

Development Management
Wiltshire Council
(via email)

27th August 2026

Dear Ms Mitchell

Ref: PL/2026/04461

Site Address: Land at Church Lane, Limpley Stoke, Wiltshire

Proposal: Erection of 3 No. polytunnels, packing shed and welfare / tool shed with associated access and landscaping

Introduction/background

- 1.1. Context Planning Ltd have been instructed by the owners of Aroona, Church Lane, to prepare a representation to planning application reference PL/2026/04461 ('the application'), which will have direct and significant impacts upon the residents of the properties on Church Lane and the wider communities of Limpley Stoke and Freshford.
- 1.2. The application seeks full planning permission for the erection of 3 No. polytunnels, a packing shed and a welfare/tool shed, together with a new vehicular access onto Church Lane, car parking, hardstanding and landscaping ('the development'). The red line application site extends to 0.36 hectares and forms the western part of a larger agricultural field of approximately 1.7 hectares, which is currently in agricultural use producing a hay crop.
- 1.3. The site occupies a highly sensitive location. It lies in the open countryside, outside the settlement boundary of any defined settlement, within the Green Belt, and wholly within the Cotswolds National Landscape. Immediately to the west of the site, beyond a low stone boundary wall, stands the Grade II* listed Church of St Mary (List Entry 1364104), a church of Saxon origins, together with its churchyard and Grade II listed monuments (List Entries 1285575, 1021819 and 1194655).
- 1.4. The site also lies within the core area of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) consultation zone. The applicant's Preliminary Ecological Appraisal (PEA) assesses the boundary hedgerows as having a "*high likelihood of use*"

by Greater Horseshoe bats as commuting routes, and records the proximity of the Iford Manor SSSI, a summer maternity roost for *“the second largest breeding colony of Greater horseshoe bats”* in England.

- 1.5. Church Lane itself is a narrow historic rural lane. The applicant’s Heritage Statement describes the mature trees and raised hedgerows along the lane as *“the remains of an historic sunken lane which existed between Limpley Stoke and Freshford”*. The lane has a carriageway width of approximately 4.25m, with a footway of only approximately 0.8m width along its northern side backed by a high stone wall, and is subject to a 20 mph speed limit. Public rights of way cross the fields immediately to the south, connecting the church with Freshford Playing Fields, the Community Shop and Park Corner, and there are also views towards the site from the public rights of way network within BANES.
- 1.6. The concerns set out below relate to the location, scale and form of the operational development now proposed, as well as the significant and permanent harms that it would give rise to in one of the most sensitive settings in the parish. Upon review of the application, it is evident that the proposal raises a number of significant planning issues, and conflicts with local and national policy. Given the concerns raised, we would also ask that it is considered whether the development overall constitutes the change of use of the land.
- 1.7. A revised National Planning Policy Framework (‘the Framework’) was published on 17 August 2026, replacing the December 2024 version. Annex A(1) provides that its policies are material considerations from the day of publication, and it accordingly falls to be applied to this application. The Framework replaces paragraph numbering with policy references and distinguishes between plan-making policies and national decision-making policies, the former of which are not to be used in determining applications. References in this representation are to the national decision-making policies, and where the pre-application response cites the 2024 Framework we have identified the current equivalent.

Pre-application advice (ENQ/2026/00256)

- 1.8. The application follows a pre-application enquiry to which the Council responded on 18 May 2026. That response is material to the determination of this application, and it identified a number of fundamental concerns.
- 1.9. The officer’s summary concluded that the scheme was *“potentially acceptable in principle, however the development including creation of a new vehicular access would impact on the National Landscape and setting of a Grade II* listed building and these impacts weigh significantly against the acceptability in principle and social benefits which are identified and acknowledged”*.

