

Change of use of land to Class F 2 (c) Areas or places for outdoor sport or recreation at Land South of Longfurlong Lane Tetbury Gloucestershire

Full Application 26/00905/FUL	
Applicant:	Longfurlong Greenfields Association
Agent:	
Case Officer:	Helen Cooper
Ward Member(s):	Cllr Laura Hall-Wilson
Committee Date:	11 August 2026
RECOMMENDATION:	REFUSAL

1. Main Issues:

- (a) Principle of Development/Loss of Agricultural Land
- (b) Impact upon the Cotswold National Landscape
- (c) Impact on Heritage Assets and their Setting
- (d) Impact on Residential Amenity
- (e) Highways
- (f) Biodiversity
- (g) Flood Risk and Drainage

2. Reasons for Referral:

- 2.1 The application has been brought before the Planning and Licensing Committee as required by the Scheme of Delegation and Planning Protocol as the site relates to the development of 1 hectare or more land (Please refer to 3.A Types of applications not to be determined under delegated powers).

3. Site Description:

- 3.1 The application site comprises a parcel of land to the south of Longfurlong Lane, Tetbury. The site measures approximately 9.62 hectares and contains agricultural land. It is located to the south of Tetbury, which is identified as a Principal Settlement within the Local Plan. However, the site itself falls outside the development boundary for the settlement as defined by the Local Plan Policies Map and it is set within the open countryside.

- 3.2 The site is bounded by the A433 along its eastern side. The wider surroundings are rural in character, with the site forming part of the open countryside between Tetbury and the Highgrove Estate.
- 3.3 There are Public Rights of Way (PROW) in and around the site. One footpath linking Longfurlong Lane to the shelter belt woodland 'Tetbury Upton Footpath 27, lies within the site and another 'Tetbury Upton Footpath 26' runs east-west through the woodland just outside the application site.
- 3.4 The site lies within the Cotswolds National Landscape. It also lies within an area of archaeological sensitivity and there are a number of designated and non-designated heritage assets within the wider area, including Tetbury Conservation Area, Doughton/Highgrove Conservation Area, Tetbury Camp Scheduled Monument, listed buildings and Estcourt Park Registered Park and Garden. The northern area of the site lies within Flood Zone 1, however the southern field is partially located within Flood Zone 2 and 3.

4. Relevant Planning History:

- 4.1 The following application relates to a large part of the site:

26/01167/SCOPE - EIA Scoping Opinion, in line with Regulation 15 of the EIA Regulations - Scoping Opinion Decision 16/06/2026.

- 4.2 The following applications relate to land north of the site:

25/00352/PLP - Permission in Principle application for the erection of 9 no. dwellings - Approved 02/05/2025;

25/02572/FUL - Erection of 8 dwellings (including 3 affordable units) with highway access onto Bath Road, associated landscaping and infrastructure works, removal of existing structure and installation of sewage pump station - Pending determination

5. Planning Policies:

- NPPF National Planning Policy Framework
- DS1 Development Strategy
- DS2 Dev within Development Boundaries
- 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
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF2 Social & Community Infrastructure
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- NPTTE TETBURY/TETBURY UPTON NP 2015-2030
- NPTTP4 Pol 4 : RoW Network & Leisure routes
- NPTTP6 Pol 6 : Open space
- NPTTP8 Pol 8 : Local green space
- NPTTP9 Pol 9 : Mature & landmark trees

6. Observations of Consultees:

- 6.1 Cotswolds National Landscape Board: No comments provided in this instance.
- 6.2 Landscape Officer: Comments contained within the main body of the report.
- 6.3 CDC Drainage Engineer: Comments contained within the main body of the report
- 6.4 GCC Lead Local Flood Authority: No objection raised.
- 6.5 Biodiversity Officer: Comments contained within the main body of the report.
- 6.6 Environment Agency: No comments offered on the application
- 6.7 Environmental and Regulatory Services (Land Contamination): No objection raised.
- 6.8 GCC Highways: No objection raised.

7. View of Town/Parish Council:

- 7.1 Tetbury Upton Parish Council: *Tetbury Upton Parish Council have general comments to make on this application -*

1. *Any change of use will impact the various habitats of species in the area.*
2. *Traffic on Longfurlong Lane will be increased to the detriment of residents.*
3. *Council do not believe any of the land owners of the site have been consulted on the availability of the land.*
4. *Councils preference would be for the land to remain agricultural.*

8. Other Representations:

8.1 79 third party representations have been received, comprising 71 letters of support and 8 objections. The comments can be summarised as follows:

8.2 Comments of Support

8.2.1 Principle of the proposal

- Support for a low-impact community nature / recreation use.
- Retention of open land at the edge of Tetbury.
- Securing the land for informal recreation and community benefit.
- Community benefit and wellbeing
- Improved access to green space for walking, quiet recreation and enjoyment of nature.
- Benefits for physical and mental health.
- Opportunities for families, children, schools and community groups.
- Comments refer to the site as a valued "green lung" for Tetbury.

