

PLANNING AND LICENSING COMMITTEE
14 May 2025
ADDITIONAL PAGES (*Published 12.05.2025*)

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ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS : Page 1 - 14		
Agenda No:	Ref No:	Content:
10	24/00981/FUL <i>(The Barn Hills Farm Calveshill Chedworth)</i>	Case Officer Report Update: Owing to an administrative oversight, the 'draft' copy of the Case Officer Report has been published in error. Subsequent changes were made to the draft copy in relation to points of clarity and explanation. The attached copy is the correct 'final' version for consideration.

**Construction of an agricultural building at The Barn Hills Farm Calveshill
Chedworth Cheltenham Gloucestershire GL54 4AH**

Full Application 24/00981/FUL	
Applicant:	Mr Jeremy Theyer
Agent:	
Case Officer:	Graham Smith
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	14 May 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Impact on the Rural Economy
- (b) Design and Impact on the Conservation Area
- (c) Impact on the Cotswolds National Landscape
- (d) Impact on Biodiversity

2. Reasons for Referral:

- 2.1 The Council's Non-Executive Scheme of Delegation outlines that applications submitted by or on behalf of a Member of the Council must be determined by the Planning and Licensing Committee and may not be determined under delegated powers.

3. Site Description:

- 3.1 The application site is located to the north of an existing converted Cotswold stone barn (The Barn - the applicants' residence) in Chedworth, and forms part of a relatively small landholding used for the rearing of a small flock of sheep and extends to about 1.1ha. It includes a single storey stable building constructed of timber. The land rises north westwards as part of the Chedworth valley.
- 3.2 The field can be accessed from a vehicular access onto the adjacent Chedworth Restricted Byway (73), alongside the dwellinghouse. The byway also defines the boundary of the site to the east which comprises mature trees and hedges. The western boundary adjoins a further area of mature trees and hedges.

3.3 The area is predominantly in agricultural use. Aside from the Barn, there are two residential properties with boundaries adjoining the site. The Orchard is located to the west approximately 95m distant. To the south the Wool Pack is some 110m distant.

3.4 The site is in open countryside located within the Cotswolds National Landscape and the Chedworth Conservation Area.

4. Relevant Planning History:

4.1 19/04225/FUL - Polytunnel for the housing of sheep for a temporary 3-year period (Retrospective). Erection of 3 adjoining stables and tack room, and hay store for horses. Permitted February 2020.

5. Planning Policies:

- NPPF National Planning Policy Framework
- EC1 Employment Development
- 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
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN15 Pollution & Contaminated Land

6. Observations of Consultees:

6.1 Conservation Officer - Objects to the application.

6.2 Biodiversity Officer - No objections subject to conditions.

6.3 The observations of consultees are incorporated into the main body of the report.

7. View of Town/Parish Council:

7.1 Chedworth Parish Council - has no objection in principle but is concerned with the potential for light pollution and ask that steps are taken to minimise lighting as the location is in a prominent position near the crest of the Chedworth valley and Chedworth Parish Council has a dark skies policy.

8. Other Representations:

- 8.1 Two third party letters of objection have been received objecting to the application on the grounds of:
- The need for a barn is questioned given the size of the landholding
 - The building is too tall for its prominent position
 - The existing stables could be adapted for food storage
- 8.2 A letter of objection has been received from the Chedworth Society which questions the need for the building given the landholding is relatively small and there are existing stables but no horses. The previous polytunnel was 3.75m high and could be seen above the vegetation, especially from across the valley. This proposed barn is 4.9m to the eaves and will be very prominent in the Conservation Area.

9. Applicant's Supporting Information:

- Plans
- Planning Statement and Agricultural Justification
- Biodiversity Net Gain Assessment

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 permission for the erection of an agricultural building measuring 9.1m by 18.3m. Its height would be 3.7m to eaves and 4.9m to ridge. Until recently the site was occupied by a polytunnel measuring 18.3m by 9.1m to a height of 3.75m. The polytunnel was permitted by application reference

19/04225/FUL on a temporary basis for three years to enable consideration to be given to its impact on the landscape at different times of the year. The applicant did not make an application to extend the temporary three-year period and in accordance with that permission the polytunnel has been removed from the site.

- 10.5 The applicant states that the development is required to provide a permanent structure for the storage of fodder to support the agricultural use of the site related to sheep farming. The stables are understood to provide occasional accommodation for sheep as opposed to the previous use for equine purposes. At the present time neither the stables nor the related landholding is used for equine purposes. However, from discussions with the applicant, it is understood that there is an intention to use the site for equine purposes in the future.

