

**Erection of an agricultural building for the housing of dairy cattle at Manor Farm Chedworth
Cheltenham Gloucestershire GL54 3LJ**

Full Application 24/02773/FUL	
Applicant:	Mr Seb Clarke
Agent:	Kernon Countryside Consultants Ltd
Case Officer:	Amy Hill
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	15 January 2025
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Principle of Development and Need
- (b) Design and Impact on the Cotswolds National Landscape
- (c) Pollution
- (d) Highways Safety
- (e) Biodiversity and Geodiversity
- (g) Flooding

2. Reasons for Referral:

- 2.1 The application was validated after the 25th September 2024 and includes the provision of over 1,000m² of non-residential building floorspace. As such, under the Council's Scheme of Delegation (agreed 25th September 2024) the application cannot be determined under delegated powers and is therefore required to be brought to the Planning and Licensing Committee.

3. Relevant Planning History:

The site and immediately around it

- 3.1 18/00773/OUT: Erection of an agricultural worker's dwelling (Outline application). Withdrawn
- 3.2 18/02488/OUT: Erection of an agricultural worker's dwelling (Outline application). Permitted 10.10.2018
- 3.3 18/02489/FUL: Erection of agricultural building for the housing of cattle and retention of existing storage shed and fence. Permitted 10.08.2018
- 3.4 21/00884/REM: Erection of an agricultural worker's dwelling (Reserved Matters application). Permitted 16.04.2021

To the south of the site

- 3.5 20/04609/FUL: Conversion and extension of barn into one dwelling. Permitted 01.04.2021

Further south

- 3.6 11/05887/AGFO: Erection of mono pitch extension to agricultural building. Permitted 13.01.2012

Site at Manor Farm

- 3.7 19/02172/FUL: Demolition of cow cubicles and erection of a new building for cheese manufacturing. Permitted 02.08.2019
- 3.8 22/03286/FUL: Change of use of land to tourism and siting 1 no. shepherd hut to provide holiday accommodation together with associated parking. Withdrawn
- 3.9 23/01442/FUL: Demolition of cow cubicles and erection of a new building for cheese production. Permitted 03.08.2023

4. Site Description:

- 4.1 The application site comprises approximately 1.2 hectares of agricultural land a kilometre to the northwest of Chedworth. This includes an access track which currently serves a few agricultural buildings including a dairy. The main section of the site is a field, currently laid to grass.
- 4.2 The site, and wider area, is relatively flat, with the fields to the northwest of the site part of the disused Chedworth airfield. The field is located approximately 130m to the northeast of the road from Chedworth, with views of the site limited to the east of the entrance due to a rectangular block of trees. Along the access track runs a Public Right of Way (PRoW) - Chedworth Bridleway 16. To the northeast of the site is another PRoW - Chedworth Footpath 20.
- 4.3 To the south and east of the field are a few agricultural buildings, with those comprising former airfield buildings to the east, located behind a band of trees. To the south of the site, is a group of ponds.
- 4.4 The site is located within the Cotswolds National Landscape. It is also within Chedworth Airfield Local Wildlife Site and within an area identified as having a high potential for newts.

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Public Rights of Way Officer:

"This development does not appear to affect the nearby public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity."

- 6.2 Gloucestershire County Council Highways Officer: No objection

"The proposed agricultural building will be placed within an existing large agricultural holding and the proposal does not appear to be an "intensive" unit that would generate significant levels of traffic. It is therefore unlikely that the development will have a severe impact on the network capacity or an unacceptable reduction in highway safety."

- 6.3 Gloucestershire County Council Minerals and Waste Officer: Waste Minimisation Statement required.

"We note a WMS has been submitted in response to our previous comments 2024/0259/1/DPAP dated 24/10/24. The WMS should provide information on figures of types of waste from the construction process; along with a commitment "that at least 10% (by value) of the materials to be used will be comprised of recycled content".*

Also as previously mentioned, the WMS should provide information on whether consideration has been given to secondary and recycled material as part of the construction e.g. in areas of hardstanding."

- 6.4 Biodiversity Officer: No objections subject to conditions (including BNG)

- 6.5 Landscape Consultant: Objection, comments incorporated into the main report

- 6.6 Local Lead Flood Authority:

"To control discharge of surface water soakaways are proposed in the planning application. Given the nature of the geology at the site location there is no reason to suppose this will not work and will satisfy the requirements of the SuDS hierarchy, mitigating any risk of causing increased flood risk elsewhere.