8.2.2 Landscape and character

- Retention of the rural character of Longfurlong Lane.
- Protection of the open countryside setting of Tetbury.
- Protection of views, pasture, hedgerows, trees, dry stone walls and the Cotswold National Landscape / AONB setting.

8.2.3 Ecology and biodiversity

- Protection and enhancement of meadow, hedgerows, ponds, watercourses, scrub, trees and veteran trees.
- Benefits for birds, bats, amphibians, insects, wildflowers and other wildlife.
- Support for biodiversity-focused land management.

8.2.4 Heritage and setting

- Retention of the historic and rural setting of Tetbury, Longfurlong and nearby heritage assets.
- Comments refer to the Highgrove / Doughton area.

8.2.5 Traffic and infrastructure

- The proposed use is considered to have limited impact on traffic, drainage, schools, health services and other infrastructure.
- Supporters contrast the proposal with more intensive forms of development.

8.2.6 Housing-related comments

- Some support is framed by concern about possible future housing on the site.
- The current application is for change of use to Class F2(c) and not residential development.
- Campaign to Protect Rural England (South Cotswolds and Tetbury District): To summarise the CPRE consider the proposed change of use to a community nature area would conserve and enhance the Cotswold National Landscape, protect biodiversity and habitats, maintain the landscape and cultural setting of Tetbury and the Highgrove Estate, and provide public access for quiet recreation, health and wellbeing. They refer to the Monarch's Way crossing the site and state that formalising the use would help protect existing walking and nature-based recreational use for future generations.
- Greening Tetbury: Supports the application due to biodiversity benefits and improved public access and associated health and wellbeing benefits. Considers the proposal to be compliant with Local Plan Policies EN1, EN4, EN5, EN7, EN8 and EN11.

8.3 **Comments of Objection**

- Use class / description: The proposal is said to be incorrectly described as Class F2(c), with some objectors considering it to be a nature reserve / community nature area rather than outdoor sport or recreation.
- Insufficient detail: Concerns are raised that the application lacks clarity on layout, activities, access, implementation, management and maintenance.
- Land ownership / deliverability: Objectors question whether the applicant has sufficient control of the land and whether the proposal can be delivered.

- Public access: Some objectors state that public access may remain limited to the existing Public Right of Way.
- Highways: Concerns are raised regarding increased use of Longfurlong Lane, highway safety, traffic levels and local junction capacity.
- Ecology / biodiversity: Concerns are raised regarding impacts on meadowland, habitats, protected species, veteran trees and wildlife.
- Flooding / drainage: Concerns are raised regarding flood risk, surface water drainage, sewerage capacity and nearby watercourses.
- Landscape / AONB: Objectors refer to potential harm to the rural landscape, Cotswold National Landscape / AONB and local character.
- Heritage: Some comments refer to effects on conservation values and the wider heritage setting.
- Housing-related confusion: Some objections relate to perceived residential development or general overdevelopment rather than the current application, which is for change of use to Class F2(c) and not for housing.

8.4 It should also be highlighted that an objection has been received from Turley Planning Consultants on behalf of Miller Homes:

- This objection raised concern that the application is inaccurately described as Class F2(c), is insufficiently detailed, lacks submitted plans, management/funding arrangements, ecological and BNG evidence, and flood risk information, and is said to be undeliverable because Miller Homes states it has an agreement with the landowner and no landowner licence or lease has been secured.

8.5 An objection has also been received from AJW Land and Development on behalf of the landowners. This states that the land is being promoted for residential development by Miller Homes and is not available for the proposed use. Concerns are raised that the application description is unclear, the submitted details are insufficient, no wider public access rights would be created, the proposal would be undeliverable without the landowners' agreement, and the proposal would conflict with Policy INF2.

