

Design memo for works at
Land nr Raybarrow Farm, Nettleton Shrub SN14 7NN

DATE OF REPORT	29.07.2026 REV -	
PURPOSE	DESIGN / PLANNING MEMO	
VISIT BY	Matthew Clay (MRC)	Matthew Clay Architects Ltd (MCA / Architect)

A PRECIS

A.1 Property summary

- A.1.1 The plot of land is situated near the hamlet of Nettleton.
- A.1.2 Mr Wayne Clark (WC)- the current owner - has owned the plot for a number of years and has used it for agricultural purposes.

B PLANNING HISTORY

B.1 First Enforcement Notice

- B.1.1 An enforcement notice - ENF/2025/00064 - was served on WC and the acting Enforcement Officer at the time - Mr John Langdown (JL) - had numerous discussions about the nature of the non-permitted works requirements and confirmed, in an email dated 09 June 2025, that there were 2 principal concerns, namely -
- B.1.2 *1. Hardstanding - The extent of the hardstanding and the importation of road planings / scalping is not something the Council would be seeking a planning application for, given the apparent existing hardstanding on the land. However, I must be clear to say that if the area of hardstanding is increased further, beyond what it currently is, this may trigger the need for planning permission being required.*
- B.1.3 *2. Storage Cabin - As discussed during our meeting I understand to intend to have a permanent storage unit on the land. Whether this is the existing green cabin, or a new structure, both require planning permission. I ask that you submit a retrospective planning application to regularise this breach of planning control.*

B.2 First Planning Application

- B.2.1 Following further emailed correspondence between Matthew Clay Architects (MCA) and JL to confirm the extent and timings for the retrospective application, an application - PL/2025/09935 - was lodged with WCC.
- B.2.2 Peter Crozier (PC) was acting Planning Officer for the application but it was clear from the various emailed correspondence that he did not look closely at JL's notes from the various site visits and he was not able to speak to JL as JL had left WCC by that time.
- B.2.3 Eventually, a Refusal Notice was issued citing the following reasons -
- B.2.4 *1. The proposed development represents an incongruous character and appearance in this rural setting. Visually it does not appear to be related to agricultural activity or use, and no information has been submitted with the application to demonstrate any specific agricultural need. Core Policy 57 (i) and (ii) require that development responds positively to the value of the natural setting and*

relates positively to its landscape setting, and that important landscaping features are retained and enhanced. The application conflicts with these fundamental aims of Core Policy 57, as well as the NPPF aims of development being sympathetic to its landscape setting (paragraph 135) and creating high quality, beautiful and sustainable places (paragraph 131).

- B.2.5 2. The site is situated within the Cotswold National Landscape within which there is a duty on the local planning authority to 'further the duty' of conserving and enhancing land situated within this designated area. The former agricultural character of the site, which complemented its rural location and setting, has been materially eroded and harm has been caused to the site, its setting, and thus the Cotswold National Landscape. The impacts of the proposal thus lead to conflicts with Core Policy 51 (ii, iii, v, ix) (WCS), Saved Policy NE14 (NWLP) and Section 15 of the NPPF in terms of landscape and visual impact.
- B.2.6 3. The site falls within the Bath and Bradford-on-Avon Bat Special Area of Conservation and, per paragraph 194(a) of the NPPF, the site is afforded the same protection as a habitats site. Core Policy 50 (WCS) requires that proposals 'avoid harm' to ecological assets and to deliver biodiversity and enhancement. The proposed development, an extent of which has already occurred, does not meet this policy requirement and as such the application conflicts with Core Policy 50 (WCS) and paragraphs 193-195 of the NPPF.
- B.2.7 4. There is no demonstrated need for the creation of an additional (second) access to the site, as shown on the submitted plans. The application does not demonstrate acceptability in highway terms, in particular: (i) the provision of appropriate visibility splays (without reliance on third-party land), and (ii) the necessary set-back of the proposed gates from the highway, the latter of which may well have impacts on design and character. As such, the proposal is unacceptable in terms of highway safety, and conflicts with Core Policy 61 (WCS).
- B.3 Second Enforcement Notice**
- B.3.1 A subsequent enforcement notice - ENF/2026/00429 - was served on WC after WCC received complaints about light pollution at night from several security lights that WC had installed at the property.
- C UPDATE APPLICATION SUMMARY - PLEASE REFER TO ACCOMPANYING DRAWINGS 303.3.110 , 120 & 121 AS WELL AS THE 'BAT IMPACT ASSESSMENT' AS PREPARED BY SMART ECOLOGY LTD.**
- C.1 Addressing original enforcement issues / planning refusal reasons**
- C.1.1 **Addressing reasons 1 & 2** - The site is used by WC for agricultural purposes. The re-sited storage cabin was only visible by some 220mm above the timber-panelled fencing. To completely disguise the cabin, this fencing has been increased in height by 220mm. It seems implausible that a visually-hidden, modest container which is to be used for agricultural purposes needs to meet the requirements set out in the referenced policy.
- C.1.2 **Addressing reason 3** - A desktop survey and Bat Impact Assessment has been carried out by Smart Ecology. In their (accompanying / submitted) report, they considered that it was '*unlikely that the removal of this vegetation would have had a significant effect on the lesser horseshoe bat population, and thus a negative impact on the integrity of the SAC.*' Further planting was suggested to create a beneficial foraging feature for bats and this, also, is shown on the updated plans.
- C.1.3 **Addressing reason 4** - Although there was a historic access point which was seemingly overlooked by PC in his assessment of the original application, WC is happy to remove the gates at this location and the proposed drawings have been updated to reflect this.
- C.1.4 **Addressing Enforcement Notice ENF/2026/00429** - The 3no security lights are shown on the proposed drawings and reference the accompanying Bat Assessment to ensure that any fittings do not cause undue harm to the area's bat population.