



Appeal Decision

Hearing held on 14 May 2026

Site visit made on 14 May 2026

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2026

Appeal Ref: 6002824

Land North of The Wern, Lechlade GL7 3DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land against the decision of Cotswold District Council.
 - The application reference is 24/03501/OUT.
 - The development proposed is 'residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; and associated landscaping, earthworks, parking, engineering works and infrastructure. All matters reserved except for the access junction from The Wern.'
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; and associated landscaping, earthworks, parking, engineering works and infrastructure. All matters reserved except for the access junction from The Wern at Land North of The Wern, Lechlade GL7 3DN in accordance with the terms of the application, reference 24/03501/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except for the access junction from The Wern. The appeal is determined on that basis.
3. Draft heads of terms were submitted for consideration by the Council at application stage. Two draft legal agreements were subsequently submitted for discussion at the hearing, one to which the Cotswold District Council was to be a signatory (the CDC S106), and the other to which Gloucestershire County Council was to be a signatory (the GCC S106). These were broadly in line with the draft heads of terms submitted at application stage. In event of these being signed prior to the appeal decision being issued, the Council advised that it would no longer seek to defend reason for refusal six. This concerned the lack of a mechanism to secure affordable housing, self/custom build housing, the size and mix of market housing, biodiversity net gain and financial contributions to library services. The signed CDC S106 and GCC S106 have now been provided, dated 27 May 2026. As reason for refusal six is no longer a matter in dispute between the main parties, it is addressed under Other Matters.
4. The Council's fourth reason for refusal was that insufficient information had been submitted in respect of the potential impacts of the proposal on biodiversity. Also, the Council's fifth reason for refusal was that insufficient information had been

submitted to demonstrate that the biodiversity gain objective had been met and that the biodiversity gain condition would be discharged. However, in light of further information submitted with the appeal, including the two S106, the Council advises that it no longer seeks to defend reasons 4 and 5. Therefore this is also addressed under Other Matters.

5. It is agreed between the main parties that the Council is only able to demonstrate a 1.8 year housing land supply. I return to this subsequently.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the local area; and whether the proposal would preserve the setting as it relates to the special interest of the nearby Grade II listed building, known as “Butler’s Court with gatepiers and wall to south east” (Ref: 1341300) (Butlers Court) and “Stable immediately behind Butler’s Court to North West” (Ref: 1341319) (the Stables), and its effect on the setting of Lechlade Conservation Area (the CA).

Reasons

Character and appearance

7. The appeal site comprises an agricultural field, set back from the A417 behind another field, and with fields beyond, to the north and west. It is bound by mature vegetation to the north, west and east, with The Wern (the road) along its southern boundary. The Wern has a suburban character due to its proximity to the roundabout with the A417, its pavement along one edge and street lighting. Nonetheless, the site itself has a rural character and appears as part of the open countryside that surrounds the town.
8. Having regard to the Landscape Character Type: River Basin Lowland and Landscape Character Area TV1C: Fairford and Lechlade of the Gloucestershire Landscape Character Assessment (January 2006), the appeal site does not strongly align with their listed characteristics. For example, it refers to lush wet meadows and wide floodplain pastures, and its mosaic of wetland and riparian habitats. However, as a smaller scale field, it is consistent with one of the features mentioned in connection with pastoral land and arable cultivation. As such, it makes a positive contribution to the landscape character surrounding Lechlade.
9. I note the Council’s Strategic Housing and Economic Land Availability Assessment 2021(SHELAA) found that land that includes the appeal site was unsuitable for development due in part to harm to the setting of a Scheduled Ancient Monument, a listed building and the rural approach to Lechlade. I consider impacts on the Scheduled Monument and listed building subsequently. However, it is apparent that the proposal would result in the loss of the rural character of the appeal site field and its replacement with buildings and associated infrastructure. Therefore, there would be some landscape harm as an inevitable consequence.
10. The generally flat topography of the area and the existing mature landscaping along field and garden boundaries would help to curtail long distance views of the proposal from the surrounding area. In that sense the appeal site is relatively well contained such that visibility of the proposal would be localised. In addition, the proposed parameters plan shows a band of green infrastructure around the perimeter of the site. This additional landscaping, the details of which would be

secured at reserved matters stage, would not disguise the presence of residential development on this site, but over time the maturing landscaping would become more effective at integrating the development with its surroundings. The proposed landscaping would also help to filter views of the proposal from surrounding houses, from the A417 and from formal and informal footpaths in the vicinity of the appeal site. Such landscaping need not necessarily comprise a heavily planted screen but could instead be more diverse in scale and form to create a soft edge to the development.