9. Applicant's Supporting Information:

- Covering letter from Longfurlong Greenfields Association dated 19/03/2026
- Supporting Statement (Annex A) by Longfurlong Greenfields Association dated April 2026
- Biodiversity Net Gain Statement dated 15 March 2026
- Environment Agency Flood Map for Planning dated 10 March 2026
- Site Location Plan Drawing No. LGA1(a) dated 16 March 2026

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 and the Tetbury and Tetbury Upton Neighbourhood Plan Made December 2021.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration. In addition to the above, it is noted that the Government published a draft version of the NPPF on the 16th of December 2025. The consultation period for the aforementioned document expired on the 10th of March 2026 and it is anticipated that a final version of the NPPF will be released in Summer 2026. Whilst the draft NPPF is a consultation document, it is considered that the proposed policies within it are a material consideration and must be given a degree of weight at the present time.

Background and Proposed Development

- 10.4 The application seeks full planning permission for the 'Change of use of land to Class F2 (c) Area or places for outdoor sport or recreation.' The covering letter advises that the purpose of the application is to secure a change of use to allow the establishment of a Community Nature Area on the fields.
- 10.5 The supporting letter advises that *"The Community Nature Area would be sensitively managed with the objective of enhancing biodiversity and landscape, balanced against providing public access so that residents and visitors can derive maximum health and wellbeing benefits. This would be achieved by providing accessible entrances, a network of mown paths, and benches for people to sit and enjoy this inspiring natural environment."* During the application process the applicant has amended this statement by submitting a revised Annex A supporting document, dated 28 April 2026. This document removes reference to mown paths and benches, and advises that the existing public rights of way would be utilised.

- 10.6 It should be acknowledged that the application has been made by Longfurlong Greenfields Association, which is a local community association. The applicant does not currently own the application site, however, Certificate B has been completed, and notice has been served on the identified landowners. An applicant is not required to own the land in order to apply for planning permission. Subject to the correct ownership certificate and notices having been provided, the application is valid and must be determined on its planning merits. Any grant of planning permission would not override private land ownership or confer any right to enter onto or carry out works on land without the necessary legal interests or consents.

(a) Principle of Development

- 10.7 Use Class F2 Local community (c) is defined as "areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)". By way of example this use is considered to include activities/sites such as the following: polo grounds, general recreation areas, football pitches, cricket pitches and tennis courts.
- 10.8 It should be highlighted that Policy DS1 and DS2 outline the Development Strategy for the district and seek to permit proposals within development boundaries indicated on the Policies Map. In this instance, the application is outside of the defined settlement boundary and within open countryside, although it is not considered to be isolated development.
- 10.9 Policy INF2 'Social and Community Infrastructure' of the Local Plan states:
- 1. Proposals for community facilities, including open spaces, either in their own right or as a consequential requirement of development in the area will be permitted where, as appropriate, it is demonstrated that:*
 - a. Where associated with another development, provision is synchronised with the scale, timing/phasing and needs of the associated development;*
 - b. account has been taken of existing facilities and services in the area, including the quantity and quality of provision;*
 - c. the proposal is economically viable in terms of its ongoing maintenance, and there is demonstrable local need for it;*

d. the facility or service is well-linked and accessible to the local community by foot, bicycle or public transport both at present and having regard to development proposals of the Local Plan;

e. the feasibility of multi-purpose use of the facility or service has been rigorously explored and, where possible, implemented in the proposal; and

f. provision is made for the on-going management/maintenance of the facility or service.

10.10 Criterion (a) is not applicable, as the proposal is not associated with another development.

10.11 In respect of (b), the application does not assess existing open space, sport or recreation facilities in the area, including their quantity, quality or accessibility. Whilst a number of public comments have been received supporting green space, the application is not supported with an assessment to demonstrate whether there is a need for Use Class F2 (C) development in Tetbury and the surrounding area.

10.12 For (c), no evidence is provided of economic viability, funding, resourcing or demonstrable local need for this specific facility.

10.13 Under (d), although the site is accessible via public rights of way, the submission lacks a clear access, layout or connectivity strategy to show that the facility would be well-linked and safely accessible by foot, bicycle or public transport. In addition, whilst Highways have raised no objection, it is unclear, how or where private motor vehicles would park if visitors were to drive to the site.

10.14 Criterion (e), is not considered to be directly applicable to the proposal, although it should be recognised that Class F2 (c) comprises various activities and if permitted a condition restricting the use would be recommended, to avoid potential landscape implications, for instance through the provision of paraphernalia associated with tennis courts, football pitches etc. which would potentially have an adverse impact upon the character of the rural landscape.

10.15 Finally, in respect of criterion (f), no detailed management or maintenance plan has been submitted to secure the facility's long-term operation.