The LLFA has no objection to the proposal and would derive no benefit from drainage conditions being applied to any consent granted against this application."

- 6.7 Environmental Health (Contamination): No objection

- 6.8 Environmental Health: No objection

- 6.9 Natural England:

"No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

- 6.10 Environment Agency: No objection subject to pre-commencement conditions

7. View of Parish Council:

- 7.1 Chedworth Parish Council: No objection

8. Other Representations:

- 8.1 None received at time of writing.

9. Applicant's Supporting Information:

- Proposed Plans
- Land Ownership Plan (KCC3255/06): October 2024
- Ecological Impact Assessment: July 2024
- Supporting Statement: September 2024
- Ammonia Assessment
- Previous Decision Notices

- Landscape Visual Impact Assessment: September 2024
- Building Space Calculations: September 2024
- Biodiversity Net Gain Statement: 25th September 2024
- Biodiversity Net Gain Assessment: September 2024
- Flood Risk Assessment: September 2024
- Slurry System Information: October 2024
- Site Waste Management Plan: 2nd November 2024
- Response to the Landscape Concerns: November 2024
- Letter from Gloucestershire Country Council Trading Standards (Animal Welfare Inspector): 27th November 2024
- Letter from Benson & Babb (The Forum Veterinary Surgery): 27th November 2024
- Letter from Senior Veterinary Inspector from the Animal and Plant Health Agency: 10th December 2024
- Letter from Savills: 11th December 2024

10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

- 10.4 The application seeks the erection of a cow shed. It would measure 103.6m by 32.4m with eaves and ridge heights of 4.6m and 9m respectively. It would be constructed with concrete panels at the base then open to the eaves, with Yorkshire Boarding in the apex of the roof.
- 10.5 The agent has advised that the existing farming unit on the site operates on (or towards) a New Zealand system, with the cows primarily feeding on grass and not being housed in buildings. However, due to adverse weather conditions, this has resulted in the death of calves as well as reduced milk collection. The lack of current housing also appears to have resulted in higher than average levels of Bovine Tuberculosis (TB) on the farm. The aim of the barn is therefore to provide shelter to the cattle during poor/cold weather, and to provide an area to feed the cows more securely.
- 10.6 The applicant has advised that farm business has been in the family for 101 years, with the applicant having taken over in 2023. It has been certified Organic since 2008. They calve twice a year, spring and autumn, to provide a more consistent milk production through the year which the applicant has advised is fundamental to their milk buyers. Around half their milk production goes to a local cheese maker (King Stone Dairy) which is based within the farm holding, most of the rest goes to a dairy near Bristol which is sold in Marks and Spencer's (it is noted that the original planning statement advised the proportions were 1/3 to King Stone Dairy and 2/3s to the dairy near Bristol). In addition, they bottle some of their milk at a local café, deli and small self-service vending machine in Chedworth Village Hall. They also have multiple environmental stewardship agreements in place over a significant amount of their land.
- 10.7 Their dairy parlour was moved in 2015 to make the dairy more central to their farm, allowing the cows to move to new pastures more easily. They also changed their management system

at this point towards a 'New Zealand' system, which the applicant describes as involving *"very low inputs (minimal bought in feed, no external fertilizer application and no housing) that focuses on making as much milk from grass."*

- 10.8 In 2019, the cheesemakers moved onto the farm, resulting in a requirement for year round milk production. Currently the harsher weather conditions in winter result in a significant reduction in the milk produced. The applicant has advised that between *"April - October each cow averages 21 litres of milk a day between November - March each cow averages 13 litres a day."*

(a) Principle of Development and Need

- 10.9 **Local Plan Policy EC1: Employment Development** states: *Employment Development will be permitted where it: b. maintains and enhances the vitality of the rural economy;*

- 10.10 **Local Plan Policy EC3: Proposals for all types of employment-generating uses** supports small scale businesses outside Development Boundaries where they *facilitate the retention or growth of a local employment opportunity.*

- 10.11 **NPPF Paragraph 88** states:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

- 10.12 The application has been submitted due to the need to provide shelter for the cattle on the farm. With inclement weather and high rates of TB within the applicant's livestock causing their current farming style to cause significant issues with regard to the welfare of the cattle and viability of the business.

- 10.13 As part of the application, the agent has provided supporting information directly from the applicant to explain the issues on the farm, as well as from a number of third parties in support of this.