11. The layout and scale of the proposal would be determined at reserved matters stage. However, the appellant's illustrative concept plan gives an example of how the site could accommodate the proposal. This shows houses adjacent to the access road that curves round to the rear of the site, circa six buildings along the straight stretch of The Wern at the front of the site, a similar number of buildings along the boundary with Butlers Court, and buildings with a larger footprint along a central road through the site. This indicates that there could be a higher density of housing at the centre of the site. Due to the generally flat topography of the appeal site and surrounding land, such an approach would limit the extent to which the number of houses and the density of development would be appreciable from outside of the appeal site. This would help to assimilate the appearance of the development with its location at the edge of Lechlade.
12. The density of the proposed housing would likely be considerably greater than would be achieved on the adjacent allocated housing site in the event of a scheme being granted there, on the basis that that site is allocated for only 9 dwellings. However, that site is in a much more prominent position, being immediately adjacent to the A417/The Wern roundabout and also adjoining the CA boundary to one side. Whereas, due to the appeal site's location set back from the A417, there would be a greater sense of space between it and the A road. In addition, the appeal scheme would be viewed in the context of The Wern (the road) which itself has a suburban character. Moreover, existing houses on The Wern include a mix of detached and semi-detached houses on varying plot sizes, some of which are arranged on cul-de-sacs. Consequently, the appeal scheme would not be wholly at odds with the existing form of development this side of Lechlade.
13. Nonetheless, for the reasons given I find that the proposed development would harm the character and appearance of the area and detract from its landscape character by eroding the sense of rurality it currently provides. Therefore, with respect to this main issue it would conflict with Policies EN1, EN2 and EN4 of the Cotswold District Local Plan 2011-2031 (August 2018) (Local Plan) and Policy D1 of the Lechlade Neighbourhood Plan (July 2016). These generally seek to ensure developments achieve a suitable design having regard to the character of the area and the natural environment. However, the harm would be relatively localised given that the site is well contained and landscape enhancements are proposed, the beneficial effects of which would increase over time as planting matures. Accordingly, I afford this harm moderate weight against the proposal in the planning balance.

Historic environment

Special Interest and Significance

14. As Butlers Court is a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Butlers Court is described as a mid/late 17th century house with enlargements in the early 18th century and in the 19th century. It comprises a mix of coursed and random rubble stone with a stone slate roof. Its front faces south east and dates from the 18th century, comprising a four bay coursed stone extension together with two rubble stone bays creating a Georgian façade. Its older south west frontage has two gables with windows with stone mullions at ground, first and second storey. Its northern elevation has a hipped roof with attic dormers. A 19th century two storey cottage adjoins its north west corner.
15. The historic context of this building would have been as a farmhouse, with gardens laid out to the south, and set within a rural landscape. The current context in which it is experienced comprises spacious grounds contained by mature vegetation. It occupies an edge of settlement position, with housing having been added on The Wern, but otherwise retaining its rural character due to its well contained gardens, proximity to open countryside, including to the east, and agricultural buildings to the north. Given the above, I find that the setting of the building, insofar as it relates to this appeal and its special interest, to be primarily associated with its gardens from which its architectural and historic interest can be most readily appreciated. The presence of surrounding agricultural land, including the appeal site, also contributes to its setting given its historic use as a farmhouse and its historic connection with the land.
16. The Stable is described as late 18th century and comprises two storeys of coursed rubble stone with a stone slate roof. Stone steps on its north east elevation lead up to a raised level door. Its historic context would likely have been stables as part of the wider farmstead. Having now been converted to residential use, the current context in which it is experienced is as a house with its garden enclosed by a masonry wall, adjacent to Butlers Court, agricultural buildings and countryside beyond. Given the above, I find that the setting of the building, insofar as it relates to this appeal and its special interest, to be primarily associated with its private walled garden and its historic proximity to Butlers Court and adjacent land and agricultural buildings.
17. The CA contains a high concentration of historic buildings and covers the historic centre of the town, extending south to the River Thames, north to encompass Lechlade Manor and west along High Street towards the appeal site. Its significance is derived from the architectural and historic interest of its mix of polite and vernacular, stone faced buildings, positioned along historic roads through the town. These buildings have a tighter grain at the core of the town, with views of the surrounding countryside being more apparent at its fringes. Accordingly, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its high concentration of historic buildings of architectural merit and its countryside setting.

Effects

18. The main elevations of Butlers Court face south west and east. As such, there is no substantive evidence of views from Butlers Court towards the appeal site being of

historic importance. The boundary between Butlers Court and the appeal site now comprises mature vegetation such that at the time of my site visit there was very limited visibility between Butlers Court and the appeal site. In addition, the parameters plan shows a strip of green infrastructure along that boundary that would provide a degree of separation with the appeal houses and an opportunity for additional planting. As the topography of the appeal site is broadly level with that of Butlers Court, planting would provide effective screening. Accordingly, even in winter months when deciduous vegetation is more sparse, visibility of built form on the appeal site would be limited.