10.16 Overall it is therefore considered that the proposal fails to demonstrate compliance with Policy INF2.

10.17 Policy INF7 'Green Infrastructure' is considered to be of relevance to the proposal, as the application seeks permission for a 'Community Nature Area'. Policy INF7 states:

"1. Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.

2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.

3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D)."

10.18 The Design Code advises that *"High quality, well integrated and carefully designed green infrastructure (GI) and landscape provision is crucial to the long-term success of developments, ensuring that the maximum multi-functional benefits are achieved for those that live in, work at and visit new developments. The spaces in between new buildings, the surrounding areas, and the connections between a new development and the existing townscape or landscape, are equally important to the design of the structures themselves."*

10.19 On the basis of the information provided, it is considered that the proposal broadly complies with Policy INF7 of the Local Plan.

10.20 Policy 5 of the Tetbury and Tetbury Upton Neighbourhood Plan relates to 'Protecting Identified Community Facilities and Assets of Community Value'. This policy seeks to support the development of new facilities and on this basis the proposal is considered to comply with Policy 5 of the NDP as it would provide a community nature area.

Loss of Agricultural Land

10.21 The proposal would result in the loss of a parcel of agricultural land. The site area measures approximately 9.62 hectares, although it is acknowledged that some of the land forms the tree belt on the site. Notwithstanding this, a significant area of agricultural land would be lost.

10.22 Paragraph 187 of the NPPF states: *"Planning policies and decisions should contribute to and enhance the natural and local environment by: ...*

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;"

- 10.23 Natural England grades agricultural land in categories from Grade 1 to Grade 5. Grade 1 to Grade 3a represent Best and Most Versatile (BMV) land. Given the scale of the site, its current agricultural use, and the proposed loss of agricultural land, the Local Planning Authority considers that an Agricultural Land Classification (ALC) Survey should have been carried out to support the application. This would identify whether the proposal would result in the loss of BMV land and enable the local authority to attribute weight to the loss of agricultural land accordingly. For instance, if the soil was low quality, less weight would be attributed to its loss in comparison to if the land were to be graded as BMV land.
- 10.24 Natural England's Agricultural Land Classification Map for the South West Region indicates that the land is Grade 3 'Good to moderate'. Natural England advise that the maps are not sufficiently accurate for individual fields and that Grade 3 is not subdivided. However, it should be noted that the site has the potential to be BMV land.
- 10.25 Whilst it is recognised that there may be public benefits associated with the proposal, for instance the proposal supports the health and wellbeing of the local community, these benefits need to be weighed against potential adverse impacts of development, such as the loss of agricultural land and the impact that this may have upon food security.
- 10.26 It is considered that insufficient information has been submitted to enable a thorough assessment of the implications of the loss of potential BMV land.
- 10.27 The applicant's supporting statement indicates that the meadowlands would continue to be managed through late summer hay cuts, after existing wildflower species have set seed. This suggests that some form of low-intensity agricultural management and hay production may continue alongside the proposed community nature area use. However, this is not supported by a detailed management plan, agricultural statement or mechanism securing the continuation, frequency, extent or destination of hay production. The application is for a material change of use to Class F2(c), and the land would no longer be agricultural. Accordingly, while the proposed hay cutting may reduce the extent of practical harm arising from the loss of productive agricultural use, it does not overcome the absence of an Agricultural Land Classification survey

or enable the Local Planning Authority to determine whether Best and Most Versatile land would be affected.

- 10.28 As outlined by paragraph 187 b) of the NPPF above, decisions should recognise the economic and other benefits of BMV land. In the absence of an ALC survey, the Council is unable to assess the quality of the land or the weight to be given to its loss.

(b) Impact upon the Cotswolds National Landscape

- 10.29 The site is also 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).

- 10.30 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.*

- 10.31 Local Plan Policy EN5 relates specifically to the Cotswolds National Landscape, and states that 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.

- 10.32 Section 15 of the NPPF also seeks to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. 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."

10.33 In addition to the above, the Council's Cabinet, at its meeting on the 8th May 2025, resolved to ' *endorse the recommendation of the report that the Cotswolds National Landscape Management Plan 2025-2030 be used:*

- *'as a material consideration in the determination of planning applications (where compatible with relevant Local Plan and national policy)'*

10.34 The Cotswolds National Landscape Management Plan 2025-2030 includes a number of policies which are considered applicable to this application, including:

10.35 Policy CE1. Landscape

'CE1.1 Proposals that have the potential to impact on, or create change in, the landscape of the Cotswolds National Landscape (CNL), should be delivered in a way that is compatible with and seek to further the conservation and enhancement of the landscape character of the location, as described by the CNL Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.

