



PROOF OF EVIDENCE

COTSWOLDS CONSERVATION BOARD

Town and County Planning Act 1990

Section 78 Appeal

Planning appeal by: Robert Hitchins Ltd

Proposed Development: Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. All matters reserved except for means of access to site from Harp Hill.

Location: Land at Oakley Farm, Cheltenham, GL52 6PW

Cheltenham Borough Council Reference: 20/01069/OUT

Planning Inspectorate Reference: APP/B1605/W/21/3273053

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CONTENTS

1.0	QUALIFICATIONS AND EXPERIENCE	1
2.0	SITE DESCRIPTION	2
3.0	SITE HISTORY	2
4.0	DESCRIPTION OF THE PROPOSAL	3
5.0	GROUNDS OF APPEAL, REASONS FOR REFUSAL AND MAIN ISSUES	3
6.0	THE DEVELOPMENT PLAN	4
6.1	Introduction	4
6.2	Gloucester, Cheltenham and Joint Core Strategy	4
6.3	Cheltenham Plan	4
7.0	OTHER MATERIAL CONSIDERATIONS	5
7.1	Statutory considerations	5
7.2	National Planning Policy and National Planning Practice Guidance	6
7.3	Additional AONB considerations	6
8.0	THE MAIN ISSUES	8
9.0	ANALYSIS OF MAIN ISSUE 2 – THE EFFECT ON THE LANDSCAPE INCLUDING THE AONB	8
9.1	Context	8
9.2	Effects on the natural beauty of the Cotswolds AONB – context	9
9.3	Effects on landscape quality	10
9.4	Visual effects	21
9.5	Effects on tranquillity	24
9.6	Effects on dark skies	25
9.7	Effects on natural heritage	26
9.8	Effects on cultural heritage	26
9.9	Effects on recreational opportunities	27
9.10	The need for the development	28
9.11	The scope for developing outside the Cotswolds AONB	30
9.12	Exceptional circumstances	31
9.13	Public interest	31
9.14	Tilted balance	32
10.0	ANALYSIS OF MAIN ISSUE 1 - WHETHER THE SITE SHOULD BE DEVELOPED	33
11.0	ANALYSIS OF MAIN ISSUE 3 – THE EFFECT ON HERITAGE ASSETS	33
12.0	CONCLUSIONS – OVERALL PLANNING BALANCE	33
	APPENDIX 1. SITE LOCATION, SITE BOUNDARY AND COTSWOLDS AONB BOUNDARY	i
	APPENDIX 2. CHELTENHAM BOROUGH COUNCIL’S PUTATIVE REASONS FOR REFUSAL	ii

APPENDIX 3. CORRESPONDENCE BETWEEN CHELTENHAM BOROUGH COUNCIL AND THE COTSWOLDS CONSERVATION BOARD	v
APPENDIX 4. CHANGES TO THE COTSWOLDS AONB BOUNDARY	vi
APPENDIX 5. REFERENCE DOCUMENTS AND WEBSITES	ix
APPENDIX 6. PHOTOGRAPHS OF THE PROPOSED DEVELOPMENT SITE	xiii

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is John Mills. I am a Chartered Town Planner with the Royal Town Planning Institute (RTPI), having achieved that status in March 2017. Since March 2018, I have been employed by the Cotswolds Conservation Board ('the Conservation Board') as their Planning and Landscape Lead. It is in this capacity that I am representing the Conservation Board as a Rule 6 Party in this planning appeal.
- 1.2 As Planning and Landscape Lead I am the Conservation Board's only planning officer, covering the 2,038km² of the Cotswolds Area of Outstanding Natural Beauty (AONB),¹ including the 15 local authority areas that overlap with the AONB and its setting. This role has a wide-ranging remit including:
- Responding to and monitoring planning policy and development management consultations, including national planning policy and local plan consultations.
 - Providing pre-application advice.
 - Engaging in nationally significant infrastructure projects such as the A417 Missing Link scheme.
 - Advising Natural England and Defra on planning issues relating to AONBs.
 - Writing and reviewing the Conservation Board's Position Statements.
 - Writing the Cotswolds AONB Management Plan.
- 1.3 In this role I have represented the Conservation Board as a Rule 6 Party in two other planning appeal inquiries to-date:
- The proposed development of 68 dwellings in Stonesfield, West Oxfordshire, within the Cotswolds AONB (Ref: APP/D3125/W/18/3209551).
 - The proposed development of 50 dwellings in Gotherington, Tewkesbury Borough, in the setting of the Cotswolds AONB (Ref: APP/G1630/W/20/3256319).
- 1.4 The primary objective of this work is to fulfil the Conservation Board's two statutory purposes:
- (i) To conserve and enhance the natural beauty of the Cotswolds AONB; and
(ii) To increase the understanding and enjoyment of the special qualities of the Cotswolds AONB.
- 1.5 Through this work, I am very familiar with relevant Conservation Board publications, including the Cotswolds AONB Management Plan, the Cotswolds AONB Landscape Character Assessment and the Cotswolds AONB Landscape Strategy and Guidelines, which I use and refer to on a daily basis.
- 1.6 I have previously worked for the Cotswolds Conservation Board, between 2004 and 2009, as their Project Development and Business Planning Officer. As such, I had already developed a

¹ It is important to note that, as of 14 September 2020, the Conservation Board refers to both the area (i.e. the AONB) and the organisation (i.e. the Conservation Board) as the Cotswolds National Landscape (and encourages other organisations to do likewise). This change in name reflects one of the proposals in the Government-commissioned 'Landscapes Review' Final Report, which was to rename AONBs as National Landscapes, in recognition of their national significance.¹ However, as 'Conservation Board' and 'AONB' are the relevant legal and national and local planning policy nomenclature, these are the terms that are used in this Proof of Evidence.

comprehensive understanding of the Conservation Board, the AONB and related issues prior to starting my current role.

1.7 Other relevant roles during my career include:

- Five years as Planning Advisor for the Nature After Minerals programme at the Royal Society for the Protection of Birds (RSPB). During this time I undertook a six month secondment as the RSPB's Senior Planning Policy Officer. I also had a four-week sabbatical in Botswana, where I undertook a Strategic Environmental Assessment of a land use plan, as part of a United Nations-funded sustainable development project.
- Nine years working for the Environment Agency in various roles, including responding to local plan consultations.

1.8 I have a M.Sc. degree in Environmental Analysis and Assessment and a B.Eng. (Hons.) degree in Mining Engineering.

2.0 SITE DESCRIPTION

2.1 The appeal site is located within the Cotswolds AONB, on eastern edge of Cheltenham. This 15.3 hectare, greenfield site comprises a series of six fields that are bounded by hedgerows and mature trees. The site also includes the buildings associated with the former farmstead of Oakley Farm, towards the northern boundary of the site.

2.2 The site is bounded to the south by Harp Hill Road and to the west by Wessex Drive, both of which form part of established residential areas. The site is bounded to the north by the former GCHQ Oakley site which has recently been redeveloped for residential purposes with Pillowell Close, Brockweir Close and Fairford Road situated adjacent to the northern boundary of the site and Bream Court and Birdlip Road to the north east of the site. The grade II listed Hewlett's Reservoir and Pavilion form part of the eastern boundary of the site.

2.3 The site location, site boundary and Cotswolds AONB boundary are shown in Appendix 1.

3.0 SITE HISTORY

3.1 The planning history of the site is summarised in Section 2 of the case officer report to Cheltenham Borough Council ('the Council') Planning Committee at their meeting on 20 May 2021.²

3.2 The most relevant planning history is as follows:

- 19/00526/SCREEN - Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
 - Screening pinion issued on 2 April 2019 – Environmental Impact Assessment required.
- 19/00916/SCOPE - Request for EIA Scoping Opinion for Land at Oakley Farm.
 - Scoping Opinion issued on 12 July 2019.
- 20/01069/OUT - Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. All matters reserved except for means of access to site from Harp Hill.

² Cheltenham Borough Council (2021) Notice of Planning Committee 20 May 2021 ([link](#)). Agenda Item 5e.

- Application received by Cheltenham Borough Council on 2 July 2020.
- Application validated by Cheltenham Borough Council on 16 July 2020.
- Planning appeal Statement of Case - April 2021.
- Appeal start letter from Planning Inspectorate – 18 May 2021.
- Putative reasons for refusal agreed by Cheltenham Borough Council – 20 May 2021.

4.0 DESCRIPTION OF THE PROPOSAL

4.1 A brief description of the proposed development, as specified for the planning application (Ref: 20/01069/OUT), is provided in Section 3.0 above. Further details of the proposal are provided in the appellant’s Statement of Case.

5.0 GROUNDS OF APPEAL, REASONS FOR REFUSAL AND MAIN ISSUES

5.1 The appellant lodged the appeal on the grounds of ‘non-determination’, following the alleged failure of Cheltenham Borough Council (‘the Council’) to determine the outline planning application (Ref: 20/01069/OUT) within the statutory 16 week period. The appellant’s Statement of Case identified five main issues.

5.2 The Council subsequently identified seven putative reasons for refusal (PRFR). These PRFR and the appellant’s main issues are summarised in the table below, which also indicates the areas of overlap between the two. The full PRFR are shown in Appendix 2.

Table 1. Putative Reasons for Refusal and Appellant’s Main Issues

Cheltenham Borough Council’s Reasons for Refusal (Summary)	Appellant’s Main Issues
1: Doesn’t meet the strategy for distribution of new development and is not an appropriate location.	1: Housing Land Supply 2: The Principle of Development
2: Major development within Cotswolds AONB – would fail to conserve and enhance landscape and scenic beauty; would result in significant harm; mitigation measures inadequate; fails to demonstrate the required exceptional circumstances or public interest.	3: Whether there are exceptional circumstances which justify major development within the AONB and whether it would be in the public interest
3: Would result in a severe impact on the highway network and fail to provide a safe and suitable access for all users.	4: Traffic and Transportation
4: Would have an unacceptable harmful impact on the setting of the heritage assets within Hewlett's Reservoir.	
5: Does not adequately provide for affordable housing requirements, schemes/strategies for play space provision and site management maintenance.	
6: Does not adequately provide for education and library provision.	5: Education Contributions
7: No agreement has been completed to secure the provision of necessary highway improvements works and the funding and implementation of the Residential Travel Plan.	4: Traffic and Transportation

6.0 THE DEVELOPMENT PLAN

6.1 Introduction

6.1.1 The Development Plan, in effect, consists of the following documents:

- Gloucester, Cheltenham and Joint Core Strategy (adopted 2017).³
- Cheltenham Plan (adopted 2020).⁴

6.1.2 In this section, we highlight the policies and supporting text from each of these documents that are most relevant to the case being presented by the Conservation Board.

6.2 Gloucester, Cheltenham and Joint Core Strategy

6.2.1 Policies and supporting text

6.2.1.1 The policies and supporting text that are of most relevance, in the context of effects on the Cotswolds AONB, include:

- Policy SD6 – Landscape.
- Policy SD7 – Cotswolds AONB.
- Policy SD8 – Historic Environment.
- Policy SD10 – Residential Development.
- Paragraph 3.2.2 (regarding the fact that Cheltenham’s development requirements cannot wholly be met within its administrative area).

6.2.2 Evidence Base – Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis⁵

6.2.2.1 It is worth noting that this analysis didn’t include land within the Cotswolds AONB, presumably because it was considered that it would be appropriate to locate (strategic) allocations outside the AONB

6.3 Cheltenham Plan

6.3.1 Policies and supporting text

6.3.1.1 The policies and supporting text that are of most relevance, in the context of effects on the Cotswolds AONB, include:

- Policy L1 - Landscape and Setting.
- Chapter 8 – The Cotswolds AONB (particularly paragraph 8.3, regarding the sensitivity of the AONB and the need to take a restrictive approach to development in the AONB).
- Chapter 9 – Historic Environment (particularly paragraph 9.10, regarding the importance of protecting and enhancing the historic environment).

³ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy ([link](#)).

⁴ Cheltenham Plan (2020) ([link](#)).

⁵ Gloucester City Council, Cheltenham Borough Council, Tewkesbury Borough Council (2013) *Joint Core Strategy Landscape Characterisation Assessment and Sensitivity* ([link](#)).

6.3.2 Evidence base – Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB within the Cheltenham Borough Administrative Area⁶

6.3.2.1 This assessment includes an assessment of the appeal site:

- Landscape Character Type: Pasture Slopes.
- Landscape Character Area: Oakley Farm Pasture Slopes.
- Site Ref: LCA 7.1.

7.0 OTHER MATERIAL CONSIDERATIONS

7.1 Statutory considerations

7.1.1 The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area.⁷ Further information about AONB designation, including the factors that contribute to the natural beauty of AONBs, is provided in Appendix 1 of the Cotswolds AONB Management Plan 2018-2023⁸ and in Natural England’s guidance for assessing landscapes for designation as National Park or AONB⁹.

7.1.2 Section 85 of the Countryside and Rights of Way Act states that:

- *In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*¹⁰

7.1.3 The Planning Inspectorate is a ‘relevant authority’ in this regard.

7.1.4 Further information about this statutory ‘duty of regard’ is provided in Appendix 4 of the Cotswolds AONB Management Plan 2018-2023¹¹ and in guidance published by Defra¹² and Natural England¹³.

7.1.5 The statutory purposes of the Conservation Board are to:

- a) conserve and enhance the natural beauty of the Cotswolds AONB;
- b) increase the understanding and enjoyment by the public of the special qualities of the Cotswolds AONB.¹⁴

7.1.6 Purpose (b) is closely related to opportunities for open-air recreation. In this regard, it is worth noting that *‘if it appears to the board that there is a conflict between these two*

⁶ Cheltenham Borough Council (2015) *Landscape Character, Sensitivity and Capacity Assessment of Cotswold AONB within the Cheltenham Borough Administrative Area* (link), as amended in 2016 ([link 1](#)- report, [link 2](#) – assessment (LCA 7.1 is on page 49).

