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## Appeal Decision

Inquiry held on 21 and 22 April 2026

Site visit made on 21 April 2026

**by Owen Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> June 2026

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### Appeal Ref: 6002934

#### **Land East of Cotswold Business Village, South of London Road, Moreton-in-Marsh, GL56 0JQ**

- 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 Bloor Homes (Western) against the decision of Cotswold District Council.
  - The application Ref is 25/01036/OUT.
  - The development proposed is for up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development including Active Travel Measures along London Road.
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### Decision

1. The appeal is allowed, and planning permission is granted for up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development including Active Travel Measures along London Road at Land East of Cotswold Business Village, South of London Road, Moreton-in-Marsh, GL56 0JQ, in accordance with the terms of planning application Ref 25/01036/OUT, dated 1 April 2025, and the conditions set out in Annex C.

### Preliminary Matters

#### *General*

2. The application is made in outline with all matters reserved other than access, which is applied for in full. There is a site location plan<sup>1</sup> and parameters plan<sup>2</sup>, along with a series of access/highways drawings<sup>3</sup>. Together, these form the formal drawing set for the appeal. In addition, an illustrative masterplan<sup>4</sup> and illustrative landscape masterplan<sup>5</sup> have been submitted, which I have relied upon as appropriate whilst acknowledging their illustrative status.
3. A revised National Planning Policy Framework Consultation was released on 16 December 2025 and underwent consultation until 10 March 2026. We do not know what changes will be made in response to the consultation before it is adopted and it carries very limited weight at this time.

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<sup>1</sup> Ref FW033-PD-034, CD1.2.1

<sup>2</sup> Ref 08766-FPCR-XX-XX-DR-L-0003 Rev P03, CD1.2.16

<sup>3</sup> Refs: 210431-RAP-XX-XX-DR-TP-3200 Rev P10, CD1.2.3; 210431-RAP-XX-XX-DR-TP-6011, CD1.2.8; 210431-RAP-XX-XX-DR-TP-6012 Rev P05, CD1.2.5; 210431-RAP-XX-XX-DR-TP-6013 Rev P03, CD1.2.6; 210431-RAP-XX-XX-DR-TP-6014 Rev P03, CD1.2.7

<sup>4</sup> Ref 08766-FPCR-XX-XX-DR-L-0001 Rev P15, CD1.2.13

<sup>5</sup> Ref 08766-FPCR-XX-XX-DR-L-0002 Rev P06, CD1.2.12

4. Several documents were submitted during and after the Inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents.

### *Planning obligations*

5. A s106 Planning Obligation between the appellant, land owner and Gloucestershire County Council (the County), dated 1 May 2026 (the County s106)<sup>6</sup> has been submitted. The County s106 secures:
- a highways contribution towards facilities at the Moreton-in-Marsh Transport Hub (the Hub);
  - a home to school transport contribution towards transporting 11 to 16 year old children to secondary school;
  - a libraries contribution towards improvements to Moreton-in-Marsh library;
  - a secondary education contribution towards improving the capacity and facilities at nearby schools for 16 to 18 year old children;
  - a transportation infrastructure contribution towards new shelters and other improvements to the two bus stops on London Road;
  - a transportation contribution towards the extension of the 801 bus service;
  - a Travel Plan to encourage modal shift away from the car for the future residents of the proposal, and a payment towards it;
  - a Travel Plan monitoring contribution towards the costs of monitoring the implementation of the Plan; and,
  - payments to the County for the costs of monitoring the agreement.
6. A s106 Planning Obligation between the appellant, land owner and the Council, dated 1 May 2026 (the Council s106)<sup>7</sup> has been submitted. The Council s106 secures:
- 40% of the proposed dwellings to be affordable housing, with a split of 55% affordable rent, 15% social rent, 25% intermediate and 5% First Homes;
  - 5% of the proposed dwellings to be Self-Build/Custom-Build (SBCB);
  - a Biodiversity Net Gain (BNG) monitoring contribution;
  - biodiversity habitat creation and enhancement works including producing a Habitat Monitoring and Management Plan (HMMP); and,
  - the provision of open spaces, including a pocket park, Local Equipped Area of Play (LEAP) and Sustainable Urban Drainage Systems (SUDS), and the creation of a management company regarding the open spaces.

### *Disputed issues*

7. The third reason for refusal is in relation to the lack of an appropriate mechanism in a s106 agreement to ensure BNG requirements could be met. The Council s106 secures a payment towards monitoring BNG compliance. This, combined with conditions to secure the works themselves, overcomes this reason for refusal. Therefore, the Council did not pursue this reason for refusal<sup>8</sup>.

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<sup>6</sup> ID17

<sup>7</sup> ID18

<sup>8</sup> See Statement of Common Ground, dated 25 March 2026, page 10

8. The fourth reason for refusal is in relation to Great Crested Newts (GCN). Since the decision, a District License has been entered into<sup>9</sup>, and it has been confirmed that appropriate protection could be provided to GCN, subject to controls by condition(s)<sup>10</sup>. The Council did not, therefore, pursue this reason for refusal<sup>11</sup>.
9. The fifth reason for refusal is in relation to the effect on local infrastructure in the absence of completed s106 Planning Obligation(s). The two engrossed s106s have responded to these concerns. The County's CIL Compliance Statement<sup>12</sup> sets out the detailed background and justification for each of the obligations. The Council's agreement is in relation to items required by planning policy or which are integral to the proposal, such as the open space. I am therefore satisfied that the provisions of both agreements would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at Paragraph 58 of the National Planning Policy Framework (the Framework), and I have taken them into account. This reason for refusal is not therefore a main issue for the appeal.
10. In addition, in a letter dated 15 April 2026, the Council withdrew its entire opposition to the proposal. It did not, therefore, defend its case at the Inquiry and did not field witnesses, other than for purposes of clarification. The first and second reasons for refusal, which related to character and appearance and the principle of development, are also not, therefore, main issues for the appeal.

### **Main Issues**

11. The appeal is not contested by the Council. However, there remains opposition to the proposal from interested parties, including Moreton-in-Marsh Town Council (the Town Council), Shipton-under-Wychwood Town Council and Bledington Parish Council, and the campaign groups Bledington Flood Group and Windrush Against Sewerage Pollution (WASP). The primary areas of dispute raised by these parties therefore forms the main issues for the appeal, which can be characterised as whether or not the appeal site is an appropriate location for development of this type, having particular regard to sewerage, drainage and pluvial flooding, and fluvial flooding.