CE1.2 Proposals that have a potential impact on, or create change in, the landscape of the CNL, should seek to further the conservation and enhancement of the scenic quality of the location and its setting, views, including those into and out of the National Landscape and visual amenity.'

10.36 Policy CE4: Local distinctiveness

'CE4.1 Proposals that are likely to impact on the local distinctiveness of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this local distinctiveness. This should include:

- *being compatible with the CNL Board's Landscape Character Assessment, Landscape Strategy and Guidelines, Local Distinctiveness and Landscape*

Change and any relevant position statement or guidance published by the Board.

- being designed to respect local settlement patterns, building styles, scale and materials in accordance with design guidance prepared by local planning authorities;*
- using an appropriate colour of Cotswold limestone to reflect local distinctiveness.'*

10.37 Policy CE5: Tranquillity

'CE5.1 Proposals that have the potential to impact on the tranquillity of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance.

CE5.3 Proposals that have the potential to impact on the tranquillity of the CNL should have regard to - and be compatible with - the CNL Board's Tranquillity Position Statement.'

10.38 Policy CE6: Dark Skies

'CE6.1 Proposals that have the potential to impact on the dark skies of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of these dark skies, by seeking to avoid and where avoiding is not possible, minimise lighting.

CE6.2 Measures should be taken to increase the area of dark skies in the CNL by removing and, where removal is not possible or appropriate, reducing existing sources of lighting.

CE6.3 Proposals that have the potential to impact on the dark skies or dark landscapes of the CNL should have regard to and be compatible with:

- The National Landscapes Board's Dark Skies and Artificial Light Position Statement.*
- Cotswolds National Landscape Technical Lighting Design Guidance*
- Best practice standards and guidance, in particular, that published by the Institution of Lighting Professionals. '*

- 10.39 The Landscape Officer identifies the site as falling within Landscape Character Type 11: Dip-Slope Lowland, specifically LCA 11A: South and Mid Cotswolds Lowlands, a landscape which is sensitive to development that would introduce urbanising influences, interrupt openness or erode its simple rural character.
- 10.40 The Landscape Officer does not object to the principle of an informal nature or recreational use, noting that such a use *"could enhance the quality and appreciation of the landscape, particularly where it encourages low-key engagement with the countryside"*. The proposal before the Council is presented as a low-intensity community nature area, with no buildings, lighting, hardstanding, engineered paths, formal sports infrastructure or other operational development proposed. On that basis, the development as described would be unlikely to give rise to material landscape or visual harm.
- 10.41 The Landscape Officer has, however, sought proportionate additional information to clarify how the use would be accommodated on the ground. In particular, further details were requested in relation to the proposed site layout, the nature and location of any access arrangements, paths, benches, signage, boundary treatments or other ancillary features, and confirmation that no urbanising features such as lighting, formalised surfacing, fencing or engineered works are proposed. The Landscape Officer also advised that information should be provided to demonstrate how the informal and rural character of the site would be secured in the long term. This additional information has not been forthcoming during the application process.
- 10.42 A key concern arises from the breadth of Class F2(c), which could include a range of outdoor sport and recreation uses. Some uses within that class could introduce more formal or engineered features over time, including sports pitches, boundary treatments, lighting, signage, fencing or formalised surfacing. Such features would not be characteristic of this rural landscape and could risk suburbanising the site.
- 10.43 However, the application must be assessed on the basis of the submitted proposal. Given the low-key nature of the use as described, and in the absence of any proposed physical works, it is not considered that a refusal on landscape grounds would be justified. If planning permission were otherwise acceptable, appropriately worded conditions could restrict the use to an informal community nature area and prevent lighting, hard surfacing, fencing, structures or other operational development unless separately approved. Subject to such controls, it is considered that the proposal would be capable of conserving the

rural character, tranquillity and scenic qualities of the Cotswolds National Landscape.

- 10.44 The proposal is therefore not considered to conflict with Local Plan Policies EN4 and EN5 or Section 15 of the NPPF in landscape terms.