⁷ <https://www.legislation.gov.uk/ukpga/2000/37/section/82>

⁸ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* (link). Appendix 1.

⁹ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England* (link).

¹⁰ <https://www.legislation.gov.uk/ukpga/2000/37/section/85>

¹¹ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* (link). Appendix 4.

¹² Defra (2005) *Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads* (link).

¹³ Natural England (2010) *England’s statutory designated landscapes: a practical guide to your duty of regard* (link).

¹⁴ <https://www.legislation.gov.uk/ukpga/2000/37/section/87>

purposes, they are to attach greater weight to the purpose mentioned in paragraph (a)'.¹⁵ This is known as the 'Sandford Principle'.¹⁶ We would encourage the Planning Inspectorate, in fulfilling their statutory 'duty of regard', to apply the same principle.

7.1.7 Further information about the Cotswolds Conservation Board is provided in Appendix 3 of the Cotswolds AONB Management Plan 2018-2023.¹⁷

7.2 National Planning Policy and National Planning Practice Guidance

7.2.1 National Planning Policy Framework (NPPF)¹⁸

7.2.1.1 The most relevant paragraphs of the National Planning Policy Framework (NPPF) – in the context of the Conservation Board's objection to the proposed development – are paragraphs 176 and 177

7.2.1.2 Paragraph 11d of the NPPF is also relevant, particularly with regards to the question of whether the 'tilted balance' (i.e. the presumption in favour of granting planning permission) should be applied.

7.2.1.3 Other relevant paragraphs include paragraphs 174 (with regards to 'valued landscapes' and 'the intrinsic character and beauty of the countryside').

7.2.1.4 Section 16 (Conserving and enhancing the historic environment) is also relevant, particularly with regard to the designated assets of the Hewlett's Reservoir complex and the on-site ridge and furrow field patterns.

7.2.2 National Planning Practice Guidance

7.2.2.1 Paragraph 042 of the Government's 'Natural Environment' planning practice guidance¹⁹ is particularly relevant to this appeal with regards to implications for the Cotswolds AONB.

7.3 Additional AONB considerations

7.3.1 International recognition of AONBs

7.3.1.1 AONBs are recognised at an international level in the protected area management categories published by the International Union for Conservation of Nature (IUCN).²⁰ These categories are recognised by international bodies such as the United Nations and by many national governments. AONBs are classed as 'Category V Protected Landscapes'²¹, which are protected areas managed mainly for landscape protection and recreation.

¹⁵ <https://www.legislation.gov.uk/ukpga/2000/37/section/87>

¹⁶ It is known as the 'Sandford Principle' after Lord Sandford, who chaired the National Parks Policy Review Committee between 1971 and 1974 ([link](#)).

¹⁷ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)). Appendix 4.

¹⁸ Ministry of Housing, Communities and Local Government (2021) *National Planning Policy Framework* ([link](#)).

¹⁹ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042.

²⁰ <https://www.iucn.org/theme/protected-areas/about/protected-area-categories>

²¹ <https://www.iucn.org/theme/protected-areas/about/protected-areas-categories/category-v-protected-landscapes/eascape>

7.3.2 Cotswolds AONB Management Plan 2018-2023

7.3.2.1 The Cotswolds AONB Management Plan²² is a statutory document²³ which is produced and published by the Conservation Board. The Management Plan identifies the special qualities of the AONB and provides a 'portrait' of the AONB before going on to set out a vision, desired outcomes, ambitions and policies for the management of the AONB. The current Management Plan was adopted by the Board in 2018.

7.3.2.2 Most of the policies of the Cotswolds AONB Management Plan will be of some relevance to this appeal.

7.3.3 Cotswolds AONB Landscape Character Assessment

7.3.3.1 The Cotswolds AONB Landscape Character Assessment (LCA) identifies 19 different landscape character types (LCT) within the Cotswolds AONB.²⁴ The appeal site is located within LCT 2 (Escarpment). It can also be clearly seen in views from LCT 7 (High Wold).

7.3.3.2 Policy CE1 of the Cotswolds AONB Management Plan specifies that development proposals should be compatible with and reinforce the landscape character of the location, as described by the Cotswolds AONB Landscape Character Assessment.

7.3.4 Cotswolds AONB Landscape Strategy and Guidelines

7.3.4.1 The Cotswolds AONB Landscape Strategy and Guidelines (LSG)²⁵ provides the following information for each Landscape Character Type (LCT):

- Key features (reflecting the key characteristics identified in the Landscape Character Assessment).
- An assessment of the landscape sensitivity of each LCT and its capacity for further development.
- The 'local forces for change'
- The 'landscape implications' of these forces for change.
- Guidelines to address the local forces for change and associated landscape implications, in order to ensure that development in the AONB and its setting is consistent with the purpose of AONB designation.

7.3.4.2 The relevant LCTs are LCT 2 (Escarpment)²⁶ and LCT 7 (High Wold)²⁷.

7.3.4.3 Policy CE10 of the Cotswolds AONB Management Plan specifies that development proposals should be compatible with the Cotswolds AONB Landscape Strategy & Guidelines.

7.3.5 Cotswolds Conservation Board Position Statements²⁸

7.3.5.1 The Board's Position Statements expand on the policies of the Cotswolds AONB Management Plan, providing further context, guidance and recommendations.

²² Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)).

²³ <https://www.legislation.gov.uk/ukpga/2000/37/section/89>

²⁴ Cotswolds Conservation Board (2015) *Cotswolds AONB Landscape Character Assessment* ([link](#)).

²⁵ Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy & Guidelines* ([link](#)).

²⁶ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>

²⁷ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-7-high-wold-2016.pdf>

²⁸ <https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/>

7.3.5.2 The Position Statements of most relevance to this appeal are:

- Landscape-led Development;
- Housing;
- Tranquillity;
- Dark Skies & Artificial Light.

7.3.5.3 Policy CE10 of the Cotswolds AONB Management Plan specifies that development proposals should be compatible with the Board's Position Statements.

8.0 THE MAIN ISSUES

8.1 The planning inspector has identified seven main issues for the planning appeal inquiry:

(1) Whether the site should be developed, having regard to development plan policy regarding development on unallocated sites outside the principal urban area of Cheltenham (this will involve a discussion of housing land supply).

(2) The effect on the landscape, including the AONB.

(3) The effect on highway safety.

(4) The effect on heritage assets.

(5) The need to provide affordable housing / play space provision / ongoing management of site.

(6) The need for educational / library contributions.

(7) The requirement / mechanism for securing highway improvement works /a residential travel plan.

8.2 These main issues are derived from the Council's putative reasons for refusal (PRFR).

8.3 The Conservation Board's input relates primarily relate to main issue (2), although main issues (1) and (4) are also relevant.

9.0 ANALYSIS OF MAIN ISSUE 2 – THE EFFECT ON THE LANDSCAPE INCLUDING THE AONB

9.1 Context

9.1.1 The planning inspector has identified Main Issue 2 as being '*the effect on the landscape, including the AONB*'.

9.1.2 Main Issue 2 derives from the Council's Putative Reason for Refusal (PRFR) 2. PRFR 2 states that the proposed development would constitute major development within Cotswolds AONB²⁹ and that it fails to demonstrate the exceptional circumstances or public interest that are required for such development. It states that the development would fail to conserve and enhance landscape and scenic beauty and would result in significant harm. It also states that the proposed mitigation measures are inadequate.

9.1.3 As outlined below, the Board supports this PRFR 2.

²⁹ In the context of what is now paragraph 177 and footnote 60 of the NPPF.

9.1.4 In their Statement of Case, the appellant has accepted that the proposed development would constitute major development, in the context of paragraph 177 and footnote 60 of the NPPF. In effect, the appellant has accepted that the development constitutes major development by virtue of its nature, scale, setting and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB.

9.1.5 In their Statement of Case, the appellant acknowledges that, in order for the development to be permitted, it must be demonstrated that exceptional circumstances apply *and* that the development would be in the public interest.

9.1.6 As outlined below, the Board does not accept that exceptional circumstances apply or that the development would be in the public interest.

9.1.7 Paragraph 177 of the NPPF states that consideration of such application should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

9.1.8 In this section of our Proof of Evidence we address these issues in the following order:

- effects on the natural beauty of the Cotswolds AONB;
- effects on recreational opportunities;
- the need for the development;
- the scope for developing outside the Cotswolds AONB.

9.1.9 We conclude by addressing:

- whether exceptional circumstances apply;
- whether the proposed development would be in the public interest;
- the ‘tilted balance’ (in favour of granting planning permission); and

9.1.10 It is worth noting that in landscape and visual impact assessments that form part of a formal Environmental Impact Assessment, it is common practice for effects that are identified as ‘moderate’ to be classed as ‘significant’. For example, this is the case with the A417 Missing Link development consent application.³⁰

9.2 Effects on the natural beauty of the Cotswolds AONB – context

9.2.1 Natural England’s ‘Guidance for assessing landscapes for designation as National Park or AONB in England’ identifies six factors that contribute to the natural beauty of AONBs.³¹ These are:

³⁰ <https://highwaysengland.co.uk/our-work/south-west/a417-missing-link/>

³¹ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or AONB in England* ([link](#)). Table 3.

- landscape quality;
- scenic quality;
- relative wildness;
- relative tranquillity;
- natural heritage features;
- cultural heritage.

9.2.2 The first four of these factors are integral components of landscape and scenic beauty and, as such, should be given great weight in planning decisions. Natural heritage and cultural heritage are ‘important considerations’ in the context of AONBs.

9.2.3 Relative wildness is a factor that is generally more applicable to National Parks, so we do not address it in this Proof of Evidence. Relative tranquillity includes the issue of dark skies. However, the dark skies of the Cotswolds AONB are a ‘special quality’ in their own right and this topic has its own policy in the Cotswolds AONB Management Plan.³² Therefore, we address dark skies as a stand-alone topic in this Proof of Evidence.

9.2.4 Therefore, when considering the effects of the proposed development on the Cotswolds AONB, we do so under the following headings.

- landscape quality;
- visual effects;
- tranquillity;
- dark skies;
- natural heritage;
- cultural heritage.

9.3 Effects on landscape quality

9.3.1 *Sensitivity - Value of the AONB designation*

9.3.1.1 We strongly disagree with the appellant’s assertion that AONBs are of ‘regional’ value.³³

9.3.1.2 AONBs are areas whose distinctive character and natural beauty are so outstanding that it is in the nation’s interest to safeguard them.³⁴ This is reflected in the Government-commissioned Landscapes Review which refers to National Parks and AONBs as ‘national landscapes’ in recognition of them being ‘*our nation’s most cherished landscapes*’.³⁵ The Landscapes Review adds that these national landscapes ‘*really are England’s soul and we should care for them as such*’.³⁶

9.3.1.3 This national importance is also reflected in the Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment (GLVIA), which identifies AONBs as ‘*nationally valued landscapes ... which have a formal statutory basis*’.³⁷ GLVIA also states that ‘*landscapes*

³² Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan* ([link](#)).

³³ For example, in paragraph 6.2.13 of the appellant’s Environmental Statement ([link](#)).

³⁴ Defra (2017) *Areas of Outstanding Natural Beauty: Landscape Protection and Enhancement* ([link](#)). Page 1 (digital page 2).

³⁵ Defra (2019) *Landscapes Review Final Report* ([link](#)). Page 16.

³⁶ Defra (2019) *Landscapes Review Final Report* ([link](#)). Page 5.

³⁷ Landscape Institute and Institute of Environmental Management & Assessment (2013) *Guidelines for Landscape and Visual Impact Assessment (GLVIA) – Third Edition*. Paragraph 5.21.

*that are nationally designated (... Areas of Outstanding Natural Beauty ...) will be accorded the highest value' in LVIA's.*³⁸

- 9.3.1.4 AONBs have the same status of protection as National Parks, with regards to conserving and enhancing landscape and scenic beauty.³⁹ Indeed, the Government-commissioned Landscapes Review suggests that '*Natural England and ministers consider the case*' for the Cotswolds AONB becoming a National Park.⁴⁰
- 9.3.1.5 AONBs are also of international (as well as national) significance, being part of a world-wide family of protected areas recognised and classified by the International Union for the Conservation of Nature (IUCN).⁴¹ In IUCN's classification system, AONBs (together with National Parks) fall into Category V – Protected Landscapes, which are valued for their natural beauty and recreational opportunities.
- 9.3.2 *Sensitivity - Value of the site*
- 9.3.2.1 We recognise that consideration should be given to the extent to which the site demonstrates the characteristics and qualities that led to the designation of the area as an AONB. However, we are concerned that the methodology used by the appellant in their Environmental Statement - of assessing individual and, in some cases, relatively minor characteristics – results in the whole being less than the sum of its parts. The main focus should be on *relevant* special qualities, as identified in Chapter 2 of the Cotswolds AONB Management Plan⁴², and on *relevant* key / representative features, as identified in the Cotswolds AONB Landscape Character Assessment.⁴³
- 9.3.2.2 The site is an integral component of the Cotswold escarpment, which is one of the 'special qualities' of the Cotswolds AONB and which forms Landscape Character Type (LCT 2) in the Cotswolds AONB Landscape Character Assessment⁴⁴. As a special quality, the escarpment is one of the key attributes on which the priorities for the area's conservation, enhancement and management should be based.
- 9.3.2.3 The site is very representative of this LCT. For example, the site consists of the moderately sized, steeply sloping fields of improved pasture, bounded by mature hedgerows, which are characteristic features of the lower escarpment.⁴⁵
- 9.3.2.4 There are no urbanising features within the site to detract from the site's landscape quality. In fact, the site has remained remarkably unchanged since well before the Cotswolds AONB was designated in 1966, as shown in Figures 1 and 2, below. As such, we consider the landscape elements to be in good condition.⁴⁶

³⁸ GLVIA. Paragraph 5.47.