19. Evidence before me indicates that the appeal site was historically in the same ownership as Butlers Court. As such, it is likely to have comprised part of the farmland associated with the historic use of Butlers Court as a farmhouse. Consequently, the proposal would result in the loss of a small part of the farmland historically associated with Butlers Court. This would amount to a small degree of harm to its setting. Whilst physically close to Butlers Court, and whether or not it was historically accessible from its farmstead, it comprises only part of one of many such fields under the same historic ownership. Butlers Court is set within substantial grounds which retain a rural character to its setting. Also, notwithstanding existing housing on The Wern, links to the wider open countryside would remain, including the fields to the north and east. Even if the adjacent agricultural barns come forward under the employment allocation I consider there would be scope to retain a rural character there.
20. The Stables is self-contained residential accommodation, set within its own walled garden. An access track runs down the outside of its garden wall to the corner of the appeal site. From adjacent to the Stables, there is consequently a view back along the track towards the corner of the appeal site and the vegetation that borders the field to the north. There would be very little change to this view and the sense of connection that it provides between the Stables and the surrounding countryside. Accordingly, I find that the proposal would not harm the setting as it relates to the significance of the Stables.
21. The appeal site does not share a boundary with the CA. It is separated from it by the allocated housing site, and by the garden extending to the south of Butlers Court. As a result, opportunities to see the appeal scheme from within the CA would be very limited. On approaching the CA on the A417 from the direction of Hillier Garden Centre, the appeal site currently forms part of the rural character of the countryside that is visible from the A417.
22. However, as reasoned above, the appeal site is set back from the A417 behind the allocated housing site. While that site remains undeveloped, there will remain a sense of space and rurality on that approach to the CA. In the event of that site coming forward for housing in line with its allocation, the lower density of development likely there would form a transition between the A417 and development on the appeal site. It would also likely screen the appeal scheme in views from the A417 to a certain extent. Consequently, the proposed development would not be sufficiently prominent to result in harm to the setting of the CA.
23. Therefore, the proposal would not harm the setting of the CA or the setting as it relates to the special interest of the Stables. However, for the reasons given it would result in harm to the setting of Butlers Court. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the

impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.

24. Given that the proposal would result in limited harm to one aspect of the setting of Butlers Court, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. I carry out this heritage balance later in my decision.

Other Matters

Wildlife and biodiversity

25. The Council refused planning permission in part due to a lack of information on potential impacts on biodiversity and the potential for the proposal to achieve biodiversity net gain. In light of the Council's concerns about outdated protected species surveys, the appellant provided updated surveys for bats, breeding and overwintering birds, reptiles, great crested newts, white clawed crayfish, water vole and otter. As a result of these and the positive identification of great crested newt eDNA, the main parties agree that conditions securing mitigation through the third party provider (NatureSpace) would be appropriate. These are addressed under conditions below.
26. I note local residents' concern about the potential impact of the proposal on barn owls. The appellant's updated Ecological Impact Assessment (October 2025) (EclA) confirms that a breeding pair were identified in 2022 as using a nest box in a farm building to the north east of the site, and that recent surveys confirm that the appeal site provides foraging grassland for barn owls. However, the appellant's ecologist advises that the general habitat range for breeding barn owls is circa 1km surrounding the nest site. As such the appeal site would likely form a small part of their foraging habitat. Also, offsite grassland is proposed as set out in the off-site habitat management and monitoring plan secured by the CDC S106. Therefore, I am satisfied that sufficient alternative foraging grassland would be established such that the proposal would be acceptable with respect to its effect on barn owls and other bird species.
27. In light of the updated information the Council confirmed that sufficient information had been provided and that subject to conditions securing a habitat management and monitoring plan and a landscape and ecological management plan, this reason for refusal was no longer relevant. Subject to the conditions as specified below, I concur.
28. In response to the Council's reason for refusal relating to biodiversity net gain, the appellant updated the biodiversity net gain assessment. This confirms that the minimum objective of a 10 per cent biodiversity net gain would be achieved for habitats, hedgerows and watercourses. This would involve off-site ecological enhancements on land north east of the main appeal site. The Council has advised that it is now satisfied that the 10 per cent net gain can be achieved and this reason

for refusal also falls away. The signed CDC S106 requires the off-site biodiversity net gain land to be maintained in accordance with the habitat management and monitoring plan for a period of not less than 30 years from completion of the associated habitat creation and enhancement works. Accordingly, suitable mechanisms are in place to ensure that the proposal would be acceptable with respect to biodiversity net gain. It would thus accord with Policy EN8 of the Local Plan. Amongst other matters this requires proposals to conserve and enhance biodiversity, providing net gains where possible.

29. Matters of enforcement relating to destruction of protected habitats and tree loss are not relevant to the determination of this appeal. Moreover, I can only base the assessment of the proposal having regard to the technical evidence that has been put before me.

Drainage and flood risk

30. Interested parties, including Lechlade Town Council, raised concerns about the implications of the proposal on drainage and flood risk, particularly in light of flooding that occurred during storms in November 2024, with photographic evidence having been provided by Mr Hinchliffe. In response to those concerns and at the request of the Lead Local Flood Authority (LLFA), the appellant undertook further drainage modelling as submitted in the Technical Note 04 Rv1: Flooding Study – Surface Water Modelling of the Wern (01 May 2025) (TN04). This modelling assessed the implications of poor maintenance of the local drainage network on surface water flooding at The Wern in the event of extreme rainfall events. It found that blockage of a syphon structure that transfers water to the east and poor maintenance of the drainage network in the vicinity of the site were consistent with causing the pattern of surface water flooding observed in the November 2024 event.
31. It therefore concluded that if the drainage network is maintained, the proposed development site and access would remain clear of flooding even in a 1 in 100 year event, with allowances for climate change. In light of the TN04, the LLFA had no objections to the proposal, subject to suitable conditions. The Environment Agency also had no objection to the proposal, subject to a condition to assess the structural integrity of the culvert close to the appeal site access. I recognise the concerns raised by interested parties based on local experience of surface water flooding and the distress that such events cause. However, evidence before me shows that subject to appropriate conditions requiring submission of detailed drainage design, including a sustainable drainage system and maintenance as well as a structural survey of the culvert, the development would not increase flood risk either on-site or off-site. No robust evidence is before me to the contrary. These conditions would be required to be discharged before the development commences such that the proposal would only be permitted to proceed in the event that satisfactory detailed drainage design and maintenance measures had been demonstrated.
32. Consequently, the proposal would make effective provision for drainage and would not exacerbate flood risk off-site and would accord with the relevant provisions of Local Plan Policies EN14 and INF8. These include for proposals to avoid increasing flood risk and incorporate sustainable drainage systems where appropriate.