### **Reasons**

#### **Sewerage**

12. It is proposed to dispose of foul water/sewerage by connecting to the existing Moreton-in-Marsh wastewater treatment works (the WWTW) located adjacent to the appeal site. This is controlled by Thames Water. It is agreed that the WWTW does not currently have the capacity to accommodate discharges from the proposed development, and that it already sometimes exceeds its permitted discharge levels. However, Thames Water has stated that the necessary improvement works can be achieved and has provided a likely timescale of 20 months for the implementation of such works.
13. A response by Thames Water dated 12 February 2026<sup>13</sup> shows that it is aware that the WWTW needs upgrading, has an understanding of what is required, and plans

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<sup>9</sup> See, for example, CD1.1.14

<sup>10</sup> ID20

<sup>11</sup> See Statement of Common Ground, dated 25 March 2026, page 10

<sup>12</sup> ID21

<sup>13</sup> As provided to the Inquiry by the Town Council

to undertake the works by 2030. It is unclear whether or not the works as currently planned would be sufficient to also be able to accommodate the extra demand/capacity requirements which would be generated by the proposal. However, under the Water Industry Act 1991 Thames Water has a legal duty to accept connections to the public sewers from new development, and to provide, maintain, and extend public sewer systems and sewage treatment works to ensure effective drainage. It must treat wastewater to meet strict environmental standards set by the Environment Agency (EA). The EA has confirmed that it has no objection to the proposal, subject to Thames Water providing a suitable increase in capacity at the treatment works. Thames Water do not object to the proposal.

14. The lack of objection from Thames Water and the EA is contingent on the upgrade works to the WWTW occurring. The detail of this is not yet known and nor is the precise link between the number of proposed dwellings that could be occupied and the works, subject to further detailed understanding of both the upgrade works and how they would link to capacity for new dwellings. However, this could be controlled by condition(s), both in-principle and in relation to occupation of proposed dwellings and phasing of the development.
15. Such condition(s) would be discharged by the Council, likely in consultation with the statutory undertaker, Thames Water, and the statutory consultee, the EA. This is not only the standard approach to discharging a condition, but also the appropriate approach to discharging a condition – it is necessary for the Council to be the body which discharges a condition, subject to consultation with other parties as required.
16. I see no reason why such condition(s) should not be relied upon to ensure that the WWTW are adequately upgraded to accommodate the proposed development. If they were with a trigger prior to occupation, then the condition(s) would ensure that there would be no harm with regard to this issue. The phased delivery of homes could be part of this consideration. There is also no reason to believe that the relevant upgrades to the WWTW would not be forthcoming in a timely manner because of the legal duty that Thames Water is subject to. In addition, the WWTW is next to the appeal site so physical connection to it should pose no technical difficulties.
17. I acknowledge the concerns raised by interested parties regarding the problems that occurred with regard to the Spitfire Homes/Dunstall Farm proposal and similar upgrade works to wastewater infrastructure. However, minutes from the River Pollution Meeting dated 6 December 2024 show that Thames Water now has a different, more rigorous approach, to signing-off conditions on upgrades to sewerage systems.
18. As set out at Paragraph 201 of the Framework, planning decisions should not be based on the control of processes that are the subject of control through separate regimes, and I must assume that the regimes will operate effectively. In addition, the relevant parties, ie Thames Water and the EA, are clearly well-versed in the current problems with the works, as set out in their consultation responses and the detailed evidence provided by the Town Council and other interested parties. In full understanding of the current situation, and what is proposed, both these statutory bodies have confirmed there is no objection to the proposal.

### *Pluvial flooding*

19. There is an existing watercourse to the eastern boundary of the appeal site. The land slopes down towards this watercourse. It is proposed that water from the appeal site drain into this watercourse, albeit controlled by SUDS measures so that the flow rate is the same as existing in lighter rain and provides a betterment to existing in periods of heavier rain. Such measures could be secured by condition(s).
20. Concerns have been raised regarding the sensitivity of surrounding areas to flooding, in particular Bledington but also several other villages along the Evenlode floodplain. I don't doubt the evidence provided. However, the proposal would result in a betterment with regard to discharge flows into the watercourse and would not therefore exacerbate the existing situation. It is also important to note that the Local Lead Flood Authority (LLFA) do not object to the proposal.
21. With regard to the specific points raised by the Town Council about the difficult ground on the appeal site which contributes to pluvial flood risk, it is important to note that the appellant's Flood Risk Assessment specifically considers the make-up of the existing ground<sup>14</sup> before coming to its conclusions that the proposal would be acceptable in this regard.

### *Fluvial flooding*

22. The appeal site is largely in Flood Zone 1 (low risk). There is a small area along the eastern boundary, adjacent to the watercourse unsurprisingly, which is in Flood Zones 2 and 3. However, no built form is proposed in this area, or anywhere near to it. The proposal is therefore acceptable in this respect, subject to control by condition(s) to restrict built form and land raising in the Flood Zone 2 and 3 areas, as requested by the EA.
23. As with pluvial flooding, I do not doubt that the areas in and around the Evenlode have problems with flooding. However, the appeal site forms just 0.07% of the total catchment of the river. Discharge rates of pluvial flooding would be controlled to be the same or better than existing, so would not worsen fluvial flooding events. No built form is proposed on the flood plain or in areas at medium or high risk of flooding. The proposal would not, therefore, result in any material change to flood risk in the wider area, and could potentially result in a very minor betterment.

### *Overall*

24. For the reasons set out above, the proposal would therefore be in an appropriate location for development of this type, having particular regard to sewerage, drainage and pluvial flooding, and fluvial flooding. It therefore complies with Policy INF8 of the Cotswold District Local Plan 2011-2031 (the LP) which relates to wastewater and drainage, and Policy EN14 of the LP which relates to flooding.

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<sup>14</sup> Paragraph 3.17, CD1.1.18