³⁹ NPPF. Paragraph 176.

⁴⁰ Defra (2019) *Landscapes Review Final Report* ([link](#)). Page 121.

⁴¹ <https://www.iucn.org/theme/protected-areas/about/protected-area-categories>

⁴² Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan* ([link](#)).

⁴³ Cotswolds Conservation Board (2005) *Cotswolds AONB Landscape Character Assessment* ([link](#)).

⁴⁴ Cotswolds Conservation Board (2005) *Cotswolds AONB Landscape Character Assessment* ([link](#)).

⁴⁵ This combination of features is explicitly mentioned in the Landscape Character Assessment, both in relation to the landscape character of LCT 2 ([link](#) – digital page 15) and specifically in relation to Landscape Character Area 2D (Escarpment - Cooper's Hill to Winchcombe) ([link](#) – digital page 20).

⁴⁶ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). Appendix 1 – example indicator of landscape quality.

9.3.2.5 The open, undeveloped nature of the site, on the northern slopes of Battledown Hill, which is clearly visible across a large geographical area, contrasts sharply with the neighbouring built development to the north and west of the site. It also provides a closer visual link between the centre of Cheltenham and the undeveloped escarpment landscape. In effect, the site is a headland of un-eroded natural beauty, which:⁴⁷

- contributes significantly to the ‘dramatic relief feature and ... backdrop’⁴⁸ that the escarpment provides for Cheltenham;
- provides a striking landform;
- shows a strong sense of contrast;
- lends a clear and recognisable sense of place;
- forms an appealing composition of land cover which can be appreciated from various vantage points and as one passes through area;
- provides strong aesthetic qualities, particularly in terms of its degree of openness;
- provides an eye-catching feature.

Figure 1. Google Earth Pro image of the site in 1945 (site boundary shown in red).⁴⁹



Figure 2. Current Google Earth image of the site (site boundary shown in red).



9.3.2.6 The contribution that the site makes to the AONB is reflected in the fact that the Cotswolds AONB boundary was actually extended, in the 1990 AONB boundary review, to include the

⁴⁷ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). Appendix 1 – example indicators of landscape quality and scenic quality.

⁴⁸ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>. Key features.

⁴⁹ The two open reservoirs in this image are known as Reservoir No.4 (the northern reservoir) and Reservoir No. 3 (the southern reservoir). Reservoirs No. 1 and No. 2, to the south of Reservoir No. 3, are already covered at this point in time.

whole of the site, whereas previously the most westerly field had been excluded. The changes to the AONB boundary, following the 1990 AONB boundary review, are shown in Appendix 4.

9.3.2.7 We acknowledge that there is built development on several sides of the site. However, none of this built development extends into the site (apart from Oakley Farm itself). The extent to which neighbouring built development influences the site is, therefore, potentially more relevant to the issue of ‘susceptibility to change’, rather than the issue of ‘value’. However, we acknowledge that there is some overlap between the two.

9.3.2.8 The extent of this built development has remained virtually unchanged since before the Cotswolds AONB was designated in 1966 and since the AONB boundary was reviewed and amended in 1990.

9.3.2.9 In this regard, it is important to note that, when the AONB boundary review was undertaken, the officers undertaking the review ‘concluded that it was not appropriate for an AONB boundary to coincide with an urban edge unless the quality and character of the landscape is unimpaired by its proximity to urban development.’⁵⁰ As such, it was clearly considered that the quality and character of the Oakley Farm site was unimpaired by its proximity to urban development (especially given that the AONB boundary was extended to include the whole of the Oakley Farm site).

9.3.2.10 Other requirements for retaining land in - or added land to – the AONB during the boundary review process included:

- i. the quality of the landscape is commensurate with the landscape quality in other parts of the Cotswolds AONB;⁵¹
- ii. it exhibits similarities with the rest of the Cotswolds AONB in terms of landscape character.⁵²

9.3.2.11 Again, the retention of the site (and the addition of the most westerly field) in the AONB, following the AONB boundary review, clearly demonstrates that the site fulfilled these requirements.

9.3.2.12 The large, multi-storey buildings on the former GCHQ site would have potentially had a stronger visual influence on the Oakley Farm site than the current Oakley Grange housing. As such, the visual influence of neighbouring development to the north of Oakley Farm has potentially reduced, compared to the 1990 (AONB boundary review) baseline.

9.3.2.13 The only notable change to the extent of the neighbouring built development is where the Oakley Grange development extends into the AONB, just outside the north-eastern corner of the Oakley Farm site (as shown in the Cotswolds AONB boundary map in Appendix 1). At the time of the 1990 AONB boundary review, development on the former GCHQ site would have only extended up to the AONB boundary.⁵³ However, development on the GCHQ site

⁵⁰ Woolmore, R (2004) *Designation History Series. Cotswolds AONB. Volume 1*. Countryside Commission. The issue of boundary changes at urban edges is referred to in paragraph 58. There is only one hard copy of this document, which is at the Cotswolds Conservation Board office in Northleach.

⁵¹ This was one of the criteria used in the boundary review.

⁵² As per the previous footnote.

⁵³ If GCHQ development had extended into the AONB at the time of the 1990 AONB boundary review, the land would have been excluded from the AONB (as was the case for former Cotswolds AONB land around the west side of Battledown Hill).

subsequently extended into the AONB in the early 1990s (i.e. after the AONB boundary review), as shown in Figure 3, below.

Figure 3. Google Earth image from 1999 with the AONB boundary marked on to show the overlap of the GCHQ development with the AONB boundary.



9.3.2.14 When the GCHQ site was de-commissioned, the subsequent Oakley Grange housing development was permitted to extend into the AONB on the same footprint as the GCHQ development (as shown in Figure 2, above).

9.3.2.15 We acknowledge that this has reduced the connectivity of the Oakley Farm site with the rest of the AONB, to some degree. We also acknowledge that the remaining connectivity is provided by the man-made landform of the Hewlett's Reservoir complex. However, there are a number of factors that balance out these points, as outlined below.

9.3.2.16 When the Cotswolds AONB was designated in 1966, Reservoir No.4 (the most northerly reservoir) and potentially Reservoir No. 3 would have been open water reservoirs, as shown in Figure 1, above.⁵⁴ By the time of the 1990 AONB boundary review, Reservoir No.3 had been covered up but Reservoir No.4 was still open, as shown in Figure 4, below.

9.3.2.17 Reservoir No.4 was demolished in the 1990s and restored to the more natural, sloping, vegetated landform that is shown in Figures 2 and 3 above. The area of this restored landform (which was previously an open reservoir) is equivalent to the land within the AONB that is occupied by the Oakley Grange development. As such, the gains and losses are balanced out, with a net 'neutral' effect on connectivity.

9.3.2.18 When the Oakley Farm site is viewed from locations such as Cleeve Hill, there appears to be a seamless transition between the site and the rest of the AONB. The Hewlett's Reservoir complex does not appear to be an incongruous feature in this transition. Furthermore, the listed buildings of the Hewlett's Reservoir complex make a valuable contribution to the cultural heritage of the AONB in this locality, including the Cotswolds AONB special quality of '*significant historic associations*'. The Grade II listed building of the pavilion at Hewlett's Reservoir also provides a visually appealing and distinctive landscape feature in the immediate setting of the Oakley Farm site.

⁵⁴ No. 3 Reservoir was covered in 1966 ([link](#)), the same year as AONB designation, but the AONB boundary had already been determined in 1994 (as shown by the first map in Appendix 4).

Figure 4. Aerial image of the former GCHQ site and the northern end of the Oakley Farm site in 1993 (also showing the open Reservoir No.4).⁵⁵



9.3.2.19 Even if the Hewlett's Reservoir complex is considered to be incongruous (which we don't think is the case), it does not adversely affect the natural beauty of the area and, as such, *'it is not relevant that the feature does not in itself have natural beauty'*.⁵⁶

9.3.2.20 The low density and well-wooded nature of the built development on Battledown Hill, to the south, means that there is a strong sense of visual connectivity between the site and the AONB landscape to the south.

9.3.2.21 Overall, with regards to the issue of connectivity, we consider that there is *'intactness of the landscape in visual, functional and ecological perspectives'*.⁵⁷

9.3.2.22 The site includes ridge and furrow field patterns, which are one of the special qualities of the AONB (as an explicitly identified component of the area's 'significant historic associations') and contributes to the cultural heritage of the AONB. This adds further value to the site.

9.3.2.23 We acknowledge that the site and its immediate setting do not incorporate all of the special qualities of the Cotswolds AONB or all of the key features of LCT 2 (Escarpment) and that some of these special qualities / key features are not as strong on this site as they are elsewhere within the AONB.

⁵⁵ The image (including the date) are from an internet search of the GCHQ site. However, when one clicks on the image the web link that it connects to does not include the image.

⁵⁶ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). Paragraph 6.12.

⁵⁷ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). Appendix 1 – example sub-factor of landscape quality.

9.3.2.24 However, this is probably true of any development site within the Cotswolds AONB or on the escarpment. The important thing is that the site and its locality does include a number of special qualities and key features. In this regard, it is important to note that:

- there is no requirement that every parcel of land must meet the criteria;⁵⁸
- not all factors or indicators have to be present across a designation;⁵⁹ and
- every part of a designated area contributes to the whole in some way and care must be taken if considering areas in isolation.⁶⁰

9.3.2.25 A recent appeal decision relating to the proposed development of 473 dwellings on the edge of an urban area in the High Weald AONB has provided further clarification on related issues. For example, it states that:

- *In terms of policy and statute, the notion of relative beauty, and the fact that the appeal site is not with in deep countryside, with other areas perhaps having greater scenic beauty, is not important.*⁶¹

9.3.2.26 We acknowledge that the relative tranquillity and dark skies of the AONB (which are two of the AONB's special qualities) are affected by the noise and artificial lighting of the neighbouring built environment of Cheltenham. However, the undeveloped nature of the site helps to prevent the further erosion of these special qualities.

9.3.2.27 Overall, based on the points outlined above, **we consider that the VALUE attached to the landscape receptor is VERY HIGH.**

9.3.3 Sensitivity - Susceptibility to change

9.3.3.1 Susceptibility to change relates to the type of change being proposed (i.e. a large scale housing development in a highly sensitive location within an AONB, in this instance), not to the actual proposed development.

9.3.3.2 The Cotswolds AONB Landscape Strategy and Guidelines (LSG) for Landscape Character Type 2 (Escarpment) states that *'the escarpment is a distinctive and dramatic landscape'* and that *'the combination of its elevation, and the steep slopes rising from the lowlands, make it a highly visible feature and is therefore very sensitive to change, particularly where this would introduce built elements into otherwise agricultural landscapes.'*⁶²

9.3.3.3 The LSG's guidelines for LCT 2 include:

- Maintain the open, dramatic and sparsely settled character of the Escarpment.
- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements onto the escarpment.

⁵⁸ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). Paragraph 5.3.

⁵⁹ Natural England (2011) *Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty in England* ([link](#)). Paragraph 6.10.

⁶⁰ Landscape Institute and Institute of Environmental Management (2013) *Guidelines for Landscape and Visual Impact Assessment. Third edition*. Paragraph 5.24.

⁶¹ Appeal Decision. Appeal Ref: APP/Z3825/W/21/3266503. Decision date 30 July 2021.

⁶² <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>. Landscape Sensitivity, digital page 2.

9.3.3.4 Development on this site would be contrary to these guidelines.

9.3.3.5 Paragraph 8.3 of the adopted Cheltenham Plan states that *'the AONB in the Borough is particularly sensitive to development pressures. A restrictive approach is therefore necessary ... The Council considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB'* (N.B. Underlining added for emphasis).⁶³

9.3.3.6 At a site specific level, the 'Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB within the Cheltenham Borough Administrative Area', published by Cheltenham Borough Council in 2015, refers to the site of the proposed development as Oakley Farm Pasture Slopes (LCA 7.1).⁶⁴ This assessment identifies that LCA 7.1 has:

- high visual sensitivity;
- high landscape character sensitivity;
- high overall landscape sensitivity;
- high landscape value;
- a major overall landscape constraint;
- low overall resulting landscape capacity.

9.3.3.7 Therefore, there is a high susceptibility to change, both in the context of development on the escarpment and development on this specific site.

9.3.3.8 As indicated earlier in this Proof of Evidence, it would not be appropriate for an AONB boundary to coincide with an urban edge unless the quality and character of the landscape is unimpaired by its proximity to urban development. This is a much more clear-cut threshold than the scenario of a housing development on the edge of a settlement within the AONB, where the AONB could still potentially 'wash over' the settlement and the new development.

9.3.3.9 A large housing development (or even a small one) on this highly sensitive site on the edge of the AONB *would* impair the quality and character of the landscape. In effect, the newly developed area (and, potentially, any associated mitigation / landscaping) would not merit AONB status. If the AONB boundary was to be reviewed at a future date the new development, it is highly likely that the developed site would be removed from the AONB.

9.3.3.10 The same principle would also apply to the section of the Oakley Grange development that extends into the AONB. As such, there would be a significant, adverse cumulative effect resulting from both the Oakley Grange development and any development on the Oakley Farm site not meriting AONB status and potentially being removed from the AONB in a future boundary review.

9.3.3.11 Susceptibility to change is *'the ability of the landscape receptor ... to accommodate the proposed development without undue consequences for the maintenance of the baseline situation and / or the achievement of landscape planning policies and strategies'*.⁶⁵ Given the

⁶³ Cheltenham Borough Council (2020) *Cheltenham Plan* ([link](#)).

⁶⁴ Cheltenham Borough Council (2015) *Landscape Character, Sensitivity and Capacity Assessment of Cotswold AONB within the Cheltenham Borough Administrative Area* ([link 1](#) – report, [link 2](#) - assessment).

