



Appeal Decision

Site visit made on 12 August 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/G1630/W/25/3364053

Land at Olde Lane, Toddington, Cheltenham GL54 5DW

- 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 Holmes against the decision of Tewkesbury Borough Council.
- The application Ref is 24/01018/FUL.
- The development proposed is demolition of an existing agricultural barn and its replacement with a new open fronted agricultural storage barn.

Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing agricultural barn and its replacement with a new open fronted agricultural storage barn at Land at Olde Lane, Toddington, Cheltenham GL54 5DW in accordance with the terms of the application, Ref 24/01018/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In considering whether to grant planning permission for development which affects a listed building or its setting, section 66(1) of the Listed Buildings and Conservation Areas Act 1990 (the Act) requires me to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.
3. There is no similar statutory duty with regards Registered Parks and Gardens and Scheduled Monuments. However, with reference to the National Planning Policy Framework (the Framework) they are designated heritage assets, with Scheduled Monuments being of the highest significance (paragraph 213b), along with Grade I and II* listed buildings. Pursuant to paragraph 212 of the Framework “great weight” should be given to the heritage asset’s conservation (and the more important the asset, the greater the weight should be).
4. A Heritage Impact Assessment¹ was submitted with the appeal. The Council have had the opportunity to comment as part of the appeal process.
5. The Council’s delegated report accepts the design of the proposed building is for the purposes of agriculture and for an identified storage need. I have no reason to take a different view. On my visit I also saw a green shipping container had been placed on the appeal site, which is not shown on the plans. This does not form part of the proposal before me. The submitted plans also indicate a structure of some kind (marked with a cross) to the rear of the existing building and adjacent to the

¹ Richard K Morriss & Associates March 2025

site's eastern boundary. I did not see a structure to the rear of the existing building at the time of my visit.

6. I understand that the Garden's Trust have commented on previous applications at the appeal site. However, they have not provided a consultation response for the specific proposal before me.

Main Issues

7. In light of the above and the reasons for refusal, the main issues in this appeal are:
 - a) The effect of the proposal on the special interest and significance of the heritage assets, and
 - b) The effect of the proposal on the Cotswold National Landscape.

Reasons

8. The proposal would involve replacing the existing timber clad agricultural building with a new one on approximately the same footprint and on the same part of the site. The existing building, which measures about 12.9m by 4.6m and about 2.4m tall, sits side on and close to Olde Lane. The proposed building would be about 6.15m wide, which is wider than the existing building, and the proposed mono-pitched roof would be about 1m taller and rise to a height of about 3.5m. The plans show the building would have 3-bays, would be large enough for a tractor to drive into it, and would have an open frontage facing west into the site.

a) Heritage

Special interest and significance of the heritage assets

9. The appeal site is a small parcel of rough grassland located just within the current boundary of the Grade II Toddington Manor Registered Park and Garden² (the RPG) in one of its southern corners along Olde Lane. The appeal site is also within the influence of a number of historically associated designated heritage assets, whose special interest and significance are very much entwined. The Grade I listed Toddington Manor³ is a country manor house built between 1819-1835 by, and for, Charles Hanbury-Tracy, who also laid out the surrounding pleasure grounds (now part of the RPG), improved the deer park and had the Grade I listed Church of St Andrew⁴ built. In the grounds of the RPG are the Grade II* ruins of the former Toddington House⁵ dating from the 1620s, which is also a Scheduled Monument known as "Toddington Manor gatehouse"⁶.
10. The RPG is a late 18th century designed landscape park around formal gardens and the early 19th century Toddington Manor. It is open with scattered trees and to the south there are some mature conifers that indicate the layout of former avenues, such as the ones close to the appeal site. Insofar as the appeal is concerned, the significance of the RPG is largely derived from its surviving layout and designed landscaping associated with two country houses for the same family over the last 400 years. In 1900 the Manor was sold, and after 1935 the estate was broken up. The current boundaries of the RPG exclude the Church, Toddington

² National Heritage List for England: list entry number 1000785

³ National Heritage List for England: list entry number 1340101

⁴ National Heritage List for England: list entry number 1154923

⁵ National Heritage List for England: list entry number 1303593

⁶ Scheduled Monument list entry number 1004840

village, the modern houses on the south side of Olde Lane and a parcel of land to the east on Olde Lane, which was the subject of a previous appeal for a dwelling⁷.

