

Proof of Evidence:
Landscape and Visual

Oakley Farm Planning Appeal 3273053



Friends of Oakley Farm
Pasture Slopes



www.oakleyfarmpastures.wixsite.com/oakley

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1 Proposal

1.1 The application is an outline proposal for the development of up to 250 houses plus associated infrastructure on the Oakley Farm fields.

2 Introduction

2.1 The appeal site is located on the eastern side of Cheltenham and on the lower slopes of the Cotswolds Area of Outstanding Natural Beauty (AONB). The statutory purpose of an AONB designation, is to conserve and enhance its natural beauty.¹

2.2 The development site comprises a collection of pasture fields sloping north to south, historic hedgerows and veteran and ancient native broad leaf trees. The site is currently used to graze sheep. At ground level en route from Cheltenham's urban area to Cleeve Common Site of Special Scientific Interest (SSSI) on the Cotswolds AONB escarpment, the fields are first noticed on the ascent of Harp Hill. At this point the fields provide the foreground to the far-reaching views of the escarpment at one of the AONB's entry points, establishing an early link in the journey and a strong association with the upper escarpment. The fields contain features typical of the lower slopes of the AONB: grassland, historic hedgerows and veteran and ancient broadleaf deciduous trees.

2.3 Oakley Farm Pastures are a valued landscape for the purposes of para. 174 of the National Planning Policy Framework and have formed part of the Cotswolds AONB since 1966, with the westerly field's addition in 1990 as a result of the AONB boundary review. It is worthy of note that, during the time of the AONB review, the area of built form surrounding the site was little different from that of today. Harp Hill and Wessex Drive have barely changed and the Grade II

¹ S.82 Countryside and Rights of Way Act 2000

listed Hewletts reservoir complex with its dominant pavilion and boundary wall remains the same. To the north and north-east, residential dwellings have now replaced what was once the concrete mass and vast complex of buildings and structures of the former GCHQ, including its significant amount of boundary security fencing and lighting (see Fig. 1 and Fig. 2). The quality of the scenic landscape, near and far views and open pastures warranted retention within the AONB at the time of the review and its character remains uncompromised by the replacement of the GCHQ complex with the residential development seen today. Figs. 3 & 4 show the extent of the GCHQ complex c1955 and no matter the influence that GCHQ exerted on Oakley farm at this time, the site's inherent character, landscape and visual qualities were deemed to outweigh this influence and qualify it as a valued landscape for AONB designation in 1966. These same qualities are present today.

- 2.4 There is little doubt that these fields form a landscape of intrinsic beauty of some significance and are a valued landscape worthy of their national designation. Views from Harp Hill, which has attracted observers for many years, are of sheep grazed fields, historic hedgerows and veteran and ancient trees, all providing the foreground to distant views of the Malvern Hills AONB and middle-distance views of a wide expanse of the Cotswolds AONB escarpment and Cleeve Common SSSI. From many points on the fields' boundaries one can experience a peaceful and harmonious setting of a rural and tranquil country landscape, often with a parkland feel. The veteran oaks and hedgerows provide sufficient screening from the recent residential development to the north as they once did of the GCHQ buildings. (See Fig. 2). The character of this site has changed little in over 60 years.



Fig. 1 Extent of GCHQ shortly after 1990 AONB Boundary Review. Many of the buildings in this image were present in 1955.



Fig.2 Oakley Farm. View from Harp Hill Road looking northeast over the easterly field and the eastern section of GCHQ. Shortly before demolition.

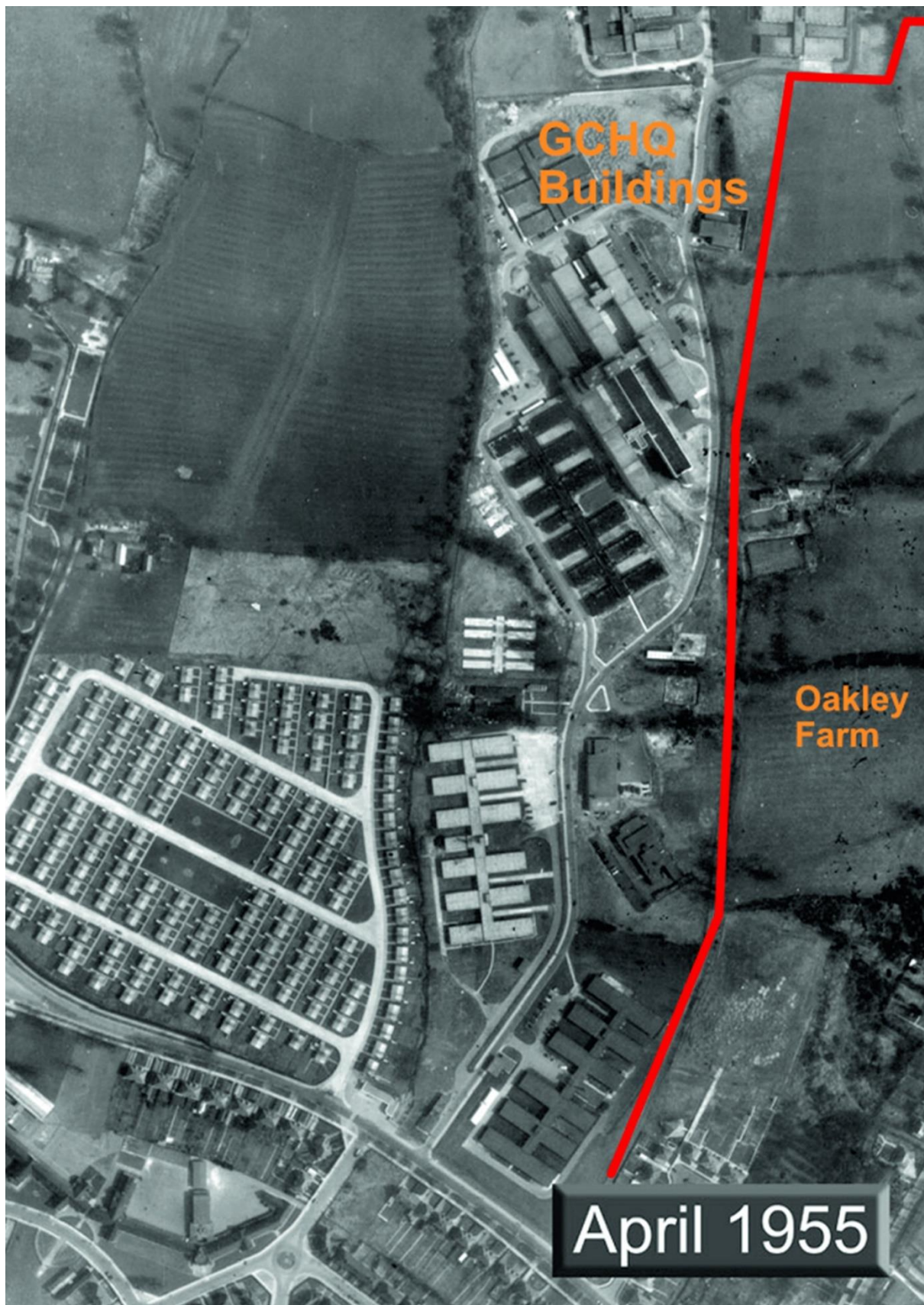


Fig. 3 Aerial view of GCHQ and Oakley Farm 1955.