- 10.14 The Animal Health Inspector has confirmed that given the increasingly wet and windy weather it has become increasingly difficult for the applicants to ensure that their cattle have access to a well-draining lying area (a requirement when animals are not kept within a building).

- 10.15 Within the letter submitted from Benson & Babb (The Forum Veterinary Surgery) this has been reiterated with regard to the difficulty in providing dry bedding, as well as raising issues around limiting TB within the herd and the requirement that the barn is located close to the current parlour facilities, due to issues around lameness and mastitis caused by longer walks in winter on wet, mucky and uneven tracks.

- 10.16 The letter from Senior Veterinary Inspector from the Animal and Plant Health Agency stressed the current arrangement on the farming results in difficulties adhering to the requirements of the codes of recommendation for the welfare of livestock which are based on the Welfare of

Farmed Animals (England) Regulations 2007. This reiterated the difficulties in proving clean dry lying areas without the provision of buildings.

- 10.17 A letter of support has also been provided by the agent from Savills, which also stressed the issues around TB in the area and the need to separate the cattle from wildlife, and advised this is best achieved through the provision of secure winter housing. They also highlighted the benefits of the farm brings to the local economy, its environmental schemes, and the requirement for the amount of housing provided.
- 10.18 The agent has also advised that the location proposed was selected due to existing slurry and buildings (including dairy), as well as considering it a less sensitive location due to the proximity to the former airfield and other environmental enhancements on the wider farm holding.
- 10.19 The rural economy is historically focused on agriculture and remains a key rural employer. The agent as provided a case for the requirement for the building, primarily based around continuing the existing business on the site and allowing for some expansion of the herd. The requirement for providing housing for cattle on the unit is considered justified, both in regard to welfare of the cattle and ongoing viability of the business.
- 10.20 Policies EC1 and EC3 support businesses which maintain and enhance the vitality of the rural economy, whilst also allowing for the retention of local employment opportunities, which the proposal is considered to do. Paragraph 88 (b) supports the development of agricultural land-based rural businesses, which the proposal would achieve.
- 10.21 Paragraph 88(a) supports sustainable growth through well-designed, beautiful buildings. The building has been designed in a practical manner which meets the requirement for the business needs; however, there are design concerns as discussed below.

(b) Design and Impact on the National Landscape

- 10.22 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

10.23 **Local Plan Policy EN1: Built, Natural and Historic Environment:**

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;

b. contributing to the provision and enhancement of multi-functional green infrastructure;

c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;

d. seeking to improve air, soil and water quality where feasible; and e. ensuring design standards that complement the character of the area and the sustainable use of the development.

10.24 **Local Plan Policy EN2: Design of the Built and Natural Environment:**

Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

10.25 The Design Code specifies that large agricultural buildings *should be sited scaled and designed sensitively, using appropriate materials and finished. The impact of associated features should also be minimised.* It includes some key considerations, this includes:

e. breaking the mass of a new building into modules, with varying roof lines and vertical articulation, is often valuable, especially within historic contexts.

g. For large industrial or agricultural buildings in less sensitive settings some modern forms of cladding may be permissible, but often traditional and higher quality materials are still appropriate, such as timber boarding.

h. These buildings should be finished in appropriately subdued colours, to assist in blending into their surroundings. This may include untreated timber or an equivalent grey stain.

i. In rural settings, the placement, scale and massing of new buildings should also respond to their landscape context.

j. Care should be taken to assess, for example, the impact on views within the AONB and on the settings of any heritage assets.

k. Buildings should be carefully positioned to fit in with the landform in that particular location, and should not be sited where they will dominate the surroundings (for example on the skyline or in the middle of a flat plateau).

l. A low profile should be maintained and consideration should be given to breaking up the mass of a large new building (by varying its height, or using two small units rather than one).

m. New farm buildings should generally be integrated within existing farmsteads.

10.26 **Local Plan Policy EN4: The Wider Natural and Historic Landscape** states:

1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.

2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

10.27 **Local Plan Policy EN5: Cotswolds Area of Outstanding Natural Beauty (AONB)** states:

1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in national Policy and Guidance.

10.28 Supporting **Paragraph 10.5.3** advises that *Major development can be defined in quantitative terms - a threshold number of dwellings, for example. However, it follows from appreciation of the area's varied natural form that consideration of what constitutes 'major' development is both a matter of context and a matter of fact and degree: what is deemed to be 'major' in one area may not be deemed to be so in another. The local plan therefore does not provide a quantitative definition of 'major development' here as this would be misleading and inflexible within the context of a policy largely concerned with qualitative issues. It will therefore be a*

matter for the development management process to determine whether or not a given proposal constitutes major development.

