



Appeal Decision

Site visit made on 17 June 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/G1630/W/24/3357775

Becketts Farm, Pancake Lane, The Leigh, Gloucester, Gloucestershire GL19 4AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Gilder against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00978/FUL.
 - The development proposed is retrospective application for change of use of land for the siting of one shepherd's hut and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective application for change of use of land for the siting of one shepherd's hut and associated works at Becketts Farm, Pancake Lane, The Leigh, Gloucester, Gloucestershire GL19 4AL in accordance with the terms of the application, Ref 23/00978/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal in relation to a contribution towards the mitigation of likely significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC). The Council has been given the opportunity to comment on this UU. Thus, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether an essential need for the proposal has been demonstrated in compliance with development plan policy;
 - whether the proposal is in a suitable location; and
 - the effect of the proposal on the integrity of the SAC.

Reasons

Character and appearance

4. The site comprises part of Becketts Farm. The site is located in the open countryside and the surrounding area has a rural character, largely comprising agricultural land. The proposal is for the siting of a shepherd's hut and associated

change of use of the land. The proposal is sited on a field which forms part of an orchard. This, in addition to vegetation within the site and along its boundaries, gives the site and its surroundings a verdant, rural character.

5. The shepherd's hut is located to the south of the farm complex. Whilst separated by intervening vegetation, the hut shares a site access with the farm and car parking is sited within the farmyard. Given the limited separation, the hut appears closely related to the main farm buildings.
6. The hut is of limited scale and has been constructed of materials which reflect the site's rural location. There are limited views of the site from beyond the farm, including from the A38 and Pancake Lane. In short-range views of the site from the public footpath crossing the field the hut is visible, along with its associated paving and domestic paraphernalia. It is suggested that the hut and associated paraphernalia could be screened by planting. In light of the visual impact of the development being limited to short range views, I am satisfied that planting could effectively screen the development and the associated paraphernalia in these views. Given this, I am satisfied that the limited harmful effects of the development could be satisfactorily mitigated, and that this can be secured by condition.
7. In light of the above, the proposal would not result in harm to the character and appearance of the area. The development therefore accords with Tewkesbury Borough Local Plan (2022) (LP) policies TOR1, TOR2 and TOR3 and policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) which seek to protect landscape character and ensure that proposals are of a scale commensurate with the surrounding area.

Essential need

8. As part of a working farm, the accommodation represents a farm diversification project which it is stated generates approximately £1000-£1500 per month. It is clear that the financial revenue from the rental of the shepherd's hut would enhance the viability of the existing farm business. Indeed, it is stated that without the income from the hut it is likely that the farmland would need to be sold off and severed from the remainder of the farm. There is no suggestion that the structure would prejudice the continued operation of the existing agricultural business or dominate the primary use.
9. LP policy AGR2 requires that diversification proposals should maximise the use of redundant buildings or structures. I accept that it is not feasible to utilise existing buildings given their active agricultural use and siting within flood prone parts of the site. Given this I consider that the productive use of any redundant buildings or structures has been maximised, and the proposal is essential to the new use.
10. I find that there is an essential need for the agricultural diversification development. Therefore, the proposal accords with LP policy AGR2, which states that proposals for farm diversification will be supported where, amongst other matters, they enhance the viability of, and do not prejudice, the continued operation of the existing agricultural business.

Location

11. LP policies TOR1, TOR2 and TOR3 set out that proposals for tourism related development are acceptable provided that certain criteria are met. LP policy TOR2

states that the development of serviced and self-catering accommodation will be permitted on sites within existing defined settlement boundaries, or where the proposal results in the appropriate re-use of existing buildings or involves a proportionate extension to existing accommodation and LP policy TOR3 requires that proposals should be located within or adjacent to existing settlements or existing sites of tourism or hospitality facilities and accommodation. Proposals for new sites within the open countryside will need to demonstrate why the location is essential.

12. The site is located within the open countryside and is not located within or adjacent to a settlement boundary or existing tourism or hospitality facilities and accommodation and does not involve an extension to existing accommodation. Nonetheless, the siting of the shepherd's hut appears to be optimum given its location close to the existing farm buildings and the flood prone nature of other parts of the farm which renders the reuse of existing buildings impractical. The proposal makes adequate provision for car parking and is well related to the primary road network. Given the scale of the development the extra traffic generated would be limited, and there is no suggestion that the proposal does not provide inclusive access for all potential users. There are public transport options available to visitors of the hut, which would be within walking distance of the site, and facilities in nearby Coombe Hill would be accessible on bike or foot.
13. In summary of the above the site's location within the open countryside results in conflict with LP policies TOR2 and TOR3. Nonetheless, I find that the development would accord with the wider aims of these policies which seek to promote sustainable tourist development and protect the open countryside. Given this I find that no harm would arise from this conflict.

SAC

14. Whilst not forming a reason for refusal, the Council set out that the site is within the Zone of Influence for the SAC, a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Regulations). The Cotswold Beechwoods SAC Recreation Mitigation Strategy (2022) sets out that development that has the potential to lead to an increase in recreational pressure on the SAC has the potential to give rise to significant effects, either alone, or in combination with other proposals.
15. The SAC was designated due to it comprising an internationally important area of beech forests, dry grasslands and scrublands. The woodlands are recognised as amongst the most diverse and species-rich of their type, whilst the grasslands exemplify calcareous pastures for which the area is renowned. Increased recreational activity is placing pressure on the SAC.
16. The Habitats Regulations require the competent authority to ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of European designated sites such as the Cotswold Beechwoods SAC.
17. There is a reasonable likelihood that the SAC would be accessed for recreational purposes by visitors of the shepherd's hut. Although small in itself, this may lead to the harmful disturbance of the habitat and is likely to have a significant adverse effect on the integrity of the SAC, when considered in combination with other development in the area. In such circumstances, the Regulations place a duty on

the competent authority to undertake an appropriate assessment (AA) of the implications of the scheme. That responsibility falls to me in the context of this appeal.