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- 1.10. The Council's Landscape Officer advised: *"Due to the sensitivities of the site in landscape character terms and the potential visual impacts to Church Lane caused by the extensive engineering to gain access to the site, the impact on the setting to St Mary's church and views from local PRow caused by the proposed structures and car parking, it is likely that should the applicant decide to bring forward a formal planning application it will likely result in an objection on landscape grounds"*.
- 1.11. On the proposed access, the response stated: *"It is regrettable that a site has been selected without an existing access since the creation of the access gives rise to significant change in terms of the landscape setting and historic setting of the Grade II* listed church"*. Noting that another means of access to the agricultural land exists, it continued that *"the provision of a new access is therefore unjustified for the continued agricultural use of the land, and the need is derived solely from the proposed change in ownership"*, and queried why an alternative parcel of the same field, closer to the existing access, had not been put forward.
- 1.12. On the scale of built form and parking, the response advised that a packing building of 72 sqm GEA *"would seem significant in the context described"*, that *"the cumulative floorspace of the buildings seems ambitious for a market garden of the scale proposed"*, that *"agricultural buildings rarely create a need for formal car parking areas"*, and that the parking and turning *"may be considered over-provision for an agricultural use"*. The placement of polytunnels closest to the listed church was considered *"visually intrusive"* and *"alien to the setting"*. Officers advised that the built form should be consolidated, that a grasscrete or similar finish should be considered for any justified parking, and that only the first 5 metres of the access would need to be a consolidated surface.
- 1.13. The submitted application remains, in all material respects, the scheme upon which that advice was given: two separate buildings plus a bin store; a formal eight-space car park with extensive circulation areas; a 5m wide tarmacadam or concrete access ramp; and polytunnels which the applicant's own visual material confirms would remain visible from the churchyard. The fundamental concerns identified by the Council's own officers have not been overcome.

Principle of Development and the Green Belt

- 1.14. The starting point for the determination of the application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Wiltshire Core Strategy (2015) ('WCS'), the Wiltshire Housing Site Allocations Plan and the made Freshford and Limpley Stoke Neighbourhood Plan. The Framework provides that development plan policies are not to be given reduced weight simply because they were adopted before its publication; reduced weight arises only where a policy is materially inconsistent with a national decision-making policy.

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- 1.15. The made Freshford and Limpley Stoke Neighbourhood Plan is of particular relevance. The Plan records that the whole neighbourhood area *“is washed over by Green Belt”* and lies within the Cotswolds National Landscape. Its environmental objectives include, at 4.1.01, the conservation and enhancement of *“green fields, hedgerows, woodlands ... and environmentally sensitive areas against inappropriate development which has an adverse impact upon the extent, quality or longer term viability of the local environmental resources”*, and at 4.1.03, the design of *“facilities and services for residents and visitors, meeting their needs without damaging the attractive natural environment”*. Nothing in the Framework renders those provisions inconsistent with national decision-making policy, and they accordingly retain full weight.
- 1.16. The site lies in the open countryside for the purposes of WCS Core Policies 1 and 2, which direct development to defined settlements and strictly control development beyond them. The site is not within or adjoining the built-up area of any defined settlement within the local plan, nor is it a ‘settlement’ as that term is defined in the Framework. The development which is in the Green Belt must be determined under policies GB6, GB7 and GB8.
- 1.17. There is no objection to the horticultural use of the land, which is agreed does not constitute a material change of use. However, the application must be assessed against what the applicant’s own Business Plan describes. The Planning, Design and Access Statement (PDAS) characterises community activity as *“occasional”* and *“ancillary”*. The Business Plan, by contrast, describes quarterly ticketed seasonal events (with the group’s previous comparable events attracting 75–100 attendees), a *“calendar of engaging educational workshops and farm events”*, school and pre-school educational visits (with an identified funding stream for visits for ages 4–18), *‘green social prescribing’* programmes, open farm days, and success measures that include the number of attendees at community events and the numbers of adult and child visitors to the farm each year.
- 1.18. This is consistent with the Council’s pre-application analysis, which advised that facilities for community events and educational activities are *“beyond the scope of agriculture”* and that, as a Community Farm, sub-paragraphs (a), (b) and (h) of what was then NPPF paragraph 154 are engaged, *“since the use of the buildings and ancillary parking is more aligned with provision of community facilities (allotments/education) comprising ‘other forms of development’ than being limited to buildings and associated development required for agriculture”*. Those sub-paragraphs are now policies GB7(1)(a), GB7(1)(f)(iv) and GB7(1)(f)(iii) respectively. The PDAS contends that the entirety of the development falls within exception (a) as agricultural development. We do not however consider that position is supported by the applicant’s own Business Plan.
- 1.19. The applicant has itself acknowledged the importance of the non-agricultural element of the proposal. Responding publicly to the Council’s pre-application advice that community

events and educational activities are beyond the scope of agriculture, the applicant states on its website that its business model “depends on their inclusion”. The fact that the business model depends upon these activities indicates that they are a significant part of the proposed operation, rather than merely ‘occasional’ or ‘ancillary’ activities as described in the Planning, Design and Access Statement.