⁶⁵ Landscape Institute and Institute of Environmental Management (2013) *Guidelines for Landscape and Visual Impact Assessment. Third edition*. Paragraph 5.40.

points outlined above, we consider that the site would not be able to accommodate the proposed development without undue consequence.

9.3.3.12 As outlined earlier in this Proof of Evidence, we acknowledge that the neighbouring built development does influence the site to some degree. For example, extent of the neighbouring development means that development on the site could potentially be considered to be an extension of this existing development. However, this does not take into account the value of the site, as outlined above, including its prominence in the landscape. Nor does it take into account the implications of developing within the AONB on the edge of an urban area that lies outside the AONB, as outlined above.

9.3.3.13 On balance, **we consider that the SUSCEPTIBILITY TO CHANGE would be MEDIUM.**

9.3.4 *Sensitivity - Overall*

9.3.4.1 As outlined above, we consider that the value of the landscape receptor / site is very high and the susceptibility to change is high.

9.3.4.2 Therefore, **we consider the SENSITIVITY of the landscape receptor / site to be HIGH.**

9.3.5 *Magnitude of effect - Size / scale of landscape effect*

9.3.5.1 The scale / extent of the proposed development (250 dwellings on a site covering 15ha⁶⁶) is very large in the context of the Cotswolds AONB, particularly with regards to a 'windfall' development in the highly sensitive landscape of the Cotswold escarpment. As far as we are aware, a housing development of this size / scale, on the Cotswold escarpment within the Cotswolds AONB, would be unprecedented.

9.3.5.2 The appellant has acknowledged that the proposed development constitutes major development in the context of paragraph 177 of the NPPF. In effect, they have acknowledged that it is major development by virtue of its nature, scale, setting and potential to have a significant adverse impact on the purpose of AONB designation (N.B. Underlining added for emphasis).⁶⁷

9.3.5.3 The proposed development is 25 times larger than the number of dwellings classed as major development in the Town and Country Planning (Development Management Procedure) (England) Order 2015.⁶⁸ It is also three times larger than the 'applicable thresholds and criteria' for urban development projects under Schedule 2 of the Environmental Impact Assessment (EIA) Regulations.⁶⁹

9.3.5.4 This scale / extent of development is particularly significant in the context of Cheltenham Borough, which contains a relatively small area of the Cotswolds AONB.

9.3.5.5 We acknowledge that the development proposal includes retaining approximately the southern third of the site as 'open space'. However, as a result of urbanising features, such as

⁶⁶ Of which approximately 10+ hectares would constitute housing and associated infrastructure and landscaping.

⁶⁷ As per Footnote 60 of the NPPF ([link](#)).

⁶⁸ <https://www.legislation.gov.uk/ukxi/2015/595/article/2/made>

⁶⁹ <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>. 10(b) – urban development projects. It is worth noting that Schedule 2 development proposals below the 'applicable thresholds and criteria' also have to be screened for an EIA in AONBs, which are classed as 'sensitive areas'. This makes proposals that exceed the 'applicable thresholds and criteria' even more significant.

the access road, this part of the site would have a peri-urban parkland character, rather than a countryside character. The large amount of tree planting in this area, including along the access road and the east-west tree belt would also exacerbate the loss of the open character of the site, which makes it a prominent feature in the wider landscape.

- 9.3.5.6 The open space provision would not be sufficient to maintain many of the perceptual characteristics that add to the value of the site including the strong sense of contrast that the site currently provides as a backdrop to the neighbouring urban development.
- 9.3.5.7 We also acknowledge that there is neighbouring development on several sides of the site. However, as outlined in relation to 'Value', above, the site clearly merits its current AONB status, with the quality and character of the landscape being unimpaired by its proximity to urban development. In addition, the relatively low density and well-wooded character of development on Battledown Hill, to the south, has a relatively limited influence on the site. As such, we consider that the fact that there is neighbouring development only detracts from the scale / size of landscape effects to a limited degree.
- 9.3.5.8 Fundamentally, the development would have a significant adverse effect on the character of the site. As outlined earlier, with regards to susceptibility to change, above, the site would no longer merit its AONB status. This would be particularly true of the section of the developed site north of the east-west tree belt (i.e. approximately two thirds of the site). However, the peri-urban character of the southern third of the developed site and the significant reduction in features that add to the value of the site means that the whole site would potentially be excluded from the AONB in any future AONB boundary review.
- 9.3.5.9 When considering scale / size of effect, it would not be appropriate to compare the size of the site with the size of the whole of the Cotswolds AONB, or even the whole of the relevant Landscape Character Area or Landscape Character Type. This is because if a development is only considered significant if it covers a significant proportion of any of these areas, this would completely undermine the purpose of AONB designation and the purpose of having a presumption against permitting major development in AONBs. This issue is discussed further in Appendix 2 of the Board's Landscape-led Development Position Statement.⁷⁰
- 9.3.5.10 This principle is reflected in the recent appeal decision relating to the proposed development of 473 dwellings on the edge of an urban area in the High Weald AONB, which states that *'the fact that the appeal site is a tiny corner of the much larger AONB, two fields out of some 10,000' 'is not important'*.⁷¹
- 9.3.5.11 A more appropriate geographical context to consider would be the *'the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant way'*.⁷² In this context, it is an important component of a wider panorama.
- 9.3.5.12 In the context of the Board's Landscape Strategy & Guidelines for LCT 2, we consider that the proposed development would:

⁷⁰ Cotswolds Conservation Board (2030) *Landscape-led Development Position Statement* ([link 1](#) – main document, [link 2](#) – appendices).

⁷¹ Appeal Decision. Appeal Ref: APP/Z3825/W/21/3266503. Decision date 30 July 2021.

⁷² This definition is provided in paragraph 20 of Appeal Decision APP/R3650/W/16/3165974 (link) and reiterated in paragraph 21 of the High Court decision for *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (Admin) (link).

- fail to maintain the open, dramatic and sparsely settled character of the escarpment; and
- intrude negatively into the landscape and could not be successfully mitigated.

9.3.5.13 Overall, based on the points outlined above, **we consider that the SIZE / SCALE OF CHANGE in the landscape would be MEDIUM.**

9.3.6 *Magnitude – Geographical Extent*

9.3.6.1 As outlined above, the currently undeveloped nature of the site has a relatively open character and the site:

- contributes significantly to the ‘*dramatic relief feature and ... backdrop*’⁷³ that the escarpment provides for Cheltenham;
- provides a striking landform;
- shows a strong sense of contrast;
- lends a clear and recognisable sense of place;
- forms an appealing composition of land cover which can be appreciated from various vantage points and as one passes through area;
- provides strong aesthetic qualities, particularly in terms of its degree of openness;
- provides an eye-catching feature.

9.3.6.2 The effect of the proposed development on these valued characteristics would be felt over a significant geographical area, including by receptors on Cleeve Common, approximately 3km away, and on Nottingham Hill, nearly 6km away.

9.3.6.3 The same principle that we have referred in relation to ‘size / scale’, regarding comparisons with the size of the Cotswolds AONB or the relevant Landscape Character Type or Landscape Character Area, apply in the context of ‘geographical extent’ as well.

9.3.6.4 Overall, **we consider that the GEOGRAPHICAL EXTENT would be HIGH.**

9.3.7 *Magnitude – Duration and reversibility*

9.3.7.1 The duration of the landscape effects would be long term (i.e. permanent) and not reversible, except for the possibility of changing the landscaping in the southern third of the site.

9.3.8 *Magnitude – Overall*

9.3.8.1 Overall, based on the points outlined above, **we consider that the MAGNITUDE OF LANDSCAPE EFFECT to be MEDIUM / HIGH.**

9.3.9 *Significance of Effect*

9.3.9.1 As outlined above, we consider the:

- sensitivity of landscape receptors to the proposed development to be high; and
- magnitude of landscape effect to be medium / high.

9.3.9.2 Combining these two elements together, **we consider the SIGNIFICANCE OF LANDSCAPE EFFECTS to be at least MODERATE / MAJOR.**

⁷³ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>. Key features.

9.4 Visual effects

9.4.1 We consider that the applicant's evidence base underplays the significance of the adverse visual effects of the proposed development. For example, the site is highly visible from multiple, publically accessible viewpoints and, as outlined above, the proposed development would significantly change the character of the site.

9.4.2 For the purposes of this Proof of Evidence, we focus on the visual effects for receptors at the following viewpoints:

1. The Cotswold Way National Trail on Cleeve Common.
2. The Cotswold Way National Trail on the Bill Smylie Reserve.
3. Locations on Cleeve Common other than the Cotswold Way.
4. The public rights of way on Aggs Hill, to the east of the Oakley Farm site, in the vicinity of Northfield Farm.
5. The public right of way and access land on Nottingham Hill.
6. The public right of way on the western boundary of the Oakley Farm site.
7. The Sainsbury's car park.

9.4.3 Photographs of the views from these viewpoints are provided in Appendix 6.

9.4.4 Our focus on the visual effects for receptors in these locations does not mean that there wouldn't be significant adverse effects at other viewpoints.

9.4.5 The Cotswold Way and Cleeve Common provide a nationally and regionally significant recreational resource, respectively, which means that they have a relatively high value and high susceptibility to change.

9.4.6 Most of these viewpoints are in Landscape Character Type (LCT) 2 (Escarpment). The escarpment, included the views from and to it, is one of the special qualities of the Cotswolds AONB. The Cotswolds AONB Landscape Strategy and Guidelines highlights the risk of development in Landscape Character Type 2 (Escarpment) causing degradation of the view from the scarp across the adjoining vale and from the vale looking up at the scarp.

9.4.7 Some of the viewpoints (such as on Cleeve Common) are located in LCT 7 (High Wold). The High Wold, including the panoramic views that are experienced on it, is another of the special qualities of the Cotswolds AONB. Another relevant special quality is '*an accessible landscape for quiet recreation*'. As such, it is important to note that the visual effects of the proposed development potentially affect three special qualities and two LCTs (including the visual receptors therein).

9.4.8 For most of these viewpoints, the site occupies a relatively small part of a wider panoramic view. However, as outlined in relation to the landscape value of the Oakley Farm site, above, the site:

- contributes significantly to the '*dramatic relief feature and ... backdrop*'⁷⁴ that the escarpment provides for Cheltenham;
- provides a striking landform;
- shows a strong sense of contrast;
- lends a clear and recognisable sense of place;

⁷⁴ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>. Key features.

- forms an appealing composition of land cover which can be appreciated from various vantage points and as one passes through area;
- provides strong aesthetic qualities, particularly in terms of its degree of openness;
- provides an eye-catching feature.

9.4.9 These factors make the site more prominent in these views. The proposed development would result in the loss of many of these factors, particularly the contrast between the currently open, undeveloped nature of the site and the neighbouring urban development.

9.4.10 As acknowledged earlier in this Proof of Evidence, the southern third of the site would not be developed for housing. However, it is important to note that the new housing would still extend the built development approximately 30m higher, in elevation, than the built development to the north. As such, the new housing would still be highly visible from all directions. Furthermore, the retained, undeveloped land would just be seen as a relatively narrow strip, rather than the relatively wide headland of un-eroded natural beauty that the site provides at present.

9.4.11 Given the elevated position of many key viewpoints, visual mitigation such as the planting / enhancement of hedgerows and trees would do little to reduce the visual impacts of the development over time. As such, the adverse effects would be permanent and irreversible.

i. Cotswold Way (Cleeve Common)

9.4.12 The Cotswold Way is a nationally significant recreational route that is explicitly identified as a special quality of the Cotswolds AONB, as a component of the area's '*accessible landscape for quiet recreation*'. The Oakley Farm site is visible, intermittently, to receptors on the Cotswold Way southwards from Cleeve Hill Camp scheduled monument (GR: SO98522539) for a distance of approximately 600m (to GR: SO98802499) (or vice versa). It is then intermittently visible again along a section of the Cotswold Way (and / or the adjacent access land) in the Bill Smyllie Reserve.

9.4.13 Perhaps the most notable viewpoint on the Cotswold Way, from which the Oakley Farm site can be seen, is 'The Twins', on Cleeve Common just south of the Cleeve Hill Camp scheduled monument, which features in the Cleeve Common leaflet⁷⁵ and on the list of 'Things to See' on the Cleeve Common website⁷⁶. 'The Twins' is also on the Cotswold Way Circular Walk 5 (Cleeve Hill Common ring), as is the scheduled monument.⁷⁷ Here, a bench between two wind-swept beech trees (i.e. 'The Twins') looks directly out from the High Wold towards the Oakley Farm site, as shown in Appendix 6. This seating allows visual receptors to linger at this viewpoint and appreciate the view. A south-west facing bench on the scheduled monument provides a similar view.

ii. Cotswold Way (Bill Smyllie Reserve)

9.4.14 The views of the Oakley Farm site from the section of the Cotswold Way (and adjacent access land) on the Bill Smyllie Reserve are fairly intermittent. However, where the views do open up there are very good views of the Oakley Farm site approximately 2km away. The

⁷⁵ Cleeve Common leaflet ([link](#)).