10.29 **NPPF Paragraph 187** states *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

10.30 **NPPF Paragraph 189** states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

10.31 **NPPF Paragraph 190** also states *When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development⁶⁷ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

67 For the purposes of paragraphs 190 and 191, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

- 10.32 The Cotswold Landscape Character Assessment (CLCA) identifies the site as lying within the Landscape Character Type (LCT) 7 High Wold and the Landscape Character Area (LCA) 7c Cotswolds High Wold Plateau. The LCT and LCA have elevated areas of plateau surrounded by deeply incised valleys, and are characterised by predominantly arable land use with some improved pasture/grass leys, and very limited permanent pasture mainly confined to valley bottoms provides seasonal variations in colour and texture. Large scale, regular fields mainly enclosed by dry stone walls, together with hedgerows with very occasional hedgerow trees, and post and wire fencing create a patchwork effect across wide areas of the landscape.
- 10.33 The CLCA identifies agricultural intensification and diversification as a Local Force for Change. The CLCA states that the Potential Landscape Implications of such development can include:
- *Construction of large scale industrial style agricultural 'sheds', silos, AD plants etc on the skyline or in prominent locations.*
- 10.34 The LCA's Landscape Strategies and Guidelines section states:
- *Ensure that new farm buildings including silos and AD plants etc do not have an adverse visual impact on the wider landscape.*
 - *Maintain the appearance and characteristic of isolated farmsteads and oppose proposals that will become dominant in the landscape"*
- 10.35 The Design Code advises *"breaking the mass of a new building into modules, with varying roof lines and vertical articulation"* and that *"A low profile should be maintained and consideration should be given to breaking up the mass of a large new building (by varying its height, or using two small units rather than one)."*
- 10.36 The building is proposed appears agricultural in design, with concrete panels at the lower section with Yorkshire Boarding above a relatively common approach for housing livestock within the area. However, its scale is extensive at 103.6m in length by 32.4m in width. This would result in excessive bulk, which the design does little to break up or lessen. This length would also be greatly perceived from close distance views along the bridleway and ones at a further distance from the road and footpath.
- 10.37 The requirement for the floorspace requested is noted, however, little has been done to break up the mass of the proposed building, which appears out of proportion within the context.
- 10.38 The Design Code also advises that *"In rural settings, the placement, scale and massing of new buildings should also respond to their landscape context."* and *"Care should be taken to assess, for example, the impact on views within the AONB and on the settings of any heritage assets."* It also advises that *"Buildings should be carefully positioned to fit in with the landform in that particular location, and not should not be sited where they will dominate the surroundings (for example on the skyline or in the middle of a flat plateau)."*
- 10.39 The proposed building would be set within an existing open pasture field set within a relative flat open wider area. The flat nature of surroundings was utilised for the Chedworth airfield. The Landscape Consultant has advised this was *"built in 1941 as part of the war effort it was a satellite airfield that ceased all operations in the 1980's."* The perimeter track to the airfield is still evident and the Airfield Buildings set to the south-east of the proposed barn are remnants

of the airfield. To the north of the site is a recently constructed bund and what appears to be a slurry or silage clamp.