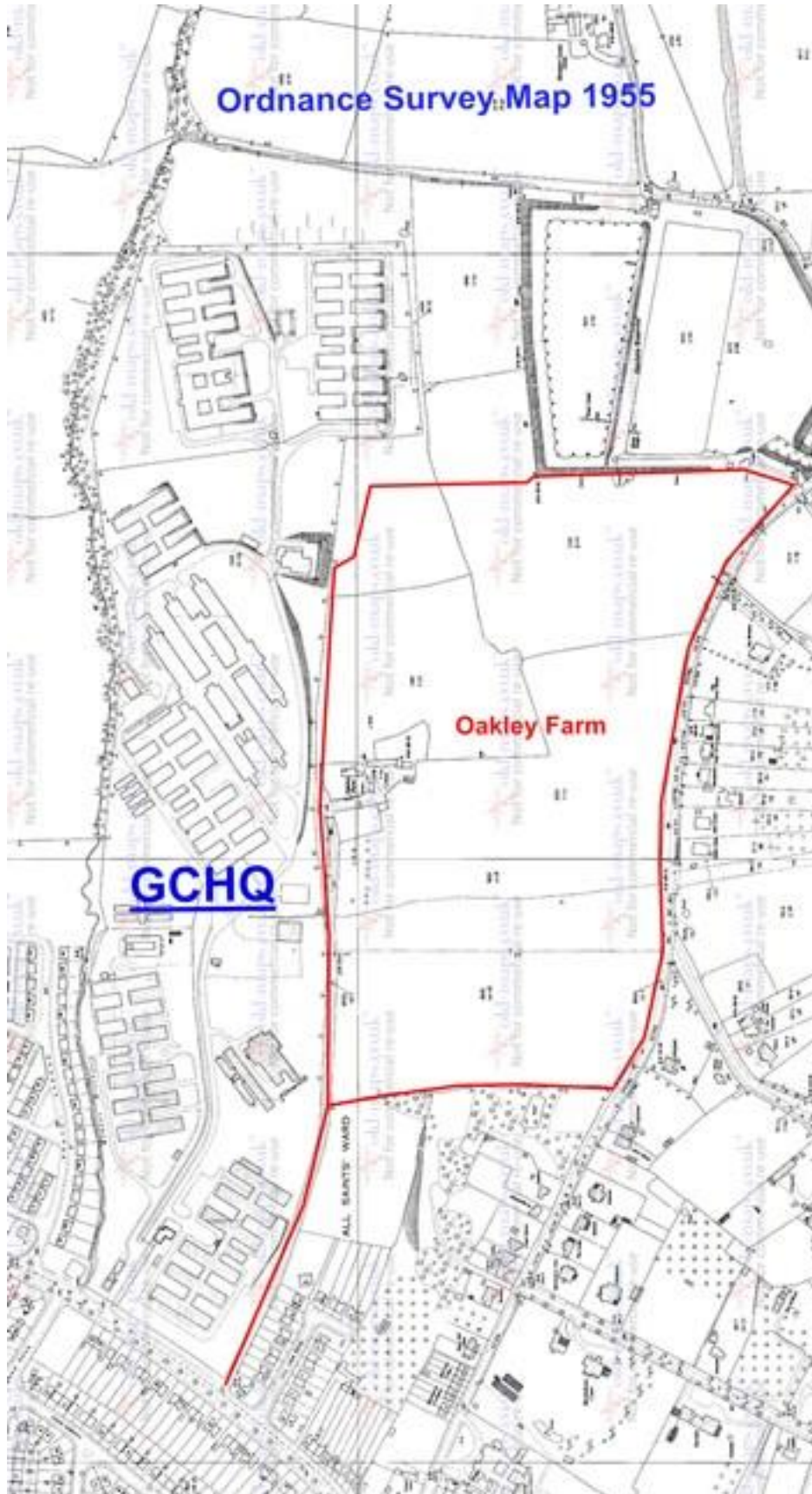


Fig. 4 OS Map showing Oakley Farm area 1955

3 Local Sensitivity and Effect

- 3.1 It is our view that this proposal would have a significantly damaging effect on the landscape of this area of AONB. It would lose its historic character, substantially change the recognisable aspects for which the area is treasured and leave nothing behind but yet another development scar and a token thin sliver of grassland with a belt of juvenile trees. Several points around the site offer valued, distinctive, panoramic and pleasant views both into and through the site, but opportunities for viewing from these points would be either removed permanently or blocked from the public's gaze.
- 3.2 The appellant claims that "new views" from the upper slopes would be created by allowing access to these areas. However, it is difficult to see how this could materialise given the extent of tree planting mitigation proposed on the upper slopes, which will be necessary to hide the proposed development located further down the slopes. At the same time, when viewed from the south or west, the proposed planting will also hide from view some of the historic hedgerows along with the magnificent native oak and other broadleaf trees in the central and eastern sections of the fields. By hiding the northern sections of the fields from southerly viewing points, the whole charm and character of the pastures will be detrimentally changed. The appellant tells us that the belt of new tree planting is "designed to create a robust edge to the development", but we question how this would sympathetically blend with and enhance the fields' character. Bisecting the fields in this way would do nothing more than close down the current openness of the wide green wedge of open grassland, leaving nothing more than a narrow and enclosed sliver of tarmac-scarred grass, significantly harming the landscape character of the area. In short, the proposed new tree belt offers no enhancing or beneficial effects to the current landscape or scenic beauty and

makes no positive contribution to conserve, enhance or protect its value as required by local and national policy.

- 3.3 The appellant's claim of "new views" is quite disingenuous as they would not in fact be new at all. They would simply be the reinstatement of long-standing views that appear to have been intentionally blocked by the site owners. Until the site's new owners took control of the farm and allowed the Harp Hill boundary hedge to grow vertically and uncontrollably, there had for many years been extensive views from Harp Hill through the site to the Cotswolds escarpment and across Cheltenham to the Malvern Hills. A similar situation is apparent alongside footpath 86 where shrubbery has been allowed to spread and thicken with a similar effect on views.
- 3.4 Should this appeal be allowed, then the panoramas from Harp Hill and PROW 86 of the Oakley Farm fields and beyond will be significantly curtailed. The once wonderful views of the site's veteran and ancient oak trees set within open fields will be gone forever, significantly changing the character of their setting. Instead, they will be enclosed and shielded behind a barrier of housing and eventually a wall of new tree planting. The long range and expansive views of the Cotswolds and Malvern AONBs will be severely diminished and obscured behind the same area of planting mitigation. Harp Hill has historically been a popular viewing point as evidenced by the public seating shown on the 1885 Ordnance Survey map². The views experienced by users and residents of Harp Hill have a high sensitivity to the visual effects which this proposal would introduce.
- 3.5 From PROW 86 on the site's western boundary the current views towards the east and the visual amenity afforded are open, wide, far reaching and compelling.³ Post development, they will become

² Fig.14

³ Fig. 8

enclosed, restricted, short and curtailed, lost behind a screen of development and tree planting mitigation.⁴ The views experienced by users of this footpath are highly sensitive to the visual effects that this proposal would introduce.

