COTSWOLD
District Council

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 15 January 2025

Members present:

Ray Brassington (Chair)	Patrick Coleman (Vice-Chair)	
Daryl Corps	Dilys Neill	Ian Watson
David Fowles	Gary Selwyn	
Mark Harris	Michael Vann	

Officers present:

Helen Blundell, Interim Head of Legal Services	Nickie Mackenzie-Daste, Senior Democratic Services Officer
Harrison Bowley, Head of Planning Services	Richard McEllistrum, Interim Development Management Manager
Amy Hill, Senior Planning Officer	Kira Thompson, Election and Democratic Services Support Assistant
Justin Hobbs, Tree Officer	

Observers:

81 Apologies

Apologies were received from Councillors Julia Judd and Andrew Maclean as well as officer Andrew Moody.

82 Substitute Members

There were no substitute members.

83 Declarations of Interest

Councillor Selwyn stated that he knew Mr Darwin who was speaking as an objector in his professional capacity as a vet. Councillor Selwyn stated that he did not consider this to be a prejudicial interest.

84 Minutes

The minutes of the meeting held on 11 December were considered. There were no amendments to the minutes.

The recommendation to accept the minutes was proposed by Councillor Harris and seconded by Councillor Selwyn.

RESOLVED: That the Planning and Licensing Committee APPROVED the minutes as a correct record

Recommendation to approve the minutes of the Planning and Licensing Committee meeting held on the 11 December 2024 (Resolution)		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Gary Selwyn, Michael Vann and Ian Watson	8
Against	None	0
Conflict Of Interests	None	0
Abstain	Dilys Neill	1
Carried		

85 Chair's Announcements

There were no Chair's announcements.

86 Public Questions

There was one public question from Mr David Hindle, a resident of Tetbury.

It was reported that the majority of residents in Tetbury were pleased with the planning approval for the new health centre in Tetbury. The speaker expressed gratitude to the Planning Officer for successfully steering the application through the process.

A question was raised regarding the officer's recent promotion to Head of Planning Services: whether they would continue to manage a caseload and specifically follow up on this case, including the conditions attached to the planning approval for the healthcare centre, and specifically the s106 agreement. Additionally, the question arose as to whether the Committee would ensure that Harrison has adequate time to follow up on this application and its conditions. In response, the Head of Planning Services stated that he remains in regular contact with the developers and would continue to monitor the case closely.

87 Member Questions

There were no member questions.

88 24/00002/AREA Tree Preservation Order

Proposal
To consider comments of objection and support to the making of Tree Preservation Order 24/00002/AREA in respect of trees at Upper Town House, Longborough.

Case Officer: Justin Hobbs
Ward Member: Councillor David Cunningham

The Chair invited the Case Officer to introduce the proposed TPO.

1. There were no additional updates to the report included in the agenda.
2. Various maps and photos of the site were shared to outline the existing landscape and the area to be protected under the proposed order.
3. Key issues mentioned were:
    (a) Tree and Root Damage: Compaction of soil and use of heavy machinery in areas that should have been fenced off, potentially causing long-term damage to tree roots.
    (b) Felled Trees: While some trees were legally removed, their loss highlighted the need for protection.
    (c) Inadequate Fencing: Protective barriers were insufficient or misplaced.
    (d) Soil Dumping: Soil mounds placed around trees risk damaging roots.

It was reported that an area TPO was proposed to cover all trees in the area as an interim measure due to urgency. This proposal aimed to ensure protection while ongoing development and enforcement issues, as well as the lack of a clear landscaping plan, were addressed.

Public Speakers raised the following objections to the area TPO:

1. **Conflict with Planning Consent:** The TPO was claimed to obstruct implementation of planning consent, which included the removal of some trees. The Case Officer stated that the TPO did not prevent necessary tree removal for planning implementation, and most required removals had already occurred
2. **Failure to Meet Expediency Criteria:** It was argued that regulations allowed necessary tree works under planning consent.
   The Case Officer responded that the TPO ensured the protection of other trees and did not prevent applications for future tree works.
3. **Amenity Value Assessment:** The objector stated that there had been inadequate assessment of tree quality.

The Case Officer replied that it used its structured appraisal, and that public support further justified the TPO.

4. **Area-Wide TPO Coverage:** There was an objection suggesting that the Council should have listed specific trees instead of implementing an area-wide TPO. The Case Officer explained that an area-wide TPO was necessary given ongoing issues and that a reassessment would be conducted post-development for specific protection.