## Other Matters

### *Character and appearance*

#### Existing

25. The appeal site is mainly an agricultural field. It is of non-descript appearance, although has some intrinsic value as open, rural land. There is a slight but noticeable slope from the north west corner to the south east corner, particularly nearer a drainage ditch/stream that runs along the eastern boundary.
26. It is directly adjacent to Cotswold's Business Village and then the rest of Moreton-in-Marsh to the west. To the south is the WWTW, a wooded area, and then fields beyond. Forming the eastern boundary is the drainage ditch and then beyond this is another agricultural field and then further fields and rural land beyond. The A44/London Road is along the northern boundary, with a grass verge, hedgerow and trees between the site and the road. There is also a large dwelling (The Hatchery) in a very large garden on the south side of the road and directly adjacent to the appeal site. There is some planting and an open timber fence to its boundaries, but it is largely open to the field as existing. On the opposite side of London Road, to the north, lies the Fire Service College, a large training centre and facilities.
27. Visibility of the appeal site is limited to the north, south and east, and the existing built form to those sides influences the site itself. However, to the east the appeal site is appreciated in the context of a large rural area and context. Although divided from the immediately adjoining fields by the drainage ditch, this prevents very limited visual barrier, and the site reads as being part of the wider rural environment. Nevertheless, this is only appreciated from mid to long distance views from distant footpaths or in glimpsed views from drivers on surrounding roads, in particular London Road. Public Right of Way (PRoW) HMM10 runs to the south of the appeal site but is never closer than 200m from the field, and is separated by the woodland and WWTW which provide visual barriers.
28. The appeal site is outside the Cotswold's National Landscape (CNL) which only reaches to the western side of Moreton-in-Marsh. It is also outside the Moreton-in-Marsh Surrounds Special Landscape Area (the SLA), although this designation directly abuts part of the southern boundary and all the eastern boundary of the site. The appeal site is therefore undesignated and is not a 'valued landscape' as set out in the Framework. It directly affects the setting of the SLA, which includes key characteristics<sup>15</sup> of flat or gently undulating farmland, a network of hedgerows, partly intimate landscape and partly open areas.
29. The appeal site also includes a section along London Road. The road is a typical arterial route into a town, with development along both sides and with road furniture and signage. There are also some small grass verges.

#### Assessment

30. It is proposed to develop the field for a residential proposal, comprising up to 195 homes. There would also be a new vehicular access from London Road. Approximately half the site would remain as open space, including amenity

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<sup>15</sup> Found in various places, for example CD10.4 in the description of the Pastoral Lowland Vale section of the Moreton-in-Marsh Surrounds SLA

grassland areas and drainage features. There would be woodland planting within these areas and in particular to the boundaries of the site. The detail of all this could be controlled by condition(s) and at reserved matters stages and there is no reason to doubt that the design quality of the proposed housing and the landscape quality of the proposed open space would not be high. However, there would be a change in character from a field to a developed space, even in the open space areas which would become landscaped and maintained open space rather than rural in character. There would therefore be some intrinsic harm to the appeal site from the proposed development.

31. There would also likely be the requirement for acoustic fencing along the western boundary and potentially on a smaller scale at the boundaries to individual properties in various locations, in response to the need to shield the future occupants from noise from the business park and London Road<sup>16</sup>. However, there is sufficient open space in the masterplan that such measures could comfortably be accommodated and there is no reason to believe that a suitably attractive design could not be achieved at reserved matters and/or condition discharge stages.
32. The proposed extensive tree planting would provide additional screening to the proposal to that which already exists. The proposed housing would only be visible in glimpsed views from drivers along London Road, perhaps through the newly created access point for example, or users of the PRow. It would also be visible from The Hatchery but even there this would only be to a limited degree because of the proposed planting. From mid to long distance views to the east the proposal would be visible but only as an extension to the existing built form of Moreton-in-Marsh. Where visible from any viewpoint or receptor, it would be appreciated in the context of the existing built form to the north, west and south as set out above.
33. The proposed works to London Road, in particular the 3m wide shared cycle/pedestrian footway, would result in the introduction of slightly more signage and road paraphernalia. It would also result in the loss of some existing green verges. However, the existing verges are non-descript. Any changes along this road would be in-keeping with the existing character and appearance of the road as a busy arterial route into the town.
34. Overall, from the change from a rural field to a residential development there would be some harm to the character and appearance of the area. However, the harm would be limited because of the low value of the existing site, the likelihood of high quality design being achieved, the existing influence of built form to three sides, and the proposed boundary planting and existing boundary conditions restricting views of the proposal. There would be negligible harm from the proposed works to London Road which would be of the same nature as the existing road.
35. The proposed development would not have an adverse impact on the setting of the CNL because of its distance from the CNL and the amount of intervening built development. It would have a greater effect on the directly adjacent SLA but even there the proposed planting and screening would limit the impact and, because the appeal site lies outside the SLA, there would be no direct harm to the key characteristics of the area.

<sup>16</sup> See later in my Decision for full details

## *Accessibility*

### Moreton-in-Marsh

36. As set out in the LP<sup>17</sup>, Moreton-in-Marsh is the main centre for the north Cotswold's. It has a wide range of shops and facilities<sup>18</sup>, and a decent level of employment provision including in the Cotswold's Business Village directly adjacent to the appeal site. There is a primary school 1.4 km from the appeal site, although there is no secondary school which would result in children having to rely on school bus services or private transport to attend the nearest secondary school in Chipping Campden.
37. The town centre is approximately 1.5 km from the appeal site, accessible along London Road. It is proposed to provide improved pedestrian crossing facilities over London Road just to the west of the appeal site through the creation of a wider refuge island. A new shared pedestrian and cycleway of 3m width is proposed from the appeal site heading west towards the town centre along London Road. A new Toucan pedestrian crossing of London Road is proposed opposite the cemetery.
38. In addition, the County s106 secures contributions towards the Hub, home to school transport, and travel plans. Options are provided for the funding to contribute towards other measures to improve accessibility if the specified works to the Hub are not deemed to be necessary.

### Trains

39. Moreton-in-Marsh has a railway station, providing services to Paddington and Oxford, amongst others. The services are half-hourly at peak periods and offer a genuine option for commuting, particularly to Oxford but also to London. Adjacent to the station will be the Hub, which was granted planning permission in August 2025<sup>19</sup>. This is to provide car parking, cycle parking, motorbike parking, taxi spaces, bus stops, and improved pedestrian access to the station. The station and Hub are 1.5 km from the appeal site, accessible either along London Road, Oxford Street and Station Road, or along London Road but then diverting northwards along an existing footpath<sup>20</sup>.
40. Although not part of the appeal proposal, it is also proposed that a Traffic Regulation Orders (TRO) might be secured to change the footpath to be useable by cyclists as well as pedestrians. Even without these works, the existing footpath is an attractive route largely through a park, and separated from vehicular traffic, and therefore provides a suitable access route to the railway station.

### Busses

41. The nearest bus stops are approximately 500m to either side of the appeal site, providing services to Chipping Norton, Stratford-upon-Avon and Cheltenham. The service to Chipping Norton and Cheltenham is hourly. Whilst not extensive in destinations or particularly regular in services, these nevertheless do offer some, albeit limited, options for transport other than by car. In addition, the County s106

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<sup>17</sup> See Paragraph 7.21.1, CD4.1

<sup>18</sup> A comprehensive, and undisputed, list is provided at Table 4.1 of the appellant's Transport Proof of Evidence

<sup>19</sup> Ref 25/01678/FUL

<sup>20</sup> Footpath HMM4

secures funding to extend the 801 bus service, and to fund new bus shelters and improved facilities such as real-time information boards.

