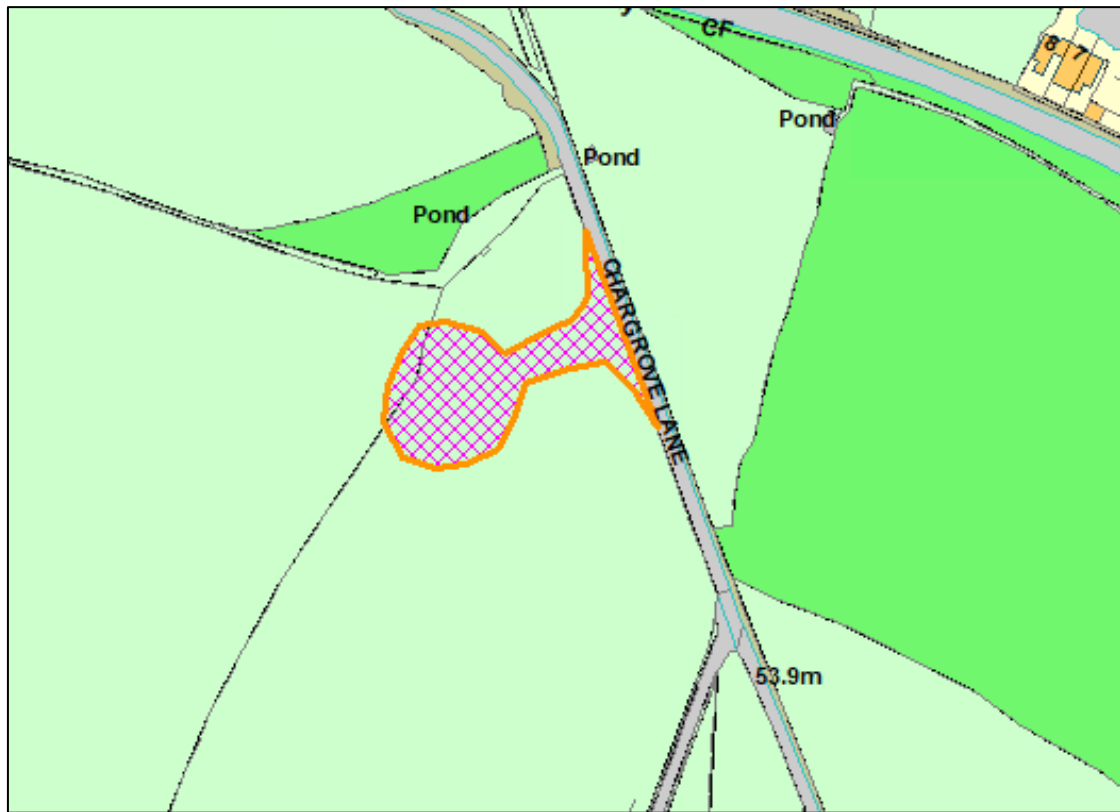


Planning Committee

Date	20 June 2023
Case Officer	Frank Whitley
Application No.	22/01375/FUL
Site Location	Part Parcel 8019, Chargrove Lane, Up Hatherley
Proposal	Agricultural access and hardstanding (amended description)
Ward	Shurdington
Parish	Shurdington
Appendices	Site Layout Plan (amended) 21-0468-SK04D Site location plan (amended) 21-0468-SK03B Swept Path Analysis 15.4m articulated vehicle 21-0468- SP04B Landscaping Plan (amended)- SPALP Landscape Plan Rev.B 2 x CGI's
Reason for Referral to Committee	The application has been called in by a Council Member within 21 days of being notified of the application
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<https://publicaccess.tewkesbury.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- 1.1 The application seeks planning permission for an agricultural access and hardstanding (amended description).
- 1.2 **This application was deferred at the May Planning Committee to allow for consideration of additional landscaping. Amended plans have now been received and are being assessed. An update will be provided at Committee.**

2. Site Description

- 2.1 The application site is in a grassed field approximately 130m south of Up Hatherley Way which bounds the built up area of Cheltenham.
- 2.2 The application site is on the edge of Chargrove Lane in a grass field formerly associated with the farm at South Park immediately to the south. The group of buildings of South Park comprises a dwelling, and former traditional farm buildings, now permitted for residential conversion to three dwellings under planning permission 21/01387/FUL. Since there are now no agricultural buildings to serve the farm, the track leading to South Park has now become solely for domestic purposes. The grassed field now forms part of a tenanted holding around South Park of @80 acres. It is understood this grazing land, forms part of a wider agricultural holding dispersed across Gloucestershire. Cattle are housed indoors during the winter near Woolstone, and between 30-90 animals would be turned out on the South Park land following a first cut of hay. Cattle would then be removed at the end of the summer months.
- 2.3 The proposal is to form a new opening in the roadside hedgerow between Chargrove Lane Nature Reserve (to the north) and the fork in the road which leads to South Park (to the south). Inside of the new opening, an entrance splay would be formed connecting to a circular area of hardstanding ('the turning circle'), large enough for articulated vehicles to turn around, and exit onto Chargrove Lane in forward gear. The furthest edge of the hardstanding would extend @80m into the field from the edge of Chargrove Lane.
- 2.4 The hardstanding would be used to unload and collect cattle.
- 2.5 The proposed development would require the removal of 60m of roadside hedgerow. The turning area is proposed to be surfaced with Cotswold crushed stone, though it is unclear if this material is proposed for the entrance splay.
- 2.6 The application site is within the Green Belt, though not within any other designated land classification.