3.6 From the north along Brockweir Road, views into the site⁵ of pasture fields populated with individual broadleaf trees, similar to that of a country park, will be lost behind the proposed housing and yet more planting mitigation. This is another local area with a high visual sensitivity to the effects of development on the site. The users of the adjacent public open spaces on Brockweir Road will have their currently wonderful scenic open landscape views severely compromised with built form.

3.7 The appellant has provided an indicative masterplan demonstrating how the layout for 250 dwellings could be accommodated on the site. For the occupiers of properties on the site's north-eastern boundary, the visual impact of the proposal is so harmful that it substantially effects residential amenity. Their open and expansive outlook of sloping pastures, fringed with historic hedgerows and ancient and veteran trees will be lost, together with distant sights into Cheltenham and beyond. Replacing this outlook will be close quarter development resulting in a significant loss of openness and privacy. Additionally the properties will be overlooked and shaded. The changes to the living conditions that would be experienced at approximately fourteen properties in this northeast section, would be adversely significant. Their residential amenity, together with the visual effects encountered from the Oakley Grange public areas, would be harmed to such an extent by this development proposal so as to not be in the public interest. Several of these properties were

⁴ Fig. 9

⁵ Fig. 6

specifically designed and orientated to embrace the local topography and to take advantage of the openness and the landscape's character at this location. These fourteen properties, themselves located within the AONB, are extremely sensitive to all the detrimental changes to landscape and visual effects affecting the eastern section that this application proposes.

- 3.8 Proposed changes to the site's topography will also be influential in this development's adverse impact. The appellant confusingly claims that the indicative layout responds to the topography⁶ whilst also detailing significant landform changes⁷ and advising that groundworks will be required to achieve "practical development".⁸ There is limited detail of this earth-moving operation or of the final building heights above datum, both of which will have a significant bearing on the AONB's character. However, what is clear from the included drawings as noted above, is that there will be a substantial and significant transformation in the landform which will undoubtedly also contribute to the unfavourable change in landscape and have a detrimental bearing on the area's character.

4 Wider Area Sensitivity and Effect.

- 4.1 Oakley Farm's pasture fields and the Hewletts reservoir are visible from distant locations, with the sloping nature of the fields enhancing their prominence and high visual sensitivity. They appear as a green wedge or a spur of land on the edge of the Cheltenham conurbation, creating a gradual transition connecting the urban with the rural. The internationally recognised long distance walking trail, the Cotswolds Way (CW), sits atop the AONB escarpment above Oakley Farm. Views from this trail are expansive, both near and far reaching with this section of the CW being a recognised scenic route. Oakley Farm

⁶ Appellant's Pre-Inquiry Statement of Case, 8.29

⁷ Appellant's Design and Access Statement, page 30.

⁸ Appellant's Environmental Statement, 6.5.6

Pasture fields fall within the eyeline of users of this trail for a good distance as they transit along the edge of the escarpment.⁹ All users of the CW will be highly susceptible to the visual effects of the proposal.

- 4.2 The outlook from the Cleeve Common escarpment is a “Big Sky View”; the site’s fields are in almost constant view when transiting the open access area of the western section of the Common.
- 4.3 The appellants assertion that the “lower slopes” are not visually prominent and are generally obscured in views from the north and north-east areas of the escarpment¹⁰ is plainly wrong. The “lower slopes” are equally visible (see Fig. 5 as one example) and are of equal visual sensitivity to the upper field areas and in full view when viewed from these directions and more so during the leaf off seasons.
- 4.4 There can be no dispute that the Oakley Farm fields and therefore the proposed development would be in clear and total view with the naked eye from the many noted and sensitive viewpoints on Cleeve Common and the escarpment edge. However, it must also be considered that this area is a noted tourist attraction and many people come to the common to experience the expansive views. These are often enormous panoramic outlooks to the west across Cheltenham, to Painswick Beacon, beyond the Severn Vale to the Forest of Dean, the Malvern Hills and further to the Black Mountains of South Wales. No doubt some visitors will carry binoculars and perhaps a zoom camera/smart phone, and so the photographic reminders that they take home will not necessarily be records of what can be seen with the eye, but more than likely zoomed in panoramas of the great vistas before them.¹¹ Therefore, it is

⁹ Fig. 10

¹⁰ Appellant’s Environmental Statement, 14.3.7 Line 8

¹¹ Fig. 15

important to consider experiences both with and without a zoom lens when determining the development's significance of effect and the impact it will have on these visual receptors. Having regard to how a scene is perceived, with or without a zoom lens, by a visitor is an appropriate consideration.¹² With or without a zoomed in image, the development will be in full view from many areas of Cleeve Common and its noted viewing points.

¹² Appeal: APP/N5660/V/20/3254203. [518-521]. See Annex A 11.2 page 42.



Fig. 5 Oakley Farm Fields from Cleeve Common. POS 38. (See fig 10.) Distance to site: 3.4km SO 99174 25037. Full extent of fields in view.

4.5 Cheltenham owes much to its setting at the foot of the Cotswolds escarpment and in accordance with the Cheltenham Plan, development will only be permitted where it would not harm this setting.¹³ It is, after all, “undoubtedly one of Cheltenham’s prime assets and is recognised by the emerging Place Strategy for the Borough as a key factor in helping to achieve sustainable economic growth...”¹⁴ The Council aspires to support an enhanced role for tourism in driving the borough’s economy and therefore considers it particularly important to protect the scarp as the dominant feature of this setting. Views of Oakley Farm are evident in photographs in the marketing material of “Cotswolds for Tourism” and evidenced on the Cotswolds Tourism Partnership web site¹⁵. This demonstrates the value attached to local tourism and to the importance given to views of the area. It is clear, from the escarpment viewpoints that we have provided, that there will be significant detrimental effects from this proposal on Cheltenham’s setting. It is not only the users of the Cotswold Way (CW) national trail who will experience the visual harms of the development proposal; further afield the site is also clearly viewable from Nottingham Hill to the north,¹⁶ as well as from the PROWs which scatter the local hillside. The viewpoint photographs shown later in this document and the FOFPS photographic catalogue offer a broad understanding of the prominence of the Oakley Farm fields and illustrate their rural connection with the wider AONB and the indigenous landscape. As a visual receptor it cannot be disputed that the whole ensemble is highly sensitive.