- 10.40 The siting of the building within the field also appears arbitrary with regard to the landscape, with it not aligned to any of its boundaries. To the north and south of the building would be a concrete apron, with the remainder of the field indicated (within the Biodiversity Net Gain Statement) as being left as neutral grassland with a few trees (9 indicated) to the either side.
- 10.41 The planning statements indicates its siting is in proximity to other farm management buildings and to visually associate the shelter with other built form. The site is near some existing agricultural buildings; however, is distinctly separate, and is considered not to be within an existing yard. In addition, these buildings are significantly smaller than that proposed, with the largest one nearby approximately 27m by 32m in size.
- 10.42 The Landscape Consultant also advised *"It is not unusual to see barns built at farms, they are a feature of the rural landscape in and outside of the CNL. However the overall scale and repetitious nature of the proposal's built form is such that it will appear incongruous and unattractive in this location. It does not relate well to other buildings or the shape of the field and could lead to a deterioration of the appearance of remaining field around the shelter"*.
- 10.43 It is noted that some mitigation, with the planting of trees identified within the Biodiversity Net Gain Assessment, was not identified clearly as part of the Landscape Appraisal, although this is limited. Along with existing trees, they would provide a degree of softening and backdrop to the building; however, given the scale of the building, these trees to the east of the building would largely be blocked from public views, especially from the bridleway. Whilst in maturity the trees to the east would add some distraction and softening in views, their effect would be limited in the scale of the building, as well as likely requiring decades to become substantial in size.
- 10.44 Overall, the Landscape Consultant's view that a building of this scale could not be successfully assimilated into the open landscape of the proposed location, is agreed with.
- 10.45 Concern was raised by the agent with regard to the Landscape Consultant having not visited the site; however, the Case Officer has visited the site and the concerns raised by the Landscape Consultant correspond to those of the Officer.
- 10.46 In conclusion, the scale of the building, even though agricultural in style will make it appear incongruous in the proposed location. The proposal neither protects, nor enhances the landscape character or appearance of this part of the Cotswolds national Landscape. Given the Cotswolds National Landscape is of national significance, great weight should be given to conserving and enhancing landscape and scenic beauty.
- 10.47 It is noted that the agent has raised both previous development allowed on the site and other agricultural development near public rights of way; however, it is the design, scale and positioning of the proposal is unacceptable, rather than the principle of agricultural development on the site.
- 10.48 The application is a major application with regard to the definition with the Town and Country Planning (Development Management Procedure) (England) Order 2015 due to the floor space proposed. However, given the agricultural nature of the proposal and its setting within an agricultural context, whilst its scale, siting and impact on the Cotswolds National Landscape is considered unacceptable, it is considered that the site proposal would not be major in regard to whether it would have a significant adverse impact on the purposes for which the area has been designated or defined.

10.49 The proposal is therefore considered to cause harm to the character and appearance of the Cotswolds National Landscape and is therefore contrary to the requirements of Local Plan Policies EN1, EN2, EN4 and EN5, and NPPF paragraphs 187 and 189.

(d) Pollution

10.50 **Local Plan Policy EN15: Pollution and Contaminated Land** states:

1. Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

a. pollution of the air, land, surface water, or ground water sources; and/or

b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

2. Unless proposals would result in no unacceptable risk to future occupiers of the development and/or the surrounding land, development will not be permitted:

a. that is located on or in the vicinity of land that is contaminated or suspected of being contaminated; and/or

b. on land that contains or which potentially would create through development a pathway for migration of a potentially hazardous substance into a sensitive receptor.

3. In respect of affected sites the developer and/or landowner will be required to undertake appropriate investigation(s) and to carry out necessary remedial works.

10.51 The site is located away from the village of Chedworth, with the closest houses appearing to be within the applicant's ownership approximately 300m to the south of the site. Given the separation and clear agricultural context, this is considered a sufficient separation such that the occupants' amenity won't be unacceptably harmed due to the proposal.

10.52 The previous use of the proposed development site as an airfield presents a medium risk of contamination, construction could result in the pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer.

10.53 The Environment Agency have advised that "the nature of the application means that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken."

10.54 They have gone on to suggest two pre-commencement conditions which it is considered would suitably address the concerns regarding water contamination.

10.55 The proposal directs any slurry to an underground slurry system which will feed into its own standalone slurry management system which would be covered with concrete. No objections have been raised in relation to contamination risks by the Council's Environmental Health Team, following the submission of further information relating to the storage of slurry and how odour emissions would be controlled. Natural England were consulted due to potential nitrogen deposition; however, have raises no objections.

10.56 Overall, it is considered that the proposal would be able to comply with the requirements of Local Plan Policy EN15, subject to suitable conditions.

(e) Biodiversity and Geodiversity

10.57 **Local Plan Policy EN8: Biodiversity And Geodiversity: Features, Habitats And Species** states:

1. Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

2. Proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.

3. Proposals that reverse habitat fragmentation and promote creation, restoration and beneficial management of ecological networks, habitats and features will be permitted, particularly in areas subject to landscape-scale biodiversity initiatives. Developer contributions may be sought in this regard.

4. Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

5. Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity" will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.

10.58 **Local Plan Policy EN9: Biodiversity and Geodiversity: Designated Sites** relates to the protection of designated sites.