- 1.20. Policy GB7(1)(a) is drawn more widely than the policies of the earlier Framework, referring to development which is for agriculture, horticulture and forestry rather than to buildings for agriculture and forestry. However, it must be noted that the exception is defined by purpose, and it does not extend to development required for a purpose which is neither agricultural nor horticultural. On the applicant’s own Business Plan, the buildings, the car park and the new access are required in substantial part to serve storage/packing of food from off site, community events, educational visits, and visitor numbers which the Council has already advised lie beyond the scope of agriculture. The development does not therefore comply with Policy GB7(1)(a).
- 1.21. Even in respect of the elements described as agricultural, it has not been demonstrated that the scale of development is reasonably necessary for the proposed horticultural use of a 0.36 hectare holding. The proposal includes approximately 80 sqm of packing floorspace, a further approximately 80 sqm welfare/tool building, around 300 sqm of polytunnels, a bin store, eight parking spaces and associated hardstanding. This is proposed in support of an operation forecast to produce 20 vegetable boxes per week in Year 1, rising to 80 boxes per week by Year 6. The Business Plan identifies a comparable local enterprise operating from a 40 sqm packing shed.
- 1.22. The proposed packing and cold-storage facilities also cannot be considered solely in the context of produce grown on the application site. The Business Plan states that the farm will grow 80% of the vegetables required, with the balance bought in from other growers. However, its financial forecasts indicate that bought-in vegetables would account for 53.8% of vegetable sales by value in Year 1, reducing to 38.5% from Year 5. The business is also intended to supply boxes throughout the year, despite the holding initially being productive for only around 24 weeks. The packing and storage facilities would therefore serve to a large degree produce grown elsewhere.
- 1.23. Where development in the Green Belt is not for agriculture, horticulture or forestry, the categories at policy GB7(1)(f), which include material changes in the use of land, and the provision of appropriate facilities, including buildings, for allotments, apply only where the impact on the openness of the Green Belt is minimised and there would be no significant conflict with Green Belt purposes. Whilst this is a change from the requirement in the 2024 Framework to preserve openness, there is still a requirement to minimise impact, and this still carries with it the need to demonstrate that the development has been reduced to the minimum reasonably necessary in scale, footprint and siting. Two buildings, three polytunnels, a formal eight-space car park and circulation area, an engineered access ramp, a bin store and 1.8m perimeter deer fencing would reduce openness in both spatial and visual terms. If the development falls outside policy GB7 altogether it is inappropriate

development, and by policy GB6(2) substantial weight must be given to the harm to the Green Belt, including harm to its openness, which can be outweighed only by very special circumstances.

- 1.24. Policy GB7(1)(f) is engaged only where there would be no significant conflict with the Green Belt purposes, and one of those purposes, at policy GB2(1)(c), is to assist in safeguarding the countryside from encroachment. The application site performs that function directly. It is one of the last undeveloped fields on the southern side of Church Lane between the group of buildings around St Mary's Church at the Limpley Stoke end and the built edge of Freshford around Knowle House to the east, and it is the open land across which the two villages continue to read as separate places rather than as a single ribbon of development along the lane. The applicant's own Landscape and Visual Appraisal describes the Site as forming "part of the agricultural edge which surrounds much of the connected villages of Freshford and Limpley Stoke", and justifies the siting of the buildings on the basis that they would be "most closely associated with existing development/ settlement on Church Lane following the established settlement pattern". That is an acknowledgement that the development would extend built form along the lane and into the gap between the two villages. The introduction of two buildings, three polytunnels, a formal car park, an engineered access and 1.8m perimeter fencing into this field would be an encroachment into the countryside, and would erode the physical and visual separation of the two settlements. The County and District Landscape Character Assessments seek to "*conserve the distinctive rural and dispersed settlement pattern*", which is the very characteristic this gap sustains.
- 1.25. The Neighbourhood Plan addresses this directly. At paragraph 5.0.02 it records that the two villages "are made up of a number of distinct and separate hamlets", that "it is important to the community that any development does not rob the hamlets of their distinctiveness", and that "it is of equal importance that each village as a whole retains its identity and that there is no creeping coalescence between the two villages". The application site lies in the gap to which that provision is directed, and the development proposed is precisely the creeping coalescence which the community, through its Plan, sought to prevent.
- 1.26. It is noted that policy GB5(1)(a) asks that development plans identify opportunities to secure improved public access to greenspace, including allotments and community food production, within the Green Belt. That is a plan-making policy, and the Framework states in terms that the plan-making policies are not to be used when making decisions on development proposals.
- 1.27. Overall, therefore the development when taken as a whole, is considered to constitute inappropriate development in the Green Belt, and no very special circumstances have been demonstrated which would outweigh this harm by reason of inappropriateness and any other harm.

