
Appeal Decision

Site visit made on 2 December 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/F1610/W/25/3370597

Land to the side Springfield, Cirencester Road, South Cerney, Cirencester, Gloucestershire GL7 6HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs Jane Franklin against the decision of Cotswold District Council.
 - The application Ref is 25/01235/PLP.
 - The development proposed is Permission in Principle for the development of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice as it describes the appeal proposal more succinctly than the one set out on the application form. The application form is clear that the appeal relates to a minimum of, and a maximum of, 1 dwelling. I have considered the appeal on this basis.
3. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. Under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), permission in principle must not be granted for development which is habitats development. Habitats development means development which is likely to have a significant effect on a qualifying European site either alone or in combination with other plans or projects, without any mitigating measures in place. The Council's third reason for refusal refers to this. There is a specific process to deem what would constitute habitats development which I must assess.

Main Issue

5. In light of the above, I identify the single main issue in this appeal to be whether the proposal would constitute habitats development under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) ('the Order').

Reasons

6. The application site is located within the outer zone of influence for the North Meadow and Clattinger Farm Special Area of Conservation (Protected Site) which is protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Regulations).
7. Located in the Thames Valley, it consists of a series of traditionally managed unimproved grasslands within the floodplain which continue to be managed as pasture and hay-meadow. This Protected Site is designated for its lowland hay meadows which contain a rich variety of species-rich grassland and a very high proportion of the UK's surviving population of Fritillary *Fritillaria meleagris*, a rare species highly characteristic of damp lowland meadows in Europe.
8. The Protected Site's qualifying features are vulnerable to damage caused by trampling from public access particularly during the flowering time of Snake's-head Fritillary. The proposed development would increase the local population within six miles of the Protected Site, thereby adding further recreational pressure on the Protected Site, both individually and in combination with other projects. Consequently, a significant adverse effect on the integrity of the Protected Site resulting from the proposal cannot be ruled out. Therefore, as the competent authority for this appeal, I am obliged to undertake an Appropriate Assessment in accordance with the Regulations.
9. A Site Improvement Plan (SIP) based on Natural England's knowledge and evidence at the time, sets out the identified issues within the Protected Site and the measures proposed to address them. With regards to this appeal, it sets out that there is a need to manage and mitigate the effects of public access leading to localised damage to the Protected Site. The Council say that this would be done by way of a financial contribution.
10. There is no planning obligation before me, securing the necessary financial contribution as mitigation, and it could not be secured by conditions. The appellant says that any such mitigation could be secured at technical details stage, referring to the advice in the PPG that planning obligations cannot be secured at permission in principle stage. It would therefore fall to the Council to ensure that appropriate mitigation occurred at technical details stage.
11. However, as the competent authority I must be satisfied that the integrity of the Protected Site would not be compromised by this proposal, whether considered alone or in combination with other plans and projects. In the absence of a secured financial contribution or other alternative mitigation at this stage, I cannot reach that level of certainty.
12. I therefore conclude that the proposal would constitute habitats development which is excluded from a grant of permission in principle under Article 5B of the Order. It therefore lies outside the remit of the permission in principle regime.

Other Matters

13. The Council's other reasons for refusal relate to whether the appeal site would be a suitable location for development having regard to the development plan and the appeal site's proximity to services and facilities. However, I am unable to grant

permission in principle, for the reasons set out above. As such, it is not necessary for me to go on and address these matters.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed as it constitutes habitats development and does not comply with Article 5B (1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

Alison Fish

INSPECTOR