¹³ Cheltenham Plan, Policy L1

¹⁴ Cheltenham Plan, 7.4

¹⁵ <https://www.cotswolds.com/things-to-do/cleeve-hill-p395953> (Webpage’s first image “Cleeve Hill overlooking Cheltenham” shows view which includes Oakley Farm)

¹⁶ Fig. 11

5 Landscape & Visual Assessment

5.1 As part of the emerging Cheltenham Plan, CBC determined that it would need to examine all reasonable options for development along Cheltenham's urban edge which included land within the AONB. The Council required an assessment of the landscape character and sensitivity of the landscape, the visual amenity and the value and potential capacity to accommodate new development in the AONB. The land forming Oakley Farm Pasture Slopes was included in the study.¹⁷

5.2 The outcome of the study deemed that the visual sensitivity, landscape character sensitivity and landscape value of the site should be regarded as high, the overall landscape sensitivity assessed as high, and the overall landscape constraint identified as major overall. This was a completely impartial assessment to identify development opportunities and was completed in support of the then emerging Cheltenham Plan. It identified that Oakley Farm Pasture Slopes was highly sensitive to, and had low overall capacity for, any future development.

6 Mitigation, Tree Planting

6.1 The appellant has placed a good deal of emphasis and reliance on the screening effect of the tree belt mitigation planting that is proposed, rather as if this were the 'cure for all ills'. The presumption must be that any new tree planting would be of native species similar to those naturally found on the site and in the area, such as Oak, Ash, Beech etc. However, to provide the level of screening depicted in the appellant's photomontages, the trees would need to be in excess of 30 years old, and no account has been given on how the mitigation will be effective during "leaf off season". The proposed mitigation is

¹⁷ CBC Landscape Character, Sensitivity and Capacity Assessment of Cotswold AONB within the Cheltenham Borough Administrative Area. Site Ref: LCA 7.1.

not a realistic solution to hiding or screening the planned mass of development. Furthermore, it is suggested that the tree belt will conserve the rural character of the landscape adjoining Harp Hill.¹⁸ We cannot agree with this. It would be a significant degradation of the site's existing landscape character and would be seen as nothing more than what it is intended to be: a man-made tree screening wall. The claimed "new views"¹⁹ would not be permanent and would eventually be non-existent because of the growth of the tree screening, and the effect on the landscape character would be materially detrimental and harmful. We strongly dispute the appellant's assessment that the tree belt will provide a new natural feature improving the visual amenity of the upper slope area.

6.2 Notwithstanding the above, we do agree with the appellant where they address the loss of openness in existing views from the Oakley Grange residential area and conclude that the mitigation measures proposed will not address this.²⁰ We cannot however agree that the mitigation will protect the residents' visual amenity and privacy, for reasons given at 3.7 & 3.8 above.

¹⁸ Appellant's Environmental Statement, 6.5.5

¹⁹ Appellant's Planning Statement, 7.60 & 7.63 & 8.11

²⁰ Appellant's Environmental Statement, 6.5.7

7 Assessment of Likely Significant Effects²¹

7.1 We accept that we are not professionally qualified to provide an expert judgement on the grading to be given to the severity of impact that the proposed development would have on the various receptors around Oakley Farm and will leave this to the council's landscape architect. However, we know what we can see, and we can read indicative plans, and therefore even at a basic level and using the appellant's methodology for determining likely significant impacts,²² it quickly becomes clear that there is a large degree of underestimation of the likely detrimental effects that this proposal will have on the surrounding landscape and visual receptors.

7.2 To give just three examples of this underestimation:

- 1) Walkers on Footpath 86, which is within the AONB and on the site's western boundary, are afforded short range views into the site (at least, this was the case when the hedgerow was being maintained) where they can experience the open pastures with a backdrop of broadleaf trees. Beyond this are distant views through the site to the edge of the escarpment, all within the AONB.²³ The proposal and its mitigation will curtail all of these open outlooks, leaving nothing more than short range views to either tree planted mitigation or built development.²⁴ This is a highly sensitive visual receptor (due to high susceptibility to changes/loss in views and visual amenity within an AONB), which will experience a high visual magnitude of effect (due to permanent, very substantial loss of key views with the site forming a large proportion of that view). In combination this

²¹ Appellant's Environmental Statement, Table 6.6

²² Appellant's Environmental Statement, Tables 6.3, 6.4 & 6.5

²³ Fig.8

²⁴ Fig.9

amounts to a major adverse residual effect after mitigation.
Indeed, the mitigation itself is part of the problem.

- 2) The development will be visible for several kilometres along the Cotswold Way trail and over many square metres from visual receptors on Cleeve Common. Oakley Farm, which is currently seen as a blending and verdant parcel of land acting as a foreground to the distant AONB escarpment beyond Charlton Kings,²⁵ will be consumed by prominent urbanisation. We rate Cleeve Common's visual sensitivity as High (within a designated landscape/on a national trail/at published viewing points), and we rate the magnitude of effect as High (substantial alteration to key views/all of the site visible/views of site experienced over long distance and by high number of receptors). In combination these factors will result in a major adverse residual effect after mitigation which, even after tree maturity, will be non-effective.
- 3) The site's bordering properties on Oakley Grange and Birdlip Road warrant a visual sensitivity rating of High. They lie within the AONB, currently enjoy an interrupted outlook across Cheltenham's skyline, particularly during leaf off season, and are highly susceptible to changes in visual amenity. Their outlook is also into and through a designated landscape from rooms, some at first floor level, occupied during the day. Post-development, the site will form a very large proportion of their southerly or westerly view with an accompanying total loss of openness to all of the receptors. In combination this will result in a major adverse residual effect after mitigation. (As explained above, mitigation will create part of the adverse effect).

²⁵ Figs.11,12,13 & 15.

7.3 Combining the above visual effects, the resultant residual effect is Major Adverse after mitigation. The three examples of visual effects given above are significant effects in the context of EIA regulations. They are given as examples to highlight the underestimation by the appellant of the significant adverse landscape and visual impacts that the development proposal will have on the value of the site's landscape and its character, in a valued and nationally designated area.

7.4 The appellant's conclusion on landscape and visual effects acknowledges that the development proposals will result in the loss of sloping pasture, which contributes to the local landscape character and visual amenity. While we agree with this statement, we would go further and say that contribution is significant. The appellant goes on to say: "The study site contributes to the character and visual amenity of the AONB and to the setting of Cheltenham but not all areas of the study site make the same contribution".²⁶ This is clearly true, as in any landscape not all areas will make an equal contribution. However, the appellant has failed to identify any area of the site which does not make a positive contribution to the site's recognised designation. The introduction of uncharacteristic features, such as development components, to any part of the site, will have a detrimental effect on its contribution to the landscape character of this area and of the AONB and to the setting of Cheltenham, while currently there is no part of this site that does not make a positive contribution to its established character, the setting of Cheltenham or to the significance, character and scenic beauty of the AONB. Therefore, we conclude that the development proposal cannot possibly protect and enhance this valued landscape as required by

²⁶ Appellant's Environmental Statement, 6.8.13

NPPF para. 174 a) or conserve and enhance the landscape and scenic beauty in the AONB as required by NPPF para. 176.