### Overall

42. The appeal site is adjacent to the existing built extent of Moreton-in-Marsh, which is a main service centre. There are pavements providing access to the town centre along London Road, and to the train station along this road and then along an attractive footway. Although the distance to the majority of the services and facilities is close to a mile and I therefore consider to be a moderately long walk, this is still a walkable distance. Particularly when considered in the context that it is mostly flat and overlooked, so is easy and would feel safe. In addition, the proposal includes to improve this access by also creating a 3m wide shared cycle/pedestrian route.
43. The railway station provides a high regularity of services including to Oxford and London. This would be accessible by the footpath and is soon to be made more accessible by the Hub. In addition, several destinations are served by semi-regular busses along London Road. Both the services and the bus stops would be improved by the proposal.
44. It is likely that many journeys by the future occupants of the proposal would be by car. However, and importantly, many would also be by other modes. There would be a genuine choice of transport, through a combination of the proximity and accessibility of Moreton-in-Marsh town centre, and destinations further afield served by busses and trains. The appeal site is therefore in an accessible location.

### *Highways*

#### Free-flow of traffic

45. As existing, there can be heavy traffic in the centre of Moreton-in-Marsh. This is particularly felt at the two mini-roundabouts along High Street, one at the junction with Oxford Street and the second slightly further south at the junction with Bourton Road and East Street. The appellant's Transport Assessment (the TA) finds that, as existing, these roundabouts can be above capacity at peak periods. Modelling estimated queues of up to 30 vehicles and delays of up to 160 seconds in the AM peak and 32 vehicles and 217 seconds in the PM peak. However, drone surveys of actual traffic found lesser queuing, at only 14 vehicles in the AM peak and 22 vehicles in the PM peak.
46. The TA also assesses the effect of the traffic that would likely be generated by the proposal on the local traffic flows. Various scenarios are set out. Scenario 1 does not assume any modal shift away from the car and can therefore fairly be seen as a 'worst case' position. The results of the modelling are that queues and delays at the roundabouts would increase, in the 2028 scenario, to 34 vehicles and delays of up to 178 second in the AM peak and 40 vehicles and delays up to 272 seconds in the PM peak.
47. An increase in queuing time of up to nearly a minute is a meaningful impact on the free-flow of traffic. However, the modelling is likely to be a worst case scenario as demonstrated by the drone survey results of existing queues which were shorter than the equivalent modelling. In addition, this does not assume any modal shift away from the car, despite the various measures that are proposed such as travel

plans, improved bus services, and the proposed cycle/pedestrian route on London Road. As set out at Paragraph 116 of the Framework, for the effect on the road network to be such that it result in the refusal of planning permission, the impact must be severe. I agree with the Highway Authority (the HA) that the likely effects from the proposal on the road network would not reach this threshold. It is also worth noting that the proposed vehicular access junction to the appeal site would not result in any material effects on the free-flow of traffic. The proposal is therefore acceptable in these respects.

#### Highway safety

48. There is no substantiated evidence of unusual or unacceptable highway safety risks on the road or pedestrian network as existing. London Road in the vicinity of the appeal site is broadly straight with good sightlines. The proposed junction could be controlled by condition(s) so that it is provided with suitable visibility splays. The increase in traffic caused by the proposal would not result in a severe effect on the free-flow of traffic, as set out above, and therefore nor would it likely create such increases in traffic, or changes in traffic patterns and routes, such that it would lead to a material worsening in highway safety. The proposal would not, therefore, exacerbate any highway safety concerns caused by deficiencies in the current provision, eg from sub-standard pavements or footways within the town.
49. The proposed highways works, such as the 3m wide shared cycle/pedestrian way, would need to be constructed according to standards as set out by the HA. If enacted, a proposed TRO to increase the area of 20mph speed limits would likely improve road safety. The County s106 secures various measures for improvements to highways, such as the Hub at the station. However, it also provides flexibility to the County, ie the HA, to direct such expenditure to where it is needed most.
50. Taking this all together, the proposal would not result in a material or unacceptable worsening in highway safety.

#### *Living conditions – existing residents*

51. The Hatchery house has a large garden. In addition, extensive landscaping is proposed along the shared boundaries, and this could be secured by condition. Subject to this, the proposal would not result in unacceptable levels of overlooking or loss of privacy to the occupants of this house.
52. There would be some disruption during construction to this existing resident, and also to other existing residents living along access routes. However, this could be controlled by condition. The appeal site benefits from direct access to a road which can accommodate large vehicles. Apart from the one existing house, there are no other residents close to the site. Any disruption during construction could therefore be suitably controlled so as not to unacceptably harm the living conditions of existing residents.

#### *Living conditions – future occupants*

53. The adjacent Cotswold's Business Village includes some premises which create noise from plant, particularly along the western part of the appeal site. London Road also creates noise from traffic, particularly along the northern part of the appeal site. Lastly, the WWTW also gives rise to noise from its general operation, this time particularly along the southern part of the appeal site. A Noise Constraints

Assessment has been submitted by the appellant. This finds that the proposed set back from the WWTW is sufficient in itself to mitigate effects. However, it finds that mitigation measures are required for proposed homes near to London Road or the business park. These measures would likely comprise careful placement of windows to habitable rooms, the layout and location of gardens, and also potentially some acoustic barriers, particularly along/near to the boundary of the appeal site to the business park but also potentially to individual properties.

54. Because of the limited nature of the necessary mitigation measures, there is no reason to believe that they could not be successfully accommodated into the detailed design of the proposal at reserved matters stages, and as could also be additionally secured by condition. Subject to this, the proposal would be acceptable in this respect, which would also ensure that there would be no concerns with regard to the 'agent of change' principle and the occupants of the business park.
55. The WWTW can give rise to odour. The appellant has submitted an Odour Assessment which confirms that the proposed homes would all be outside the odour contour where it could cause a nuisance and/or harm to the future occupants. The proposal would therefore be acceptable in this respect, as has been confirmed by Thames Water.

## **Planning Balance**

### *Positive*

#### Market housing

56. The Council contends it can demonstrate a 1.8 year supply of housing land. The appellant's position is that the true figure is 1.39 years. Even adopting the Council's position, this represents a substantial shortfall of housing. The provision of housing is a key tenet of the Framework and wider Government policy. The proposal is for up to 195 homes, of which 117 would be for market housing, which would make an important and meaningful contribution to the housing supply.
57. The site is controlled by a house builder with a strong record for delivery in the district. There is no reason to believe that it will not seek to build out the homes quickly, if permission were granted. However, for the reasons set out above, the homes could only come forward once the WWTW has been upgraded to cope with the additional demands which would be placed on it by the proposed housing. This could be achieved by a pre-occupancy condition. I must assume that Thames Water will deliver on its legal duties in this respect. However, the timescales for the delivery could be quite long. There are no firm commitments from Thames Water with regard to the timing of the works being agreed and then undertaken. Table 6.1 in the appellant's Planning Proof of Evidence sets out a currently assumed delivery schedule based on the WWTW works being complete by 2028. If this slips, then there could be a delay to delivery.
58. Nevertheless, there is nothing substantiated before me to say that if there is a delay caused by this factor would be so much so as to cause the delivery of the housing to be delayed significantly. This is particularly because although the works themselves are in the hands of Thames Water there is also a strong commercial incentive for the appellant, a housebuilder, to engage appropriate with them to ensure as rapid a delivery of the works as possible.