Landscape and the Cotswolds National Landscape

- 1.28. The site lies wholly within the Cotswolds National Landscape, in respect of which the Council is subject to the statutory duty under section 85 of the Countryside and Rights of Way Act 2000 (as amended by the Levelling-up and Regeneration Act 2023) to seek to further the purpose of conserving and enhancing the natural beauty of the area, a duty which the Framework expressly preserves. National Landscapes are Protected Landscapes for the purposes of the Framework. Policy N4(1) requires that development within them “*be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape*”, and places substantial weight on the importance of conserving and enhancing their natural beauty. The weight formerly directed by national policy was great weight; it is now substantial weight, and the requirement that development be limited in scale and extent and designed to avoid harm is a more strict test than the one it replaces. WCS Core Policy 51 is to similar effect.
- 1.29. The relevant Landscape Character Assessments identify the qualities that this proposal would erode. The County and District LCAs seek to “*conserve the distinctive rural and dispersed settlement pattern and the network of rural roads and sunken lanes that connect them*”, and the National Landscape LCA for the enclosed limestone valleys identifies as a particular characteristic that “*smaller, minor roads set within deep cuttings run up the valley slopes and connect village settlements and isolated dwellings*”. Church Lane is such a lane, and the Council’s pre-application response recorded “*particular concern with the level of highway works required to deliver the required access to the site and the impact that this will have on the character of Church Lane which is a typical characteristic of the sunken lanes highlighted in the LCA’s*”.
- 1.30. Existing ground levels on the site are about 1.4m above the road. The proposed access would remove around 33m of roadside hedgerow, create an 18m long 1:10 ramp cut into the bank, with 1:2 cutting slopes and gabion walls, and provide a 5m wide tarmac or concrete access. The gate would be set back at least 10m from the road.
- 1.31. The access drawing shows visibility splays extending about 44–45m in each direction, with no obstruction above 900mm. This means the frontage affected by the visibility requirements is around 89m long, nearly three times the length of hedgerow being removed, and the restriction would be permanent. The drawing does not show the hedge being reinstated in its existing position. Instead, it would be moved or replaced at the top of the cutting slope, set back from and above the road, rather than remaining on the existing roadside bank.
- 1.32. The landscape strategy relies upon the reinstatement and replanting of hedgerow along the Church Lane frontage to restore the enclosed character of the lane; the highway strategy requires that some 89 metres of that same frontage be kept permanently low and

open. The enclosed, hedged character of this part of the lane, which the Landscape Character Assessments identify as the defining quality of the sunken lanes of the enclosed limestone valleys, would be permanently lost across that length. A hedge on a set back from the carriageway is not the roadside hedge bank which gives the lane its character, and the visual experience of the traveller along the lane would be of an open, engineered gap.

- 1.33. The location of that gap compounds the harm. The westward splay of 2.0m by 44m runs along the frontage directly towards St Mary's Church, immediately adjoining the churchyard. That is the stretch of hedgerow which the Council's Conservation Officer described as "*a significant historic landscape feature that forms the approach to the heritage asset of the Church from the east*", and which the applicant's Heritage Statement identifies as part of "*the remains of an historic sunken lane*". The proposal would open, lower and permanently change that part of the approach in order to deliver visibility for a new access. The suitability of the visibility splays is dealt with further in the Highway Section below.
- 1.34. Beyond the access itself, the development would introduce onto a currently entirely undeveloped field: two timber buildings; some 300 sqm of polythene-clad structures; a formal car park and circulation area; a bin store adjacent to the lane; and 1.8m deer fencing around the perimeter. Individually and cumulatively these elements would have a significant urbanising effect on the rural character of the site and its immediate setting, in close and mid-range views from Church Lane, the churchyard and the public rights of way to the south. Framework policy DP3(1) requires development to respond to its context, the history, character and features of the site and its setting, so that it integrates with and enhances its surroundings, and policy DP3(3) requires refusal where, without clear justification, a proposal conflicts with that requirement, with the placemaking principles at DP3(2), or with design standards set out in the development plan.
- 1.35. The submitted Landscape and Visual Appraisal (LVA) identifies sixteen representative viewpoints, informed by a Zone of Theoretical Visibility, and describes the visual context of the site from each direction. What it does not go on to provide is an assessment of effects. The Appraisal does not identify the sensitivity of the receptors it has established, the magnitude of the change which would occur at any of them, or the significance of the resulting effects, whether at completion or at any later date.
- 1.36. Policy N4(1) requires substantial weight to be placed on conserving and enhancing the natural beauty of the National Landscape, and Annex C to the Framework identifies an assessment of effects as the information required in relation to policy N4. Without such an assessment it is difficult to see how the decision-maker can apply that weight, or reach the conclusion on landscape effects which the statutory duty under section 85 of the Countryside and Rights of Way Act 2000 requires.
- 1.37. The Appraisal offers the conclusion that the access "*would be a subtle addition, not unduly detracting from the form and character of the lane's boundary owing to the retention of*