(c) Impact on Heritage Assets and their Setting

- 10.45 The site is in proximity to Tetbury Conservation Area, which lies approximately 170 m to the north east of the site at its closest point. Doughton Highgrove Conservation Area lies approximately 460 metres to the south west of the site. There are a number of listed buildings in the surrounding area, including Longfurlong Farmhouse, Grade II listed as well as numerous listed buildings within the identified Conservation Areas, including the Grade I listed Church of St Mary The Virgin and Highgrove (Grade II listed).
- 10.46 A Grade II Registered Park and Garden 'Estcourt Park' lies approximately 0.86km to the south east of the site.
- 10.47 A Scheduled Ancient Monument Tetbury Camp SAM No 293 is located approximately 0.54 km to the north east of the site. The site has also been identified as having high potential to hold archaeological interest. There are also a number of non-designated heritage assets in the surrounding area.
- 10.48 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.49 The Local Planning Authority is also statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with Section 72(1) of the same Act.
- 10.50 Local Plan Policy EN1 seeks where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.
- 10.51 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

- 10.52 Local Plan Policies EN10 and EN11 require great weight to be given to the conservation of designated heritage assets and their settings and requires development affecting Conservation Areas to preserve and where appropriate enhance their special character and appearance.
- 10.53 Local Plan Policy EN12 (Non-Designated Heritage Assets) seeks to ensure that development proposals conserve or enhance the significance of locally important heritage assets, taking into account their historic, architectural or cultural value.
- 10.54 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in.
- 10.55 Section 16 of the NPPF seeks to conserve and enhance the historic environment.
- 10.56 On the basis of the submitted information, no buildings, enclosures, lighting, hardstanding or other operational development are proposed. The physical character of the site would therefore remain largely open and undeveloped. Given the separation distances, intervening context, and the absence of built development, the proposal would not appear to result in harm to the significance, character, appearance or setting of the identified Conservation Areas, listed buildings, Registered Park and Garden, Scheduled Monument or non-designated heritage assets.
- 10.57 However, as set out in section (b), the submission does not include a detailed site layout or sufficient supporting information to show how the use would be accommodated on the ground. Class F2(c) is a broad use and could include more formal recreational activity, with associated features such as lighting, signage, fencing, surfacing, boundary treatments or other engineered works. Such features could alter the open rural character of the site and, in turn, affect the historic landscape context and the wider setting of nearby heritage assets.
- 10.58 Notwithstanding this, it is considered that the potential heritage impacts arising from ancillary structures, lighting, surfacing, fencing or engineering works could be controlled by appropriately worded planning conditions, restricting the approved use to a low-key informal recreational use and preventing operational development unless separately approved. Subject to such controls, the relationship between the site and the identified designated and non-designated heritage assets would remain acceptable, and the significance and special interest of those assets would be conserved. The proposal would therefore accord with Sections 66(1) and 72(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990, Local Plan Policies EN10, EN11 and EN12, and Section 16 of the NPPF.

(d) Impact on Residential Amenity

10.59 Local Plan Policy EN2 requires development to accord with the Cotswold Design Code and respect the character and distinctive appearance of the locality. The NPPF also requires development to provide a high standard of amenity for existing and future users.

10.60 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."

10.61 The NPPF also seeks to protect residential amenity.

10.62 The site is crossed by existing public rights of way and the proposal does not include fencing or controlled access. The proposed Community Nature Area would therefore be capable of public access at all times. However, the proposal

does not include lighting, formal parking or built facilities, and its operational impact on neighbouring amenity would therefore be limited.

- 10.63 There is limited information on how visitor access, traffic and parking would be managed. Although the Highway Authority has raised no objection, some visitors may park within nearby residential areas, which could result in a degree of disturbance to residents. However, the proposed use appears to be low intensity and informal, with no additional footpaths or built infrastructure proposed. On that basis, the proposal is unlikely to result in unacceptable harm to residential amenity through intensification of use, noise or disturbance, in accordance with Policy EN15.
- 10.64 It should be noted that Environmental and Regulatory Services (Land Contamination) have raised no objection to the application with regard to human health risks associated with the proposed use from a land contamination perspective in accordance with Policy EN15.

(e) Highways

- 10.65 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.
- 10.66 Local Plan Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.
- 10.67 Section 9 of the NPPF promotes sustainable transport.
- 10.68 Tetbury and Tetbury Upton Neighbourhood Plan Policy 4 supports the protection, extension and enhancement of the existing public rights of way network and leisure routes. The NPPF requires safe and suitable access and states that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or a severe residual cumulative impact on the road network.
- 10.69 The Local Highway Authority have raised no objection to the proposal. They have advised that the proposal includes no new vehicular access, no alterations to the existing highway and no formal car parking, and that the change of use would not give rise to a material increase in vehicular traffic or adversely affect highway safety or the operation of the local highway network. As outlined

above, due to the limited information which has been provided with the application, it is unclear as to the level of visitors the Community Nature Reserve might attract and in turn the traffic levels which might be associated with the use. However, on the basis that the proposal appears to be a low intensity use and as no additional footpaths are proposed on the site, it is considered that the draw of the proposal would be limited.