59. Therefore, whilst it is possible that not all the proposed homes would be delivered within five years, it is likely that many would be, and even if some were to be delivered slightly later they would still be contributing to the housing supply in the area. In the context of a substantial housing land supply shortfall and the acknowledged importance of housing provision, despite the uncertainties on delivery timings, I place substantial weight on the proposed market housing.
60. Within the up to 117 homes, up to 10 would be for Self-Build/Custom-Build (SB/CB) plots. This is in accordance with the requirements of Policy H1 of the LP. These homes also, therefore, attract substantial weight.

#### Affordable housing

61. The Council s106 secures that 40% of the proposed homes would be for affordable housing, equating to 78 homes if 195 in total were eventually built. Policy H2 of the LP requires 40% of dwellings on greenfield sites, such as the appeal site, to be affordable. The proposal therefore complies with, but does not exceed, policy requirements.
62. The most recent data for affordable housing need is that it is at 125 dwellings per annum (dpa), which was set in 2020<sup>21</sup>. Since then, affordable housing delivery has averaged 98 dpa<sup>22</sup>. Supply is therefore failing to meet need. There are a number of affordability indicators that show that housing in these areas is unaffordable. For example, the median affordability ratio of house prices to earnings is 13.84, far higher than the south west England ratio of 8.48<sup>23</sup>.
63. The affordability of housing is the result of a much wider socio-economic and political landscape. For example, Moreton-in-Marsh specifically, and the Cotswold's generally, are desirable areas to live which will have an effect on house prices. However, the delivery of affordable housing clearly also has an effect because of the nature of supply and demand. The appeal site sits in a particularly unaffordable area for housing and recent delivery in the district has fallen below acknowledged need. Only a policy compliant provision of affordable housing is proposed, but this would still amount to up to 78 homes, which would be a meaningful delivery of such dwellings. I therefore place substantial weight on the proposed affordable housing.

#### Biodiversity

64. It is proposed to provide a mixture of habitats, including various types of grassland, scrubland, trees and woodland, hedgerows and an attenuation basin. It has been demonstrated that this would result in an on-site BNG of over 10%. This could be controlled and secured by condition(s) and the Council s106. Various other measures, such as bird and bat boxes, could also be secured by condition(s). Because a BNG would be achieved and also because it would be on-site, I place moderate weight on this factor.

#### Economics

65. The proposal would generate economic benefits in the short term through jobs for construction and in the long term from the expenditure on goods and services in the local economy by the future residents of the dwellings. It is a moderately sized

<sup>21</sup> Confirmed during RTS

<sup>22</sup> See Figure 6.3, CD8.2.3 – average of years 2020/21 to 2023/24 inclusive

<sup>23</sup> See Figure 8.4, Ibid

proposal without any direct employment floorspace. Balancing these factors, I place moderate weight on this issue.

#### Public open space

66. A pocket park is proposed to the centre of the development, and significant areas of landscaped open space are proposed to the east, south and west parts of the appeal site, including a LEAP. The provision and detail of this could be controlled by condition(s) and the Council s106 secures the establishment of a management company for its ongoing maintenance. Some of the space would be used for attenuation and other SUDS features, or for ecological enhancement. However, significant areas of publicly accessible open space would remain. This could be used not only by the future residents of the proposal but existing neighbouring residents. However, given the distance from those residents it is likely that the majority of the users would be from the proposed development. Nevertheless, this offer would provide some wider benefit, and I place limited weight on it.

#### Accessibility

67. The proposed 3m shared cycle/pedestrian route and other improvements to London Road could also be used by existing residents, for example to commute from more central areas to the business village. This also, therefore, represents a benefit of the proposal, and I place limited weight on this factor.

#### *Neutral*

#### Local infrastructure

68. The proposal would result in increased pressure on local infrastructure by the future occupants of the proposal. However, the s106 obligations secure payments to mitigate these effects. No substantiated evidence has been provided that the mitigation payments and other works would not be sufficient to adequately accommodate the demands created by the proposal. With regard to electricity upgrades, whilst I acknowledge that there would likely need to be upgrades to the network and that this could cause some short-term disruption to existing users, there is nothing before me to suggest that this disruption would be unduly harmful or extensive or that the upgrade works could not be suitably undertaken by the statutory undertaker. Therefore, overall, the effect of the proposal on local infrastructure would be neutral.

#### Air quality

69. It is demonstrated within the Air Quality Assessment that road traffic generated by the proposed development would have a negligible impact on local air quality, with the greatest change in annual mean nitrogen dioxide concentrations at any point within the study area only equating to a 1% change. All receptors were identified to experience pollutant concentrations of less than 75% of the relevant air quality objective for the pollutants considered in the assessment. This is therefore a neutral factor.

#### Contamination

70. The Fire Service College complex is to the north of the appeal site. It has been identified that it is possible that the foam for firefighting training purposes could have contaminated the appeal site. In addition, there would need to be careful

consideration regarding groundworks and contamination linked to groundwater and the sewerage/treatment works. However, there is nothing before me to suggest that such contamination could not be appropriately dealt with during the construction stage, subject to control by condition(s). The Council's Environmental Health team agree. This is therefore a neutral factor.

#### Living conditions

71. As set out above, subject to control by mitigation measures and the detailed design of the proposal by a mixture of conditions and reserved matters submissions, the proposal would neither unacceptably harm the living conditions of existing residents and nor would it provide inadequate living conditions for future occupants. These factors therefore weigh neutrally in the planning balance.

#### Highway safety

72. As set out above, the proposal would introduce some improvements to highway safety, for example through improved pedestrian crossings of London Road, a shared and segregated cycle/pedestrian route, and the potential TRO to increase the area of 20 mph speed limit. However, the overall increase in traffic could marginally increase the general levels of highway safety risk, through the simple increase in numbers of people using the highway network. Overall, this factor weighs neutrally in the planning balance.