established vegetation and hedgebank in its vicinity", and describes a "discreet new access off Church Lane". We would strongly disagree with these conclusions.

- 1.38. Of the sixteen viewpoints established, only two are carried through to a visualisation of the proposal: Viewpoint 14, from the churchyard of St Mary's, and Viewpoint 16, from the footway on Church Lane. The remaining fourteen, including the close-range views from the public footpaths to the south which the Appraisal describes as "the clearest views" are not included. The Heritage Statement reproduces the same two images, recording that they "*are taken from two key viewpoints (Viewpoints 14 and 16 in Greenhalgh Landscape Architecture's Landscape and Visual Appraisal)*"
- 1.39. On the churchyard view in particular, a single viewpoint cannot convey the range of views available from a churchyard of this size, and the position selected is one in which a substantial part of the polytunnel range falls behind an ivy-clad boundary tree. The tone in which the polythene is rendered is a further matter the Council may wish to consider, since new sheeting in summer light is appreciably more reflective than the montage conveys. Given that this is the only illustrated view from the churchyard of a Grade II* listed church, we would ask that further views from a range of positions within the churchyard be provided before any conclusion is reached upon the effect on the setting of the asset.
- 1.40. The Zone of Theoretical Visibility is stated to be derived from a Digital Surface Model "which includes intervening features such as existing trees/ vegetation". If that model includes the roadside hedgerow which is to be removed to form the access, and the frontage vegetation which must thereafter be maintained below 900mm, the resulting visibility may understate the views which would in fact be available from Church Lane, and confirmation on the point would be helpful.
- 1.41. On the evidence presently before it, it is difficult to see how the Council could be satisfied that the development has been limited in scale and extent, or sensitively located and designed so as to avoid harm to the statutory purposes and special qualities of the Cotswolds National Landscape, still less record that the statutory duty to seek to further the purpose of conserving and enhancing its natural beauty has been discharged. In our submission the proposal conflicts with policy N4(1) and with WCS Core Policy 51, and with policy N2(1)(d), which requires that existing natural features of visual, historic or nature conservation value, such as established trees and hedgerows, be conserved and enhanced where possible. The resulting harm attracts substantial weight. It is also the conclusion which the Council's own Landscape Officer anticipated at pre-application.

Heritage and the setting of the Grade II* Church of St Mary

- 1.42. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the setting of listed buildings, and the Framework expressly preserves that duty. Policy HE6(1) requires

that substantial weight be given to the conservation of a designated heritage asset, the more important the asset the greater the weight, and policy HE6(3) provides that any harm to such an asset is a matter of considerable importance and weight. The weight directed by national policy has therefore risen from great weight to substantial weight, and the considerable importance and weight to be given to harm, formerly a matter of authority, is now stated in the Framework itself. St Mary's is listed at Grade II*, which places it among the assets of the highest significance identified at policy HE6(6), and its churchyard monuments are separately listed at Grade II.