11. The appeal site is enclosed with a mix of post & rail fencing and timber ranch fencing, which also physically separates it from the RPG. The site is accessed via a gate off Olde Lane. A timber-clad agricultural building is already sited in the far south east corner of the site. The rough grassland is also in visual contrast to the more manicured character and appearance of the rest of the RPG - indeed during my visit I saw the park grounds being neatly mowed in stripes. On the adjacent parcel of the land to the west (Wellington Meadows), which is also within the appellant's ownership and RPG, planning permission has been granted⁸ for a larger agricultural building, which I saw has been erected. Hence, these existing buildings establish a more agricultural nature to the land and have changed the character and appearance of this southern edge of the RPG, such that the integrity and heritage merit of this edge has already been compromised, notwithstanding the condition of the existing building. Consequently, there is a visual and physical disconnect between the appeal site and the RPG. The appeal site thus makes a neutral contribution to the significance of the RPG.
12. The Grade I Toddington Manor is described in the listing as being a very important Gothic-revival building with detailing largely derived from Perpendicular work at Oxford thought to have influenced the design of the country manor Highclere and the Houses of Parliament. It forms a group with the terraced walls of the pleasure gardens closer to the house and with the Church to the south. The special interest and significance of Toddington Manor is largely derived from its architectural and historic interests as a significant example of a large, early 19th century country house specifically designed and built by its then owner. Its traditional construction and materials, surviving historic fabric, ornate detailing and its influence on the design of other notable historic buildings make important contributions in these regards.
13. The setting of the main house within the RPG allows its visual impact to be appreciated unchallenged. It is a house of the highest status with long views and the presence of extensive and designed surrounds for personal recreation. At the same time the house provides a context from which to appreciate and understand the RPG. The combined effect of Toddington Manor and its surrounding parkland means the nature, magnitude and scale of the estate is still readily apparent. For these reasons, the setting of Toddington Manor, mostly, makes a meaningful and positive contribution to its special interest and significance. However, the appeal site, as already described, is located within a much changed edge of the RPG. Furthermore, there is no inter-visibility between the main house and the appeal site due to the significant separation distance and intervening vegetation. Thus the appeal site, as part of Toddington Manor's setting, makes a neutral contribution to its significance.
14. The grade I listed 19th century Church of St Andrew lies to the south of Toddington Manor, but outside the current boundary of the designated RPG. As already stated, it was built by the owner of Toddington Manor as a designed part of the surrounding parkland and estate. The Church is ornate and highly decorated with an imposing tower and spire that is a visible landmark in the wider area from the

⁷ APP/G1630/W/23/3330860 dated 5 April 2024

⁸ Local Planning Authority ref: 16/01025/FUL granted 4 May 2018

village and parts of Olde Lane and across the paddock that sits adjacent to the appeal site. Its special interest and significance are largely derived from its architecture and historic association with Toddington Manor as part of a designed landscape. Relevant to the appeal, special interest and significance are also derived, in part, from the Church's setting. This comprises its immediate surrounds of an enclosed and clearly demarcated churchyard; and its wider setting from which it is experienced and appreciated as a landmark ecclesiastical structure. The appeal site, by reason of its separation distance from the Church, and its agricultural character and eroded relationship with the RPG makes a neutral contribution to the wider setting and thus special interest and significance of the Church.

15. The remains of Toddington House (and Scheduled Monument Toddington Manor gatehouse) was the home of the Tracy family since the 10th century, with the first manor house built in the 1620s. It was later damaged by fire and then demolished after the current Toddington Manor was built. The Grade II* listed ruins of the former early 17th century house lie to the south west of the current Toddington Manor and the Church with clear inter-visibility between them. Its special interest and significance are largely derived from its architecture and historic interests in charting the history of the Tracey family's country house and its part in the evolution of the estate and being at the centre of the parkland setting. The ruins of the house are still surrounded by mowed grassland as part of the private parkland grounds and RPG. Hence its immediate and wider setting, on the whole, makes an important contribution to its special interest and significance. However, as with the Church, the change in character of the appeal site over time and its physical and visual separation means that this part of the wider setting of Toddington House and the Scheduled Monument makes a neutral contribution to its significance
16. Bringing together the above, the form, character and position of the appeal site with the RPG, and in its settings of the listed buildings and Scheduled Monument mean that it contributes neutrally to their significance.