- 10.70 In addition, the proposal outlines that there would be no alteration to the PRoW at the site and this would accord with 'Policy 4: Protection and enhancement of the Rights of Way Network and Leisure Routes' of the NDP which states "*The protection, extension and enhancement of the existing public rights of way network, indicated in Figures 11 and 12, will be supported.*"
- 10.71 On the basis of the LHA's advice it is considered that the proposal would not result in an adverse impact to highway safety in accordance with Policy INF4 of the Local Plan.

(f) Biodiversity

- 10.72 Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, provides net gains where possible, avoids significant habitat fragmentation and protects irreplaceable habitats and protected species interests. Policy EN9 protects designated biodiversity and geodiversity sites. Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
- 10.73 The Council's Biodiversity Officer has reviewed the application and advised that "*Records of protected and notable species exist within the nearby environment, and the site and surrounding environment contains habitats suitable to support wildlife. Therefore, an Ecological Impact Assessment (EcIA) report is required, which must be undertaken and prepared by a suitably qualified and experienced ecologist.*" This information has not been forthcoming during the course of the application. The proposal therefore fails to satisfy Policy EN8 as insufficient information has been provided to enable the Local Authority to assess the potential impact of the proposal upon biodiversity and to enable the Local Planning Authority to discharge its statutory obligations under The Conservation of Habitats and Species Regulations 2017 (as amended) with regards to European protected species.

Biodiversity Net Gain (BNG)

- 10.74 The application is for a material change of use of land and therefore constitutes development for the purposes of Section 55 of the Town and Country Planning Act 1990. Mandatory Biodiversity Net Gain therefore applies unless a specific exemption is demonstrated.
- 10.75 The applicant relies on the de minimis exemption and states that the proposal would not involve habitat removal, vegetation clearance, engineering works or biodiversity loss. The applicant also states that the land would be managed as a Community Nature Area for ecological benefit.
- 10.76 These points are noted. However, the application seeks permission for use of approximately 9.62 hectares of land within Class F2(c), which includes areas or places for outdoor sport or recreation. The Local Planning Authority must assess the lawful scope of the use applied for, not only the applicant's stated intentions. On that basis, the use could result in recreational activity across the wider site, with potential effects on existing habitats.
- 10.77 The Council's Biodiversity Officer has reviewed the submitted information and does not agree that the proposal has been shown to fall within the de minimis exemption. No BNG metric, baseline habitat information, post-development habitat plan or sufficient ecological information has been submitted to demonstrate that the exemption applies or that the required 10% BNG can be achieved.
- 10.78 The applicant has suggested that conditions could control any impacts. However, without adequate baseline information, the Council cannot properly assess the site's biodiversity value or identify what mitigation or BNG measures would be required. Conditions would not overcome this lack of information.
- 10.79 Reference has also been made to proposed future changes to the BNG regime. However, these are not currently in force and cannot be applied to this application.
- 10.80 It has therefore not been demonstrated that the proposal is exempt from mandatory BNG, or that the statutory biodiversity gain objective can be met. The proposal is therefore contrary to Policy EN8 of the Cotswold District Local Plan 2011-2031, Chapter 15 of the NPPF and the statutory BNG requirements.

Trees

- 10.81 Local Plan Policy EN7 requires development affecting valued trees, veteran trees, hedgerows or woodland to conserve and enhance them. Tetbury and

Tetbury Upton Neighbourhood Plan Policy 9 states that development that damages or results in the loss of ancient trees or hedgerow, or trees of good arboricultural and amenity value, will not be permitted, and that proposals incorporating such trees and hedgerows should be accompanied by a tree survey and management plan.

- 10.82 There are a number of mature trees on the site which are considered to be of public amenity value. The proposal does not show tree removal, although again a detailed proposed site plan is required. However, on the basis of the information submitted the trees on site would be retained thereby according with Policy EN7 of the Local Plan.

(g) Flood Risk and Drainage

- 10.83 Local Plan Policy EN14 states:

"1. Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding.

2. Minimising flood risk and providing resilience to flooding will be achieved by:

a. applying the sequential test for assessment of applications for development in Flood Zones 2 or 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;

b. requiring a site specific flood risk assessment for:

i. proposals of one hectare or greater in Flood Zone 1;

ii. all proposals in Flood Zones 2 and 3; or

iii. proposals in an area in Flood Zone 1 that has critical drainage problems.

3. 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).

4. Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance."

