit in its periphery to the north, south and west. The garden curtilage of the dwellinghouse is well defined and can lawfully be utilised for domestic purposes relating to the dwellinghouse, including the siting of domestic paraphernalia across its extent. The erection of the proposed outbuilding will result in no material change to the use of the land or impact upon the Green Belt having regard for its use. The outbuilding stands at a single storey to its eaves and ridge, standing just under 2.4m at its tallest point. The footprint of the building measures 6m by 4.8m to the outside edge of its external walls which will provide an internal GIA of approximately 22sqm. The outbuilding will be constructed on a concrete slab and is located outside of the root protection area (RPA) of the surrounding trees.

It is appropriate to assess the proposed outbuilding under the limitations set out within Schedule 2, Article 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the Order'). It should be recognised therefore that, if permitted development rights had not been removed, the dwellinghouse in terms of its scale, position and massing would be permitted development in accordance with Class E of the Order.

The outbuilding is appropriately discrete in its position, scale and massing and will not give rise to harm to the openness or purposes of the Green Belt or upon local character. The outbuilding will not be read from the street scene and is discretely located at the rear of the dwelling in a position where it sits close to the dwelling, but does not detract from or compete with it.

Whilst the Council have removed permitted development rights for the erection of domestic outbuildings, this does not render the provision of such outbuildings unacceptable. The purpose was to enable the Council to have appropriate control of the design, siting and material specification of any outbuildings.

The Council has made this position clear within the reason for imposing Condition 3; namely:

*To ensure that the **character of the buildings and the appearance of the site is conserved** in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN5 and the provisions of the National Planning Policy Framework given the site's location in the Cotswold AONB and Cheltenham-Gloucester Green Belt.*

The Framework and Planning Policy Guidance as set out within the PPG confirm that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this case the justification from the authority, whether or not this properly meets the tests of being reasonable or necessary having regard for the direction of Paragraph 56 of the Framework, is clear and relates to considerations of appearance and character.

The removal of permitted development rights was not to prevent the erection of any domestic outbuildings at all within the broader development site where these would serve the typical domestic needs of the residential dwellings. Such an approach would be unreasonable and unjustified, and the condition would fail to meet the tests of the Framework in these circumstances.

The outbuilding complies with the criteria set out within the Order. The outbuilding is appropriate in this respect and the Council should concern itself with its appearance and impact upon character.

Local Planning Policy is set out within the Cotswold Local Plan (2018). The Local Plan is silent in terms of specific policy direction with respect to the carrying out of works within the curtilage of existing dwellinghouses, with the exception of the direction provided at Policy EN2. Policy EN2 of the Cotswold Local Plan confirms that development will be permitted which accords with the Cotswold Design Code.

As part of the Cotswold Local Plan; at Appendix D, the Council have adopted the 'Cotswold Design Code'. The purpose of this document is to ensure that development within the plan area achieves the highest standards of design and respects the distinctive qualities of its settlements and landscapes to preserve local distinctiveness.

By inference, the development types that are discussed within the Design Code are those which are considered to be acceptable as a matter of principle as Policy EN2 confirms. The Design Code provides advice on matters such as design scale and siting; with the principle of development that is discussed within the Design Code acceptable.

The Cotswold Design Code confirms at Section D.67 – Points 1 and 2 that the erection of domestic outbuildings is acceptable and provides a series of criteria to which regard should be had. The Design Code advises that all new outbuildings should relate to the scale and character of the main building, and the plot in which it sits. In essence, outbuildings should not compete with or dwarf the dwelling house to which they relate.

The guidance also indicates that outbuildings should not be positioned to the front of buildings, unduly present within the street scene and indeed it is instead favoured that they are pushed to the rear of the dwelling so as not to compete with or detract from it.

The design guide accepts that sheds and summer houses are widely permissible. sensitive scaling and siting should be considered and a subdued finish. It would however in design terms be equally appropriate to look to the main dwellinghouse as an example of appropriate material specification and design form; particularly where forming part of a modern development such that more traditional design details would be inappropriate in its specific context. Indeed, this is accepted by the Design Code and that is the case with the application site, where a more modern approach will sit more comfortably within the setting of the main dwellinghouse.

The design and detailing of the proposed outbuilding is simple and designed in its materiality to sit comfortably alongside the main house, having regard for the material specification approved by the Council at the time of discharging Conditions 31, 33 and 34 of approval ref. 18/01615/FUL.

The outbuilding will be erected with a timber and structurally insulated panel (SIP) construction, providing a light weight and energy efficient structure and clad in vertical timber boarding to match the main house. The windows and door shall be powder coated aluminium of an appropriate colour and specification to match the windows of the dwellinghouse and the roof will be finished in a dark coloured GRP or similar roof sheet. The material specification is provided below as a bullet point list for clarity.

Walls –

- Vertical timber cladding – Untreated Larch, left to weather naturally.

Roof –

- Roof sheeting – GRP or similar finished 'Dark Grey' RAL 7016 to match the main house.

Windows and Door –

- Powder Coated Aluminium – Smart Architectural Aluminium – finished 'Dark Grey' RAL 7016

The Applicant has had appropriate regard for the policies of the Local Development Plan, and the Cotswold Design Code in the design and arrangement of the proposed

development and it is not considered that any harm will result from the modest proposal to erect an outbuilding for purposes incidental to the main dwellinghouse.

## **Conclusion**

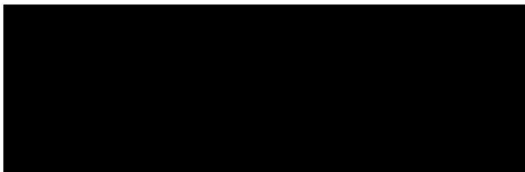
The application before the Council seeks householder planning permission for the erection of a domestic outbuilding within the curtilage of an existing dwellinghouse.

The Applicant is unable to make use of permitted development rights granted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as a result of a condition imposed by the Council on the original grant of consent for the property.

The removal of permitted development rights does not however render the erection of an outbuilding as inappropriate as a matter of principle. The proposals before the Council have had appropriate regard for the Cotswold Design Code and in turn the design and detailing of the existing dwellinghouse. The material specification proposed will match the existing dwelling and sit comfortably within its setting preserving the character and high quality nature of the development, the character of the area, and the openness of the Green Belt.

There is no conflict with the Cotswold Local Plan or Framework and there are no unacceptable impacts which indicate that planning permission should not be granted.

Yours sincerely



Adam Bennett BA (Hons) MRTPI  
Senior Associate Planning Consultant

**Direct email:** [adam@kppcltd.co.uk](mailto:adam@kppcltd.co.uk)

**Website:** [www.kenparkeplanning.com](http://www.kenparkeplanning.com)

Encl.

- AB1** Approved Site Layout Plan 18/01615/FUL
- AB2** Decision Notice Ref 18/01615/FUL