33. With respect to local concern about capacity for sewage disposal from the appeal scheme, a condition is imposed to require that the development is not occupied until it has been demonstrated that foul water capacity exists, or phasing is agreed to ensure occupation only occurs where the necessary infrastructure capacity is in place.

Traffic and accessibility

34. Interested parties have raised concerns about the effect of traffic generated by the proposal on local roads, including in light of increased traffic from visitors during extended peak holiday seasons and the likelihood of out commuting by future occupants. However, the appellant's transport statement demonstrates that the proposal would lead to only a modest increase in traffic and there is no substantive evidence to indicate that the development would lead to highway capacity concerns in and around Lechlade. The appellant's Transport Statement (October 2024) made allowances for the traffic associated with both the adjacent housing allocation and the adjacent employment allocation in the event of these also coming forward. As such I am satisfied that a suitable worst case scenario was considered.
35. Whilst the route through Fairford centre involves roads that are very narrow in places and require vehicles to give way to one another, there is no indication that a development of this scale would materially alter the safety of such routes or lead to unacceptable congestion there. Moreover, the highways authority had no objection on traffic or highway safety grounds. Also, I am not persuaded that the proposal would lead to an unacceptable increase in parking pressure within Lechlade.
36. The appeal site would be within walking distance of some services and facilities within Lechlade with the potential for some trips to be made on bicycle or by bus. Provision is also made for enhancement to the bus stop infrastructure and for improvements to the pedestrian route into Lechlade. Accepting that there are some physical constraints that would remain along that pedestrian route, this would nonetheless improve accessibility for all footpath users, including those in wheelchairs or with prams. Whilst there would inevitably be an increase in travel by private car as a result of the proposal, the site is suitably located to encourage some trips by sustainable transport modes. Therefore, the proposal is acceptable with respect to access and sustainability.

Local infrastructure

37. Concerns have been raised about the impact of the proposal on local services including healthcare and schools. However, the legal agreements secure various contributions to local infrastructure, including for primary healthcare and home to school transport for certain secondary places. In light of these, I am satisfied that the proposal would be acceptable with respect to its effect on local services.

Scheduled Monument

38. Historic England advised that it considered that the proposal would not impact on the significance of the Scheduled Monument known as "Multi-period settlement, cemetery, and ceremonial complex W of Lechlade" due to there being no loss of open farmland that contributes to its significance. Also, the concerns that Historic England did have about the footpath link from the north eastern part of the site are no longer relevant since that link was removed from the proposal prior to

determination by the Council. Consequently, I am satisfied that the proposal would not harm the significance of the Scheduled Monument.

Living conditions of neighbours

39. Some local concern has been raised about the potential for the proposal to result in loss of privacy and security for the occupants of existing houses in the vicinity of the appeal site. Nevertheless, I am satisfied that the layout of the proposal and orientation of individual houses could be designed at reserved matters stage such that it would not lead to overlooking of neighbouring houses or gardens to the extent that it would harm their living conditions. Moreover, the effect of the layout of the proposal on safety and security would also be a consideration in reserved matters submissions and I see no reason why it could not be suitably addressed at that stage.

Legal Agreements

40. The parties have completed the Section 106 Agreements which include a number of obligations to come into effect if planning permission is granted. I have considered these having regard to the statutory tests as set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 58 of the Framework. The CDC S106 obligations relate to the following matters.
41. Affordable housing: 40 per cent of the homes to be provided will be affordable homes, comprising a mix of social rent, affordable rent, shared ownership and first homes as set out in the S106. In addition, a local connection clause is included in respect of the shared ownership and First Homes provision. Therefore I find that the level and mix of affordable housing accords with Local Plan Policy H2 and Policy H1 of the Neighbourhood Plan. This passes the statutory tests.
42. Self build: the S106 secures a policy compliant level of custom/self build housing of five per cent of the general market housing. This passes the statutory tests.
43. Off-site biodiversity net gain: this secures the implementation of habitat creation and enhancement works to be provided on the off-site biodiversity net gain land and its management and monitoring for a period of 30 years, together with a monitoring contribution of £3,759 (index linked). This passes the statutory tests.
44. Open space areas: this comprises the provision of on-site green amenity space, planting, biodiversity enhancements, a local area of play and sustainable drainage system, and arrangements for their subsequent management by a management company or the Parish Council. It includes provision for payment of a commuted sum for their future maintenance in the event of it being transferred to the Parish Council. This passes the statutory tests.
45. Primary healthcare contribution: an increase in primary care and associated community health service floorspace is identified as necessary to accommodate the future occupants of the appeal scheme. The main parties are in agreement that the payment is necessary to accommodate future occupants of the proposal. A payment of £63,829.10 (index linked) is secured based on NHS Gloucestershire's evidence of floorspace requirements per person and recent build costs. This is for the creation of additional clinical capacity at Lechlade Medical Centre or an

identified primary care estates project in the local area to serve the development. I am satisfied that the contribution meets the statutory tests on that basis.