Public Supporters

Mr Rose, a landscape architect with 50+ years of experience, and resident of Longborough spoke in support of the TPO:

The supporter urged approval of the TPO and urged that the TPO be made permanent to safeguard current and future trees on the site, citing:

- The developer's poor compliance with expert recommendations, which included the unnecessary felling of many healthy trees, despite plans to retain trees in the 2024 application.
- A 2021 report from the developers' own advisors which emphasised the mature vegetation's significant ecological and visual value.
- Further concerns were expressed about a 2025 application proposing a retaining wall near the conservation area boundary.

Ward Member Comments

The Ward Member emphasized the importance of protecting the natural environment, particularly wooded areas, which provide significant amenities and mental health benefits. They cited local and national policies, including EN5, EN6, and MPPF Chapter 15, Section 189, highlighting the need to preserve national landscapes. They noted the Case Officer's report addressed concerns about tree removal and supported implementing an area TPO for expediency due to confusion over why trees were felled against original plans. The area TPO would ensure consultation and agreement on tree preservation during development, with flexibility for future modifications to individual trees or areas. The Ward Member confirmed that the Parish Council and residents had expressed unanimous support for confirming the TPO to protect the natural environment. The Ward Member stressed the Council's responsibility to preserve the natural environment while balancing development need.

Members Questions

1. **Tree Preservation Order (TPO) Confirmation**: A Member enquired whether the TPO document presented was provisional. The Case Officer clarified that it was provisional and would be officially signed if the TPO was confirmed. They also confirmed that the TPO could be modified if necessary.
2. **2025 Planning Application and Tree Impact**: A Member queried a new planning application made by the developer in 2025 and the relevance of trees in current and past developments. The Case Officer explained that a current live

application related to landscaping compliance was under review, and confirmed that some trees had already been removed, contrary to original conditions.

3. **Tree Protection Measures**: Members raised concerns about compliance with tree protection conditions and whether non-compliance had occurred. The Case Officer acknowledged issues and enforcement steps being taken to ensure future adherence.
4. **Retaining Wall Dispute**: A retaining wall's impact on trees was questioned. The Case Officer confirmed that differences in plans and current construction were noted.
5. **Administrative Concerns**: Members queried whether the Council's approach to the TPO had been "administratively lazy." The Case Officer rejected this characterisation and justified the decision.
6. **Future Tree Management**: It was clarified that future tree management would require separate applications for TPO-protected trees and that modifications to the TPO could be initiated by the Council post-development.
7. **Site Visit for TPO Confirmation**: A Member proposed a site visit to decide if the TPO should be modified. The Case Officer noted that while members were free to do so, officers recommended confirming the TPO as presented to ensure immediate protection for the remaining trees.

Member Comments

Members commented on the action of initiating a TPO and argued that confirming the order was expedient, timely, and proportionate, emphasizing the importance of tree protection and the evidence of unintended damage.

Councillor Coleman praised Councillor Cunningham's remarks, highlighted the Case Officer's thorough report, and clarified that the Committee was not constraining development but responding to the developer's actions.

Councillor Fowles expressed confusion over the evidence presented, noting discrepancies in fencing placement and the objector's professional input. They felt the area TPO was impacting site finalisation and landscaping and decided to abstain due to insufficient information.

Councillor Coleman proposed support of the officer's recommendation for an area TPO and this was seconded by Councillor Harris.

Recommendation

The recommendation to make an area TPO in respect of trees at Upper Town House, Longborough was APPROVED.

24/00002/AREA - Tree Preservation Order - resolution to support the making of the TPO (Resolution)		
RESOLVED support to the making of Tree Preservation Order 24/00002/AREA in respect of trees at Upper Town House, Longborough.		
For	Ray Brassington, Patrick Coleman, Daryl Corps, Mark Harris, Dilys Neill, Gary Selwyn, Michael Vann, and Ian Watson	8
Against	None	0
Conflict Of Interests	None	0
Abstain	David Fowles	1
Carried		

89 24/00386/FUL - Woodleigh, Brockhampton, Cheltenham

Proposal
The proposal is for the erection of three dwellings within the rear garden area to Woodleigh, Brockhampton, which is a loose-knit non-principal settlement located in open countryside.

Case Officer: Andrew Moody
Ward Member: Councillor Jeremy Theyer

Recommendation
The recommendation was changed to DEFER consideration of the case of planning application 24/00386/FUL due to the Case Officer being absent.

In support of the recommendation, it was noted that officers had contacted everyone who commented on the planning application and all speakers by email.