(a) Impact on the Rural Economy

- 10.6 Local Plan Policy EC1 states:

Employment Development will be permitted where it:

- a) supports the creation of high-quality jobs in professional, technical and knowledge-based sectors and seeks to support economic opportunities which capitalise on the strength of existing academic and training institutions and research organisations;*
- b) maintains and enhances the vitality of the rural economy;*
- c) enables opportunities for more sustainable working practices, including home-working;*
- d) supports and improves the vitality and viability of Primary, Key, District and Local Centres; or*
- e) supports sustainable tourism in ways that enables the District to attract higher numbers of longer-stay visitors.*

- 10.7 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.'*

10.8 The proposals would support an agricultural business within the district. The applicant uses the land to support a modest flock of high pedigree sheep (about 10 ewes). The supporting information provided by the applicant demonstrates that this is a genuine agricultural activity undertaken on the site and a need for a building of 157sqm has been demonstrated. This is based on the Agricultural Budgeting and Costings Book recommendations for sheep of 30sqm for housing the livestock and 100sqm for storing fodder with the remaining 27sqm providing some flexibility as well as storing the applicants' machinery which is not an unreasonable level of accommodation.

10.9 It is considered that the proposals are in accordance with Local Plan Policy EC1 and the requirement of NPPF Paragraph 88.

(b) Design and Impact on the Chedworth Conservation Area

10.10 The site lies within the Chedworth Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.11 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.12 Local Plan Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets will be

permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

- 10.13 Local Plan Policy EN11 states that development proposals that would affect Conservation Areas will be permitted provided they preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features.
- 10.14 Section 12 of the NPPF seeks to achieve well-designed places and considers good design to be a key aspect of sustainable development.
- 10.15 Section 16 of the NPPF requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.
- Paragraph 212 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 - Paragraph 213 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
 - Paragraph 215 states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.16 The site, the subject of the proposed development, is a field at the northeastern extent of the conservation area.
- 10.17 The Chedworth Conservation Area Appraisal (March 2001) provides a guidance note for owners, occupiers and developers and notes that Chedworth is a straggling, long village set dramatically in a narrow, steep-sided valley. It is not an estate village, rather a sporadic pattern of buildings with many modest cottages erected by independent free holders.
- 10.18 It is noted that "throughout the conservation area there is a constant dialogue between buildings and the open valley landscape: the High Wold beyond being nearly excluded from view. This relationship of buildings and open spaces is

critical to the appearance and character of the village." The character of the conservation area remains that of a quiet, unassuming agricultural settlement.

- 10.19 The area appraisal notes "....that the land rising from the left of the Hills Farm drive end, a sunken, stony track, is overhung with branches, and climbs up behind Wool Pack to a stone field barn before the lane becomes engulfed in trees again as it continued onwards to meet the track running along the hill crest which is the boundary of the conservation area to the north of the site".
- 10.20 The Conservation Officer has considered the impacts of the development on the Conservation Area and has concluded that the development will have a less than substantial harm.
- 10.21 The Conservation Officer has since clarified to note that the original objection was based largely on the views expressed in 2019 when the polytunnel was considered. The Conservation Officer also noted that some time has passed in terms of vegetation growth since the initial temporary scheme in 2019 was permitted and as such the concerns may be mitigated if the Case Officer is satisfied that there is sufficient landscaping which provides screening for the new building.
- 10.22 The proposal is for a relatively standard modern agricultural building, not atypical of the district. It is located on the outskirts of Chedworth, nestled within a group of trees, limiting views and the impact of the structure on the wider landscape. There would, nevertheless, be views of the proposed building from close distance through the existing vegetation from the restricted by way to the northeast. It is possible that the building may be visible from Cheap Street, over a distance of about 450m depending on the time of year, looking across the valley with the existing trees forming both a foreground and a backdrop to the proposal. However, despite the glimpsed views both from long and short distances it is considered that the agricultural character and appearance of the site would be retained.
- 10.23 Furthermore, the agricultural building associated with the Orchard and the agricultural development to the east of the Barn are far more prominent in the Conservation Area than the proposal when viewed from the restricted byway.
- 10.24 Policy EN2 requires the development to accord with the Design Code. The proposals include for differing types of material with timber boarding, metal sheeting to break up the mass of the building. The use of green metal sheeting for the roof and untreated timber boarding would assist with the building blending into its surroundings in what is otherwise a utilitarian building.

- 10.25 As a result due to its form and materials, it is considered that this is an appropriately designed structure which would not detract from the character and appearance of the conservation area.
- 10.26 Given the agricultural need for the development, and the relative limited impact of the proposal, it is considered that the proposal would preserve the Conservation Area in accordance with the 1990 Act and Local Plan policy.
- 10.27 It is therefore considered that the proposals are in accordance with policies EN2, EN10 and EN11.