#### *Negative*

#### Free-flow of traffic

73. As set out above, the effect of the proposal on the free-flow of traffic would be acceptable. However, the free-flow of traffic would be worsened, which therefore causes some harm. Because the likely increases in traffic congestion would only be to a moderate degree, and would likely be further mitigated by modal shifts away from the car from the proposed mitigation measures, I place moderate weight on this factor.

#### Agricultural land

74. 6% of the appeal site and a further 89% of the appeal site fall within Grades 2 and 3a respectively of the Agricultural Land Classification. The majority of the appeal site is therefore best and most versatile agricultural land, albeit with none of it of the highest grade and only a very small area in the next highest grade. Nevertheless, all this land would be lost. As set out at Paragraph 187b of the Framework, such land has economic and other benefits. Balancing the loss and that the land is towards the lower end of the classification, I place moderate weight on this factor.

#### Spatial strategy

75. Moreton-in-Marsh is a defined Principal Settlement in the LP<sup>24</sup>. These are the settlements to which development is directed in the LP. However, the appeal site sits outside of the Settlement Boundary (SB) for Moreton-in-Marsh and is therefore outside the settlement for the purposes of the spatial strategy. In such locations, residential development is resisted, as set out in Policy DS4 of the LP. There are a number of exceptions to this, but none apply to the appeal proposal. The appeal

<sup>24</sup> Policy DS1, CD4.1

site is also physically separated from existing residential development by the business park. It therefore feels divorced from the residential part of the town. Therefore, the proposal is in conflict with Policy DS4 and with the spatial strategy for the district.

76. However, the conflict must be seen in context. The spatial strategy in the LP is based on delivering 8,400 dwellings over the plan period, which equates to a rate of 420 dpa. The Standard Method calculation now sets the need for housing at 1,055 dpa, or on the Council's case 1,036 dpa. Either calculation represents a significant and material increase in housing delivery that must be accommodated. In this regard, Moreton-in-Marsh is an identified Principal Settlement as set out at Policy DS1 of the LP, which provides a range of services and facilities and is, in principle, a suitable location to which to direct growth. This is reflected in the emerging Local Plan, where one of the potential directions for growth in the future would include development to the east of Moreton-in-Marsh, potentially to include the appeal site. In addition, the appeal site is in one of very few locations near to or adjacent to the town which are not within either the CNL or the SLA.
77. However, the strategy for how Moreton-in-Marsh can accommodate future growth is in the early stages, is subject to future modification, and in any event is likely to consider the extension of the town holistically, rather than looking at one stand alone residential development. Such a masterplan approach to the strategy for growth, both in the wider district and at Moreton-in-Marsh, will be required, and this cannot be achieved through ad hoc permissions on sites, such as the appeal site, which are in conflict with the adopted spatial strategy. Nevertheless, the scale of the increase in housing delivery required is such that it is inevitable that sites outside of SBs, and almost certainly in locations such as Moreton-in-Marsh, and therefore probably in locations like the appeal site which lie outside the CNL or SLA, will need to be allocated for housing.
78. Taking all the above together, I place limited weight on the conflict with the spatial strategy.

#### Character and appearance

79. As set out above, there would be limited harm to the character and appearance of the area, to which I attach limited weight.

#### Existing ecology

80. The appeal site is largely an arable field, although it also contains hedgerows and some trees. It is therefore of low to moderate existing ecological value. Nevertheless, suitable mitigation and control is required to avoid unacceptable effects on existing ecology on the appeal site. In particular, a skylark mitigation scheme may be required depending on surveys prior to construction. It has been demonstrated that such measures, if required, could be provided on an adjacent field. In addition, GCN mitigation is required and could be controlled by condition(s). Control could also be secured by condition to ensure that lighting from the proposed development would not unacceptably harm ecology.
81. Subject to such controls, the proposal would have an acceptable effect on the existing ecology of the appeal site. However, there would inevitably be some loss of habitat and therefore some, albeit limited, harm to existing ecology. Because of the limited harm I also place limited weight on this factor.

**S38(6)**

82. Primarily because of the direct conflict with the spatial strategy by proposing a large residential development on rural land outside the SB of Moreton-in-Marsh, the proposal fails to comply with the Development Plan when considered as a whole. S38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.
83. The Framework is an important material consideration. The proposal is for housing. The Council cannot demonstrate a five-year supply of housing land. It is common ground, and I agree, that none of the areas or assets of particular importance provide a strong reason for refusing the development proposed. Therefore, in accordance with Footnotes 7 and 8 and Paragraph 11d of the Framework, the 'tilted balance' of Paragraph 11dii is engaged.
84. In this regard, the conflict with the spatial strategy has limited weight as set out above. The other harms of the proposal are only limited harm to the character and appearance of the area and ecology, and moderate harm to the free-flow of traffic and from the loss of best and most versatile agricultural land. The proposal has many weighty benefits, particularly from the proposed housing all of which is of substantial positive weight. Overall, therefore, it is clear that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal should therefore succeed.

**Conditions**

85. A schedule of conditions agreed between the main parties was discussed at the Inquiry, where various changes were agreed and are reflected in the attached schedule.
86. The surface water, ground levels, archaeology, contamination, Construction Management Plan (CMP), HMMP, Biodiversity Enhancement Plan (BEP) and GCN Delivery Partner conditions (8 to 15 inclusive) are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.
87. In addition to the standard reserved matters submissions (1), reserved matters timings (2) and timing of commencement (24) conditions, a condition specifying the relevant drawings (25) provides certainty.
88. The noise (4) condition is necessary to ensure that the living conditions of the future occupiers would be acceptable.
89. The CMP (12) condition is necessary to protect the living conditions of existing nearby residents.
90. Construction Environmental Management Plan - Biodiversity (5), Skylark Mitigation (6), HMMP (13), BEP (14), GCN Delivery Partner (15), lighting scheme for biodiversity (23), Ecological Impact Assessment (27), GCN Organisational Licence (28) and GCN Mitigation Principles (29) conditions are all necessary to ensure that biodiversity is adequately protected and enhanced.

91. Unit mix (3), surface water (8), ground levels (9), archaeology (10), land contamination (11), foul water (16), sewerage works (17), water network (18) and Flood Risk Assessment (26) conditions are all necessary to ensure a satisfactory standard of development and that these technical matters and considerations are appropriately met.
92. The buffer zone landscaping (7) condition is necessary to protect and enhance the character and appearance of the area.
93. The buffer zone landscaping (7), CMP (12), visibility splays (19), phasing plan (20), Travel Plan (21) and vehicular access (22) conditions are necessary to ensure that the free-flow of traffic and highway safety would not be unacceptably harmed.