46. The GCC S106 obligations relate to the following matters.
47. Home to school transport (11-16 years) contribution: as the catchment secondary school is forecast to be full but there is capacity within the Cotswold Secondary Planning Area, a contribution of £22,800 is secured (based on the provision of 54 dwellings). This is to provide for transporting eligible secondary school children living at the proposed development to schools that are greater than three miles away, for a period of three years. This passes the statutory tests. As the closest primary school is forecast to be able to accommodate the number of primary school places generated by the proposal, no contribution to primary education is needed.
48. Libraries contribution: a contribution of £10,584 based on Gloucestershire County Council's per dwelling tariff, to be used to mitigate the impact of increasing library users on existing library services. The contribution is to improve customer access to library services through refurbishment and upgrades to the library building, stock, technology and services at Lechlade library. This passes the statutory tests.
49. Traffic regulation order contribution: a contribution of £15,000 to be used towards bringing into effect a 30mph limit extension to the western section of The Wern up to 25m from the roundabout junction with the A417. The existing roundabout speed limit is said not to follow current standards. However, there is no indication that the anticipated appeal site traffic would justify the need for reducing speed approaching that roundabout. The appellant stated their willingness to provide the contribution but also that the scheme would be acceptable without the extended 30mph speed limit. In the absence of substantive evidence that the appeal scheme would be unacceptable without this contribution, I find that it would not pass the test of necessity or direct relevance to the proposal. Therefore, I have not taken account of this contribution in determining the appeal.
50. Transportation infrastructure contribution: a contribution of £8,000 towards enhancements of the existing bus stop infrastructure in proximity to the appeal site. This would be necessary to support the provision of realistic alternatives to travel by private car. This contribution passes the statutory tests. Travel plan monitoring fee: a contribution of £5,000 towards the cost of the Council monitoring implementation of the travel plan to be submitted for the appeal scheme, to deliver a modal shift away from private cars in favour of sustainable transport modes. This contribution also passes the statutory tests.
51. Overall, aside from the traffic regulation order contribution, I am satisfied that the obligations are justified having regard to the Council and County Council's CIL compliance statements. Also that the contributions are necessary, directly related to the development, and fairly related in scale and kind. The proposal would accord with Policy INF1 of the Local Plan on that basis.

Conditions

52. I have considered the conditions suggested by the Council, having regard to the tests in the Framework. Where appropriate, I have amended the wording for precision, clarity and to avoid duplication. In addition to the standard time limit conditions relating to the submission of reserved matters, a condition (4) is necessary to identify the plans to which the decision relates, as this provides

- certainty. A condition (5) referencing the parameters plan is also necessary in the interests of certainty at reserved matters stage.
53. A condition (6) requiring an archaeological written scheme of investigation is necessary in order to make provision for recording of any archaeological remains. A site investigation of potential contamination and, where required subsequent remediation, is necessary to be secured by condition (7) to ensure the site is safe for future occupants. A condition (8) to secure tree protection measures prior to the commencement of development is necessary and reasonable. Three tree protection conditions have been combined to avoid duplication.
54. A construction traffic management condition (9) is necessary to minimise the effect of the proposal on the surrounding community. A construction environmental management plan condition (10) is imposed to ensure the construction work incorporates biodiversity protection measures. This includes a requirement for pre-commencement water vole and badger surveys as recommended by the mitigation measures set out in the Ecological Impact Assessment by FPCR (October 2025). Exceptionally, the use of a condition to secure these surveys is appropriate here, in order to inform detailed ecological requirements, establish the status of mobile protected species, and whether previous surveys are up to date before development commences.
55. Conditions requiring the submission of details of design flood extents (11) to inform the detailed layout of the proposal, a sustainable drainage strategy (12) and its management and maintenance, are required before development commences to ensure the proposal achieves an acceptable design without increasing flood risk elsewhere. Similarly, a condition (13) requiring a culvert survey is necessary to ensure the proposal can be suitably drained without increasing surface water flooding.
56. A habitat management and monitoring plan condition (14) is imposed to provide certainty over how the habitats to be created on site will be managed in the interest of biodiversity. Conditions (15 and 16) relating to District Licensing for great crested newts are necessary to ensure their protection. A condition (17) requiring approval of details relating to the internal road layout, carparking, cycle parking, highway surfacing and drainage is necessary in the interests of securing a suitable design. It is necessary to impose a condition (18) specifying the proposed size and mix of market housing to ensure it achieves a suitable mix in accordance with the development plan.
57. Details of landscaping (19) are required to ensure the development achieves a suitable design. It is necessary and reasonable to impose conditions (20) relating to highway improvements and offsite works, and provision of unadopted roads and footpaths (21) in the interests of highway safety. A condition requiring a travel plan (22) is imposed in order to support sustainable travel. A condition (23) requiring confirmation of foul water capacity prior to occupation of the development is necessary in the interests of pollution control. It is necessary to impose a condition (24) requiring water network upgrades to be completed or phasing to be agreed to ensure the proposal is provided with suitable water pressure without harm to existing development.
58. A Landscape and Ecological Management Plan condition (25) is imposed to provide certainty over how the landscaping will be managed in the interest of

