

Demolition of existing agricultural shed and redundant silage pits. Replacement calf shed with solar panels on the roof at Duchy Home Farm Tetbury Gloucestershire GL8 8SE

Full Application 25/01020/FUL	
Applicant:	Mr James Gay
Agent:	AJW Land & Development Ltd
Case Officer:	Kristina Carter
Ward Member(s):	Cllr Laura Hall-Wilson
Committee Date:	9 July 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Design and Impact on the Cotswolds National Landscape
- (b) Residential Amenity
- (c) Biodiversity

2. Reasons for Referral:

- 2.1 In accordance with Section 3A of the Councils Non-Executive Scheme of Delegation, the proposed building is over 1000sqm and as such is a type of applications not to be determined under delegated powers. The application is therefore referred to the Planning Committee for determination.

3. Site Description:

- 3.1 Broadfield Farm is an established dairy farm located approximately 0.5km to the north-east of Tetbury. The farm forms part of Duchy Home Farm and the wider Highgrove Estate. The farmyard comprises a collection of buildings set off Cherington Lane and surrounded by agricultural land. These are predominantly large agricultural structures in timber or corrugated metal, many with concrete block lower walls.
- 3.2 The application site is within the Cotswolds National Landscape and Tetbury Upton Footpath 8 Public Right of Way lies approximately 158m to the west.

4. Relevant Planning History:

- 4.1 CT.3739 - Erection of a silage barn. Permitted 31.3.1967
- 4.2 CT.3739/A - Erection of a building for the storage of hay. Permitted 28.9.1967
- 4.3 CT.3739/D - Erection of a grain store. Permitted 19.2.1986
- 4.4 CT.3739/E - Erection of new stock building. Permitted 10.11.1993
- 4.5 95.01229 (CT.3739/G) - Retention of works to include the erection of Dutch barn and associated lean-to. Permitted 29.8.1995
- 4.6 98.01556 (CT.3739/H) - Agricultural workers dwelling. Permitted 15.10.1998
- 4.7 99.00311 (CT.3739/J) - Proposed polytunnel and access track. Permitted 30.3.1999
- 4.8 99.00995 (CT.3739/K) - New straw barn. Permitted 15.7.1999
- 4.9 10/00784/AGFO (CT.8834) - Construction of an agricultural building. Permitted 24.3.2010
- 4.10 20/04041/AGFO - Agricultural Slurry tower - circular with cover. Permitted 8.12.2020 (Prior approval not required)
- 4.11 20/04216/FUL (CT.3739/R) - Construction of an agricultural silage clamp. Permitted 23.2.2021
- 4.12 22/00607/FUL - Construction of an agricultural entrance (highways access point), farm drive, cow track, landscape planting and associated works. Permitted 10.08.2022
- 4.13 25/00995/AGFO - Prior notification for the erection of a livestock building for the housing of calves with solar panels on the roof. Permitted 22.04.2025 (Prior approval not required)

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
- EN8 Bio & Geo: Features Habitats & Species
- EN15 Pollution & Contaminated Land

- INF10 Renewable & Low Carbon Energy Develop't

6. Observations of Consultees:

- 6.1 CDC Biodiversity Officer: No objection, subject to conditions
- 6.2 ERS Land Contamination Officer: No objection

7. View of Town/Parish Council:

- 7.1 None received at the time of writing.

8. Other Representations:

- 8.1 1 support comment from the veterinary consultant on the grounds of animal welfare.

9. Applicant's Supporting Information:

- Proposed Plans
- Agricultural Supporting Statement
- Preliminary Ecological Appraisal
- BNG Information

10. Officer's Assessment:

- 10.1 This application seeks permission to demolish an existing agricultural barn and erect a replacement barn as part of improvement works for an established dairy business. The barn would be sited within the farmyard and in the same location as existing and would be used for housing of calves.
- 10.2 The structure would measure 40m x 37m, with eave height of 4.9m and ridge height of 11.6m. The barn would be constructed in a mixture of Yorkshire boarding and concrete grain walling. Solar panels are proposed to the southern roofslope.

(a) Design and Impact on the Cotswolds National Landscape

- 10.3 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the

area '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' (S85(A1) of the Countryside and Rights of Way Act 2000).