⁷⁶ <https://www.cleevecommon.org.uk/things-to-see>

⁷⁷ Cotswold Circular Walk 5 leaflet ([link](#)).

magnitude of change that visual receptors would experience as a result of the proposed development would be medium.

iii. Cleeve Common (other than the Cotswold Way)

9.4.15 From Cleeve Common there are extensive, uninterrupted views of the Oakley Farm site across quite a large area of the Common, from just north of the radio masts to the Lone Beech & Memorial Wall and across to the Cleeve Hill Camp scheduled monument. At the Lone Beech & Memorial Wall there is a bench that faces directly towards the Oakley Farm site, allowing people to linger and enjoy the view. However, the Lone Beech & Memorial Wall is a few hundred metres further away from the Oakley Farm site than the Twin Trees, with the view being partially obscured by vegetation. As a result, the magnitude of change in the view is not as large as for the view from The Twins.

iv. Aggs Hill

9.4.16 From the footpaths on Aggs Hill, in the vicinity of Northfield Farm, the Oakley Farm site can be clearly seen just a kilometre away, across the Hewlett's Reservoir complex. The eye is drawn towards the Pavilion listed building on the western edge of the Hewlett's Reservoir complex, behind which the Oakley Farm site currently provides a complementary 'countryside' setting. Although the southern third of the site would remain undeveloped, it is likely that the new housing would adversely affect this view to a limited degree. A potentially more visually intrusive feature of the development could be the security measures (such as high security fencing) that would need to be put in place along the western boundary of the Hewlett's Reservoir complex to prevent people from accessing the reservoir complex.

v. Nottingham Hill

9.4.17 The access land on the south side of Nottingham Hill is approximately 5.75km away from the Oakley Farm site. However, the site is still clearly visible from the various path and tracks that cross this access land (although views are more limited from the public right of way on the southern boundary of this access land).

9.4.18 If the site was to be developed, there would be a noticeable visual effect as there would appear to be a larger extent of urban development extending to the point where the view becomes obscured by the slopes of Cleeve Hill in the middle distance.

vi. Site – western boundary

9.4.19 Visual receptors on the footpath on the western boundary of the site have intermittent but stunning views across the site towards the escarpment. From this viewpoint, it can be seen that the site is very representative of the wider escarpment landscape. If development is permitted, the new housing would obscure views across the northern two-thirds of the site. In addition, the extensive tree planting along the proposed tree belt and in the undeveloped third of the site would also adversely affect views compared to the currently open nature of the site.

vii. Sainsbury's

9.4.20 Visual receptors in at this location are unlikely to be focussing on the views as they will be shopping and going about their daily business. However, the site provides an appealing backdrop of undeveloped land. If the development is permitted this appealing backdrop would be lost, to be replaced by the new housing extending up the hillside.

9.4.21 Based on the points outlined above, the sensitivity of visual receptors would clearly be very high, particularly with regards to receptors on the escarpment.

9.4.22 The visual effects of the proposed development, in relation to receptors at key viewpoints, are summarised in Table 2 below. The multiplicity of major and moderate adverse effects adds to their cumulative significance.

Table 2. Significance of visual effects

Viewpoint	Sensitivity of visual receptor	Magnitude of visual effect	Nature of visual effect	Overall significance of visual effect
1. Cotswold Way (Cleeve Common)	Very high	Medium	Adverse	Major adverse
2. Cotswold Way (Bill Smylie Reserve)	Very high	Medium	Adverse	Major adverse
3. Cleeve Common	Very high	Low	Adverse	Moderate adverse
4. Aggs Hill	High	Low	Adverse	Moderate adverse
5. Nottingham Hill	High	Low	Adverse	Moderate adverse
6. Site – western boundary	High	High	Adverse	Major adverse
7. Sainsbury's	Medium / Low	Medium	Adverse	Moderate adverse

9.5 Effects on tranquillity

9.5.1 The relative tranquillity of the Cotswolds AONB is one of the factor's that contributes to its natural beauty and is also one of the area's special qualities. The tranquillity of the AONB is also an integral component of the area's landscape character and, as such, should be given great weight. Further guidance and information on the topic of tranquillity is provided in Policy CE4 of the Cotswolds AONB Management Plan⁷⁸ and in the Board's Tranquillity Position Statement⁷⁹.

9.5.2 We acknowledge that the tranquillity of this section of the Cotswolds AONB is not as high as some of the more remote areas within the AONB. This is because of the visual and aural disturbance associated with the nearby urban development Cheltenham. However, the undeveloped nature of the site helps to ensure that the tranquillity of the AONB in this locality is not further eroded. Even where the tranquillity of the AONB is relatively low, the aspiration should be to conserve and enhance tranquillity.

9.5.3 In their statement of case (paragraph 8.35), the appellant acknowledges that the proposed development would give rise to an increase in travel demand by all main modes of travel. All vehicular access would be via a new junction on Harp Hill.

9.5.4 As outlined in the Board's Tranquillity Position Statement, increase in traffic movements on roads in and directly adjacent to the AONB can have a significant impact on the tranquillity of the Cotswolds AONB.⁸⁰

⁷⁸ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan* ([link](#)). Policy CE4 (Tranquillity).

⁷⁹ Cotswolds Conservation Board (2019) *Tranquillity Position Statement* ([link](#)).

⁸⁰ Cotswolds Conservation Board (2019) *Tranquillity Position Statement* ([link](#)). Section 4.5.

- 9.5.5 The section of Harp Hill between the proposed access road and the western boundary of the site marks the boundary of the Cotswolds AONB – a distance of approximately 300m. East of the access road, Harp Hill would be primarily within the AONB.
- 9.5.6 Analysis of the appellant’s AM (i.e. morning) and PM (i.e. afternoon) ‘peak hour link flows’ data indicates that there would be a 19% increase in AM peak hour traffic on Harp Hill west of the proposed access road and a 21% increase in PM peak hour traffic. This a significant increase and well above the 10% ‘rule of thumb’ threshold that is specified in the Board’s Tranquillity Position Statement.⁸¹ There would also be a notable increase in traffic flows on Harp Hill east of the proposed site entrance and on Greenway Lane, although not above the 10% threshold.

Table 3. AM and PM peak hour link flows

Location	Peak Flow					
	AM Peak Flow Without Proposed Development	AM Peak Flow With Proposed Development	% Increase in AM Peak Flow	PM Peak Flow Without Proposed Development	PM Peak Flow With Proposed Development	% Increase in PM Peak Flow
On site		125			123	
Harp Hill east	512	530	3.5	461	479	3.9
Harp Hill west (west of Stanley Road)	555	660	18.9	502	607	20.9
Greenway Lane	326	343	5.2	362	379	4.7
A40 London Rd (E of traffic lights)	1111	1128	1.5	1163	1180	1.5
A435 Cirencester Rd (S of traffic lights)	860	865	0.6	840	845	0.6

9.6 Effects on dark skies

- 9.6.1 The dark skies of the Cotswolds AONB are one of the area’s special qualities and a sub-set of tranquillity as a factor that contributes to the natural beauty of the area. The dark skies of the AONB are also an integral component of the area’s landscape character and, as such, should be given great weight. Further guidance and information on the topic of tranquillity is provided in Policy CE5 of the Cotswolds AONB Management Plan⁸² and in the Board’s Dark Skies & Artificial Light Position Statement⁸³.
- 9.6.2 We acknowledge that the dark skies of this section of the Cotswolds AONB adversely affected by light pollution to a larger degree than more remote parts of the AONB. This is because of the visual and aural disturbance associated with the nearby urban development Cheltenham. However, the undeveloped nature of the site helps to ensure that impacts associated with light pollution are not further exacerbated. Even where the impacts of light pollution are relatively low, the aspiration should be to reduce light pollution.
- 9.6.3 The appellant’s supporting information (including the Environmental Statement and Planning Statement) does not appear to explicitly address this issue. As such, there is no evidence to indicate that the proposed development would comply with relevant guidance, such as the ‘Guidance Notes for the Reduction of Obtrusive Light’, published by the Institution of Lighting

⁸¹ As outlined in the Tranquillity Position Statement, this ‘rule of thumb’ is based on the ‘rules of thumb’ outlined in the Institute of Environmental Assessment’s ‘Guidelines for the Environmental Assessment of Road Traffic’.

⁸² Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan* ([link](#)). Policy CE5 (Dark Skies).

⁸³ Cotswolds Conservation Board (2019) *Dark Skies & Artificial Light Position Statement* (main document ([link](#)), Appendix A ([link](#)), Appendix B ([link](#)) and Appendix C ([link](#))).

Professionals, which also form Appendix B of the Board's Dark Skies & Artificial Light Position Statement.⁸⁴

- 9.6.4 However, a new development of 250 dwellings within the AONB on the lower slopes of the Cotswold escarpment would inevitably further exacerbate the issue of light pollution. This is an important consideration given that a key aspiration for the AONB is to avoid, minimise and reduce light pollution in order to enhance the dark skies of the AONB.

9.7 Effects on natural heritage

- 9.7.1 We acknowledge that the proposed development has the potential to deliver some biodiversity benefits in the longer term, particularly with regards to tree planting.
- 9.7.2 However, it should be noted that some of the proposed measures are, in effect, primarily mitigation for losses caused by the proposed development (such as loss of hedgerows), which reduces their net-gain value. In addition, as outlined above, the extent of the proposed tree planting would adversely affect the relatively open character of the site and the associated value of the site with regards to landscape character (particularly, when the adverse effects of the proposed development are also taken into account)
- 9.7.3 In the NPPF, conserving and enhancing natural heritage is only an important consideration, in the context of AONBs, whereas conserving and enhancing landscape and scenic beauty should be given great weight.⁸⁵ As such, adverse effects on the landscape and scenic beauty of the Cotswolds AONB should be given greater weight than any beneficial effects for biodiversity.

9.8 Effects on cultural heritage

- 9.8.1 Cultural heritage is one of the factors that contributes to the natural beauty of the Cotswolds AONB. It covers a variety of topics, including buildings or other structures that make a particular contribution to distinctive sense of place or other aspects of scenic quality.
- 9.8.2 Cultural heritage also includes the historic environment. As such, one of the 'special qualities' of the Cotswolds AONB that is closely aligned with cultural heritage is the area's significant archaeological, prehistoric and historic associations.
- 9.8.3 In the context of the Oakley Farm proposal, we consider that the designated heritage assets associated with Hewlett's Reservoir make an important contribution to this cultural heritage and to this special quality. As such we consider that these assets make an important contribution to the natural beauty of the AONB.
- 9.8.4 We support the Council's assertion, in Reason for Refusal 4 and in their statement of case, that the proposed development would have an unacceptable harmful impact on the setting of the heritage assets within Hewlett's Reservoir.
- 9.8.5 The Grade II listed pavilion at Hewlett's Reservoir would be particularly adversely affected. As stated Historic England's entry for this listed building, *'the building is an ornamental pavilion with picturesque detailing, which belies its functional purpose and instead give the appearance of a country house garden building'*.⁸⁶ As such, the building provides an appealing

⁸⁴ Cotswolds Conservation Board (2019) *Dark Skies & Artificial Light Position Statement*. Appendix B ([link](#)).

⁸⁵ NPPF ([link](#)). Paragraph 176.

⁸⁶ <https://historicengland.org.uk/listing/the-list/list-entry/1104324>

and distinctive feature in the immediate setting of the proposed location. The undeveloped nature of the Oakley Farm site provide an important ‘countryside’ backdrop to this ‘country house garden’ style building when viewed from the escarpment to the east (for example, from the public rights of way in the vicinity of Northfield Farm).

- 9.8.6 Harmful impacts would include the need for increased security measures, such as high security fencing, on the western boundary of the Hewlett’s Reservoir complex (directly adjacent to the pavilion and to the proposed open space on the Oakley Farm development) in order to prevent people accessing the complex.
- 9.8.7 As such, the proposed works would not to sustain or enhance the designated heritage assets and would cause harm to the significance of the affected designated heritage assets. In weighing this harm against the public benefits of the proposal, through the provision of housing, the public benefits of the proposals are not considered to outweigh the harm caused to the significance of the affected heritage assets.
- 9.8.8 Another important cultural heritage asset is the ridge and furrow field patterns that are found across a large proportion of the Oakley Farm Site. Ridge and furrow is explicitly identified as one of the special qualities of the Cotswolds AONB as a component part of the area’s ‘*significant historic associations*’. The proposed built development would result in the permanent loss of much of this important asset on-site.
- 9.8.9 The impacts on these heritage assets should be considered both in their own right and in terms of their contribution to the natural beauty of the AONB.

9.9 Effects on recreational opportunities

- 9.9.1 In principle, the Board is supportive of providing new and / or improved opportunities for public enjoyment of the Cotswolds AONB, including recreational and public access opportunities. This is reflected in the Board’s second statutory purpose, which is to increase the understanding and enjoyment of the special qualities of the AONB. However, where there is a conflict between this purpose (i.e. purpose (b)) and the purpose of conserving and enhancing the natural beauty of the AONB (i.e. purpose (a)), the Board has a statutory requirement, under Section 87 of the CROW Act, to attach greater weight to purpose (a).⁸⁷
- 9.9.2 This requirement is commonly referred to as the ‘Sandford Principle’, which also applies in National Parks.⁸⁸ Under the ‘duty of regard’, referred to above, we would encourage the Planning Inspectorate to apply the same principle.
- 9.9.3 With regards to this specific development proposal, we consider that any potential recreational and public access benefits provided by the development are far outweighed by the adverse impacts of the development on the AONB, as described elsewhere in this Proof of Evidence. As such, the Sandford Principle should apply.
- 9.9.4 We strongly disagree with the appellant’s assertion, in their statement of case (paragraph 8.29) that the provision of public access on the undeveloped part of the site will relieve pressure on other areas of the Cotswolds AONB. The site would primarily be used by

⁸⁷ <https://www.legislation.gov.uk/ukpga/2000/37/section/87>

⁸⁸

<https://secure.nationalparks.uk/students/whatisanationalpark/aimsandpurposesofnationalparks/sandfordprinciple>

residents of the new development and neighbouring streets. It is highly unlikely that people would specifically come to visit the site as an alternative to visiting the much more spectacular areas of the AONB that are in close proximity, such as Cleeve Common. Indeed, the residents themselves would no doubt want to visit these more spectacular areas either directly on foot, via local footpaths, or by car (with Cleeve Common being just a 10 minute drive away). As such, the addition of several hundred new residents in this location is likely to increase pressure on the AONB.