- 1.43. The contribution that the application site makes to the significance of the church is a matter of record in the Council's own pre-application response: the field *"forms a rural landscape edge that makes a positive contribution to the setting of the Church"*. The applicant's Heritage Statement is to similar effect. It records the "tranquillity" of the churchyard, and describes the view east from the churchyard across the application site as *"a key view as it extends, uninterrupted, across the valley to the hills and countryside beyond"*. It also identifies the Church Lane hedgerow as an historic landscape feature, and the Council's Conservation Officer described it as *"a significant historic landscape feature that forms the approach to the heritage asset of the Church from the east"*.
- 1.44. The development would introduce buildings, polytunnels, a car park, deer fencing, vehicle movements and human activity directly into that eastward setting, immediately beyond the churchyard wall; it would sever the historic hedgerow on the approach to the church to form the new access; and it would place engineered highway works within the historic sunken lane. The applicant's own visual material confirms that the polytunnels would remain visible from the churchyard even once mitigation planting has established, and that in winter the planting would do no more than filter such views. It should also be observed that the proposed screen planting required to screen the development from the churchyard would, in the same measure, enclose and interrupt the key open view which the Heritage Statement identifies.
- 1.45. The effect of the development on the tranquillity of the churchyard, arising from parking, deliveries, packing operations, volunteer sessions of up to approximately 15 people at a time, and periodic events must also be considered. Policy P3(2)(d) requires development to maintain the character of tranquil areas.
- 1.46. The Heritage Statement observes that *"at present, the church and listed graves are in a relatively isolated location"*, and reasons that a new community facility close to the church would bring *"a wider range and number of people into the area, who may not have known about the heritage assets"*, such that the proposals *"could therefore help enhance the cultural significance of the heritage assets"*. We would disagree with this statement, Isolation and tranquillity are not deficiencies in this asset's setting but qualities of it. The Heritage Statement itself lists the churchyard's "tranquillity" among the church's values, so a proposal that introduces parking, deliveries, packing operations and events immediately beyond the churchyard wall erodes the very thing that makes the setting

contribute positively to significance. Nor does increased footfall enhance significance in any event: significance is a property of the asset and its setting, not a function of how many people pass by, and public appreciation of a Grade II* church is not advanced by developing the open land from which it is understood.

- 1.47. The submission accepts that the development would harm the setting of the Grade II* church, describing that harm as 'less than substantial'. That wording no longer appears in national policy. Policy HE5(2) instead requires the degree of harm to be identified, substantial harm arising where a proposal would seriously affect a key element of the asset's significance. The applicant nonetheless accepts that the proposal would harm the significance of the asset through development within its setting. That harm is a matter of considerable importance and weight under policy HE6(3), it must be weighed against the public benefits of the proposal under policy HE6(4), and it requires a clear and convincing justification under policy HE4(2).
- 1.48. As to the public benefits, the sincerity of the project is not in doubt, but the weight that can be attached to its claimed benefits is necessarily tempered by the evidence of their deliverability. The Business Plan accepts that *"much of the detail of our operating model is necessarily uncertain until we have appointed a grower"* and that the financial forecasts are best estimates that are *"likely to change"*. The enterprise requires £450,000 of start-up funding, of which £9,000 is recorded as secured, with £200,000 assumed from unidentified grants; the survey evidence records 42 households committing to the full-year subscription on which the model is built, against a target of 80 boxes per week. Benefits of this character which are aspirational, unsecured and incapable of being secured by condition, cannot be afforded the weight necessary to outweigh harm to the setting of a Grade II* listed building, harm to which the statute requires considerable importance and weight to be given.
- 1.49. The Business Plan states that its forecasts are *"based on data from other CSAs and advice from growers we have consulted and are likely to change as the project advances"*. If the productive output actually achieved falls materially below the projection, the shortfall can only be met by increasing the proportion of produce bought in from other growers, since the box scheme is contracted to supply subscribers 52 weeks a year. The consequence is that the packing and cold storage function would expand relative to the growing operation, and the site would become more, not less, a distribution operation.
- 1.50. The Neighbourhood Plan identifies at Table 2 the key community facilities and assets of the two villages, and the community is already served by The Galleries community shop and café, a community-owned public house, a second public house, two village halls, a primary school and a pre-school. We are instructed that the constraint upon community participation locally is the availability of volunteers rather than the availability of opportunities to volunteer, and that requests for volunteers across the existing facilities are issued almost weekly. The marginal contribution which a further facility would make to social interaction and community cohesion is correspondingly modest, and whilst this is a public benefit, would only be given limited weight.