Background

- 2.7** It should be brought to Members' attention that the application has been amended twice since first submission. As originally submitted, the proposal was for a new entrance splay, turning circle and adjacent cattle handling pen. Shurdington and Up Hatherley Parish Council's comments, consultation responses, and public representations relate to this original submission. After submission of the first and second application amendments, there was no further consultation. Subsequent representations where received, are also set out and explained below.
- 2.8** Due to landscape impact concerns, the handling pen, and the turning circle were removed from the application as first submitted. The amended application left the entrance splay and gate only. Concerns were raised at this time by the case officer this would result in articulated vehicles being unable to depart in forward gear, instead having to reverse onto the highway. The second amendment to the application re-introduced the turning circle, in order for articulated vehicles to depart in forward gear.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
21/01387/FUL	Restoration of existing farmhouse and conversion of existing barns to provide three new dwellings and associated landscaping and infrastructure.	permit	20 April 2022

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

4.1 Shurdington Parish Council- objection

Shurdington Parish Council's policy is not to support any development within the Green Belt and this proposal is completely detrimental to the surrounding area. The Council note the many objections submitted to this application.

4.2 Up Hatherley Parish Council- objection

Case Officer note: the application site is within Shurdington Parish Council area

Our objections mirror those already sent in by concerned local residents so there seems little point in duplicating them. We would add, however, that building any substantial roads in our precious Green Belt will only encourage builders and speculators to continue chipping away at our precious rural heritage. Bearing this in mind we urge you to carefully consider the size of the proposed development and whether it is really necessary in the form which it has been presented.

4.3 Ecology -no objection subject to condition

Case officer note: The consultation response incorrectly refers to 30m roadside hedgerow being removed. The actual distance is @60m.

No ecology information was provided however our comments relating to this application is provided below.

The site is located adjacent to Chargrove Lane Nature Reserve. Suitable mitigation for the protection of trees associated reserve including RPZ has been considered and indicate that the proposals would not impact these trees.

The proposals show that 30m of hedgerow is to be removed to facilitate the development. The landscape plans show new hedgerow planting of native species to be included within the proposals which are welcomed. Hedgerows should be removed outside the bird nesting season, outside the period between March and August. Where this is not possible a suitably qualified ecologist should be present to undertake a nesting bird check prior to hedgerow clearance. If an active nest is recorded the nest should be left undisturbed with an appropriate buffer (usually 5m) until the chicks have fledged.

Great crested newts (GCN) are recorded locally within the surrounding area. However, in this case, impacts to GCN habitat is limited and the proposals are unlikely to impact GCN as the hedgerow closest to the road does not appear to be in a favourable condition to support terrestrial GCN due to their gappiness and lack of hedge structure. However, GCN should be considered and hedgerow removal should take place during the breeding season for GCN (March/April-June), when newts are likely to have moved to their breeding ponds.

4.4 Highways Officer- no objection

The application seeks to install a new agricultural access from Chargrove Lane, which will serve existing agricultural land. The application site relates to agricultural land situated approximately 1.5km to the north of Shurdington and 3.5km to the southwest of Cheltenham town centre. Layout of the development proposal indicates that there is adequate space for vehicles to manoeuvre about the site and leave in a forward gear. The proposed access also includes suitable visibility splays for vehicles accessing or egressing the site with 26.1m and 33.73m visibility splay towards the southbound and northbound directions, respectively, which is appropriate for the measured 85th percentile.

4.5 Environmental Health- no objection

In terms of noise/disturbance/odour there are no concerns from an EH perspective given it already has agricultural permission.

5. Third Party Comments/Observations

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

5.1 35 objections have been received, is summary:

Case Officer note: Representations made specifically in relation to the cattle handling pen are omitted since that part of the development has been removed from the application.