8 Summary

8.1 If this appeal were allowed, then Cheltenham would lose an area of historic and cherished landscape. The appellant's case relies on positioning the development on what they disingenuously refer to as the "lower slopes" of the Oakley Farm fields. In fact, the proposal covers over 77% of the site's area, from the mid upper section in the south to the northern extents of the fields. They then propose to hide the development from what they claim are the most sensitive receptors on the higher ground to the south and PROW 86 to the west, behind a belt of new tree-planting which in itself will change the character of the area and have a significantly harmful effect on the landscape and aesthetic appeal of the pasture fields. The appellant's rationale for developing the "lower sections" only, is that these areas are of less value to the landscape and visually less sensitive than the remaining field sections. We have shown this not to be the case. In taking this stance the appellant is paying little regard to the independent Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB in the Cheltenham Borough (2015/16) as commissioned by CBC for these pasture fields and other areas as covered earlier. The appellant effectively gives little credit to the report, claiming that it applies a "broad brush outcome",²⁷ which we find quite astonishing and agree with the findings of DJ Planning in this regard²⁸. It is our view that reports such as this: 1) are important pieces of work; 2) constitute valuable assessments in terms of their objectivity; 3) have the merit of being written in a completely unbiased context; and 4) address where development might best be accommodated. We have no reason to doubt that this thorough report did not follow this ethos and trust wholeheartedly that it was an independent assessment to determine

²⁷ Appellant's Environmental Statement, 6.3.12

²⁸ Public Comment from Cleevesyde, Harp Hill represented by DJ Planning. See Annex A page 41.

the suitability for development on parcels of land falling within the AONB and on Cheltenham's urban fringe. The assessment concluded that the fields of Oakley Farm Pasture Slopes were highly sensitive to and had a low capacity for development. If the assessor had deemed the site worthy of discrimination, as proposed by the appellant, then this would have been presented as such as it was for other assessed areas in the report which showed potential for limited development. Also, it would seem odd to split the westerly field for development when only 30 years previously, the whole of that field was seen as worthy for inclusion into the AONB, thus confirming its qualifying qualities. We have shown that when viewed from various escarpment locations, the lower field areas are not generally obscured in views as claimed by the appellant but are equally visible and therefore carry equal visual sensitivity to that of the upper areas. i.e., Highly Sensitive.

- 8.2 The fact that every area of the site does not exhibit all of the characteristics of the landscape character type, or exhibits them to a greater or lesser extent, does not prevent it forming part of a valued landscape.
- 8.3 To our minds the appellant has severely underestimated the landscape and visual impact that the proposal will bring and has failed to identify any exceptional circumstances and benefits in the public interest that would outweigh the significant harms. Landscapes such as these are so highly valued that it is in the public interest that they should be protected from inappropriate development.
- 8.4 Should the appeal be allowed then all that would remain of the "upper slopes" would be a thin sliver of steeply sloping retained land, with its tarmac access roads, footpaths and an immature band of screening trees. This is somewhat different to the appellant's claim of

the retention of a large swathe of open pasture.²⁹ This does not offer any compensation for the loss of designated landscape where policy dictates that "Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty." Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. This proposal falls well short of this guidance. Indeed, somewhat surprisingly, the appellant is in agreement through their Landscape Architect who states "...the area to be developed will lose its special qualities..." and, when referring to the undeveloped land, goes on to claim that "...the natural open space area will be enhanced and will provide a new area accessible to the public that will retain all of its special qualities that it presently has".³⁰ To consider that the resultant thin finger of grassland and broken historic hedgerows interspersed with tarmac roads and footpaths and bordered by a belt of new tree planting bears any resemblance to the current landscape character requires considerable imagination. We do not agree that the claimed improvement to a small narrow section of the remaining pasture grassland with the claimed "new views" is fair compensation or mitigation for the proposed destruction of a treasured and designated landscape when Oakley Farm Pasture Slopes are taken as a whole. The proposed development will amount to an expansive erosion in the verdant landscape when viewed locally and from the many escarpment PROWs and areas of open access and is contrary to national and local planning policy.

8.5 No amount of mitigation will compensate for or hide this proposed development from views both near and far. Indeed the proposed mitigation in the short and medium term, up to e.g. 25 years, will

²⁹ Appellant's Environmental Statement, 6.5.8 bp1

³⁰ Appellant's Landscape and Visual Consultation Response (final bullet point)

offer very little screening of any development such is the slow growth rate of native broadleaf trees characteristic of this area. Even when mature, after say 50 years, minimal screening will be provided during leaf off season which can be for 7 months of the year.

- 8.6 The proposed development would result in an unwarranted intrusion into the Cotswold AONB which, if allowed, would result in severe degradation of the current visual amenity, creating significant and demonstrable harm to the qualities and intrinsic beauty of this part of the AONB. The development, its infrastructure and its access roads would be conspicuous and prominent from widespread elevated views within the AONB. It would be particularly apparent from the high points in the Cotswolds situated within the Cleeve Common SSSI, and from several footpaths on Cleeve Hill, including but not limited to an extended and open section of the Cotswold Way long distance trail.
- 8.7 This proposal is for inappropriate development in the AONB which will have severe and significant adverse effects on the natural and local environment even with the proposed mitigation measures in place. It would be seen as significantly extending Cheltenham's urban edge and its impacts would be widely evident with the loss or degradation of treasured views from many public viewpoints. Contrary to both national and local policy, the proposal will have no positive conserving or enhancing effect on landscape character, visual amenity or scenic beauty and will amount to a loss of openness and local distinctiveness in this area of the Cotswolds AONB. Policy dictates that in these areas great weight regarding conserving and enhancing landscape and scenic beauty must be given.