10.59 A Biodiversity Net Gain Assessment and Ecological Impact Assessment were submitted with the application. The Ecological Impact Assessment concluded that "*it is anticipated that the proposal will have negligible impact on designated sites or priority habitats.*"

10.60 A lagoon/pond is present approximately 50m to the southwest of the location of the proposed building; however, this feature was assessed as poor suitability for great crested newts. The Biodiversity Officer has advised that "*Due to the extent of the proposed development and the sub-optimal habitats which will be affected (poor neutral grassland), it is felt that in this instance, reasonable avoidance measures are sufficient to ensure individuals are safeguarded in the event one is discovered.*" A condition to ensure this was suggested, and if the application were otherwise considered suitable would be conditioned.

10.61 Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain. The applicant has demonstrated at least a 10% net gain in habitat units can be achieved on-site (10.39%). It is considered that if the application was otherwise acceptable a condition could adequately secure this.

(f) Highways

10.62 **Local Plan Policy INF4: Highway Safety** states:

Development will be permitted that:

a. is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;

b. creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;

c. provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;

d. avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and

e. has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.

- 10.63 The proposed building is intended to serve an existing herd (with a potential modest increase in numbers), and the proposal does not appear to be an "intensive" unit that would generate significant levels of traffic. The Highways Officer has therefore confirmed that they consider it unlikely that the development will have a severe impact on the network capacity or an unacceptable reduction in highway safety.

(g) Flooding

- 10.64 **Local Plan Policy EN14: Managing Flood Risk** states:

The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).

- 10.65 The site is within Flood Zone 1 is not indicated to be at any significant risk of flooding from other sources. The application proposes surface water soakaways are installed. The Lead Local Flood Authority has advised that *"Given the nature of the geology at the site location there is no reason to suppose this will not work and will satisfy the requirements of the SuDS hierarchy, mitigating any risk of causing increased flood risk elsewhere. The LLFA has no objection to the proposal and would derive no benefit from drainage conditions being applied to any consent granted against this application."*

Other Matters

- 10.66 The CIL rate for this type of development is zero and therefore no CIL is payable.
- 10.67 The Scheduled Ancient Monument (SAM) Chedworth Roman Villa is located approximately 1.2km to the north east of the site. It is separated by fields along the flat land, followed by an area of Ancient Woodland on the valley slopes, down to the SAM. Given the degree of separation from the SAM and agricultural use, it is considered that the proposal would not harm the setting of it.
- 10.68 Waste Management: Gloucestershire County Council have requested the submission of a site Waste Management Plan (or equivalent) is submitted in accordance with their Supplementary Planning Document: Waste Minimisation in Development Projects. This seeks the information on figures of types of waste from the construction process; along with a commitment "that at least 10%* (by value) of the materials to be used will be comprised of recycled content". Whilst a Waste Management Plan was submitted Gloucestershire County Council noted that the Waste Minimisation Statement should provide information on whether consideration has been given to secondary and recycled material as part of the construction e.g. in areas of hardstanding. As such, further information is required, however, given application is otherwise considered unacceptable, further details have not been sought.

11. Conclusion:

- 11.1 The proposal is supported by Local Plan Policies EC1 and EC3, and the need for housing for the applicant's cattle are evident regarding livestock welfare and the business needs. Nevertheless, the site is within a nationally important landscape, which the proposal does little to address or accommodate. Its scale, design and positioning in relation to other landscape features results in a building which appears awkward and incongruous, thereby resulting in harm to the character and appearance of the Cotswolds National Landscape. Great weight is required to be given to conserving and enhancing landscape and scenic beauty of the National Landscape, and as such the economic and welfare benefits to the proposal are considered not to outweigh the harm caused by the proposal.
- 11.2 The application is therefore recommended for refusal, as it does not comply with Local Plan Policies EN2, EN4 and EN5 and NPPF Paragraphs 187 and 189.

12. Reasons for Refusal:

The site comprises an open field located within the Cotswolds National Landscape which is prominent within views from Public Rights of Way. The proposed building is of a scale, design and position which fails to relate to its sensitive setting and existing landscape features. The scale and form of the proposed building fails to accord with the Cotswold Design Code due to its excessive mass which is not meaningfully broken up. The proposal is therefore considered to result in unacceptable harm to the Cotswolds National Landscape. Whilst the proposal provides economic and animal welfare benefits, given the conservation and enhancement of the natural beauty of the landscape, its character and special qualities are given great weight, on balance these benefits are considered not to outweigh the harm to the Cotswolds National Landscape.

The proposal is considered contrary to the requirements of Local Plan Policies EN2, EN4 and EN5, and National Planning Policy Framework paragraphs 187 and 189.