- 10.84 The document which has been submitted as a Flood Risk Assessment, only comprises a statement of the flood zone and a site screenshot. It does not amount to a site-specific Flood Risk Assessment and does not assess all sources of flood risk, the safety of users, climate change, surface water management, safe access and egress, or any measures required to manage flood risk over the lifetime of the development.
- 10.85 The application site exceeds 1 hectare and parts of the site lie within Flood Zones 2 and 3. A site-specific Flood Risk Assessment is therefore required by Local Plan Policy EN14 and national policy. In the absence of such an assessment, the Local Planning Authority cannot be satisfied that the proposal would be safe for its lifetime, would not increase flood risk elsewhere, and would incorporate appropriate drainage and flood risk management measures.
- 10.86 The Lead Local Flood Authority has advised that the proposal would not alter the surface water drainage of the site and has raised no objection. However, the Council's Drainage Engineer has requested clarification regarding the extent and location of any new impermeable or compacted surfaces, together with a site-specific Flood Risk Assessment.
- 10.87 Although the proposal is presented as a low-intensity change of use with no physical works currently proposed, the absence of a proportionate FRA means the Council does not have sufficient information to assess flood risk and drainage impacts having regard to the scale of the site and its partial location within Flood Zones 2 and 3. The proposal is therefore contrary to Policy EN14 of the Cotswold District Local Plan 2011-2031 and the flood risk provisions of the NPPF.

Other Matters

- 10.88 The CIL rate for this type of development is zero and therefore no CIL is payable.

11. Conclusion:

- 11.1 For the reasons outlined above, it is considered that insufficient information has been submitted to demonstrate that the proposed Class F2 (c) use would provide a deliverable and appropriately managed community facility, having regard to access, layout, maintenance, funding and local need thereby failing to

comply with Policy INF2 of the Local Plan. In the absence of an Agricultural Land Classification Survey, the Council is unable to assess whether the proposal would result in the loss of Best and Most Versatile agricultural land or the weight given to that harm. The proposal is not considered to give rise to a reason for refusal in landscape terms, given its low-intensity nature and the absence of proposed physical works. However, it is recognised that limited information has been provided with regards to the proposed site layout, although on the basis that no physical works are proposed a landscape reason for refusal has not been recommended.

- 11.2 Insufficient information has also been provided in relation to potential ecological impacts, which include protected species and mandatory BNG requirements. In addition, a site-specific Flood Risk Assessment has not been submitted, and the Council is therefore unable to properly assess flood risk and drainage impacts.
- 11.3 The public benefits of the proposal, which include informal recreation, health and well-being for the local community as well as potential biodiversity enhancements (although the latter aspect has not been evidenced), are not considered to overcome the policy conflicts identified in this instance. The proposal is considered to be contrary to Policies INF2, EN8 and EN14 of the Local Plan and the relevant sections of the NPPF and it is recommended that planning permission be refused.

12. Reasons for Refusal:

- 1. The application has failed to demonstrate that the proposed Class F2(c) use would provide a deliverable and appropriately managed community facility. Insufficient information has been submitted in respect of the proposed layout, access arrangements, long-term management, maintenance, funding and local need. In addition, in the absence of an Agricultural Land Classification survey, the Local Planning Authority is unable to assess whether the proposal would result in the loss of Best and Most Versatile agricultural land, or the weight to be given to that potential harm. The proposal is therefore contrary to Policy INF2 of the Cotswold District Local Plan 2011-2031 and paragraph 187(b) of the National Planning Policy Framework.
- 2. Insufficient information has been submitted to demonstrate the biodiversity gain objective can be met and the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

3. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the scheme on biodiversity in accordance with Local Plan policy EN8 and Chapter 15 of the National Planning Policy Framework. In addition, the above information needs to be sought from the applicant in order to comply with the Local Planning Authority's duty to discharge its statutory obligations under The Conservation of Habitats and Species Regulations 2017 (as amended) with regards to European protected species.

4. Insufficient information has been submitted to enable the Local Planning Authority to assess flood risk and drainage impacts. The application site exceeds 1 hectare and lies partly within Flood Zones 2 and 3, but no site-specific Flood Risk Assessment has been provided. The Local Planning Authority is therefore unable to determine whether the development would be safe for its lifetime, would avoid increasing flood risk elsewhere, and would incorporate appropriate flood risk and drainage measures. The proposal is therefore contrary to Policy EN14 of the Cotswold District Local Plan 2011-2031 and the flood risk provisions of the National Planning Policy Framework.

Informatives:

1. Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cotswold CIL Charging Schedule gives this type of development a zero rate. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.