

Planning Committee

Date	19 December 2023
Case Officer	Frank Whitley
Application No.	23/00874/FUL
Site Location	Part Parcel 8019, Chargrove Lane
Proposal	Agricultural access onto Chargrove Lane - revision to application ref. 22/01375/FUL
Ward	Shurdington
Parish	Shurdington
Appendices	Site location plan Site layout Landscape proposals Swept path analysis
Reason for Referral to Committee	Parish Council objection
Recommendation	Permit subject to no highway objections being received.

Site Location



1. The Proposal

- 1.1** The application seeks planning permission for: Agricultural access onto Chargrove Lane, Up Hatherley. Revision to application ref. 22/01375/FUL (amended description)
- 1.2** Members will recall, the previous access proposal (22/01375/FUL) was deferred at May Planning Committee for a site visit and permission subsequently refused by the June Planning Committee.
- 1.3** This revised application proposes a smaller access to be used by tractor and trailer instead of articulated lorries as previously proposed.

2. Site Description

- 2.1** The application site is located on the western side of Chargrove Lane and comprises a grass field, formerly associated with the farm at South Park immediately to the south. The group of buildings at South Park comprise a dwelling and former traditional farm buildings, now permitted for residential conversion to three dwellings under planning permission 21/01387/FUL.
- 2.2** Since there are now no agricultural buildings to serve the farm, the track leading to South Park has now become a drive solely for domestic purposes and the application field now forms part of a separately tenanted holding around South Park of @80 acres.
- 2.3** It is understood this grazing land, forms part of a wider agricultural holding dispersed across Gloucestershire. The applicant has advised that cattle are housed indoors during the winter near Woolstone, and between 30-40 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.
- 2.4** 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. The turning circle and drive which previously featured in application 22/01375/FUL has been dispensed with. The field would now only be accessed by tractor (and stock/hay trailer).
- 2.5** As before, the access would require the removal of 60m of the existing roadside hedgerow. However, the hedgerow would be replanted at a shallow angle, taking account of the smaller dimensions of the entrance splay, and the hedge would be significantly strengthened, along the remainder of Chargrove Lane. Furthermore, the applicant has agreed to re-align the existing traditional iron estate boundary fencing to the new hedgerow.
- 2.6** The application site is within the Green Belt, though not within any other designated land classification.

- 2.7 In summary, the current application comprises the following revisions to the previous
- There is to be no turning circle inside the access
 - The proposal features a smaller opening and smaller area of hardcore surface, to be used only by tractors (towing a stock/hay trailer)
 - The new roadside hedge would be replanted at a shallower angle to Chargrove Lane
 - The existing hedge on Chargrove Lane outside of the visibility splay would be improved and strengthened
 - The opening in the hedge on the far side of the field is no longer required.

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
22/01375/FUL	Agricultural access and hardstanding (amended description)	Refuse	20 June 2023

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 - Object**
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.
- 4.2 **Up Hatherley Parish Council (Adjacent Parish) - Object**
- There is no agricultural need
 - There are no cattle in the field
 - Access would be used so infrequently there can be no justification
 - Would facilitate further development
 - Ownership maps supplied are misleading
- 4.3 **Ecology - No objection subject to condition**
Case officer note: The consultation response incorrectly refers to 26m roadside hedgerow being removed. The actual distance is @60m. Notwithstanding, Officers do not consider that the opinion or proposed conditions would be any different.
- 4.4 **Highways Officer-** Observations are awaited.

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 The application was publicised through the posting of a site notice for 21 days. In response, 15 objections have been received. The comments raised are summarised below:
- Poor siting and does not adequately address previous reasons for refusal
 - Access too small for hay trailers attached to tractors
 - Alternative access points exist to field
 - No agricultural requirement for access
 - Destruction of hedge in area of beauty, used for recreation in Green Belt
 - Use of chemicals to destroy vegetation
 - Harm to biodiversity
 - Traffic congestion
 - Existing public amenity value would be harmed
 - Loss of iron rail fence

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 This application is a resubmission following the refusal of planning application no. 22/01375/FUL for an agricultural access and hardstanding at the site. The reason for refusal is set out below:

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, LAN2 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. Additional tree planting, copse creation and hedge restoration to parts of the Chargrove Lane fails to mitigate the identified harm and conflict with policy.

- 8.2 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 recognises the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems.
- 8.3 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

- 8.4 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.

- 8.5** 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.

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

- 8.6** Although not formally designated, the landscape within which the application site is situated, has 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.
- 8.7** 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*.
- 8.8** Policy LAN2 (Landscape Character) of the TBP states that all development must be appropriate to, and integrated into, their existing landscape setting.
- 8.9** The application site is within an attractive rural area of landscape value, even though not formally designated.
- 8.10** 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.
- 8.11** Officers acknowledge this revised application would result in the removal of approximately 60m of roadside hedgerow in the same way as proposed before. The loss of the hedgerow contributed to the refusal of 22/01375/FUL. However, in this case the replanted hedge would be at a shallower angle to the edge of Chargrove Lane. Accordingly, the change would be less conspicuous. Furthermore, the turning circle, hardstanding and associated visual harm has been removed from the application altogether and the entrance splay itself is narrower and extends a shorter distance into the field. Cumulatively, the revisions reduce the harm significantly.