- 10.4 The proposed building would have a clear functional agricultural use and appearance, which would not appear out of keeping within its setting. It is therefore not considered that the siting or external appearance of the building would have an adverse impact on the intrinsic rural landscape character.
- 10.5 Whilst no product details have been submitted with this application, it is shown on the drawings that the solar panels proposed would not be projecting beyond the ridge of the roof or the eaves lines. The building would be sited within an existing farmyard and amongst a clutter of buildings rather than in an isolated location in the countryside. It is therefore considered that the proposed equipment would not appear incongruous within the landscape.
- 10.6 Cotswold District Council has declared a climate change emergency in line with the national climate change agenda and is therefore supportive in principle of green energy development that would promote the use of renewable energy. Any visual impact of the solar panels would be off-set by the environmental enhancements of creating clean energy.
- 10.7 Overall, it is considered that the proposed development would be in accordance Local Plan Policies EN1, EN2, EN4 and EN5, as well as Section 15 of the NPPF.

(b) Impact on Residential Amenity

- 10.8 Due to the siting of the barn within the agricultural yard, there would be no harmful impacts to residential amenity in terms of loss of light, loss of privacy or overlooking.
- 10.9 In terms of solar panels, it is beneficial for the panels to absorb as much light as possible rather than reflecting it back into the environment. There are no neighbouring properties in the vicinity of the farmyard site that would be affected by the proposal. It is considered that the proposal will not have an adverse impact on the occupiers of neighbouring land with regards to glare.
- 10.10 It is considered that the proposed development would be in accordance with Local Plan Policy EN2 as well as Section 12 of the NPPF.

(c) Impact on Biodiversity and Biodiversity Net Gain (BNG)

Biodiversity Net Gain

- 10.11 The development is subject to Biodiversity Net Gain, and therefore a minimum 10% net gain needs to be demonstrated. This application is a combination of on-site habitat delivery (grassland enhancement) and purchase of off-site units to compensate for the remainder of habitat lost. A condition is therefore included to require the submission and approval of a 10-year landscape and ecological management plan to ensure appropriate establishment and initial aftercare. A demonstration of unit purchase is required to be submitted to the LPA prior to successfully discharging the pre-commencement BNG condition. The development is therefore not considered to adversely affect biodiversity subject to compliance with the aforementioned condition and the requirements of Biodiversity Net Gain.

European Protected Species

- 10.12 The application site is within the red impact zone for Great Crested Newts. Whilst the risk of harm to this protected species is considered low, it remains a possibility; a precautionary working method statement shall be conditioned with permission to ensure these are safeguarded during construction.
- 10.13 A preliminary roost assessment submitted showed that the existing structures to be affected were of negligible suitability for roosting bats, therefore there are no concerns in this regard.
- 10.14 It is considered that the development is in accordance with Local Plan Policy EN8 as well as Section 15 of the NPPF.

11. Conclusion:

- 11.1 Overall, it is considered that the development is in accordance with established policies and guidance. It is therefore recommended that the application is granted planning permission.
- 11.2 Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is for a development of a building into which people do not normally go.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): Drawings Internal Floor Plan. Drawing East and South Elevations and Drawing North and West Elevations, received 28.03.2025, and Location Plan and Block Plan received 17.04.2025.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. No development shall take place until a Precautionary Working Method Statement (PWMS) for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales.

Reason: To ensure Great Crested Newts are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006. Measures need to be in place prior to works commencing to ensure the protected species are safeguarded.

4. The development shall be undertaken in accordance with the recommendations contained within sections 66 to 71 of the Preliminary Ecological Appraisal (Ecological Matters Environmental Consultancy, February 2024 - uploaded 28th March 2025). All of the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently retained.

Reason: To ensure biodiversity is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011- 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

5. Prior to first use, a finalised biodiversity enhancement plan containing details of the provision of bat boxes and bird nesting features based on the recommendations within section 72 of the Preliminary Ecological Appraisal (Ecological Matters Environmental Consultancy, February 2024 - uploaded 28th March 2025) shall be 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 thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold

6. District Council Local Plan, and for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

A 10-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Establishment details, including preparation of the land;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat units;
- v. Appropriate management options for achieving the aims and objectives;
- vi. Prescriptions for all management actions;
- vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- viii. Details of the body or organisation responsible for the implementation of the plan;
- ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
- x. Timeframe for reviewing the plan.

The LEMP 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 enhancements have been completed.

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14

of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan policy EN8.

Informatives:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is for a development of a building into which people do not normally go.

2. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

The applicant will need apply to approve the details reserved by the 10-year Landscape and Ecological Management Plan (LEMP) and the Biodiversity Gain Plan at the same time. A step-by-step guide on how to apply for approval of conditions can be found here: <https://www.cotswold.gov.uk/planning-and-building/planning-permission/step-by-step-guide-to-planning-permission/>