Traffic and Highway Safety

- 1.51. Paragraph 7.7.6 of Manual for Streets provides that "an X distance of 2.4 m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye". Paragraph 7.7.7 permits a lesser figure only exceptionally: "a minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm". The applicant has adopted that minimum. The Transport Statement records 1,330 vehicles per weekday, of which 10.2% are heavy goods vehicles or buses, and 85th percentile speeds of 29mph against a 20mph limit; the stopping sight distances at Appendix B are themselves calculated using heavy goods vehicle braking rates. On the applicant's own survey data Church Lane is neither very lightly-trafficked nor slow-speed, and the circumstances in which paragraph 7.7.7 permits a 2m set-back do not arise. Nor has the further requirement of that paragraph, that "the ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered" been addressed on a lane 4.2m wide with no footway serving the Church.
- 1.52. Paragraph 4.7 of the Transport Statement explains that the splay arrangements "will provide suitable visibility for users of the access while also helping to minimise the landscape and ecology implications of the proposals" and will "help maintain the existing character of Church Lane as far as is practically possible". The reduced set-back is therefore not necessarily a highway judgment, but is a landscape mitigation measure, adopted because the compliant dimension would require a wider and deeper incursion into the hedge bank along the church approach. We would therefore ask that the acceptability of the visibility splays is considered fully.
- 1.53. The provision of eight car parking spaces cannot be reconciled with the case the applicant makes on trip generation and there are concerns that this will lead to the site being used for further 'non ancillary' events. The Transport Statement keeps movements low by assuming that few people will drive: it states that its figures represent "*a worst case in that it assumes all staff and volunteers accessing the site will do so individually by car which is very unlikely to occur in practice*", that "volunteers in particular will live locally with many able to access the site on foot", and that "*clearly, local volunteers living in Freshford and Limpley Stoke will be able to access the site on foot with the overall policy of the community farm being to encourage them to do so*". It cites the Chartered Institution of Highways and Transportation to the effect that some 80% of journeys under a mile are made wholly on foot, and records walking distances of 320m to the Galleries shop, 580m to the Primary School and 660m to Limpley Stoke Village Hall. The Business Plan is to the same effect, listing "*encouraging volunteers to walk to the farm*" among its traffic mitigation measures and describing a six-minute walk from the Memorial Hall car park.

Residential amenity

- 1.54. WCS Core Policy 57(vii) requires development to ensure a high standard of amenity for existing occupants, and policy P3 of the Framework is to similar effect. Development must be appropriate for its location having regard to the likely effects, including cumulative effects, of pollution on health and living conditions, whether arising on or off site; it must not give rise to unacceptable levels of noise or artificial light beyond the site; it must reduce adverse noise impacts to a minimum and maintain the character of tranquil areas; and it must limit any adverse impact from artificial light on local amenity, on intrinsically dark landscapes and on nature. The nearest dwelling adjoins the eastern boundary of the site, and further dwellings, including our client's property, lie on the opposite side of Church Lane facing the proposed access.
- 1.55. The Council's pre-application response identified this issue squarely: "*car parking is located closest to the boundary and this could be a cause for concern in terms of outside activity, noise and headlights from vehicle movements*", and the operation would be "*materially different*" in character from the current agricultural use, "*involving significantly more visitors/volunteers including educational groups than would be expected on a typical arable farm*".
- 1.56. The proposed operation would involve daily staff presence (core hours 0800–1700 Monday to Friday), volunteer sessions of up to approximately 15 people, harvesting, washing and packing activity, cold storage plant (the noise characteristics of which are not assessed), deliveries and collections, weekend events, and vehicles using a ramped access whose headlights would sweep across the lane and the properties opposite during winter operating hours. There are currently no controls over the number, scale or frequency of events, and the description of community use as 'occasional' and 'ancillary' is not properly defined.

Ecological Impact and the Habitats Regulations

- 1.57. The site lies within the core consultation zone of the Bath and Bradford on Avon Bats SAC. The applicant's PEA assesses the boundary hedgerows as having a high likelihood of use by Greater Horseshoe bats, and a moderate to high likelihood of use by Lesser Horseshoe bats, as commuting and foraging habitat, and it explains that "*it is essential that the development proposals do not result in severing any commuting habitat; either through physical removal or from light spill*". The proposal would breach the northern boundary hedgerow to form the access, with additional realignment of the hedge required to deliver the visibility splays.
- 1.58. Notwithstanding that context, the shadow Habitats Regulations Assessment (sHRA) confirms that "*no targeted bat activity survey data have been collected from this site at the*

time of preparing this report” and that the assessment instead proceeds on “*precautionary assumptions*”. The Council’s adopted guidance for the SAC consultation zone (SPD

SD94), which the sHRA itself acknowledges includes “*requirements for bat survey evidence*”, would ordinarily be expected to require seasonal activity survey data for a proposal that physically severs a hedgerow assessed as a likely commuting corridor within the core zone. Assumptions, however precautionary in intent, are not a substitute for survey evidence where the central question in the assessment, whether, how and to what extent SAC bats use the very feature to be breached, is unanswered.