- 5.2**
- Important to protect the rural aspect of the lane and leave quiet areas for walkers, cyclists and joggers
 - Moving cattle does not need lorries and permanent pens
 - Farmland needs protecting
 - Site is too close to Perry Pear Orchard
 - Excessive removal of hedgerow, harm to wildlife
 - Hazard to walkers, children, footpath nearby is used to access cricket pitch
 - Proximity to Chargrove Nature Reserve
 - Out of keeping with the quiet pastoral character of Chargrove Lane
 - Open land will be scarred by hard surfacing area
 - Harm to Green Belt
 - Concerns about proposed use of chemical herbicides and risk to people and wildlife, and nearby Nature Reserve
 - Scale of development completely out of proportion for the needs of occasional cattle moving
 - No agricultural justification for this scale of development
 - Industrial type development incongruous in rural landscape
 - The land and local footpaths are well used by local residents
 - Precursor to much larger and more intrusive commercial use of the land
 - Speculation about future housing
 - There is already an access to the farm
 - Loss of Victorian iron parkland railings on side of Chargrove Lane
 - Agricultural benefits are over-stated
 - Cattle were previously loaded in South Park farmyard
 - There are still other access alternatives which could be used instead
 - Application brings into question the former yard at South Park was actually redundant to justify residential conversion
 - TB testing in area is done on a 6 month cycle. Cattle would not be present at Chargrove Lane for more than 6 months, so TB testing argument is flawed. Can be tested at Woolstone instead.
 - Chargrove Lane too narrow for HGVs.
- 5.3** One further representation has been received in relation to the current amended scheme, in summary:
- Successive revisions have merely withdrawn detail
 - Juggernaut scale entrance into this most sensitive and viewed area of the Green Belt
 - Would facilitate the comprehensive development of these fields

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

SD5 (Green Belt)
SD6 (Landscape)
SD14 (Health and Environmental Quality)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBP) – Adopted 8 June 2022

GRB1 (Green Belt Review)
EMP4 (Rural Employment Development)
LAN2 (Landscape Character)
AGR1 (Agricultural Development)

7. Policy Context

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans

7.3 The relevant policies are set out in the appropriate sections of this report.

7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8.0 Evaluation

Main Issues

- Principle of Development
- Green Belt
- Impact to the character and setting of the landscape and rural area
- Agricultural justification
- Highways
- Ecology

Principle of Development

8.1 In principle, the NPPF seeks to support a prosperous rural economy, and seeks to support the growth and expansion of all types of rural businesses. At the same time, the NPPF also recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

8.2 The principle of agricultural related development is considered to be acceptable in principle in such rural areas, though in this case, the proposed development is subject to further determining criteria set out below.

Green Belt

- 8.3** According to the NPPF, the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Amongst other purposes, the Green Belt assists in safeguarding the countryside from encroachment. Inappropriate development is by definition harmful to the Green Belt. The NPPF states that buildings for agricultural development are not inappropriate as are engineering operations providing they preserve openness of the Green belt. In this case, no new buildings are proposed however the works would constitute an engineering operation. Accordingly, it is not considered that the proposed development would have any impact upon the openness of the Green Belt. Neither would there be any conflict with the adopted JCS, or the adopted TBP in as far as they are relevant to protecting the Green Belt. (Policies SD5 (Green Belt) and GRB1 (Green Belt Review)).

Impact to the character and setting of the landscape and rural area

- 8.4** Although not formally designated, the landscape within which the application site is situated, is considered to have an attractive character. Chargrove Lane passes through pasture land, enclosed by traditional field margins, hedgerow, trees and small pockets of woodland. Apart from there being glimpses of the built-up area of Cheltenham to the north, the immediate area appears undeveloped and rural. Policy SD6 (Landscape) of the adopted JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Further, proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located.
- 8.5** The Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis (2013) is relevant. According to Compartment C3 (South Park) of the Assessment, the application site is in an area of medium sensitivity where the rural character has predominantly been maintained, and intimate, historic/traditional features have endured. Of particular note, C3 states that views of the built form (Cheltenham) are *softened by boundary trees, and the compartment provides amenity value for local residents - the public footpaths and Chargrove lane are well used by dog walkers and joggers*. Further, C3 makes specific reference to *sporadically treed meandering stream; large traditional orchard; parkland features at South Park (including landmark pines, traditional metal fencing, and buildings which lend time-depth to the zone); medium sized fields; and hedge boundaries of predominantly good condition*.
- 8.6** Policy LAN2 (Landscape Character) of the TBP states that all development must be appropriate to, and integrated into, their existing landscape setting.
- 8.7** Plainly, the application site is within an attractive rural area of landscape value, even though not formally designated.
- 8.8** Policy SD14 (Health and Environmental Quality) seeks to ensure that high quality development protects and improves environmental quality. Further, SD14 states that new development must cause no unacceptable harm to local amenity. Based on the representations received, Chargrove Lane and its nearby network of paths are cherished by the local community for their combined amenity value. The loss of hedgerow, creation of hardstanding and turning circle would impact upon the enjoyment of the area, and thus provide some weight against the development.