Effects of the proposal

17. The increase in height of the building would make the building more visible from along Olde Lane than the existing building. The replacement building would still be agricultural in design and would be of a style that is not uncommon in the countryside and hence would not be out of keeping with the existing agricultural setting of the site. The palette of materials would also be similar to those used on the existing building, namely wavy edged timber cladding and a corrugated metal roof, details of which could be conditioned.
18. Furthermore, the proposed building would occupy approximately the same part of the site as the existing building, albeit a bit wider and taller, such that there would be no fundamental change to the character and appearance of the site or this already eroded edge of the RPG. Even considering the cumulative effect, the proposal would be a replacement building – not an additional building on the site nor a new building in an empty field.
19. I am satisfied that an appreciation of the RPG would not be diminished by the proposed replacement agricultural building, and its significance would not be harmed.

20. Due to the limited change to the appearance of the appeal site, the proposal would also preserve the settings of the aforementioned listed buildings, including maintaining the setting of the Scheduled Monument. Furthermore, the proposed building would not obscure views of these listed buildings. The views of the Church spire and the views mentioned in the previous appeal would be maintained and the Church would remain a landmark in the wider village.
21. In determining the appeal I have given due regard and weight to the objection by Historic England. However, from the evidence before me, my own site observations and taking all of the above into account, I have found the proposal to be acceptable within this context
22. To conclude on this main issue, the proposed replacement building on the appeal site would not weaken the authenticity of how the RPG and the listed buildings (and Scheduled Monument) are experienced. Nor would it alter the ability to appreciate their intrinsic heritage interests. Therefore, the proposal would not harm the significance of the RPG. It would also preserve the settings of the listed buildings, namely Toddington Manor, the Church of St Andrew and Toddington House (ruins) and the Scheduled Monument (Toddington Manor gatehouse). Hence their significance would not be harmed. The proposal would thus satisfy the requirements of the Act and the provisions of the Framework.
23. Accordingly, the proposal would comply with Policy SD8 of the Joint Core Strategy (the Core Strategy) and Policies HER2 and HER3 of the Tewksbury Borough Local Plan (the Local Plan). Collectively these seek to ensure that heritage assets and their settings are conserved, and that development does not have an adverse effect on their settings, including safeguarding against development that would destroy a RPG or adversely affect its character.

b) Cotswold National Landscape

24. The appeal site lies within the Cotswolds National Landscape (the CNL), formerly the Cotswolds Area of Outstanding Natural Beauty, which is a nationally protected landscape. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area⁹. Where the National Landscape has a Conservation Board, the Board has an additional purpose to increase public understanding and enjoyment of the special qualities of the area. The Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions to now “seek to further” the statutory purposes of Protected Landscapes. Framework paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.
25. The CNL is a sensitive location renowned for the quality of its built and natural environment. The CNL Management Plan (2023-2025) describes the CNL as being a rich mosaic of historical, social, economic, cultural, geological, geomorphological and ecological features. It goes on to state that the special qualities of the CNL include distinctive settlements developed in the Cotswolds vernacular with high architectural quality, which is evident in the predominant stone building material and wealth of listed buildings, cultural association, a landscape for quiet recreation and the tranquillity of the area.

