

# OPENING STATEMENT

## 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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## **1.0 INTRODUCTION**

My name is John Mills. I am a Chartered Town Planner employed by the Cotswolds 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 inquiry.

The Conservation Board is an independent statutory body that has two statutory purposes. Firstly, to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB). Secondly, to increase the understanding and enjoyment of the special qualities of the AONB.

As with all AONBs, the Cotswolds AONB is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it.

The Conservation Board has requested to be a Rule 6 party in this planning appeal inquiry because we consider that the proposed development of 250 dwellings at Oakley Farm would have a significant adverse effect on the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the AONB.

I am the Conservation Board's only planning officer covering the 2,000 square kilometres of the AONB and the 15 local authority areas that overlap with it. With this limited resource we do not seek Rule 6 party status lightly. The fact that we have done so in this instance demonstrates the significance of our concerns.

As the appellant has acknowledged, the proposed development constitutes 'major development' in the context of paragraph 177 of the National Planning Policy Framework (NPPF). The NPPF clarifies that permission should be refused for such development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

As I shall outline in more detail later in this Opening Statement, we do not consider that exceptional circumstances apply in this instance and we do not consider that the development would be in the public interest.

We consider that the development would be contrary to national planning policy and planning practice guidance, contrary to the development plan and contrary to the policies of the statutory Cotswolds AONB Management Plan and associated guidance.

The Cotswolds AONB Management Plan is an important material consideration in this regard, particularly given that the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy specifies that development proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

We support Cheltenham Borough Council's putative reasons for refusal, particularly those relating to the effects on the Cotswold AONB and heritage assets and on the appropriateness of the development and heritage assets.

For these reasons we recommend that the appeal should be dismissed and that planning permission should be refused.

## **2.0 THE EFFECT ON THE LANDSCAPE INCLUDING THE AONB (MAIN ISSUE 2)**

I shall briefly outline some of our key considerations in relation to Main Issue 2, which is the effect on the landscape including the AONB.

## **Landscape Quality**

The proposed development would be located on the Cotswold escarpment, which is one of the 'special qualities' of the Cotswolds AONB.

The escarpment is highly sensitive to development pressures. This fact is recognised in the Cheltenham Plan, which identifies that the cumulative effect of even small-scale development is of concern and that a restrictive approach to development is necessary.

The Oakley Farm site is an integral component of this escarpment landscape and merits its AONB status. There are no urbanising features within the site to detract from the site's landscape quality.

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 whole of the site, whereas previously the most westerly field had been excluded.

We acknowledge the close proximity of neighbouring built development. However, we consider that the quality and character of the landscape at the Oakley Farm site is unimpaired by its proximity to this development.

The proposed development is for 250 dwellings on a site covering 15ha. As far as we are aware, a windfall housing development of this scale, within the Cotswolds AONB, on the Cotswold escarpment, would be unprecedented. It is certainly not compatible with the requirement for the scale and extent of development in AONBs to be limited.

A housing development of this scale would fundamentally change the character of the site such that it would no longer merit its AONB status. If the development is permitted, we consider that it is highly likely that the site would be removed from the AONB in any future AONB boundary review.

Overall, we consider the significance of landscape effects to be at least 'Moderate-Major' adverse.

## **Visual Effects**

The Oakley Farm site is clearly visible across a wide geographical area, including from multiple viewpoints within – and directly adjacent to - the Cotswolds AONB. These AONB viewpoints are either on the Cotswold escarpment or the High Wold. This is particularly significant given that views from the escarpment and from the High Wold are two of the special qualities of the Cotswolds AONB.

Although the Oakley Farm site forms one component of a wider panorama from many of these viewpoints, the prominence of the site in these views far exceeds its size.

The proposed housing development would be highly visible from these viewpoints and would be a significant change from the currently undeveloped and relatively open nature of the site. Given the elevated position of many of these viewpoints, the neighbouring built development would not screen the site and mitigation measure such as the planting / enhancement of hedgerows and trees would do little to reduce the visual impacts of the development over time.

Overall, we consider the significance of the visual effects from multiple viewpoints to be either major or moderate.

## **Tranquillity and Dark Skies**

We consider that a housing development of this scale would inevitably have an adverse effect on the tranquillity and dark skies of the AONB, which are two of the area's special qualities.

## **Cultural Heritage**

We consider that the designated heritage assets associated with Hewlett's Reservoir make an important contribution to the cultural heritage of the Cotswolds AONB and to the special quality of '*significant historic associations*'. The Grade II listed pavilion at Hewlett's Reservoir would be particularly adversely affected.

Another important cultural heritage asset that would be adversely affected 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*'.

These points also relate to Main Issue 4, regarding the effect on heritage assets, but they are included here for completeness.

## **Recreational Opportunities**

One of the supposed benefits of the proposed open space provision is the opportunity to experience views of the Cotswolds AONB. However, the amount of tree planting that is proposed would significantly restrict these views.

We consider that the addition of several hundred new residents in this location is likely to increase pressure on other areas of the Cotswolds AONB.

Overall, 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.

## **3.0 WHETHER THE SITE SHOULD BE DEVELOPED (MAIN ISSUE 1)**

I shall briefly outline some of our key considerations in relation to Main Issue 1, which is whether the site should be developed.

### **Need for the Development**

The NPPF's policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs (OAN) for development in full. 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.

The proposed development clearly relates to needs arising outside the Cotswolds AONB (in particular, the Cheltenham Borough section of the AONB). As such it would not be compatible with Planning Practice Guidance, which states that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.

Even without factoring in the constraint of the AONB designation, the Cotswolds AONB section of Cheltenham Borough has already accommodated more than its proportionate share of the new housing required in Cheltenham Borough, with a 20% increase having already taken place during the Cheltenham Plan period.

We acknowledge that there is potentially a shortfall in housing land supply. However, this does not necessarily mean that the housing requirements set out in the JCS will not be met in the longer term.

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.

### **The Scope for Developing Outside the Cotswolds AONB**

Case law has clarified that no permission should be given for major development in AONBs save to the extent that the development met a need that could not be addressed elsewhere or in some other way. We consider that the appellant has failed to demonstrate that these thresholds have been met.

### **Exceptional Circumstances**

Based on the information outlined above, we do not consider that exceptional circumstances apply.

### **Public Interest**

When considering whether the proposed development would be in the public interest it is important to note the national importance of the AONB designation

At the local level, the Cheltenham Plan states that it is particularly important to protect the scarp (on which the proposed development would be located) as the dominant feature of Cheltenham's setting.

As such, 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.

### **Tilted Balance**

We consider that the detrimental effects of the proposed development do provide clear reasons for refusal, in the context of paragraph 11 of the NPPF.

As such, even if there is considered to be a shortfall in housing land supply, we consider that the tilted balance (in favour of granting planning permission) should be dis-applied.

### **Overall Planning Balance**

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 and planning permission should be refused.

This ends the Conservation Board's opening statement. Thank you.