- 9.9.5 We acknowledge that there is currently no physical right of access to the site. However, there is 'proximate access' whereby the site can be experienced on its boundary, where a close up visual experience of the site (and long distance views to the scarp beyond) is available. As such, it is not just a binary differentiation between access and no access. Furthermore, the accessibility of the site will be limited for less-able users due to the steepness of the site.
- 9.9.6 The appellant asserts, in their statement of case (paragraph 8.29) that development will improve access to the countryside. However, we consider that the open space that will be publically accessible would be more akin to a peri-urban park than to 'countryside'.
- 9.9.7 One of the supposed benefits of this open space provision is the opportunity to experience views of the Cotswolds AONB. However, the amount of tree planting that is proposed would restrict these views to both the north (as a result of the proposed 'tree belt') and to the east (as a result of the proposed tree planting along the access road).

9.10 The need for the development

- 9.10.1 The Government's Planning Practice Guidance (PPG) makes it clear that the NPPF's policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs (OAN) for development in full.⁸⁹ Therefore, any evidence that the appellant may provide regarding OAN does not necessarily provide evidence of exceptional need for this particular development in this particular location.
- 9.10.2 The appellant's statement of case (for example, paragraph 8.7) emphasises the current shortfall in housing land supply. However, a short-term shortfall in housing land supply does not necessarily mean that the housing requirements set out in the JCS will not be met. In this regard, we note the Council's assertion, in their statement of case (paragraph 5.18), that the mechanisms are in place to ensure that housing needs are met during the plan period through the plan-led approach.
- 9.10.3 The proposed development clearly relates to needs arising outside the Cotswolds AONB (in particular, needs arising within the section of Cheltenham Borough that lies outside the AONB). As such it would not be compatible with the PPG, which states that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.⁹⁰ Nor would it be compatible with the Cotswolds AONB Management Plan (particularly Policy CE12, which states that '*development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB*').⁹¹ By extension it would not be compatible with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS).

⁸⁹ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

⁹⁰ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

⁹¹ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)). Policy CE12. This policy is based on best practice, such as the West Oxfordshire Local Plan (WOLP). A case study of the WOLP is

- 9.10.4 Correspondence between the Board and the Council has clarified that there are approximately 250 dwellings within the Cheltenham Borough section of the Cotswolds AONB. The proposed development would therefore double the amount of housing within this section of the Cotswolds AONB, which would be completely disproportionate.
- 9.10.5 Correspondence between the Board and the Council has also clarified that approximately 51 of these 250 dwellings are located within the Oakley Grange development, which has been developed since the start of the Cheltenham Plan period (i.e. since 2011).⁹²
- 9.10.6 So, at the start of the Plan period there would have been no more than approximately 200 dwellings in the Cheltenham Borough section of the Cotswolds AONB. The actual figure is likely to be less than this as there would have been other housing developments permitted / built in the Cheltenham Borough section of the Cotswolds AONB since 2011. As such, the number of dwellings in the Cheltenham Borough section of the Cotswolds AONB has already increased by at least 20% since the start of the Cheltenham Plan period (i.e. since 2011).
- 9.10.7 At the time of the 2011 census (i.e. at the start of the Cheltenham Plan period), there were approximately 53,122 dwellings in Cheltenham Borough ([link](#)). As such, the 200 dwellings in the Cheltenham Borough section of the Cotswolds AONB at that time would have equated to 0.38% of the total housing stock in Cheltenham Borough.
- 9.10.8 Table SP2a of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy ([link](#)) indicates that 11,092 of the dwellings required in the JCS area during the JCS period would be provided within Cheltenham Borough.
- 9.10.9 If the 0.38% figure (i.e. the proportion of Cheltenham Borough's housing stock that is located within the Cotswolds AONB) is applied to this requirement of 11,092 dwellings, this would equate to 42 dwellings, which is less than the 51+ dwellings that have already been built in the Cheltenham Borough section of the Cotswolds AONB since 2011.
- 9.10.10 Therefore, even without factoring in the constraint of the AONB designation, the Cotswolds AONB has already accommodated more than its proportionate share of the new housing required in Cheltenham Borough during the Cheltenham Plan period (i.e. between 2011 and 2031).
- 9.10.11 Even if it is considered that there is exceptional need for the proposed development, case law has clarified that this does not necessarily mean that exceptional circumstances apply.⁹³
- 9.10.12 The appellant's statement of case (paragraph 8.21) states that failing to meet housing needs will have a detrimental effect on the economy. However, maintaining the natural beauty of the Cotswolds AONB has a beneficial effect on the economy. For example, this natural beauty AONB underpins the tourism sector in this area, which attracts some 23 million visitors each

provided in Appendix 2 of the Conservation Board's Housing Position Statement ([link1](#) – main document, [link 2](#), appendices).

⁹² These 51 dwellings include 41 dwellings that are entirely within the Cotswolds AONB and 10 that overlap with the AONB boundary. The overlap of dwellings on the Oakley Grange site with the AONB can be seen in the Cotswolds AONB boundary map shown in Appendix 1.

⁹³ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) ([link](#)). Paragraph 51.

year generating revenues of around £425 million each year.⁹⁴ The AONB designation is also used by a wide range of businesses as part of their branding.

9.10.13 As such, this natural beauty is a valuable asset that needs to be conserved and enhanced in order to help sustain these businesses. Therefore, developments that harm this natural beauty, such as the proposed development, also have a detrimental effect on the economy.

9.10.14 The Board's Housing Position Statement⁹⁵ provides further relevant guidance, including differentiating between:

- unconstrained housing need and an appropriate level of housing provision within a national important protected landscape, such as the Cotswolds;
- district-wide housing needs and housing needs arising within the AONB, including needs specific to an individual settlement / parish.

9.11 The scope for developing outside the Cotswolds AONB

9.11.1 Case law has clarified that no permission should be given for major development in AONBs save to the extent that, inter alia, the development met a need that could not be addressed elsewhere or in some other way.⁹⁶

9.11.2 We agree with the Council's observation, in their statement of case (paragraph 5.16), that the applicant has not explored fully the cost or scope for developing outside of the AONB or meeting the need for housing in some other way.

9.11.3 The appellant's statement of case (paragraph 8.26) states that if development does not take place within the AONB adjacent to the built up area, there will need to be further incursions into the Green Belt, or housing would need to be delivered beyond the Green Belt in locations more distant from Cheltenham and as such needs would not be met where they arise.

9.11.4 The reference to incursions into the Green Belt implies that the AONB is a more suitable location for the proposed development than the Green Belt. However, this is not necessarily the case, particularly given that the appellant has accepted that the proposed development constitutes major development in an AONB.

9.11.5 In both cases (i.e. development in Green Belt and major development in an AONB), development should only be permitted in exceptional circumstances. Proposals for major development in AONBs have the additional requirement of having to demonstrate that the proposed development would be in the public interest. In this context, it should also be noted that AONBs have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty (on a par with National Parks).

9.11.6 With regards to the option of housing being delivered in locations more distant from Cheltenham, the Council, in their statement of case (paragraph 5.17), advises that it has long been recognised that Gloucester and Cheltenham cannot wholly meet their development requirements within their administrative boundaries. The Council adds that this issue is

⁹⁴ Cotswolds Conservation Board (2013) *Assessment of the economic value of the Cotswolds AONB* ([link](#)). Section 2.4.

⁹⁵ Cotswolds Conservation Board (2021) *Housing Position Statement* ([link 1](#) (main document), [link 2](#) (appendices)).

⁹⁶ R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Paragraph 35.

addressed by the three JCS local authorities working collaboratively across local authority boundaries, through the duty to cooperate.

9.11.7 The Council's approach reflects the Government's guidance on Housing and Economic Land Availability Assessment.⁹⁷ For example, paragraph 025 of this guidance recognises that there may be circumstances in which the factoring in of constraints, including AONBs, may mean that consideration will need to be given to how unmet needs might be met in adjoining areas, in accordance with the duty to cooperate.

9.11.8 As such, we consider that the option of locating the proposed development further afield would be a more suitable option than locating the development within the AONB, particularly for a development of this scale and extent.

9.11.9 We also support the case being made by the Council (statement of case, paragraph 5.19) that any requirement for additional housing sites which may arise within and beyond the plan period, should be identified as part of the plan-led approach, having regard to a robust evidence base, public consultation in the public interest and the scrutiny in site selection which arises from the plan-led process.

9.11.10 Overall, we do not consider that the appellant has demonstrated exceptional circumstances with regards to this issue.

9.12 Exceptional circumstances

9.12.1 Based on the information outlined above, we consider that:

- there are no exceptional circumstances;
- there is scope for meeting the need elsewhere;
- there would be significant detrimental effects that would outweigh the potential benefits of the scheme.

9.12.2 For these reasons, we do not consider that exceptional circumstances apply.

9.13 Public interest

9.13.1 When considering whether the proposed development would be in the public interest it is important to note the value afforded to the AONB designation, as outlined earlier in this Proof of Evidence.

9.13.2 In addition, the following points merit consideration.

9.13.3 The Government has stated, in its response to the local housing need proposals in 'Changes to the current planning system', that meeting housing needs is never a reason to cause unacceptable harm to AONBs.⁹⁸ The Government has also stated, when launching the 'Planning for the Future' White Paper, that our AONBs will be protected as the places, views and landscapes we cherish most and passed on to the next generation.⁹⁹ Furthermore, as

⁹⁷ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>.

⁹⁸ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

⁹⁹ Statement by the Secretary of State for Housing, Communities and Local Government, when launching the consultation on the Planning White Paper in August 2020 ([link](#)).

outlined in the Government's 25 Year Environment Plan, the Government has set a goal / policy to conserve and enhance the beauty of our landscapes.¹⁰⁰

9.13.4 At the local level, the Cheltenham Plan states that the Council considers it particularly important to protect the scarp (on which the proposed development would be located) as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB.

9.13.5 Taking account of the above points, we consider that any potential public benefits of the proposed development would be far outweighed by the benefits of retaining the site as an undeveloped component of the Cotswolds AONB.

9.14 Tilted balance

9.14.1 Where there is a shortfall in housing land supply, paragraph 11d of the NPPF sets a presumption in favour of granting planning permission (known as the 'tilted balance'). However, it also identifies a number of exemptions to this tilted balance, including where the application of policies in the NPPF that protect AONBs and designated heritage assets '*provides a clear reason for refusing the development proposed*'.

9.14.2 Case law has clarified that limb (i) of paragraph 11d is applied by taking into account only those factors which fall within the ambit of the relevant 'Footnote 6' policies and that development plan policies and other policies of the NPPF are not to be taken into account in the application of limb (i).¹⁰¹

9.14.3 Given the detrimental impacts outlined above, we consider that the application of the relevant Footnote 6 policies *does* provide a clear reason for refusal, with regards to both: (i) landscape and scenic beauty; and (ii) cultural heritage. The fact that the Council's putative reasons for refusal, adds further weight to not applying the tilted balance.

9.14.4 In the planning appeal that was the subject of this case law, it was common ground that if a development constituted major development (with the associated presumption against granting planning permission), that provided a clear reason for refusal. The same principle applies in this instance.

9.14.5 Based on this case law, we consider that issues such as a shortfall in housing land supply should be given very little (if any) weight when deciding if the tilted balance applies.

9.14.6 For these reasons, we do not consider that the tilted balance should be applied in this instance.

9.14.7 Therefore, when deciding the overall planning balance (which should be a subsequent step to the question of the tilted balance), great weight should be given to conserving and enhancing landscape and scenic beauty, but there shouldn't be a presumption in favour of granting

¹⁰⁰ The Government's 25 Year Environment Plan ([link](#)) aspires for us to be the first generation to leave the environment in a better state than we found it. As part of this aspiration, it proposes to embed an 'environmental net gain' principle for development. This includes setting a goal that '*we will conserve and enhance the beauty of our natural environment ... by ... safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage*'.

¹⁰¹ *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor* (Rev 1) [2021] EWCA Civ 74 ([link](#)).

planning permission. Indeed, as outlined earlier in this response, the major development status of the proposal means that, in effect, there should be a presumption against granting planning permission.

10.0 ANALYSIS OF MAIN ISSUE 1 - WHETHER THE SITE SHOULD BE DEVELOPED

10.1 We have addressed this issue in relation to Main Issue 2, in the context of whether exceptional circumstances apply.

11.0 ANALYSIS OF MAIN ISSUE 3 – THE EFFECT ON HERITAGE ASSETS

11.1 We have addressed this issue in relation to Main Issue 2, with regards to the contribution that the cultural heritage of the locality makes to the natural beauty of the Cotswolds AONB. In particular, we have addressed the potential adverse impacts on the designated assets of the Hewlett's Reservoir complex and on the ridge and furrow field patterns.

12.0 CONCLUSIONS – OVERALL PLANNING BALANCE

12.1 In this Proof of Evidence we have identified that the proposed development would:

- have at least a moderate / major (i.e. significant) adverse effect on landscape quality;
- have moderate or major (i.e. significant) adverse effects on visual receptors at multiple viewpoints, with this multiplicity adding to the overall significance;
- adversely affect the tranquillity, dark skies and cultural heritage of the Cotswolds AONB;
- provide public access to the site including recreational open space, albeit that the potential benefits of these measures would be outweighed by the adverse effects outlined above.

12.2 We have identified that exceptional circumstances do not apply for this 'major development' and that the development would not be in the public interest. We have also identified that the 'tilted balance' (in favour of granting planning permission) should not be applied.

12.3 Taking into account all of the above points, the proposed development would not be consistent with:

- the Cotswolds AONB Landscape Strategy and Guidelines relating to Landscape Character Types (LCT) 2 (Escarpment) and LCT 7 (High Wold), particularly with regard to development, expansion and infilling of settlements onto the lower slopes of the escarpment in LCT 2;
- the policies of the Cotswolds AONB Management Plan 2018-2023, including Policies CE1, CE4, CE5, CE6, CE10, CE11 or CE12;
- the policies and supporting text of the Cheltenham Plan, including Policy L1 and Chapters 8 and 9;
- the policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, including Policies SD6, SD7, SD8 and SD10.