- 1.59. The mitigation on which the sHRA’s conclusion depends is not before the Council. The ‘*hopover*’ planting at the access gap is to be designed and agreed after any grant of permission; the Ecological Construction Management Plan and Habitat Management Plan do not yet exist; and the sHRA states that its conclusions are “*contingent upon implementation of the following committed measures, to be secured by condition*”. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, the Council as competent authority may agree to the project only if it has ascertained, on the basis of complete, precise and definitive findings, that the project will not adversely affect the integrity of the SAC beyond reasonable scientific doubt at the time of the decision. National policy is now to the same effect. Policy N6(1)(a) requires that proposals affecting a site of international importance be refused unless an appropriate assessment has concluded that there will be no adverse effect on integrity, alone or in combination with other developments, or the derogation tests are satisfied, or the impact is being addressed through a made Environmental Delivery Plan to which the developer has committed to paying the nature restoration levy. It is respectfully submitted that the material before the Council does not permit the conclusion which regulation 63 and policy N6(1)(a) require.

Balance / Conclusions

- 1.60. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise. The Green Belt analysis above is therefore central to the determination. If the development, or elements of it, fall outside the exceptions in policy GB7, they constitute inappropriate development and policy GB6(2) requires refusal unless the harm by reason of inappropriateness, together with any other harm, is clearly outweighed by other considerations, with substantial weight given to Green Belt harm. The very special circumstances have not been demonstrated.
- 1.61. The proposal would cause significant harm to the character of Church Lane and to the Cotswolds National Landscape, to which substantial weight must be given under policy N4(1). It would also harm the significance and setting of the Grade II* Church of St Mary. Substantial weight attaches to the conservation of that asset under policy HE6(1), while any harm is a matter of considerable importance and weight under policy HE6(3). In addition, elements of the proposal have not been demonstrated to be reasonably

necessary for the proposed agricultural or horticultural use and would not minimise the impact on Green Belt openness. There is also potential for harm to the residential amenity of neighbouring occupiers, engaging policy P3.

- 1.62. There is a further concern in relation to the Bath and Bradford on Avon Bats SAC. The applicant has not provided site-specific bat activity survey data, while the mitigation relied upon by the shadow Habitats Regulations Assessment has not yet been designed or secured and its effectiveness has not been demonstrated. On the evidence currently before the Council, there is therefore insufficient certainty to establish that the development would avoid an adverse effect on the integrity of the SAC. The requirements of regulation 63 and policy N6(1)(a) must be satisfied before permission can lawfully be granted. The submitted surface water and foul drainage strategies also do not adequately demonstrate that these matters have been resolved.
- 1.63. The claimed community benefits have been considered, including the provision of community facilities and opportunities to grow or purchase healthier food. These benefits are capable of attracting weight, but their scale and delivery remain uncertain on the applicant's own evidence. In particular, the cultivation of the application land itself does not require the operational development now proposed. The benefits attributable specifically to the buildings, access, parking and associated infrastructure must therefore be distinguished from the wider benefits of establishing a community growing project.
- 1.64. The benefits volunteering and community wellbeing are acknowledged. However, the evidence presently before the Council does not demonstrate that these benefits will be delivered at the scale claimed, and they cannot readily be secured in their entirety through planning conditions. More importantly, the principal objective of growing food on the land can be achieved without the full extent of the operational development proposed. In addition, there are vacant volunteering opportunities in the village including at Freshford Community Shop. The claimed benefits must therefore be weighed against the identified environmental, heritage, Green Belt and amenity harms.
- 1.65. Policy HC4(1) does not disapply the other relevant policies of the development plan or the Framework, including policies GB6, GB7, N4, N6 and HE6. The benefits of the proposal must therefore be considered alongside, rather than instead of, the substantial weight required to be given to Green Belt harm, the conservation and enhancement of the Cotswolds National Landscape, and the conservation of the Grade II* Church of St Mary.
- 1.66. The proposal is therefore contrary to the development plan when read as a whole, including WCS Core Policies 1, 2, 50, 51, 57, 58 and 60–62, and conflicts with the relevant national decision-making policies of the Framework, including policies GB6, GB7, N2, N4, N6, HE4, HE5, HE6, P3 and DP3. The identified harms are not outweighed by the benefits of the proposal, particularly given the uncertainty surrounding their scale and delivery. No material considerations have been identified that would justify determining the application

otherwise than in accordance with the development plan. The application should therefore be refused.

Kind regards

Context Planning