biodiversity. A condition (26) requiring submission of details of the proposed local area of play are necessary to ensure it achieves a suitable design. A condition (27) requiring provision of the site access prior to first occupation of the development is necessary in the interests of certainty and ensuring the site is provided with a suitable access. A lighting condition (28) is necessary in the interest of securing a suitable design. A condition requiring confirmation of surface water capacity is not necessary on the basis that the scheme is for surface water to be stored on the appeal site rather than connecting into the Thames Water surface water network.

Heritage Balance

59. I found that the proposal would harm an aspect of the setting of Butlers Court and that the level of harm would be at the lower end of less than substantial, but nevertheless of considerable importance and weight. Therefore the Framework requires that this harm is weighed against the public benefits of the proposal. The appeal scheme would deliver up to 54 new homes, thus contributing to the supply of housing in the district where there is currently a substantial shortfall against the Council's identified housing need. This would be a significant benefit. It would also deliver a policy compliant level of affordable housing which, given evidence of considerable affordable housing need in the district, is a further significant benefit.
60. Although the Council is said to be exceeding its requirement for self and custom build housing, the provision of five per cent of the total market housing as custom/self-build houses within the appeal scheme would contribute to the mix of housing and is a further modest benefit. The proposal would result in modest economic benefits associated with its construction and its future occupants would likely stimulate consumer spending, boost local labour supply and help support local services. The policy compliant biodiversity net gain would also be a moderate benefit. The proposed improvements to the pedestrian route into Lechlade, the bus stop enhancement and the provision of a publicly accessible local area of play would be modest benefits.
61. Consequently, I find that the combination of the public benefits of the proposal would outweigh the less than substantial harm in this instance. There is consequently a clear and convincing justification for the harm that would be caused. This would satisfy the requirements of paragraph 213 of the Framework. With respect to this main issue, it would accord with Local Plan Policies EN1 and EN4 which amongst other matters seek to ensure that proposals protect the historic environment, where appropriate, and ensure that proposals do not result in significant harm to the historic landscape, respectively. It would further accord with Policy EN11 of the Local Plan which seeks to protect conservation areas, and Policy EN10 of the Local Plan which requires any harm to the significance of designated heritage assets to be clearly outweighed by its public benefits.

Planning Balance

62. Turning to the overall planning balance, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would comply with the development plan in respect of matters such as biodiversity, drainage and highways. Also, in light of the heritage balance, it would comply with historic environment development plan policies. As the proposal is not previously

developed land, I find Policy H2 of the Neighbourhood Plan which supports housing on such sites where they are within or immediately adjacent to the development boundary, is of limited relevance.

63. Nonetheless, it is not a matter in dispute between the main parties that the location of the proposal would conflict with Local Plan Policy DS4 which seeks to avoid the development of open market housing outside settlements unless it accords with other policies relating to residential development in such locations. I have also found that the proposal would give rise to conflict with Local Plan Policies EN1, EN2 and EN4 and Policy D1 of the Lechlade Neighbourhood Plan in light of the loss of the rural character of the appeal site. Accordingly, I find that the proposal would conflict with the development plan, taken as a whole.
64. It is therefore necessary to consider whether material considerations indicate that the decision should be made otherwise than in accordance with the development plan. As the Council is unable to demonstrate a five year supply of housing, paragraph 11 of the Framework is relevant. Paragraph 11 d) i. of the Framework requires that permission is granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. Footnote 7 to that provision confirms that this includes policies relating to designated heritage assets. The Council refers to other appeals in which Inspectors reached the view that harm to the significance of heritage assets provided a strong reason for refusal under paragraph 11 d) i.. However, in this instance the low level of less than substantial harm to Butlers Court would be outweighed by its considerable public benefits. Consequently, the circumstances of those other appeal decisions are not sufficiently comparable. The presence of designated heritage assets in the locality does not provide a strong reason for refusing the development and paragraph 11. d) i. does not apply here.
65. Framework paragraph 11.d) ii. requires that permission is granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council confirmed at the hearing that its current housing land supply of 1.8 years amounts to a shortfall against its five year housing land supply of circa 3,493 homes. As such, evidence indicates that the development plan strategy is not making sufficient provision for housing and there is no indication that this will be resolved in the near future. Accordingly, the weight that I afford to the conflict with the development plan strategy under Policy DS4 is very limited. The Council also confirmed that it affords, at most, very limited weight to Policy DS4 on that basis. Other applications for housing have been submitted elsewhere in Lechlade, including an application for 150 homes in the north eastern part of the settlement. However, even if that scheme were to be delivered, a substantial housing shortfall in the district would likely remain.
66. Given its localised nature, I afford moderate weight to the harm to the character and appearance of the area. The heritage harm is less than substantial and would be outweighed by the public benefits. Given the modest size of the site, the loss of best and most versatile agricultural land is a harm of only very limited weight. The benefits of the proposal are set out in the heritage balance above but in summary, comprise: the delivery of up to 54 new homes in an area with a substantial housing land supply shortfall; a policy compliant level of affordable housing; a policy compliant level of self and custom build housing; economic benefits associated with its construction and its future occupants. Also, more limited benefits associated with

the proposed improvements to the pedestrian route into Lechlade, a publicly accessible local area of play, and biodiversity net gain.