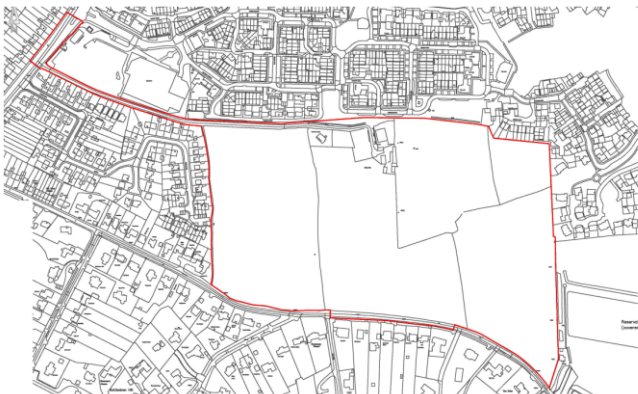
12.4 Overall, we consider that the potential beneficial effects of the scheme are far outweighed by the adverse effects. As such, we recommend that the appeal should be dismissed.

APPENDIX 1. SITE LOCATION, SITE BOUNDARY AND COTSWOLDS AONB BOUNDARY

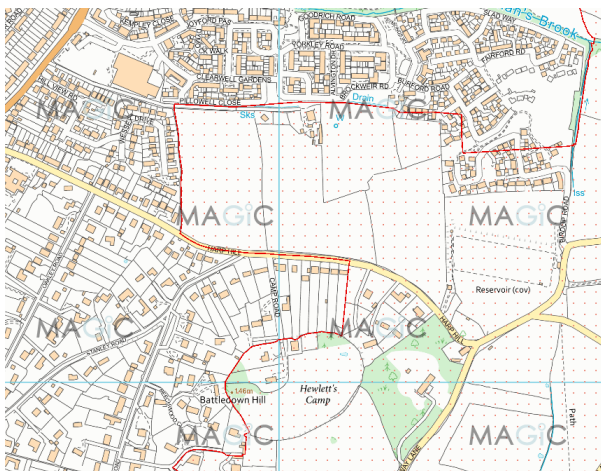
Site Location (site boundary shown in red)



Site Boundary (site boundary shown in red)



Cotswolds AONB Boundary (AONB boundary shown in red)¹⁰²



¹⁰² Extract from the Defra MAGIC website.

APPENDIX 2. CHELTENHAM BOROUGH COUNCIL'S PUTATIVE REASONS FOR REFUSAL

1. The application proposes the erection of 250 houses on greenfield/agricultural land within the Cotswold Area of Outstanding Natural Beauty (AONB) and on land outside of the Principal Urban Area of Cheltenham (PUA). Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011- 2031 (December 2017) stipulates that on sites that are not allocated for residential development, new housing development within the Cheltenham Borough administrative area will normally only be permitted on previously developed land within the PUA except where otherwise restricted by policies within District Plans. The proposed development does not satisfy any of the exception criteria of SD10 that would support housing development on this site. The proposed development conflicts therefore with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development within Cheltenham Borough and the application site is not an appropriate location for new residential development.
2. The proposals constitute major development within the Cotswold Area of Outstanding Natural Beauty (AONB). In accordance with national planning policy, the AONB is afforded the highest status of protection in relation to conserving and enhancing landscape and scenic beauty and in which major development is prohibited unless in exceptional circumstances and when in the public interest. The proposed construction of 250 houses would, by virtue of the location and size of the application site, the scale and extent of development and the numbers of dwellings proposed plus associated infrastructure would fail to conserve or enhance the landscape and scenic beauty of the AONB and would result in significant harm to and permanent loss of the landscape quality and beauty of this part of the AONB. The proposed indicative mitigation measures intended to minimise harm to the AONB are considered inadequate, do not address the concerns and would alter the character of the site as a whole and result in harm to the AONB in themselves. The applicant has failed to demonstrate any exceptional circumstances (or public interest) that would justify the proposed development within the AONB and thereby outweigh the identified harm to the AONB. The proposed development is therefore contrary to Policies L1 and D1 of the Cheltenham Plan (2020), Policies SD4, SD6 and SD7 of the Joint Core Strategy (2017), Policies CE1, CE3, CE10 and CE12 of the Cotswold AONB Management Plan 2018-23 and paragraphs 170 and 172 of the NPPF.
3. The proposed development would, by virtue of design, layout and traffic generation result in a severe impact on the highway network and would fail to provide a safe and suitable access for all users, contrary to paragraphs 108, 109 and 110 of the National Planning Policy Framework, Policies INF1 and INF6 of the Joint Core Strategy (adopted December 2017), Policies LTP PD 0.3 and 0.4 of the Local Transport Plan (adopted March 2021), Policy CE10 of the Cotswold AONB Management Plan 2018-23 and Manual for Gloucestershire Streets (adopted July 2020).
4. The application site lies adjacent to designated heritage assets (grade II listed Hewlett's Reservoir and Pavilion). The proposals would have an unacceptable harmful impact on the setting of the heritage assets within Hewlett's Reservoir. As such, the proposed works are considered not to sustain or enhance the designated heritage assets and would cause harm to the significance of the affected designated heritage assets. In weighing this harm against

the public benefits of the proposal, through the provision of housing, the public benefits of the proposals are not considered to outweigh the harm caused to the significance of the affected heritage assets. The proposed development is therefore contrary to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990, Policy SD8 of the Joint Core Strategy 2017, Policy CE6 of the Cotswold AONB Management Plan 2018-23 and Chapter 16 of the National Planning Policy Framework.

5. Policies INF4, INF6 and INF7 of the Joint Core Strategy (JCS) (adopted 2017) (and Policy CI1 and CI2 of the Cheltenham Plan) state that where infrastructure requirements are generated as a result of site proposals, new development will be served by appropriate on and/or off site infrastructure (including maintenance requirements) and community services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms, as appropriate. Policy SD12 of the JCS seeks the provision of 40% affordable housing in developments of 11 or more dwellings within the Cheltenham Borough administrative area. Affordable housing requirements will be delivered by way of on and/or off site provision and secured through the s106 mechanism. The proposed development will lead to: 1. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on and/or offsite outdoor playing space. (Supplementary Planning Guidance - Playspace in Residential Development, Policy INF4, INF6 of the JCS, Policy CI1 and CI2 of the Cheltenham Plan and Section 8 of the NPPF) 2. Management and maintenance of hard and soft landscaped areas and any private streets 3. A need to provide for an element of affordable housing (Policy SD12 of the JCS and Policy CI1 of the Cheltenham Plan) which would be expected to be provided in full on site. No agreement has been completed to secure the delivery of affordable housing requirements, and schemes/strategies for play space provision and site management and maintenance. The proposal therefore does not adequately provide for affordable housing requirements, schemes/strategies for play space provision and site management maintenance and conflicts with Policies SD11, SD12, INF3, INF4, INF6 and INF7 of the JCS, Policies CI1 and CI2 of the Cheltenham Plan (adopted 2020), Supplementary Planning Guidance – Playspace in Residential Development and the NPPF as referred to above.
6. Policy INF4, INF6 and INF7 of the Joint Core Strategy (JCS) (adopted 2017) (and Policy CI1 of the Cheltenham Plan) states that where infrastructure requirements are generated as a result of site proposals, new development will be served by appropriate on and/or off site infrastructure and community services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms, as appropriate. The proposed development will lead to a need to provide for education and libraries provision for the future residents (Policy INF6 of the JCS). There is no agreement from the applicant to pay the requested financial contributions towards education (school places) and libraries provision that would be generated by the proposed development to make the application acceptable in planning terms. The proposal therefore does not adequately provide for education and library provision and conflicts with Policy INF4, INF6 and INF7 of the JCS (adopted 2017), Policy CI1 of the Cheltenham Plan (adopted 2020) and guidance on developer contributions set out in the NPPF, CIL Regulations (as amended) and DfE Guidance on Securing Developer Contributions for Education.

7. Policies INF4, INF6 and INF7 of the Joint Core Strategy (JCS) (adopted 2017) (and Policy CI1 of the Cheltenham Plan) state that where infrastructure and services requirements are generated as a result of site proposals, new development will be served by appropriate on and/or off site infrastructure, services and other remedial measures. Financial contributions towards the provision of necessary infrastructure, services and other remedial measures will be sought through the s106, s278 or CIL mechanisms, as appropriate. The proposed development would lead to a requirement for necessary off-site highway improvement works (JCS Policies INF1 and INF6) and the implementation of the Residential Travel Plan. No agreement has been completed to secure the provision of necessary highway improvements works and the funding and implementation of the Residential Travel Plan. The proposal fails therefore to meet the expectations of Policy INF1 and INF6 of the JCS (adopted 2017), Policy CI1 of the Cheltenham Plan (adopted 2020) and guidance on developer contributions set out in the NPPF.

APPENDIX 3. CORRESPONDENCE BETWEEN CHELTENHAM BOROUGH COUNCIL AND THE
COTSWOLDS CONSERVATION BOARD REGARDING THE NUMBER OF DWELLINGS IN THE
COTSWOLDS AONB (INCLUDING OAKLEY GRANGE)

Extract from email 1 (10 June 2021):

From: [REDACTED]@cheltenham.gov.uk [mailto:[REDACTED]@cheltenham.gov.uk]
Sent: 10 June 2021 15:55
To: John Mills <John.Mills@cotswoldsaonb.org.uk>
Cc: [REDACTED]@cheltenham.gov.uk; [REDACTED]@cheltenham.gov.uk;
[REDACTED]@cheltenham.gov.uk
Subject: RE: Oakley Farm appeal

Hi John,

We know that currently there are approximately 250 dwellings within the AONB in Cheltenham
Borough ...

Extract from email 2 (29 July 2021):

From: [REDACTED]@cheltenham.gov.uk [mailto:[REDACTED]@cheltenham.gov.uk]
Sent: 29 July 2021 11:24
To: John Mills <John.Mills@cotswoldsaonb.org.uk>
Cc: [REDACTED]@cheltenham.gov.uk; [REDACTED]@cheltenham.gov.uk;
[REDACTED]@cheltenham.gov.uk; [REDACTED]
Subject: RE: Oakley Farm appeal

Hi John,

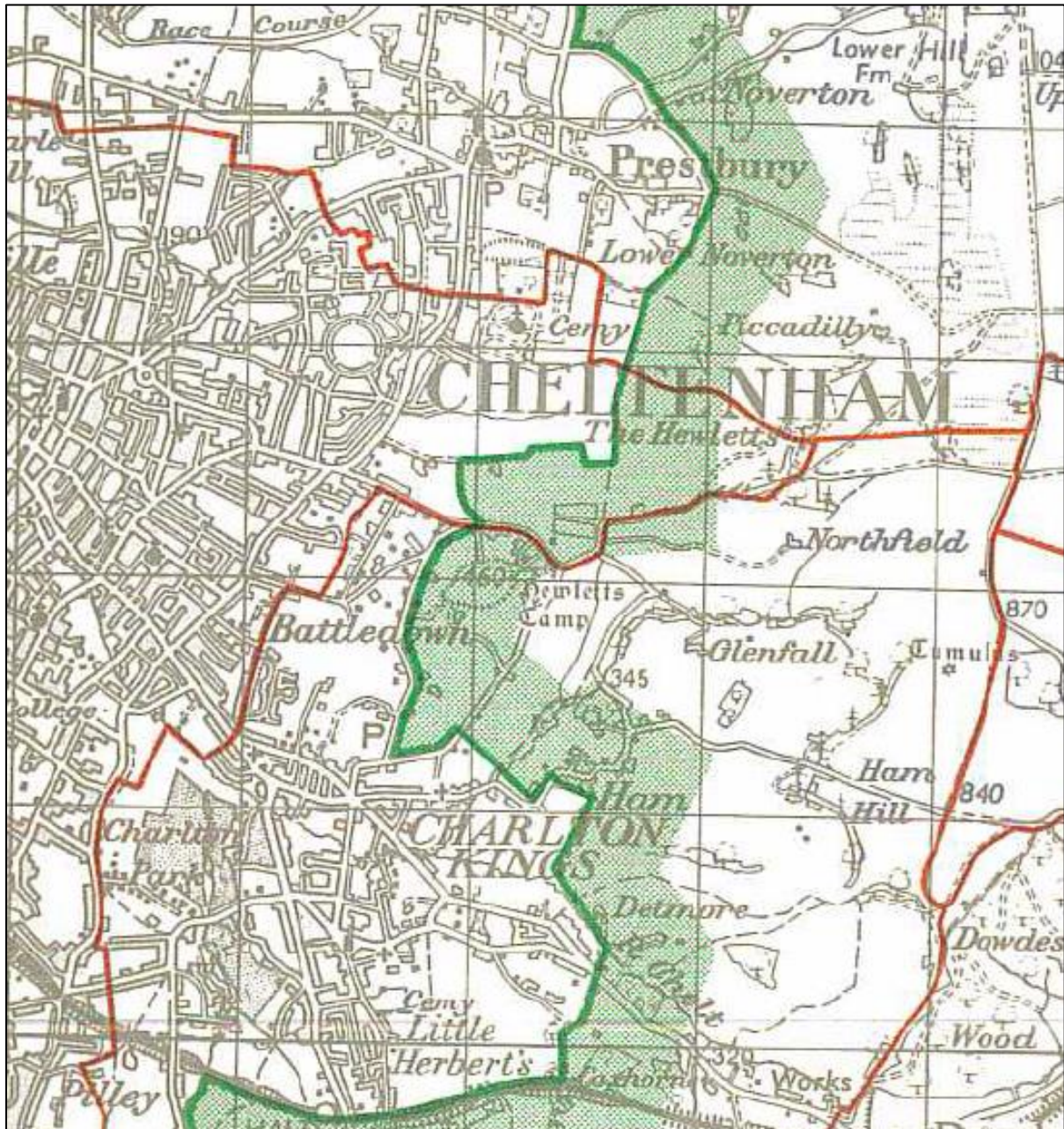
I've had my colleague have a look on our mapping system. He says that 41 houses at Oakley Farm¹⁰³
are within the AONB but 51 have at least some part of the dwelling's building within AONB.