9 Conclusion

- 9.1 Referring to the site's contributions to the character and visual amenity of the AONB and to the setting of Cheltenham the appellant claims that: "The development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse impacts."³¹ This is plainly wrong: where is the openness of the site? Where are the fine views of the site's veteran and ancient trees? What has happened to the far-reaching views from PROW 86 and Harp Hill? What has happened to the character of the sloping pastures? Why has the heritage asset's significance and setting been harmed and lost to development? Where has the large green swathe of characterful grassland and historic hedgerows that integrate with the wider AONB gone? Why, when the site is viewed from many areas of the escarpment, has a significant section of sloping verdant landscape been replaced by development? None of the pastures' special qualities or features have been meaningfully retained.
- 9.2 A development of this scale on a swathe of rural landscape such as Oakley farm, will create an enormous visual intrusion and significant harm to this tranquil and attractive parcel of land. In all regards the appellant has failed to meet the overarching environmental policy objective at NPPF 8c³², to protect and enhance the natural and historic environment. Equally they have failed to conserve and enhance, the scenic beauty and landscape of the area.
- 9.3 Within NPPF para. 176 the scale and extent of development should be limited. This area of Cheltenham, both within the AONB and within the setting of the AONB, has absorbed a significant amount of major development in recent years. The Battledown Park, Oakley Grange

³¹ Appellant's Environmental Statement, 6.8.13

³² In the 2021 edition of the NPPF. para. 8c was recently significantly enhanced to read: "protect and enhance" viz "contribute to protecting and enhancing" natural, built and historic environment etc.

and Eden Villas projects have made major contributions to Cheltenham's housing supply. Of course, these were on the former GCHQ brownfield site which was quite rightly selected for development. However, collectively they had an impact on the local and wider environment, landscape and AONB. To accord with NPPF 176 and to protect the AONB, the quantum of development in this landscape area has been at substantial scale and has reached its limit. The cumulative impact and the advancing of the urban edge into the AONB that this proposal would bring would be significantly harmful and unwarranted

9.4 For all the aforementioned reasons, this development proposal is inappropriate development within an AONB. It fails to comply with the development plan, the policies of the NPPF and undermines the reasons for Oakley Farm's AONB designation and its later expansion. In terms of conserving and enhancing the natural environment and the landscape and scenic beauty in the AONB, NPPF 176 provides a clear reason for refusal^{33,34,35} and therefore this alone engages NPPF 11d (i), disengaging the "tilted balance". Further, as this is an agreed major development within the AONB, then NPPF 177 is also engaged. This sets an even higher test to overcome for development approval. The appellant has also failed to reach this higher bar and to demonstrate any exceptional circumstances or sufficient public benefit which would overcome the significant harm that would be caused to a nationally designated landscape by this development. As such the proposal is contrary to the development plan, conflicting with policies SD4, SD6, SD7, SD10, and SD14 of the JCS,

³³ Monkhill Ltd v Secretary of State for Housing, Communities And Local Government [2019] EWHC 1993 (Admin) (24 July 2019) [51] [53] [60] [63]

³⁴ R. (on the application of Monkhill Ltd) v Secretary of State for Housing, Communities and Local Government & Anor [2021] EWCA Civ 74 [32]

³⁵ Appeal Ref:/K1128/W/18/3208541. [14] [20] [28] The inspector gave regard to both parts of NPPF 172.

Cheltenham Plan Sect 8 and policies D1 and L1 and Cotswolds AONB Management Plan policies CE1, CE3, CE12.

9.5 As the Secretary of State said in his foreword to the 25 year plan to improve the environment: "Respecting nature's intrinsic value, and the value of all life, is critical to our mission. For this reason we safeguard cherished landscapes from economic exploitation..."³⁶ This proposal is at odds with this vision/view.

9.6 Finally, some further salient quotes from the Government's long term approach to protecting the environment³⁷:

"We hold our natural environment in trust for the next generation. By implementing the measures in this ambitious plan, ours can become the first generation to leave that environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future." (Foreword from the Prime Minister Teresa May, 2018)

"Some of England's most beautiful landscapes and geodiversity are protected via a range of designations including National Parks and Areas of Outstanding Natural Beauty (AONBs)... Collectively, they comprise some of our unique, most cherished and valuable natural assets. Over the next 25 years we want to make sure they are not only conserved but enhanced."

"Over the next 25 years we must safeguard the environment for this generation and many more to come."

"...the creation of designated landscapes – which also include Areas of Outstanding Natural Beauty (AONBs) – has been among the outstanding environmental achievements of the past 100 years..."

³⁶ A Green Future: Our 25 Year Plan to Improve the Environment, Foreword from the Secretary of State

³⁷ A Green Future: Our 25 Year Plan to Improve the Environment

9.7 We respectfully request that the inspector dismisses this appeal.

10 Photographs/Maps/Images³⁸

Page 31	Fig. 6	View into Site from Brockweir Road
Page 32	Fig. 7	Obscured view at proposed site entrance
Page 33	Fig. 8	View from PROW 86 looking easterly
Page 34	Fig. 9	Photomontage as comparator to Fig.8
Page 35	Fig. 10	Viewpoints location map
Page 36	Fig. 11	POS 33. View from Nottingham Hill
Page 37	Fig. 12	POS 1. View from the CW National Trail
Page 38	Fig. 13	POS 35. View from the CW National Trail
Page 39	Fig. 14	Image as described
Page 40	Fig. 15	Zoomed image from Viewpoint P3

³⁸ All photographs are representative views and provided for identification and location purposes only. The viewpoint photographs may represent what a tourist viewer would see and may take away as a memento of a visit to the area.



Fig. 6 View looking south from Brockweir Road public open space, looking into northern fields