- 8.9** The application proposes the removal of approximately 60m roadside hedgerow, together with iron railings, specifically mentioned in the Landscape Characterisation Assessment and Sensitivity Analysis. Although a planted hedgerow would in time grow and re-form around the entrance splay, the loss of this extent of hedgerow is considered excessive in terms of harm to the character of the rural area and landscape quality. Further, the significant hard surfaced entrance splay and significant hard surfacing of the turning circle would appear incongruous when viewed by pedestrians, cyclists and from vehicles using Chargrove Lane in the context of the attractive green pastoral setting.
- 8.10** As a point of clarification, the case officer draws Members's attention to the now superseded landscaping details submitted with the original application. At this stage a cattle pen was also proposed. The landscaping plan shows the proposed new track would pass through the western hedge boundary of the field into which the access would be created. Both the cattle pen and turning circle were proposed on the far side (ie western side of this hedge). In the current amended plan, the cattle pen is omitted, and the turning circle is proposed inside the hedge boundary (ie to its east). In the case officer's opinion, any benefits from not removing part of the western hedge boundary, are offset by the increased visibility of the turning circle when viewed from Chargrove Lane.
- 8.11** For the above reasons, and having regard to the Landscape Character Assessment, the development is contrary to SD6 and SD14 of the adopted JCS and Policy LAN2 of the adopted TBP.

Agricultural Justification

- 8.12** It is acknowledged there is some justification for the development in terms of its contribution to the agricultural business. The development would facilitate the efficient rotation of cattle on the land holding and contribute to rural employment. In principle, the development accords with Policy EMP4 (Rural Employment Development) of the adopted TBP where it states that proposals for new agricultural development will be supported. However compliance with EMP4 is also subject to consideration of Policy AGR1 of the adopted TBP.
- 8.13** Policy AGR1 (Agricultural Development) states that proposals for new agricultural development will be permitted provided that (amongst other things):

The proposed development is well sited in relation to existing buildings, access tracks, ancillary structures and works, and landscape features in order to minimise adverse impact on the visual amenity of the rural landscape paying particular regard to Areas of Outstanding Natural Beauty and Special Landscape Areas.

- 8.14** Having regard to the requirements of Policy AGR1, it is noted the development appears conspicuously detached from existing agricultural development. The nearest buildings are at South Park, which in any event are now entirely residential. Further, as noted above, the immediate area comprises valued landscape features as set out in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis. It is considered the development would harm the character of the rural setting, and cause unacceptable and unwarranted landscape harm. For these reasons there is a significant level of conflict with Policy AGR1, which in turn creates conflict with Policy EMP4.

Highways

- 8.15** It is noted that County Council Highways has not objected to the development. However the absence of a Highways objection in this case does not warrant unacceptable development from occurring.

Ecology

- 8.16** There is no evidence of ecological harm. The Council's ecological consulted has considered and expressed no objection to the development. No response has been received from the Council's Tree Officer. Even so, the loss of roadside hedgerow is considered to contribute to visual harm and to the loss of amenity of the area.

Benefits

- 8.17** The development would provide some, albeit very limited economic benefits during construction phase and in terms of sustaining employment in the agricultural business sector.

Harms

- 8.18** The proposed development appears isolated from existing agricultural development and would harm the character and setting of the rural area and landscape, which is cherished in the local community for its amenity value.

Neutral

- 8.19** The development would not give rise to unacceptable levels of harm to highways, or ecological assets.

9. Conclusion

- 9.1** The development is poorly sited in relation to existing buildings, access tracks, ancillary structures and landscape features, and is therefore contrary to the provisions of the NPPF, Policies SD6 (Landscape), SD14 (Health and Environmental Quality) of the adopted JCS, and Policies EMP4 (Rural Employment Development) and AGR1 (Agricultural Development) of the adopted TBP. The development would cause unacceptable and unwarranted visual harm to the character of the rural landscape, contrary to Policy LAN2 (Landscape Character) of the adopted TBP.

10. Recommendation

- 10.1** Given the above, the application is recommended for **refusal**.

Recommended Reason for Refusal

- 1 The proposed development is poorly sited in relation to existing buildings, access tracks, ancillary structures and landscape features and is therefore contrary to the provisions of the NPPF, Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, and Policies EMP4 and AGR1 of the Tewkesbury Borough Local Plan. For reasons of extensive loss of hedgerow and the significant area of hard surfacing needed to facilitate the turning of articulated HGVs, the development would cause unacceptable and unwarranted visual harm to the generally undeveloped rural landscape, contrary to Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, and Policy LAN2 of the Tewkesbury Borough Local Plan.

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by publishing to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.