¹⁰³ This should have said Oakley Grange, rather than Oakley Farm.

APPENDIX 4. CHANGES TO THE COTSWOLDS AONB BOUNDARY

Cotswolds AONB boundary along eastern edge of Cheltenham when the AONB was designated in 1966 (from map produced in 1964 for the National Parks Commission)

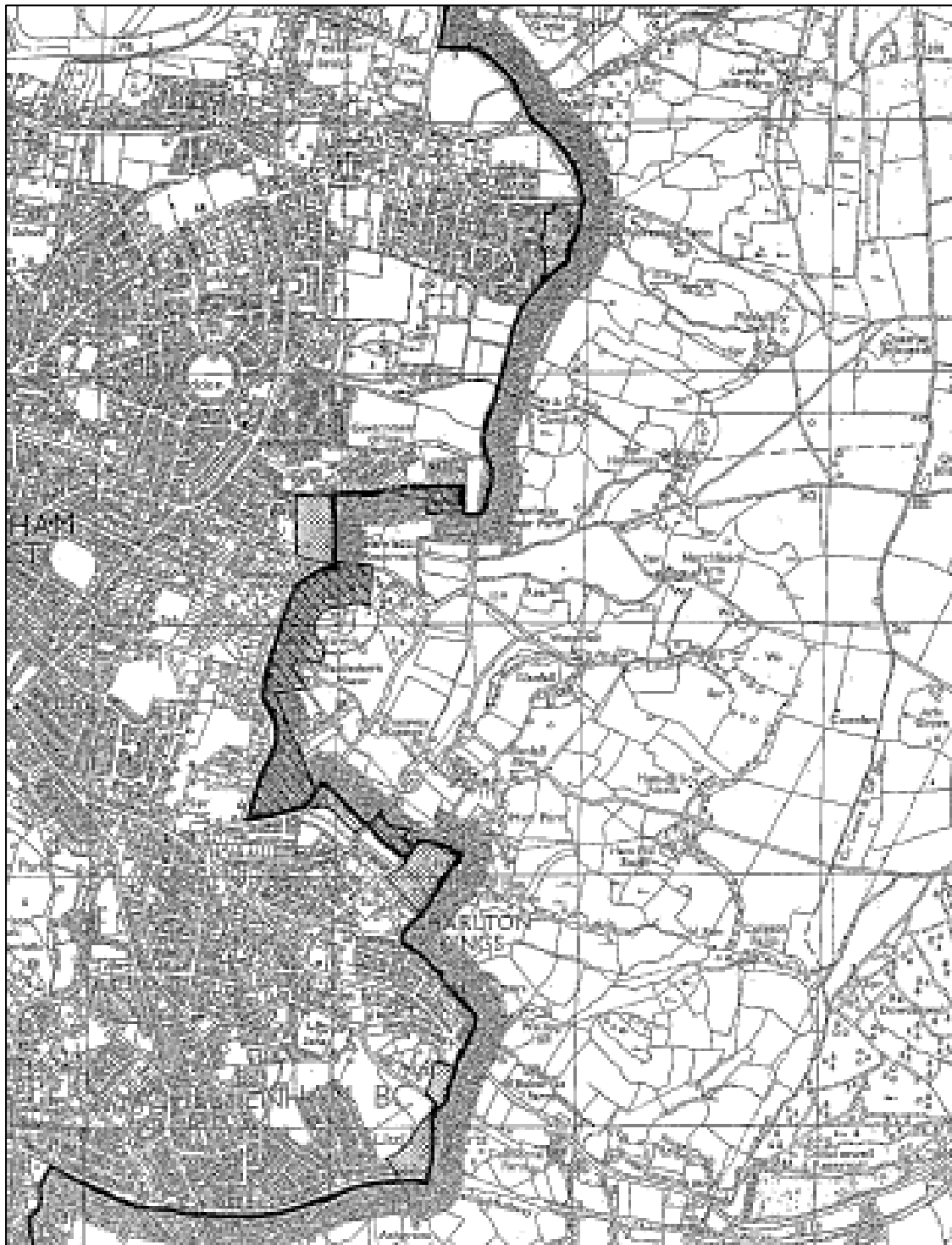
The original Cotswolds AONB boundary is based on the Cotswolds AONB (Designation) Order 1966, at the scale of 1:63360, which was confirmed by the Minister for Housing and Local Government on 19 August 1966.



Cotswolds AONB Proposed Boundary Variations (from map produced by the Countryside Commission in 1987)

The 1966 boundary is shown edged black with internal grey banding. Excluded areas are shown edged black and hatched. Added areas are shown edged black and stippled.

This shows that the western field of the Oakley Farm site was to be added into the AONB.



Cotswolds AONB boundary along the eastern edge of Cheltenham following the AONB boundary review in 1990 (from map produced by the Countryside Commission in 1990)

The boundary was confirmed, with modification, by the Cotswolds AONB (Designation) Variation Order 1989, by the Secretary of State for the Environment on 21 December 1990.

This shows the western field of the Oakley Farm site is now included within the AONB.



APPENDIX 5. REFERENCE DOCUMENTS AND WEBSITES (in alphabetical order)¹⁰⁴

Appeal Decision. Appeal Ref: APP/Z3825/W/21/3266503. Decision date 30 July 2021

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266503>

Cheltenham Borough Council (2021) *Cheltenham Plan*

https://www.cheltenham.gov.uk/info/46/planning_policy/1034/the_cheltenham_plan

Cheltenham Borough Council (2015) *Landscape Character, Sensitivity and Capacity Assessment of Cotswold AONB within the Cheltenham Borough Administrative Area* (link), as amended in 2016 ([link 1](#)- report, [link 2](#) – assessment)

Cotswolds Conservation Board (2005) *Cotswolds Area of Outstanding Natural Beauty (AONB) Landscape Character Assessment*

<https://www.cotswoldsaonb.org.uk/our-landscape/landscape-character-assessment/>

- In particular:
 - o https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/3_TheCotswoldsLandscape_1.pdf

Cotswolds Conservation Board (2013) *Assessment of the economic value of the Cotswolds AONB*

<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/11/assessment-of-the-economic-value-of-the-cotswolds-aonb-final.pdf>

Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy and Guidelines*

<https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/>

- In particular:
 - o Introduction and Use
 - <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/ls-and-g-introduction-and-use.pdf>
 - o Landscape Character Type Map
 - <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/landscape-character-type-map.pdf>
 - o Landscape Character Type (LCT) 2 – Escarpment

¹⁰⁴ Not included documents that relate directly to the original planning application or the current planning appeal.

- <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>
- LCT 7 – High Wold
 - <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-7-high-wold-2016.pdf>

Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023*

<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

Cotswolds Conservation Board (2019) *Dark Skies and Artificial Light Position Statement*

- Main document: <https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/>
- Appendix A: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Dark-Skies-Artificial-Light-Appendix-A-Night-lights.pdf>
- Appendix B: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Dark-Skies-Artificial-Light-Appendix-B-ILP-Guidance-Notes-For-the-reduction-of-Obtrusive-Light.pdf>
- Appendix C: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Dark-Skies-Artificial-Light-Appendix-B-CfDS-Good-Lighting-Guide.pdf>

Cotswolds Conservation Board (2019) *Tranquillity Position Statement*

<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/06/Tranquillity-Position-Statement-FINAL-June-2019.pdf>

Cotswolds Conservation Board (2021) *Housing Position Statement*

- Main document: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/landscape-character-type-map.pdf>
- Appendices: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2021/05/Housing-Position-Statement-FINAL-April-2021-Appendices.pdf>

Cotswolds Conservation Board (2021) *Landscape-led Development Position Statement*

- Main document: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2021/04/Landscape-Led-Development-Position-Statement-FINAL-April-2021.pdf>
- Appendices: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2021/04/Landscape-Led-Development-Position-Statement-FINAL-April-2021-Appendices.pdf>

Countryside and Rights of Way Act (particularly Sections 85 and 87)

<https://www.legislation.gov.uk/ukpga/2000/37/contents>

Defra (2005) *Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads*

<https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

Defra (2019) *Landscapes Review Final Report*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833726/landscapes-review-final-report.pdf

Gloucester City Council, Cheltenham Borough Council, Tewkesbury Borough Council (2013) *Joint Core Strategy Landscape Characterisation Assessment and Sensitivity*

https://www.gloucester.gov.uk/media/1110/jcs_landscape_characterisation_assessment_and_sensitivity_analysis_september_2013.pdf

Gloucester City Council, Cheltenham Borough Council, Tewkesbury Borough Council (2017) *Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (JCS)*

<https://www.gloucester.gov.uk/media/5441/jcs.pdf>

HM Government (2018) *A Green Future: Our 25 Year Plan to Improve the Environment*

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

Landscape Institute and Institute of Environmental Management (2013) *Guidelines for Landscape and Visual Impact Assessment. Third edition.*

Ministry of Housing Communities and Local Government (2021) *National Planning Policy Framework*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Ministry of Housing, Communities and Local Government (2021) *Government response to the local housing need proposals in 'Changes to the current planning system'*

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1993 (Admin) (24 July 2019)

<https://www.bailii.org/ew/cases/EWHC/Admin/2019/1993.html>

Natural England (2010) *England's statutory designated landscapes: a practical guide to your duty of regard*

<http://www.norfolkcoastaonb.org.uk/mediaps/pdfuploads/pd003398.pdf>

Natural England (2011) *Guidance for assessing landscapes for designation as National Park or AONB in England*

https://consult.defra.gov.uk/natural-england/suffolk-coast-and-heaths-aonb/supporting_documents/Guidance%20for%20assessing%20landscapes%20for%20designation%20as%20National%20Park%20or%20AONB%20in%20England.pdf

Planning Practice Guidance – Housing and economic land availability assessment

<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

Planning Practice Guidance – Natural Environment

<https://www.gov.uk/guidance/natural-environment>

R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807

<https://www.casemine.com/judgement/uk/5e90082a2c94e040c26de3d8>

R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin)

<https://www.bailii.org/ew/cases/EWHC/Admin/2013/3684.html>

Woolmore, R (2004) *Designation History Series. Cotswolds AONB. Volume 1. Countryside Commission*.¹⁰⁵

¹⁰⁵ There is only one hard copy of this document, which is at the Cotswolds Conservation Board office in Northleach.

APPENDIX 6. PHOTOGRAPHS OF THE PROPOSED DEVELOPMENT SITE

See next page.

1. VIEW OF THE OAKLEY FARM SITE LOOKING SOUTH WEST FROM THE COTSWOLD WAY NATIONAL TRAIL AT 'THE TWINS' ON CLEEVE COMMON (GR: 98582525). Single 50mm photograph. View at 100% size, at arms-length, for realistic impression of 'naked eye' view. The red line shows the site boundary and the blue line shows an approximation of the limit of built development. Not a viewpoint selected by the appellant.



2. VIEW OF THE OAKLEY FARM SITE LOOKING SOUTH WEST FROM THE COTSWOLD WAY NATIONAL TRAIL AT 'THE TWINS' ON CLEEVE COMMON (GR: 98582525). Panoramic view consisting of three 50mm photographs. The red line shows the site boundary. Not a viewpoint selected by the appellant.



3. VIEW OF THE OAKLEY FARM SITE LOOKING SOUTH WEST FROM THE LONE BEECH AND MEMORIAL WALL ON CLEEVE COMMON AT GRID REFERENCE SO98972549. Single 50mm photograph. View at 100% size, at arms-length, for realistic impression of 'naked eye' view. The red line shows the site boundary. Not a viewpoint selected by the appellants.



4. VIEW OF THE OAKLEY FARM SITE, LOOKING SOUTH WEST FROM ACCESS LAND ADJACENT TO COTSWOLD WAY NATIONAL TRAIL AT GRID REFERENCE SO99102422. Single 50mm photograph. View at 100% size, at arms-length, for realistic impression of 'naked eye' view. Red line shows site boundary. Not a viewpoint selected by the appellant.



5. VIEW OF THE OAKLEY FARM SITE, LOOKING WEST FROM FOOTPATH NEAR NORTHFIELD FARM AT GRID REFERENCE SO98302224. Single 50mm photograph. Red line shows site boundary. View at 100% size, at arms-length, for realistic impression of 'naked eye' view. Appellant Viewpoint 19.



6. VIEW OF THE OAKLEY FARM SITE LOOKING SOUTH-SOUTH-WEST FROM ACCESS LAND ON NOTTINGHAM HILL AT GRID REFERENCE SO97962823. Panoramic view consisting of two 50mm photographs. Red line shows site boundary. Not a viewpoint selected by the appellant.



7. VIEW OF THE OAKLEY FARM SITE LOOKING EAST-NORTH-EAST FROM THE FOOTPATH ON THE WESTERN BOUNDARY OF THE SITE AT GRID REFERENCE SO96822244. Panoramic view consisting of four 50mm photographs. The Oakley Farm site occupies the whole of the view. Appellant Viewpoint 3.



8. VIEW OF THE OAKLEY FARM SITE LOOKING SOUTH EAST FROM SAINSBURY'S CAR PARK AT GRID REFERENCE: SO966266. Single 50mm photograph. View at 100% size, at arms-length, for realistic impression of 'naked eye' view. Appellant Viewpoint 3.