### **Conclusion**

94. For the reasons above, the appeal is allowed.

*Owen Woodward*  
INSPECTOR

Richborough

## **ANNEX A: APPEARANCES**

### **FOR THE APPELLANT:**

Paul Tucker KC and Ian Ponter, Counsel. Both representing Bloor Homes (Western). They called:

Guy Wakefield MRTPI – Partner, Ridge and Partners LLP  
Robin Green - Head of Water Environment, BWB Consulting Ltd  
Timothy Jackson CMLI - Senior Director, FPCR Environment and Design Ltd  
James Stacey MRTPI - Managing Director, Tetlow King Planning  
Emma Cartledge-Taylor – Principal Associate, Gowling WLG.

### **FOR THE LOCAL PLANNING AUTHORITY:**

Howard Leithead, Counsel. He called:

Martin Perks – Principal Planning Officer

### **INTERESTED PARTIES:**

Cllr Simon Randall – Shipton-under-Wychwood Town Council;  
Cllr Eileen Viviani – Moreton-in-Marsh Town Council;  
Cllr Ian Simpson – Bledington Flood Group and Parish Councillor;  
Vaughan Lewis – WASP;  
Robert Eastoe – Local resident.

## **ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY**

- ID1 – The Appellant’s List of Appearances
- ID2 – Opening Submissions on behalf of the Appellant
- ID3 – Opening Submissions on behalf of Cotswold District Council
- ID4a – Bloor Homes Appeal Speaking Notes, by Cllr Eileen Viviani
- ID4b – Bloor Homes Appeal Extracts from the Supporting Evidence, by Cllr Eileen Viviani
- ID5 – Appeal Briefing Note 01, by Jamie Mattock of Rappor Consultants
- ID6 – Draft Planning Conditions
- ID7 – Site Visit Itinerary
- ID8a – Draft s106 Agreement with Cotswold District Council
- ID8b – Draft s106 Agreement with Gloucestershire County Council
- ID8c – Biodiversity Net Gain monitoring fees note
- ID8d – Education contributions spreadsheets
- ID8e – s106 email from Gloucestershire County Council, dated 22 April 2026
- ID9a – Great Crested Newts email from Cotswold District Council, dated 22 April 2026
- ID9b – Natural England standing advice on Great Crested Newts
- ID9c – Organisational license for district level licensing for Great Crested Newts
- ID10 – R v Basildon District Council, Ex p, Martin Grant Home Ltd, dated 31 July 1986
- ID11 - Extract from Encyclopedia of Planning Law and Practice Volume 2, Paragraph P70.18
- ID12 - Extract from PPG ‘Statutory Consultees’
- ID13 – Appeal decision Ref APP/A4520/W/25/3367464, dated 27 January 2026
- ID14 – Revised Draft Conditions
- ID15 - Extract from Encyclopedia of Planning Law and Practice Volume 2, Paragraph P70.29, “Precedent”
- ID16 – Bledington Flood Group presentation, as delivered at the Inquiry
- ID17 – s106 Planning Agreement, dated 1 May 2026, with the County
- ID18 – s106 Planning Agreement, dated 1 May 2026, with the Council
- ID19 – Town Council response to County CIL Compliance Statement
- ID20 – NatureSpace letter regarding District Licensing, dated 23 April 2026
- ID21 – The County CIL Compliance Statement, dated 24 April 2026

## **ANNEX C: CONDITIONS SCHEDULE**

### **Reserved matters**

- 1) Details of the appearance, landscaping, layout, and scale, "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(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) Application(s) for approval of the reserved matters shall include a drawing/schedule which sets out the proposed size and mix of dwellings and which 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.
- 4) Application(s) for approval of the reserved matters shall include details to demonstrate that the future occupiers of each dwelling hereby permitted will not be subject to excessive levels of noise from the A44 or the Cotswold Business Village and the development shall be undertaken fully in accordance with the approved details.
- 5) Application(s) for approval of the reserved matters shall include a Construction Environmental Management Plan - Biodiversity (CEMP-B) informed by an up-to-date Ecological Impact Assessment. The CEMP-B shall include, but not necessarily be limited to, the following:
  - i. Risk assessment of potentially damaging construction activities;
  - ii. Identification of "biodiversity protection zones";
  - iii. Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to terrestrial wildlife;
  - iv. Measures taken for the protection of retained habitats including hedgerows and trees, to include a Tree and Hedgerow Protection Plan which shall accord with the specifications set out in BS5837:2012 'Trees in relation to design, demolition and construction - recommendations';
  - v. Measures required to safeguard protected species during the construction phase with reference to the Ecological Impact Assessment CSA/7213/05 Rev F (CSA Environmental, 12th September 2025) or any superseding report;
  - vi. Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - vii. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);

- viii. The timing during construction when ecological or environmental specialists need to be present on site to oversee works;
- ix. Responsible persons and lines of communication;
- x. The role and responsibility on site of an ecological clerk of works or similar person;
- xi. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and,
- xii. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 6) Application(s) for approval of the reserved matters shall include a Skylark Mitigation and Compensation Strategy informed by up-to-date bird surveys. The approved Strategy shall be implemented in full according to the specified timescales and all mitigation and compensation features thereafter shall be retained in accordance with the approved strategy.
- 7) i) The area shown as 'extent of safeguarding corridor for a potential future relief road' on drawing 'Parameters Plan 08766-FPCR-XX-XX-DR-L-0003 Rev P03' shall be kept free from development, other than that required to facilitate the creation of an access and associated highway works necessary to serve the residential development hereby permitted.  
  
ii) Application(s) for approval of the reserved matters shall include a Buffer Zone Landscape Management and Maintenance Plan. The aforementioned Plan shall cover the future landscape maintenance and management of the buffer zone, and the buffer zone shall be maintained and managed in accordance with the approved details thereafter.

### **Pre-commencement**

- 8) i) Prior to the commencement of development, a Surface Water Drainage Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall accord with the principles set out in the documents titled 'Flood Risk Assessment March 2025 Revision P03' and 'Sustainable Drainage Statement March 2025 Revision P03' and include a timetable for the implementation of all drainage works.  
  
ii) Before the above details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment shall be included in the Scheme. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b) include a timetable for its implementation;