Councillor Fowles enquired about the legal guidelines around what constitutes a close relative and the requirement for affected planning applications to be referred to the Committee. The Head of Legal Services pointed the Councillor to Section 6 in the Code of Conduct 2023 that defines "Member of Family" for the purposes of declaring interests.

Proposed by Councillor Fowles and seconded by Councillor Watson
The recommendation to defer was APPROVED.

24/00386/FUL - Woodleigh, Brockhampton, Proposal to defer consideration of the application (Resolution)		
RESOLVED to defer consideration of the application 24/00386/FUL - Woodleigh, Brockhampton.		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Dilys Neill, Gary Selwyn, Michael Vann and Ian Watson	9
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

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90 24/02773/FUL - Manor Farm, Chedworth, Cheltenham

Proposal
The proposal concerned the erection of an agricultural building for the housing of dairy cattle at Manor Farm Chedworth Cheltenham Gloucestershire GL54 3LJ.

Case Officer: Amy Hill
Ward Member: Councillor Paul Hodgkinson

Original recommendation:
The recommendation was to refuse the proposal as it was considered contrary to the requirements of Local Plan Policies EN2, EN4 and
EN5, and National Planning Policy Framework paragraphs 187 and 189.

The Chair invited the Case Officer to introduce the case, which involved the erection of a building to shelter cattle measuring just over 100 metres long, 30 metres wide and 9 metres high.

1. There were no additional updates to the report included in the agenda.
2. Various maps and photos of the site were shared to outline the existing landscape and the location of the proposed construction.
3. Key issues mentioned were:
   (a) **Size and orientation** of the proposed building which was perceived as being oversize for the generally flat location.
   (b) **Public Right-of-Way**: Concerns about how the building's positioning impacts views from the public right-of-way.
   (c) **Character and appearance:** Concerns about how the building's positioning impacts the character and appearance of the landscape.
   (d) **Future development impact**: general concern was expressed about how the proposed building would affect the overall landscape and aesthetics of the area.

(e) **Agricultural Landscape**: The flat, agricultural landscape poses concerns about how the proposed building integrates into the environment, potentially limiting views and affecting the natural setting.

Public Speaker 1

Rob Darvill introduced himself as the farm vet and made the following points in support of the application:

1. The need for a first biodiverse grassland near the north-western side of Chedworth village was introduced, emphasizing its environmental significance.
2. He explained that the attempt to run a New Zealand-style system, with cattle outside year-round, had resulted in welfare issues, including increased deaths and a rise in diseases. He highlighted that the current dairy system was unsustainable without a suitable cattle building, pointing out the lack of adequate shelter to protect cattle from harsh weather and disease.
3. The lack of a building had led to severe outbreaks of TB, with 87 cows culled as TB reactors since October 2024. Together with spiralling costs, this meant that without a building for shelter, farming would not be viable.
4. The supporter noted that the rejection of planning permission was based on the size, type, and location of the proposed cattle building, which did, however, meet welfare regulations for farmed animals regarding ground area and height for ventilation.
5. The suggestion to break the building into smaller units would create significant management challenges around observation, feeding, slurry management, and balanced group dynamics.
6. Dairy cattle buildings should ideally be located close to milking parlours to reduce stress and danger for cows moving between locations, as greater distances were linked to increased mastitis and lameness.
7. Lastly, he argued that the flat nature of the site was considered beneficial for a dairy building, as sloped areas could lead to cattle injuring themselves.

Public Speaker 2

Seb Clark, the applicant, addressed the Committee:

1. Manor Farm was described as an organic regenerative family farm in Chedworth that produced over one million litres of milk annually. The farm was home to Kingstone Dairy, whose Ashcombe cheese was named supreme champion at the British Cheese Awards.
2. The development was seen as critical to the survival of the farm, which had not made a profit in five years. £135,000 in milk income had been lost during the five months of wintering cattle outside and it was noted that without the proposed shed, the farm would not survive.
3. It was stated that the size, shape, and orientation of the proposed building followed industry standards to ensure functionality. The location of the

4. proposed building near the milking parlour was intended to minimize stress on cattle and integrate with existing slurry systems to meet environmental compliance.
5. Addressing community and environmental impact, Manor Farm was described as a vital part of the community, contributing to local employment, cultural heritage, and wildlife through organic practices. The farm's shop served over 800 villagers and the cheese business employed 12 people.
6. Decision-makers were urged to approve the development to secure the farm's future and prevent it from becoming another statistic in the ongoing decline of UK dairy farms.

Ward Member Comments

The Member explained that it was the size of the proposed development that had brought the application forward for the Committee to determine. He noted that unlike other contentious applications, such as the Rencombe Airfield case, this one had not polarized the local community in Chedworth.