- 8.12** A further concern in the previous application was the loss of the traditional iron estate fencing which currently runs parallel and close to the side of Chargrove Lane. The estate fence is specifically referred to in the Landscape Character Assessment and Sensitivity Analysis as a feature of interest. The applicant has agreed to reinstate the estate iron fence along the new hedgerow to mitigate impacts of development. This agreement provides some weight in favour of development and can be secured by condition. The Conservation Officer strongly supports reinstatement of the estate fence.
- 8.13** The applicant has identified gaps in the hedge alongside Chargrove Lane, outside of the new visibility splay. As well as the planting of additional new trees the hedge line would be strengthened by targeted infilling of appropriate native species.
- 8.14** It is accepted there will still be a visual change to Chargrove Lane. However in terms of harm to the landscape character of Chargrove Lane, Officers consider the revisions adequately address the previous reason for refusal. On balance, it is considered the development complies with SD6 and SD14 of the adopted JCS and Policy LAN2 of the TBP.

Agricultural Justification

- 8.15** The supporting planning statement explains the proposed access is required for managing and gaining access to the existing agricultural land, and it would be used by farm vehicle and machinery. The enterprise comprises @80 acres of agricultural land.
- 8.16** The holding was formerly part of South Park Farm, which now has planning permission for residential development. There is no agricultural access through South Park Farm. As well as grazing 30-40 cattle on the land, the new access would be required to transport hay, on and off the land.
- 8.17** Officers note that concerns raised amongst the public objections, is reference to the availability of an alternative existing access. The existing field gate access is located adjacent to the entrance track to South Park Farm. The agent explains that the access is on a bend and faces in a direction where it is difficult to manoeuvre large vehicles. Furthermore, cars frequently park in the layby opposite, thereby limiting turning space. Officers consider there is sufficient merit in this explanation to justify creation of a new access.
- 8.18** There is some justification for the development in terms of its contribution to the agricultural business, as it was with 22/01375/FUL. 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. Compliance with EMP4 is also subject to consideration of Policy AGR1 of the adopted TBP.
- 8.19** 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.

- 8.20** Taking account of the revisions, it is acknowledged the access position has not changed. However, the overall impact is considerably less to the extent that the access would in time, integrate into the landscape, subject to the establishment of hedgerow and tree planting.
- 8.21** Officers consider that where limited conflict remains with the requirements of AGR1, the harm is outweighed by the aims of EMP4, those being to support employment and the rural economy.

Highways

- 8.22** County Council Highways has not yet provided a consultation response, though Members should note there was no Highways objection to the previous scheme, which was to be used by articulated vehicles. The proposed use by tractors and trailers is not likely to cause any additional Highways risk. **An update will be provided at Committee.**

Ecology and Trees

- 8.23** There is no ecological objection to development. Landscaping proposals include the planting of 1 x oak, and 9 x field maple trees. All are fenced off and sufficiently set back from the access to avoid obstructing visibility. It is recommended that detailed landscaping measures are secured by condition, which would include a strategy and method statement for reinstatement of the estate fence.

9. Conclusion

- 9.1** The agricultural access is no longer intended to be used by articulated lorries, and instead by tractor and trailer only. Officers consider the new access is justified, and its size has been reduced accordingly. Although the development would still result in visual change, the limited harm to the landscape and character of Chargrove Lane is outweighed by benefits to the rural economy, and further mitigated by additional hedge and tree planting.
- 9.2** On balance, the development is considered to comply with to the provisions of the NPPF, Policies SD6 (Landscape), SD14 (Health and Environmental Quality) of the adopted JCS, and Policies EMP4 (Rural Employment Development). The benefits of development and proposed mitigation outweigh limited conflict with Policies AGR1 (Agricultural Development) and Policy LAN2 (Landscape Character) of the TBP.

10. Recommendation

- 10.1** The application is recommended for **permit**.

11. Conditions

- 1** The development hereby permitted shall not be begun after the expiration of three years from the date of this consent.

Reason: Required to be imposed by 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 not be carried out other than in accordance with the following approved documents:
Received 28 Sept 2023:
- Location Plan SK03 RevE
- Site layout SK04 Rev1

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3 Development shall not commence until details of surfacing materials and finish, for the access hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The access shall be surfaced as approved.

Reason: In the interests of visual amenity

- 4 Development shall not commence until details of the landscaping, include a strategy, method statement and timescales for the reinstatement of the historic iron estate fencing have been submitted to and approved in writing by the Local Planning Authority. Planting shall take place in accordance with the approved details no later than the first planting season following the development being brought into use. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: In the interest of visual amenity and to maintain the character of Chargrove Lane.

11. 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.