

Appeal Decision

Site visit made on 20 January 2026

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal Ref: APP/G1630/W/25/3375988

Land adjacent to The Forge, Easting 407739 Northing 236152.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jones against Tewkesbury Borough Council.
 - The application Ref is 25/00560/FUL.
 - The development proposed is outbuilding for agricultural use incorporating solar panels to roof.
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Decision

1. The appeal is dismissed and planning permission for outbuilding for agricultural use incorporating solar panels to roof is refused.

Procedural Matters

2. The appeal relates to a planning application which was not determined by the Council within the prescribed period. Although, the Council has set out that it would have refused planning permission had it had opportunity to do so. Therefore, I have had regard to the parties' submissions in establishing the main issues in this appeal.
3. The Council considers that the proposed development is not reasonably necessary for the purposes of agriculture, that the design, scale and siting of the new building would have a harmful effect on the character and appearance of the surrounding area, including the National Landscape, and that insufficient information has been submitted to demonstrate that the proposal would have an acceptable means of access and not cause harm to ecology in regard to biodiversity net gain (BNG).

Main Issues

4. Having regard to the above, the main issues in this appeal are:
 - whether the proposed building is reasonably necessary for the purposes of agriculture;
 - the effect of the proposal on the character and appearance of the surrounding area;
 - highway safety; and,
 - biodiversity.

Reasons

Purposes of agriculture

5. It is asserted that the appeal site is part of a piece of land registered as a farm business and the land has been predominately used for grazing in recent years.

However, as declared on the submitted application and appeal forms, the appeal site is not part of an agricultural holding.

6. While the appeal site and access thereto are outlined in red on the submitted plans, it has not been indicated what other land nearby is within the appellant's ownership, or that such and any other agricultural land within their ownership or management is associated with an agricultural enterprise.
7. The appellant sets out that they own a parcel of land of some 1.4 hectares and evidence provided shows they have a government backed countryside stewardship scheme commitment to deliver wildflower and other biodiversity enhancements on their land. To undertake the works associated with this and maintain their land, the appellant needs to purchase varying agricultural equipment, which needs to be securely stored. Consequently, there would be a functional link between the proposed building and the appellant's stewardship works. However, this does not demonstrate that the appeal proposal is needed for the purposes of agriculture, as defined under the Town and Country Planning Act.
8. Even though the design of the proposed building would be akin to that of typical agricultural buildings, that the scale of the building has been reduced compared to the previous scheme, Council ref. 25/00198/FUL, and the building would be located close to other buildings, the proposal fails to meet the requirements of part 1 of Policy AGR1 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022) (LP). This requires proposals for new agricultural development to meet the needs of the agricultural business and, provided, amongst other matters, that the proposed development is reasonably necessary and designed for the purposes of agriculture. However, in view of the above and from the evidence provided, all the requirements of Policy AGR1 have not been demonstrated.
9. Consequently, the proposal would not be reasonably necessary for the purposes of agriculture and so conflicts with Policy AGR1 of the LP.

Character and appearance

10. The appeal building would be in the open countryside, located toward the corner of a parcel of land adjacent to The Forge and its residential garden. The Forge is a non-designated heritage asset that lies within the Buckland Conservation Area (CA), although the proposed building would be outside the CA. Also, the appeal site is within the Cotswold National Landscape, which is an area of landscape importance, due to its landscape and visual sensitivity and intrinsic beauty. Policy SD7 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) (JCS) sets out that all development within the Cotswold National Landscape will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife and cultural heritage and other special qualities.
11. There is a public right of way along the length of one side of the wider parcel of land and, as I observed during my site visit, there is a further public right of way crossing the adjacent parcel of land, with views across toward The Forge and the land where the appeal building is proposed.
12. The significance of the CA is derived from its rural, leafy appearance, wide grass verges, quiet winding lanes, and wealth of historic buildings, which are typical of the Cotswold vernacular, including traditional stone cottages, such as The Forge.

Consequently, as an attractive, historic stone cottage, The Forge makes a positive contribution to the significance of the CA and the character and appearance of the surrounding area generally.