Fig. 7 Appellant's photomontage of road access point on Harp Hill



Fig. 8 View from PROW 86 looking easterly



Fig. 9 Appellant's photomontage view from PROW 86 at year 10

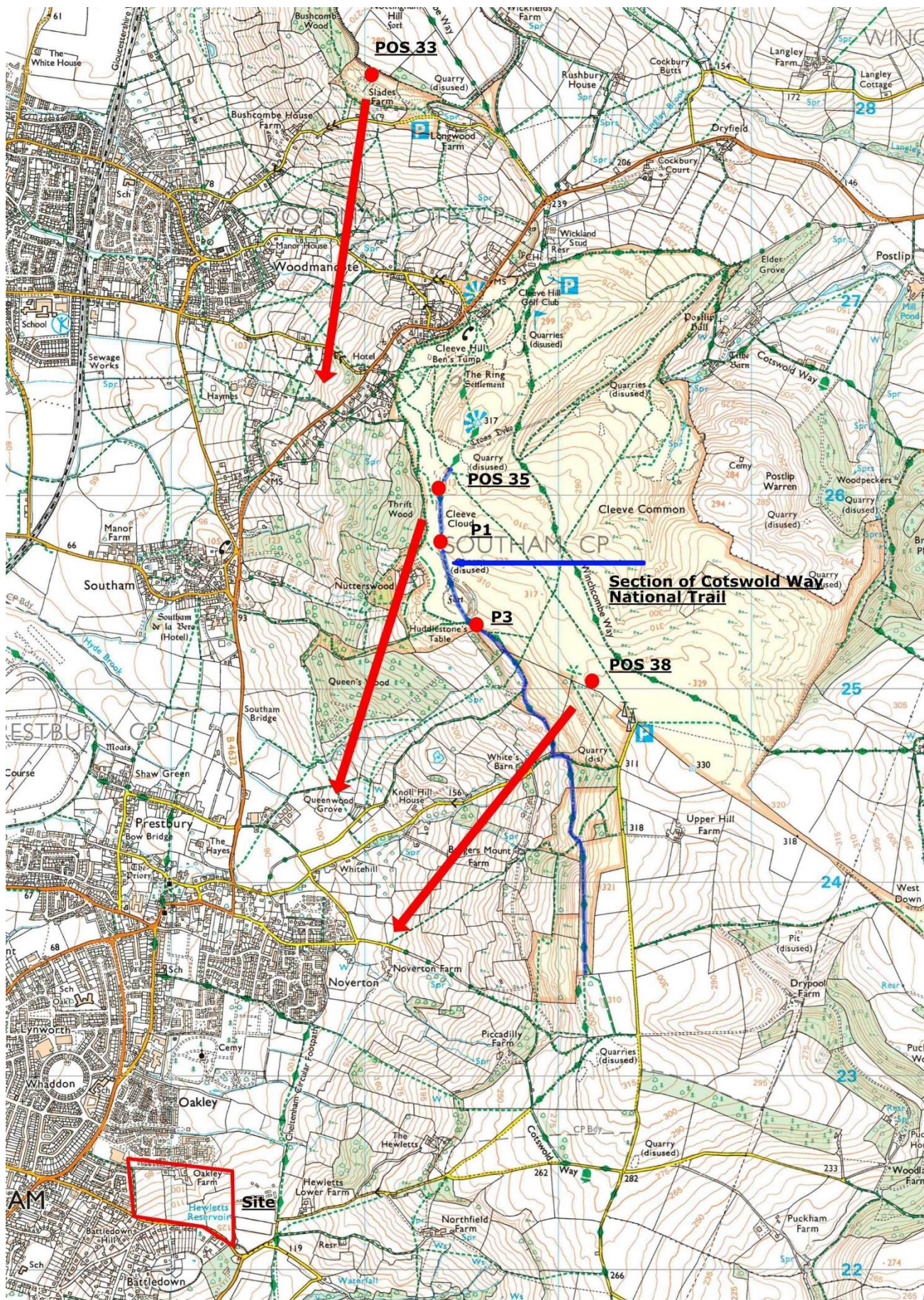


Fig. 10 Viewpoint locations

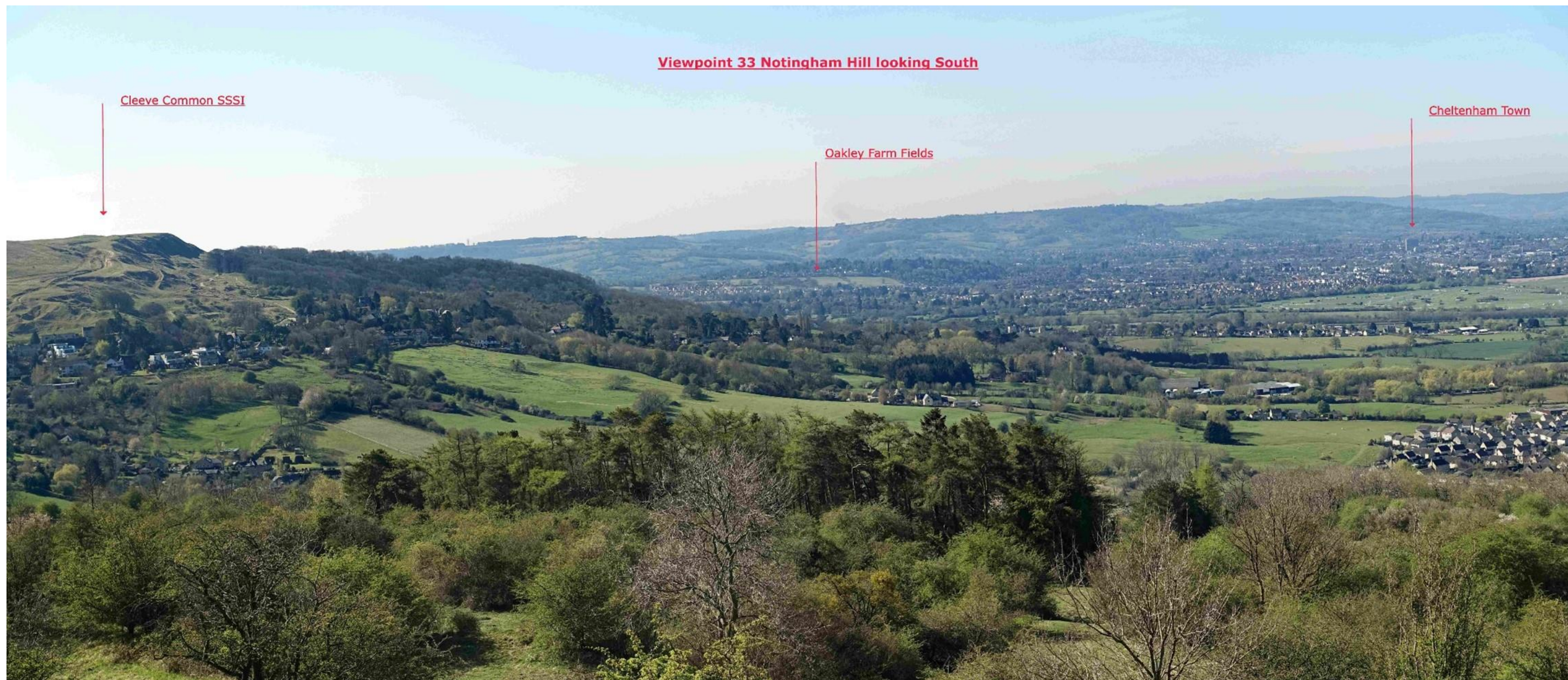


Fig. 11 From Nottingham Hill looking south. POS 33. Distance to site: 6km. Grid SO 98009 28221