(c) Impact on the Cotswolds National Landscape

- 10.28 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85 (1A) 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.
- 10.29 Local Plan Policy EN4 states that 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, and that 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.
- 10.30 Local Plan Policy EN5 relates specifically to the Cotswolds National Landscape, and states that in determining development proposals within the area, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.31 The site is identified as a pastoral field within the Cotswolds National Landscape. The field is bound by post and wire fencing, hedgerow and trees. There are no Public Rights of Way (PRoW) within the site. However, Chedworth Restricted Byway 30, 31 and 73 are all located on the edge of the applicant's land holding and follow the full length of the northern and eastern boundaries and partially along the western boundary.
- 10.32 With regard to the impact on the character and appearance of the National landscape, the site is located within Landscape Character Type (LCT) 10: High

Wold Dip-Slope Valley and Landscape Character Area (LCA) 10B: Middle Coln Valley as identified in the Landscape Strategy and Guidelines for the Cotswolds National Landscape.

10.33 In terms of isolated development that might compromise rural landscape character, particularly on the valley sides the following relevant strategies and guidelines are provided:

- Avoid isolated development, that will intrude negatively into the landscape and cannot be successfully mitigated;
- Conserve areas of dark skies;
- Conserve the distinctive rural and dispersed settlement pattern; and
- Maintain the sense of seclusion and consider the impact of built development, including cumulative development on views along and across the valleys.
- New structures should be carefully sited and designed to minimise their impact on the landscape. Wherever possible they should be located close to existing buildings. They should be constructed from appropriate vernacular materials and should follow the form of the landscape, avoiding prominent skyline sites and slopes;
- Any lighting should be designed to minimise light pollution, e.g. low level and directed downwards and fitted with timers;

10.34 The proposal has been located to minimise its impact on the locality. As has been stated in section (b) above with regard to the impact on visual amenity, local views of the site are generally filtered by intervening boundary vegetation and changes in topography. Breaks in the vegetation and a field gate provide some views into the site from the restricted byway on the northern boundary of the site. However, the proposal would be located close to the existing stable building and the applicant's main residence and would not appear as an isolated development. Any views of the building would be of a structure that is agricultural in nature and appearance which would not be out of keeping in the local area.

10.35 From further afield, views are generally confined to the southern side of the valley and specifically from Cheap Street as stated above. However, due to the topography and existing vegetation the views would be largely obscured.

10.36 In terms of the impact on landscape character, the proposed development would comprise a suitable agricultural building which would not be out of keeping with the character of the area.

10.37 In order to avoid any potential for light pollution it is proposed that should external lighting be required in the future then a scheme should be submitted and approved in writing. This can be controlled by condition.

10.38 It is considered that the proposal is in accordance with policies EN2, EN4 and EN5.

(d) Impact on Biodiversity

10.39 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that 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.

10.40 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) sets out requirements for mandatory Biodiversity net gain (BNG)

10.41 The application is liable for BNG and the applicant has provided the necessary information to demonstrate that the development can provide 10% BNG on site. The biodiversity metric demonstrates at least a 10% net gain, in habitat units, can be delivered on-site, mainly through the creation of other neutral grassland in moderate condition. A 10-year landscaping condition should be imposed to secure establishment and on-going management details.

10.42 The Biodiversity Officer has considered the application and confirms that it meets the statutory requirements set out above.

11. Conclusion:

11.1 The proposal is considered, on balance, to comply with Local Plan Policies and is recommended for permission.

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 permitted shall be implemented in strict accordance with the following approved plans: MJT/24/104, MJT/24/005.

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

3. The timber to be used in the construction of the walls of the building hereby permitted shall be left to weather naturally and shall be permanently retained as such thereafter.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policy EN2, EN10 and EN11 of the Cotswold District Local Plan 2011-2031 (Adopted) August 2018 and the National Planning Policy Framework.

4. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved by the Local Planning Authority. The scheme should be implemented and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure the development does not result in light pollution and to accord with Policies EN4 and EN5 of the Cotswold District Local Plan 2011-2031 (Adopted) August 2018 and the National Planning Policy Framework.

5. 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 be 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 policies EN7 and EN8.

Informatives:

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>. Information on how to discharge the biodiversity gain condition can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-netgain-bng/>

Comments: The biodiversity metric demonstrates at least a 10% net gain, in habitat units, can be delivered on-site, mainly through the creation of other neutral grassland in moderate condition. A 10-year landscaping condition should be imposed to secure establishment and on-going management details.