13. Despite that the proposed building would be smaller than the previously proposed building, Council ref, 25/00198/FUL, it would not be of insignificant scale, with a floor area not that different to The Forge. Additionally, the proposed building would not be constructed of stone, would be taller than other nearby outbuildings and its roof would be dominated by solar panels, which would increase its prominence within the landscape. Therefore, the proposal would not be in keeping with the scale, form, and character of the surrounding area. Furthermore, at the time of my site visit, there was no means of enclosure dividing the parcel of land from the garden of The Forge, and so, there would be clear, uninterrupted views across the land of the new building and between The Forge and edge of the CA and the proposed building.
14. Due to the scale, design and location of the proposed building, it would appear as an overly dominant, anomalous feature, which would not conserve and enhance the surrounding landscape, scenic beauty nor the cultural heritage, which form part of the special qualities of the Cotswold National Landscape. As set out within the National Planning Policy Framework, great weight should be given to conserving and enhancing the landscape and scenic beauty of National landscapes.
15. In view of the above, the proposal would have a harmful effect on the character and appearance of the surrounding area, in conflict with Policies SD4, SD6 and SD7 of the JCS and Policies AGR1 and LAN2 of the LP. These policies, amongst other things, require development to be well designed by protecting and or enhancing landscape character and setting.

Highway safety

16. Even if the existing field access is permitted development, there is limited visibility in both directions on leaving the access, due to hedgerows either side. Also, the access currently only serves grazing land and so, the proposed building would likely increase the need to use the field access for deliveries to and to store vehicles therein. In view of these factors, the use of the access for the proposed development would likely lead to accidents on the highway. Additionally, the highway authority has set out that the surface of the existing access verge crossing is not suitable for the intended use, and so would need up-grading, although such works do not form part of the proposal.
17. To provide the required visibility to allow a safe means of access for the 30mph speed limit along the road, some 43m visibility splays would be required in both directions. This would necessitate the removal of a significant amount of hedgerow, which would cause harm to the landscape character of the surrounding area, adding to the harm I have identified in relation to the above main reason.
18. Having regard to the above, the proposal would have a harmful effect on highway safety, in conflict with Policy INF1 of the JCS and Policy TRAC9 of the LP, which amongst other matters require new development to provide safe and accessible access.

Biodiversity

19. The Biodiversity Impact Assessment (BIA) (dated March 2025) submitted with the appeal proposal relates to a different area to that shown on the proposed site plan, including that it excludes the access way to the proposed building. Consequently, even though the BIA shows that approximately 33% net gain would have been delivered in respect of the previous, larger building scheme, the baseline data does not include the whole of the appeal site and so, does not include all habitats therein as part of the calculations for biodiversity net gain.
20. Also, even though the appellant sets out that they own the wider parcel of land, the submitted site plan for the appeal proposal does not show, outlined in blue, the extent of such land and this is outside the appeal site in any case. Therefore, while the appellant intends to deliver biodiversity enhancements under a countryside stewardship scheme on the wider land, based on the evidence provided, I cannot be sure that any required off-site biodiversity would be of an acceptable level and that it would be appropriately delivered, managed, and maintained.
21. Having regard to the above, it has not been demonstrated that the proposal would not have a harmful effect on biodiversity. Therefore, the proposal would conflict with Policies SD9 and INF3 of the JCS and Policies AGR1, NAT1 and NAT3 of the LP which, amongst other matters, seek the conservation and enhancement of green infrastructure and biodiversity.
22. However, I find no conflict with Policy NAT2 of the LP, as this relates to the water environment, yet there is no watercourse within the appeal site and no substantive evidence has been provided to demonstrate harm to any nearby watercourse.

Other Matters

23. The appeal site is within Flood Zone 1 and a drainage strategy and calculations have been submitted with the appeal proposal. Additionally, the Council's drainage engineer has raised no objections to the proposal. In view of this and without substantive evidence to the contrary, subject to condition, the proposed development would have acceptable drainage facilities and would not cause harmful flooding. Also, the actions of the Council in making its decision are neutral matters in terms of my findings on the main issues.

Conclusion

24. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. Accordingly, the appeal is dismissed and planning permission refused.

C Billings

INSPECTOR