67. Drawing together the above harms and benefits, I conclude that the adverse effects of the proposal would not significantly and demonstrably outweigh the combination of its benefits when assessed against the policies in the Framework taken as a whole. Although the proposal conflicts with the development plan, material considerations indicate that the appeal should succeed.

Conclusion

68. For the reasons given, and having had regard to all material considerations raised, the appeal should be allowed.

Rachel Hall

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, scale, and access (excluding the access junction from The Wern) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of any reserved matters must be made no later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Application Site Boundary Plan (HLM033-039 Rev F); Proposed Site Access (23202-009 Rev P4).
- 5) Any reserved matters application shall be submitted in general conformity with Parameter Plan (HLM033-043 Rev M).
- 6) No development shall take place within the application site until an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details within the WSI.
- 7) No development shall take place until a site investigation of the nature and extent of contamination on the appeal site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

- 8) No development shall take place (including all preparatory work) until a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The TPP and AMS shall include:
 - a) Full details of any facilitation pruning.
 - b) Location and installation of services, utilities and drainage.

- c) Details of any construction and/or excavation within the Root Protection Areas of retained trees and hedgerows or such works that may impact on the retained trees and hedgerows.
- d) A full specification for the construction of any roads, parking areas and hard surfacing, including details of the no dig-specification and extent of the areas of the roads, parking areas and hard surfacing to be constructed using a no-dig specification. Details shall include relevant sections.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, demonstrating that they can be accommodated where they meet with any adjacent hard surfacing or structures.
- f) A specification for protective fencing to safeguard trees during construction and a plan indicating the alignment of the protective fencing.
- g) Tree protection during construction indicated on the TPP with construction activities clearly identified as prohibited in this area.
- h) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, waste as well as any areas to be used for concrete mixing and fires.
- i) Details of any boundary treatments within RPAs.
- j) Methodology and detailed assessment of any root pruning.
- k) Details of arboricultural supervision and inspection by a suitably qualified arboriculturist.
- l) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

- 9) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority. The CTMP must include:
- construction vehicle details (number, size, type and frequency of movement);
 - a programme of construction works and anticipated deliveries;
 - timings of deliveries so as to avoid, where possible, peak traffic periods;
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage);
 - details of the erection and maintenance of security hoarding;
 - wheel cleaning facilities;
 - vehicle cleaning facilities;
 - Inspection of the highways serving the site (by the developer (or his contractor) and Gloucestershire Highways) prior to work commencing and at regular, agreed intervals during the construction phase;
 - a scheme of appropriate signing of vehicle route to the site;

- a route plan for all contractors and suppliers to be advised on;
- temporary traffic management measures where necessary.

The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan

- 10) No development shall take place until a Construction Environmental Management Plan (CEMP) (Biodiversity), including an Ecological Constraints and Mitigation Plan as sets out in the Ecological Impact Assessment by FPCR (October 2025) (the EclA), has been submitted to and agreed in writing by the local planning authority. The CEMP must include the following:
- a) Risk assessment of potentially damaging construction activities informed by pre-commencement water vole and badger surveys as recommended in the EclA.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Pollution prevention measures with particular regard to surface water management.

The development shall thereafter be completed in accordance with the approved CEMP.

- 11) No development shall take place until details of the design flood extents (including pre and post development hydrological and hydraulic modelling on the ordinary watercourses / surface water in the vicinity of the site) in accordance with the submitted Flood Risk Assessment (Technical Note 04 Rv1: Flooding Study- Surface Water Modelling of the Wern; 01 May 2025), has been submitted to and approved in writing by the local planning authority. This information shall be used to inform the reserved matters submission for layout which should comply with the following:
- a) New dwellings, outbuildings, driveways and roads shall be located outside of the flood extents of the 1in 100 year/ 1% annual probability rainfall event (including an allowance for climate change).
 - b) The modelling shall include any proposed structures or culverts required for new road crossings and include a sensitivity test for blockage to ensure mitigation such as finished floor levels adjacent the watercourses/drainage ponds are appropriately set.
 - c) Where required for disposal of surface water drainage, sustainable drainage infrastructure such as attenuation basins and swales shall be located outside the 1in 100 year/ 1% annual probability flood extents

(including an allowance for climate change) of the ordinary watercourse / surface water.