- c) provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and,
  - d) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime and which shall be retained in perpetuity thereafter.
- 9) Prior to the commencement of development, plans showing the existing and proposed ground levels at the site (excluding the area of the site forming part of the adopted highway), shall be submitted to and approved in writing by the Local Planning Authority (such levels and heights shall be datums above sea level). The development shall thereafter be carried out in accordance with the agreed details.
- 10) Prior to the commencement of development, a programme of archaeological work shall have been implemented in accordance with a Written Scheme of Investigation which shall have been submitted to and approved in writing by the Local Planning Authority prior to the works.
- 11)
  - i) Notwithstanding the Integral Geotechnique, Desk Study Report, Land South of London Road, Moreton-in-Marsh, August 2024, Ref: 14362/LP/24/DS, Integral Geotechnique, Site Investigation Report, Land South of London Road, Moreton-in-Marsh, dated January 2025, Ref: 14362/FM/25/SI and PJA, Land off London Road, Moreton-in-Marsh Commentary on PFAS, 01/05/2025 reports, prior to the commencement of development, an additional Site Investigation of the nature and extent of contamination shall have been carried out in accordance with a methodology which has first been submitted to and approved in writing by the Local Planning Authority. The results of the Site Investigation shall then be submitted to and approved in writing by the Local Planning Authority before any development begins.
  - ii) If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The Remediation Scheme shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the Scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.
  - iii) On completion of the works the developer shall submit to the Local Planning Authority a Verification Report with evidence confirming that all works were completed in accordance with the agreed details.
  - iv) If, during the course of development, any contamination is found which has not been identified in the Site Investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

- 12) Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall include but not be restricted to:
- i. Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - ii. Advisory routes for construction traffic;
  - iii. Any temporary access to the site;
  - iv. Locations for loading/unloading and storage of plant, waste and construction materials;
  - v. Method of preventing mud, dust, drainage and effluent being carried onto the highway (and into the highway drain), including wheel wash facilities;
  - vi. Arrangements for turning vehicles;
  - vii. Arrangements to receive abnormal loads or unusually large vehicles;
  - viii. Highway Condition survey;
  - ix. Methods of communicating the CMP to staff, visitors and neighbouring residents and businesses; and,
  - x. Construction and delivery hours.
- 13) Prior to the commencement of development, a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, shall have been submitted to and approved in writing by the Local Planning Authority. The HMMP shall contain the following:
- i. Description and evaluation of the features to be managed;
  - ii. Ecological trends and constraints on site that may influence management;
  - iii. Aims, objectives and targets for management linked to the Gloucestershire Local Nature Recovery Strategy;
  - iv. Description of the management operations necessary to achieving the aims and objectives;
  - v. Prescriptions for management actions;
  - vi. Preparation of a works schedule, including annual works schedule;
  - vii. Details of the monitoring needed to measure the effectiveness of management;
  - viii. Details of the timetable for each element of the monitoring programme;
  - ix. Details of the persons responsible for the implementation and monitoring;
  - x. Mechanisms of adaptive management to account for necessary changes within the work schedule to achieve the required targets; and

- xi. Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30 with biodiversity reconciliation calculations at each stage.

The HMMP shall be implemented in accordance with the approved details, and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancement works have been completed.

- 14) Prior to the commencement of development, a Biodiversity Enhancement Plan containing details of the provision of bat and bird boxes, refugia and hibernacula for amphibians and reptiles, hedgehog holes and invertebrate features shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained as such thereafter.
- 15) i) Prior to the commencement of development, 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, shall have been submitted to and approved in writing by the Local Planning Authority, and the Authority has also provided authorisation for the development to proceed under the District License.  
  
ii) Prior to the commencement of development, the delivery partner certificate shall have been submitted to and approved in writing by the Local Planning Authority.

#### **Pre-occupation**

- 16) No dwelling hereby permitted shall be occupied until confirmation has been provided that either:
  - i. all foul water network upgrades required to accommodate the additional flows from the development have been completed; or
  - ii. a Development and Infrastructure Phasing Plan has been agreed in writing by the Local Planning Authority to allow development to be occupied. Where a Plan is agreed, no occupation shall take place other than in accordance with the agreed Plan.
- 17) No dwelling hereby permitted shall be occupied until confirmation has been provided that either:
  - i. all sewage works upgrades required to accommodate the additional flows from the development have been completed; or
  - ii. a Development and Infrastructure Phasing Plan has been agreed in writing by the Local Planning Authority to allow development to be occupied. Where a Plan is agreed, no occupation shall take place other than in accordance with the agreed Plan.
- 18) No dwelling hereby permitted shall be occupied until confirmation has been provided that either:
  - i. all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

- ii. a Development and Infrastructure Phasing Plan has been agreed in writing by the Local Planning Authority to allow development to be occupied. Where a Plan is agreed, no occupation shall take place other than in accordance with the agreed Plan.
- 19) i) No dwelling hereby permitted shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 4.5 metres and a 'y' distance of 128.9m to the east and 134.6m to the west.
- ii) No structure or vegetation exceeding 600mm in height above the adjoining carriageway shall be placed or allowed to grow within the visibility splay for the lifetime of the development.
- 20) No dwelling hereby permitted shall be occupied until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall only relate to the details and delivery of the access road, highways works, including the details of the cycle and pedestrian signing from the site to the railway station based on drawings:
- 210431-TP-3200 P10 – Access Arrangements;
  - 210431-TP-6011 P06 – London Road Active Travel Route (1-4);
  - 210431-TP-6012 P05 – London Road Active Travel Route (2-4);
  - 210431-TP-6013 P03 – London Road Active Travel Route (3-4); and,
  - 210431-TP-6014 P03 – London Road Active Travel Route (4-4).
- 21) No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority that promotes sustainable forms of access to the development site.

#### **Other trigger**

- 22) The vehicular access hereby permitted shall not be brought into use until the existing vehicular accesses to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.
- 23) Prior to the installation of external lighting for the development hereby approved, a Lighting Design Strategy for Biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy will:
- i. Identify areas/features on site that are particularly sensitive for nocturnal wildlife, including foraging/commuting bats and badger; and,
  - ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal wildlife using their nocturnal corridors.

All external lighting shall be installed in accordance with the approved strategy and retained thereafter. No external lighting other than that approved shall be installed within the application site.

### **For compliance**

- 24) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 25) The development hereby permitted shall be carried out in accordance with drawing nos FW033-PD-034 Site Location Plan and 08766-FPCR-XX-XX-DR-L-0003 Rev P03 – Parameter plan.
- 26) The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 220467-BWB-ZZ-XX-T-W-0003\_FRA) and there shall be no built development within the 0.1% AEP flood extent (flood zone's 2 and 3) in accordance with paragraph 4.2 of the FRA.
- 27) The development shall be undertaken in accordance with the recommendations contained within sections 5.27 to 5.39 of the Ecological Impact Assessment CSA/7213/05 Rev F (CSA Environmental, 12th September 2025). All of the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently retained.
- 28) 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 East of Cotswold Business Village: Impact plan for great crested newt District Licensing (Version 1)", dated 6th November 2025.
- 29) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR138, or a 'Further Licence') and in addition in compliance with the following:
  - i. Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles;
  - ii. Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians;
  - iii. Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development); and,
  - iv. Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

===== END OF SCHEDULE =====