⁹ Section 85 of the Countryside and Rights of Way Act 2000

26. Policy CE6 of the Management Plan seeks to preserve the historic environment and cultural heritage of the CNL and that proposals should have regard to heritage assets and their setting. There is also acknowledgement that land management and farming practices can impact upon the historic environment. Policy SD7 of the Core Strategy requires development proposals within the CNL to conserve and where appropriate enhance its landscape, scenic beauty and other special qualities.
27. Consequently, appropriate development in the CNL is not precluded. Local Plan Policy AGR1 contains a number of criteria for agricultural development, including that it is well sited in relation to, amongst other things, existing buildings, tracks, ancillary structures and landscape features in order to minimise adverse impact on the visual amenity of the rural landscape, paying particular regards to [AONBs] and is sympathetically designed in terms of height, mass, materials, colour and landscaping where appropriate.
28. The proposed timber clad agricultural building would replace the existing timber clad agricultural building, and would occupy the same part of the site, albeit the new building would have a slightly larger footprint and would be about 1m taller overall. Residents of Olde Lane, and those whose properties face towards the site, would have some views of the proposed building, as they do of the existing building. But this limited visibility does not mean that the CNL would automatically be harmed. The appeal site is a relatively small parcel of land that is fenced off from adjacent fields, and the main part of the RPG, as the estate has been broken up over the years.
29. It is not unreasonable to need to replace a timber clad agricultural building with another. Nor is it uncommon to see such buildings in the CNL, which includes a large rural and working farming landscape. Indeed, the existing building has already been erected in the CNL, and there is no substantive evidence before me to indicate the building is in breach of planning control. Furthermore, the Council has approved the agricultural building in the adjacent Wellington Meadows. The appeal site and proposed building would be located opposite modern houses along Olde Lane and to the rear of properties along the main road in the village. Hence the proposed building would not be isolated or sited within an expansive and open countryside setting. Nearby trees restrict wider views of the countryside beyond.
30. The plans show the proposed building would also have wavy edged timber cladding and a corrugated metal roof, which is a palette of materials similar to those already used on the existing building. The design of the building and its materials would ensure the building would retain an agricultural character and appearance, even if its appearance would be newer and more modern.
31. From the evidence before me and my observations on site, I am satisfied that the landscape and scenic beauty of the Cotswolds National Landscape would be conserved. I have also found there would be no harm to the nearby historic environment. Accordingly, the proposal would not conflict with Core Strategy Policy SD7, Local Plan Policy AGR1 and Policy CE6 of the CNL Management Plan, whose aims are set out above.

Other Matters

32. A number of Interested parties raise several additional objections to the proposal including on matters of access, traffic, drainage and flooding. The Council's

Delegated Report summarised these representations and addressed the matters in its discussion of the various issues, as well as reporting the comments from consultees. I have considered the evidence before me and in the absence of substantive evidence to the contrary I have no reason to take a different view to the Council and professional consultees on these matters. Therefore, given my findings in relation to the reasons for refusal of the application and main issues, these are not matters that have been determinative to my decision.

Conditions

33. Without prejudice, the Council has listed a number of conditions, including pre-commencement conditions, to be imposed should the appeal be allowed. I have considered them against the advice and tests in the Framework and the Planning Practice Guidance.
34. I have imposed the standard condition that limits the lifespan of the planning permission and have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
35. In the interests of the character and appearance of the area it is necessary to impose a condition requiring details of the materials to be used. To ensure a satisfactory form and setting of development I shall impose the ecological and tree protection conditions, especially as the building would be in the vicinity of a number of trees protected by Tree Preservation Orders. The site falls within Flood Zone 2, but the building would be for a 'less vulnerable' use and is hence permitted in this flood zone under the Framework, but a detailed drainage scheme to deal with surface water and reduce flood risk is required.
36. As part of the appeal evidence I have been sent the decision notice for the agricultural building that was granted planning permission to the appellant on the adjacent Wellington Meadows. That decision had additional conditions relating to limiting the use of the building to agricultural use and no external lighting unless to an approved scheme to safeguard the amenity of residents and rural landscape of the CNL. These conditions would equally apply to the proposed building before me, and hence their principle and purpose would be reasonable and would not come as a surprise.

Conclusion

37. For the reasons given above I conclude that the appeal should be allowed.

K Stephens
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the location plan and proposed block plan Drawing No 1705-F-100 and the proposed ground floor plan and elevations and section Drawing No 1705-F-210 except where these may be modified by any other conditions attached to this permission.
- 3) No development shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the proposed building and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
- 4) The development is to proceed in strict accordance with the mitigation measures detailed within the ecology report.
- 5) Prior to the building first coming into use, an Ecological Enhancement Plan is to be submitted to and approved in writing by the local planning authority. The Plan will include enhancement measures for bats and birds as outlined in the ecology report and include the specification and location of the enhancements. The Plan should be implemented in accordance with the approved details and retained for the life of the development.
- 6) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of infiltration testing, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed should be provided. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified instead. The drainage scheme shall also include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details and retained for the life of the development.
- 7) No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These measures shall include:
 - i) Temporary fencing and ground protection for all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to

be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

ii) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the Construction Exclusion Zone (CEZ). Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the Local Planning Authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

- 8) Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.
- 9) The development hereby permitted shall only be used for agricultural use and the storage of associated agricultural feed and equipment and shall at no time be used for any commercial purpose (other than agriculture) including for livery.
- 10) No external lighting shall be installed on the building or at the site, except in accordance with full details that have first been submitted to and approved in writing with the Local Planning Authority. All approved lighting shall thereafter be maintained in accordance with the details so approved.

End of conditions