- 12) No development shall take place until a detailed Sustainable Drainage System (SuDS) Strategy that is in broad accordance with the proposal set out in the approved submission (Preliminary Surface Water Drainage Strategy; 10899-DR-03-D) has been submitted to and approved in writing by the local planning authority. The SuDS Strategy shall include a detailed design, a timetable for its implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy shall also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The strategy shall also provide a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The approved SuDS strategy shall be implemented in accordance with the approved details before the development is first brought in to use/occupied and shall thereafter be managed and maintained in accordance with the approved management and maintenance plan.
- 13) No development shall take place until a survey of the culvert that runs along the northern side of The Wern and shown in the Culvert Location Plan (ref: HLM033/068) has been undertaken and the results submitted to and approved in writing by the local planning authority. If the survey identifies the need for repair or structural works to be undertaken to the culvert, the submitted details shall include measures to address these matters together with a timetable for the completion of such works. The development shall be undertaken fully in accordance with the approved details and timetable.
- 14) No development shall take place until a 30 year Habitat Management and Monitoring Plan (HMMP) for onsite habitats has been submitted to and approved in writing by the local planning authority. The HMMP shall include:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule, including an annual work plan.
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The HMMP shall also include all details of the legal and funding mechanisms by which the long-term implementation of the plan for a period of no less than 30 years will be secured by the developer with the management body(ies) responsible for its delivery. The approved HMMP shall be implemented in full and maintained thereafter in accordance with the approved details.

- 15) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan "Land off the Wern: Impact plan for great crested newt District Licensing (Version 1)", dated 26th November 2025.
- 16) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.
- 17) No development above slab level shall commence until details of the proposed internal road layout, car parking, cycle parking, driveway surfacing and highway drainage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it is provided with a connection to a highway maintainable at public expense which is constructed to at least base course level and parking and highway drainage has been provided fully in accordance with the approved details for the respective dwelling.
- 18) An application for reserved matters shall include a drawing/schedule which sets out the proposed size and mix of dwellings and shall include the number of bedrooms in each respective dwelling. No more than 20% of the dwellings shall have 4 bedrooms or more, with the remainder of the development being 1, 2 and 3 bedroom dwellings. The development shall be undertaken fully in accordance with the approved drawing/schedule.
- 19) No dwelling hereby permitted shall be occupied until a full landscaping scheme has been submitted to and approved in writing by the local planning authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications.

All planting shall be carried out in accordance with the approved details in the first full planting season (1st October to the 31st March the following year) following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 20) No dwelling hereby permitted shall be occupied until drawings of the highway improvements/offsite works/site access works as shown on the submitted drawing (011/P1) included in the Non-motorised User Assessment have been submitted to and approved in writing by the local planning authority; and no dwelling shall be occupied until those works have been completed in accordance with the approved details.
- 21) No dwelling hereby permitted shall be occupied until a timetable for the completion of unadopted roads and footpaths, including details relating to

their future maintenance and management has been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken, maintained and managed in accordance with the approved details.

- 22) No dwelling hereby permitted shall be occupied until a Travel Plan setting out objectives and targets for maximising use of non-car travel modes by future occupants of the proposal, and including details of promotion, monitoring and remedial measures, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.
- 23) No dwelling hereby permitted shall be occupied until confirmation has been provided and agreed in writing with the local planning authority that:
- a) Foul water capacity exists off site to serve the development, or
 - b) A development and infrastructure phasing plan has been agreed with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 - c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.
- 24) No dwelling hereby permitted shall be occupied until confirmation has been provided and agreed in writing with the local planning authority that:
- a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
 - b) a development and infrastructure phasing plan has been agreed with Thames Water. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 25) No dwelling hereby permitted shall be occupied until a 30 year Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed, both on and off-site;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures; and
 - i) Long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

- 26) No dwelling hereby permitted shall be occupied until details of the proposed Local Area of Play has been submitted to and approved in writing by the local planning authority. Such details shall include layout, surfacing, fencing, details of equipment and phasing of implementation. The provision of the Local Area of Play shall be carried out in accordance with the approved details.
- 27) No dwelling hereby permitted shall be occupied until the means of access has been constructed in accordance with approved plan HLM033-043 Rev M. The access shall be retained as such thereafter.
- 28) For each reserved matters application that includes external lighting, a lux contour lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall meet the target lux levels on the retained and created habitat features suitable for bats, as described in the Bat Survey Report (dated July 2025) (Appendix C to the Ecological Impact Assessment by FPCR (October 2025)), to ensure these features remain accessible to light sensitive bats. No external lighting shall be installed other than in accordance with the approved details.

End of Schedule

APPEARANCES:

For the appellant:

Francesca Parmenter	Partner at David Lock Associates
Martin Carter KC	Counsel at Kings Chambers, instructed by David Lock Associates
Jamie Roberts	Associate Director at Tetlow King
Brett Coles	Senior Director at FPCR
Chris Miele	Partner at Montagu Evans
Oliver Martin	Director at Bickley Martin Limited

For the local planning authority:

Martin Perks	Principal Planning Officer at Cotswold District Council
Justin Ayton	Conservation Officer at Cotswold District Council
Matthew Britton	Strategic Planning Policy Manager at Cotswold District Council
Ryan Mills	Landscape Officer at Cotswold District Council

Interested parties:

Steve Trotter	Mayor and Councillor at Lechlade Town Council
Richard Harrison	Councillor at Fairford Town Council