He reported that the site was outside the Chedworth conservation area and distant from other houses. He highlighted the immense pressures faced by farmers over the past decade, emphasizing their essential contribution to society.

The Member described the farm as an established operation with over 100 years of history, practising organic and regenerative farming. He commended the applicant for engaging with the local community and business and noted the positive feedback received.

The Member reiterated the necessity of the building to improve winter conditions for cattle and noted that the shed's size and location were dictated by practical and operational requirements.

While no formal objections were lodged, he acknowledged concerns from some residents about the size and visibility of the building and scepticism about future potential housing development on the site.

He concluded by stating that the Committee must decide whether the perceived harm to the Area of Outstanding Natural Beauty (AONB) caused by the large structure was outweighed by the clear agricultural and economic benefits presented.

Members Questions

Members thanked the speakers and asked the Case Officer if the arguments put forward by supporters regarding the size of the building argument were accurate. The

Case Officer confirmed that they were but pointed out that the application had not been subject to the pre-application process.

Members asked if alternative locations or designs had been discussed with the applicant, noting their insistence on the proposed placement. The Case Officer explained that no such discussions had occurred due to the absence of a pre-application.

Members commended the clarity of the report and presentations. And asked if the Case Officer was aware of similar large agricultural buildings in the Cotswolds, as mentioned by the applicant's vet. The Case Officer responded that they were unaware of comparable buildings within the national landscape but acknowledged examples outside it.

Members asked if it was acceptable for landscaping to take years to fully shield the building, or whether the Council viewed such delay as problematic. The Case Officer replied that landscaping should soften rather than hide a building, as planted trees could later be removed and expressed concerns about the amount of planting required to conceal a 100-meter-long building in a relatively open landscape.

The Vice-Chair referenced government consultations on planning reforms and asked senior officers if requiring pre-application processes for major developments might be a beneficial reform, citing frequent issues caused by their absence. The Case Officer acknowledged the value of pre-application discussions and reiterated that the recommendation for refusal was based on the size of the building and inadequate consideration of the national landscape's character.

Members requested clarification regarding conflicting statements within the report about the site's suitability for great crested newts and whether a modified building design, such as an L or T shape, might make the proposal more acceptable. The Case Officer explained that while the site was in a high-potential zone for newts, a Biodiversity Officer's assessment deemed it unlikely to be a suitable habitat.

Members Comments

Councillor Fowles remarked that serving on the Committee had rarely allowed him to deliberate on such a clearly defined decision. He praised the Case Officer's thorough and well-articulated report and acknowledged the clarity of policies like EC1 and EC3. Councillor Fowles emphasised the historical and practical context, noting the farm's 100-year legacy and its ongoing operation by the next generation. He highlighted the unique flatness of the area, making any building prominent, and noted the agricultural context justified the structure's size. Councillor Fowles expressed support for the application, citing evidence from the applicant, vet, and ward member that the business's survival depended on it. While he disliked the idea of a large building in the

landscape, he believed the farm's viability outweighed policy considerations. He concluded by proposing a counter-motion to permit the development against the officer's recommendation for refusal.

Members discussed the option of a counter proposal and the conditions which officers would be asked to incorporate;

The proposal was changed by common agreement to read:
Recommendation to approve planning permission subject to conditions:

- Limited to agricultural use.
- Three years to commence works
- Approval of construction materials.
- A landscaping scheme would be required to soften the building's appearance.
- Implementation of appropriate lighting.
- Adequate drainage provisions
- Sustainable waste management system.
- Assessment and provision for bats.
- Pre-commencement approval required from the Environment Agency:
- Biodiversity Net Gain a statutory requirement, would be addressed in parallel.
- Planning officers to have delegated authority to approve final conditions, with consultation if necessary.

New Recommendation
The recommendation was to APPROVE planning permission with conditions and give delegated authority to planning officers to approve final conditions, with consultation if necessary.

Proposed by Councillor Fowles and seconded by Councillor Harris
Recommendation APPROVED.

24/02773/FUL - Manor Farm, Chedworth, Cheltenham Proposal to approve with conditions (Resolution)		
RESOLVED to approve 24/02773/FUL - Manor Farm, Chedworth, Cheltenham with conditions.		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Dilys Neill, Gary Selwyn, Michael Vann and Ian Watson	9
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

91 Sites Inspection Briefing

The Chair advised members to keep the date of 5 February 2025 free in their diaries.

92 Licensing Sub-Committee

There were no licensing sub-committees planned.

The Meeting commenced at 2.00pm and closed at 3.56pm.