Fig. 12 Cleeve Common, POS 1. Distance to site: 3.7km. Grid SO 98397 25771



Fig. 13 Cleeve Common, POS 35. Distance to site: 3.9km. Grid SO 98406 26039

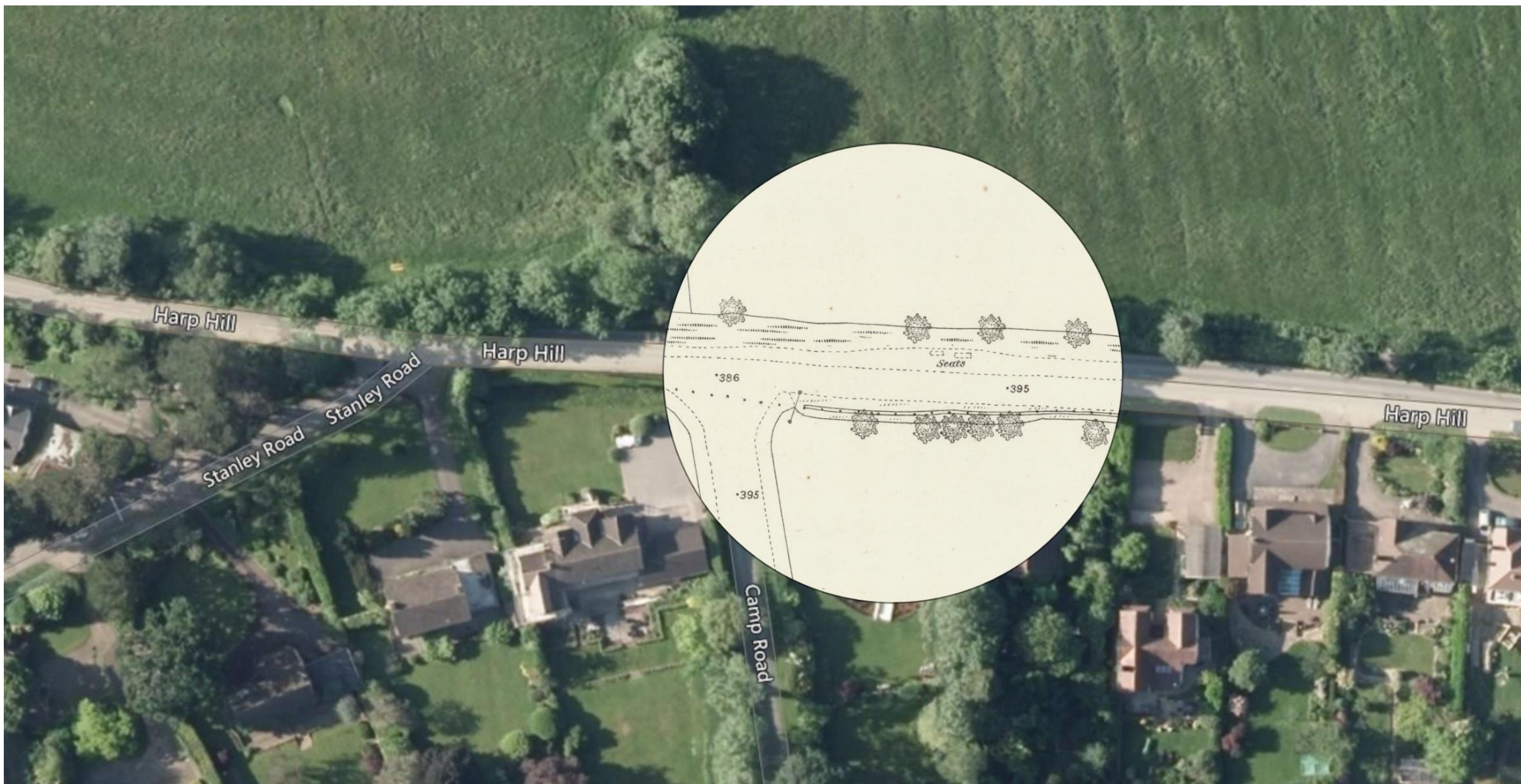


Fig. 14 1885 Ordnance Survey map superimposed on recent earth satellite photograph. The map shows 2 of the 3 seats that were situated atop Harp Hill, placed for rest while observing the extensive landscape views.



Fig 15. Zoomed Panorama Viewpoint P3 Cotswolds AONB, Cleeve Common.

11 Annex A

11.1 Extract from Public Comment provided by DJ Planning on behalf of Cleevesyde, Harp Hill. Full version available in the core documents.

The assertion that the LCSA of Cheltenham's AONB has taken a too 'broader' approach to the assessment of the areas within the AONB rendering its findings less than useful is, quite frankly, absurd. The developers are clutching at straws! The LCSA considered the physical influences and natural factors, human influences and cultural factors, views, quality and condition of landscape and component features, aesthetics and perceptual qualities in each of, no less than, 42 land parcels falling within an area of the Cotswolds AONB Landscape Character Type 2: Escarpment, Landscape Character Area 2C Escarpment: Copper's Hill to Winchcombe, based on both desk top and field surveys. The field surveys considered national, regional and local designations along with 11 other criteria - Landscape quality (condition), Rarity, Representativeness, Recreation value, Perceptual aspects, Tranquillity, Remoteness, Wildness, Scenic beauty, Cultural associations, and Conservation interests to determine the 'value' of each site. This methodology certainly doesn't suggest the 'broad brush' approach suggested by the applicant's consultants.

The applicant further seeks to discredit the LCSA on the basis that it concluded that there were 'Major Landscape Constraints' and a 'Low Capacity' for built development in all 42 areas studied. They fail to acknowledge, however, that the LCSA did identify that in 4 of the 42 areas there is some limited capacity for built development along the urban edge of Cheltenham that would have less impact on the landscape character and, with robust mitigation, could accommodate appropriate development. The LCSA did not however consider the application site, Oakley Farm Pasture Slopes, as falling into this category or being capable of accommodating change through development even with robust mitigation.

The main characteristic of the character area, as its name suggests, is the openness of the sloping pastoral farmland, comprising small to medium sized fields with its mature parkland setting, trees (including veteran trees of significance) and hedgerow boundaries. A development which sees 2/3rd of this character area developed with houses and the remaining 'finger' of land dissected by an estate road serving 250 houses would clearly compromise that open pastoral character. The submission made on behalf of the applicant itself acknowledges that there would be harm through the permanent loss of open pasture.

11.2 Extract from appeal decision APP/N5660/V/20/3254203. A full version of the appeal decision is available in the core documents.

518. There is no dispute that the towers of the proposed development would be visible both with the naked eye and with a zoom lens or through binoculars in the designated strategic views from both Parliament and Primrose Hills. There was some discussion at the inquiry regarding the validity of using zoomed in images to consider the impact on views. For the following reasons, however, it cannot reasonably be disputed that consideration of the way in which the development would be perceived, both with and without zoom, is plainly appropriate.

519. First, the two are, as Mr Pilbrow accepted, 'different but equally valid experiences'.⁴⁰⁹ There has been no challenge to Mr Burke's evidence that whilst some people experience the view only as the background to another activity, many visit the viewing points identified in the LVMF for the specific purpose of appreciating the view, and that some of those who do so take with them cameras with the capacity to zoom in and binoculars to enhance the experience.

520. Second, the LVMF itself shows zoomed in views of relevant sections of the panoramas. As Mr Burke explained in re-examination, contrary to the assertion put to him by the Applicant in XX, those zoomed in views are not included simply to identify the specific features visible in the view, but also more generally to illustrate the strategic views and their significance.

521. With or without a zoom lens, the development would be visible in LVMF strategic views 2B.1 (Parliament Hill) and 4A.2 (Primrose Hill). Not only that, it would be visible in the most sensitive location in the view, in both cases appearing as abutting or shouldering up against one or other of the towers of the Palace, so as to distort the clarity of the Palace's silhouette. Indeed, in the Primrose Hill view the development would appear between the towers of the Palace, which Mr Pilbrow himself described as 'important space' to 'stay outside'.