18. As part of the AA regard can be had as to whether these adverse effects can be mitigated. A UU has been submitted which includes a financial contribution to ensure that recreational pressure is avoided or limited to such a degree that it would preserve the integrity of the SAC. Natural England has been consulted as part of the AA and has confirmed that the measures are sufficient to avoid an adverse impact on the integrity of the SAC.
19. The evidence indicates that this planning obligation fairly and reasonably relates in scale and kind to the development proposed. The signed and dated UU references this proposal and is supported by evidence of title. I am satisfied that the obligation is directly related to the development proposed, is complete and provides certainty that the mitigation required in this case can be secured. On this basis, the UU satisfies the test for planning obligations, as set out in Regulation 122 of the CIL Regulations 2010 (as amended).
20. In light of the above, I am satisfied that the contribution secured by the UU would adequately overcome any adverse effects on the integrity of the SAC. I therefore find there would be no adverse effect from the proposed development on the integrity of the SAC. Thus, the proposal would accord with the relevant provisions of the Regulations.

Conditions

21. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the National Planning Policy Framework and Planning Practice Guidance, without altering their fundamental aims.
22. A time limit condition is not necessary as the use has already been implemented. A condition stating the approved drawings is necessary to provide certainty. Conditions requiring that the development be carried out in accordance with the preliminary ecological assessment and which require the approval of ecological enhancement features and external lighting are necessary to provide opportunities for the creation of suitable habitat features and to ensure that the scheme does not adversely impact protected species.
23. In view of my conclusion that the landscape impacts of the proposal can be made acceptable through landscape mitigation, a condition is necessary requiring the approval, implementation and retention of a landscaping scheme. A condition relating to surface water drainage is necessary in the interests of pollution and flooding. A condition relating to a noise management plan is necessary in the interests of the living conditions of the occupiers of nearby dwellings.
24. A condition limiting the number of shepherd's huts to one is necessary as I have found that the proposal is acceptable due to its small scale and additional units may result in greater effect on the character and appearance of the area and the integrity of the SAC. A condition which restricts the use of the site for short term holiday purposes is necessary to support the tourism industry and prevent its occupation as a permanent dwelling. In the interests of enforceability, I have

included the requirement to keep a register of occupiers of the shepherd's hut as part of that condition.

25. I have amended the timescales of some of the conditions put to me to ensure that the appellant has sufficient time to prepare and submit the required information.

Conclusion

26. For the above reasons, whilst conflict arises with the development plan in relation to the location of the development, I have found that, as the development would promote sustainable tourist development and protect the open countryside, that conflict brings no harm. The proposal would enhance the viability of the existing agricultural business. Given the limited development plan conflict, I am satisfied that there are material considerations which indicate that a decision be taken other than in strict accordance with the development plan. I therefore conclude that the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development shall be carried out in accordance with the following drawings: Drawing 01 Rev P2, Drawing 02 Rev P1, Drawing 03 Rev P1, Drawing 05.
- 2.) The development hereby permitted shall be carried out in accordance with the Drainage Strategy (23017 v1 by Sutton Cox Architects).
- 3.) The recommendations included within the Preliminary Ecological Appraisal (Wildwood Ecology, October 2023) shall be strictly adhered to.
- 4.) A plan providing ecological enhancement features, including bat boxes, creation of hibernacula / log piles within the orchard and near the hedgerow, installation of a native species-rich hedgerow and planting of additional orchard tree species, along with a timetable for their implementation, shall be submitted to the Local Planning Authority within 6 months of the date of this decision and shall be approved in writing by the Local Planning Authority. The ecological enhancement features shall be implemented in accordance with the approved timescale and shall thereafter be retained.
- 5.) A Noise Management Plan, including a timetable for implementation of any proposed measures, shall be submitted to the Local Planning Authority within 6 months of the date of this decision and shall be approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved timescale and shall thereafter be retained.
- 6.) A detailed landscaping scheme shall be submitted to the Local Planning Authority within 6 months of the date of this decision and shall be approved in writing by the Local Planning Authority. The landscaping shall be implemented in accordance with the approved details within the first planting and seeding seasons following the approval of the landscaping scheme; and any trees or plants which within a period of 5 years from the completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7.) Prior to the installation of any external lighting, a lighting strategy scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall detail the location and specification of the lighting and shall be supported by contouring plans demonstrating any light spill into adjacent habitats. Any external lighting shall be implemented in accordance with the approved lighting strategy scheme.
- 8.) The site shall provide no more than one pitch which shall solely be used for the siting of a shepherd's hut and for no other 'caravans' (static or touring) as defined by the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968.
- 9.) The site shall be used for short term holiday purposes only and shall not be occupied as a person's sole or main place of residence and shall not be occupied by any individual, family or group for more than 1 month in any one period of a 12 month period.
- 10.) The owners/operators of the visitor accommodation hereby approved shall maintain an up-to-date register of the names of all occupiers of the unit. This register shall be made available within one calendar month of a written request by the Local Planning Authority.

END OF SCHEDULE OF CONDITIONS