
Appeal Decision

Site visit made on 22 October 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/B1605/W/20/3255479

Oakfield House Stables, Greenway Lane, Cheltenham GL52 6NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Newbay Consulting Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 20/00154/FUL, dated 27 January 2020, was refused by notice dated 8 April 2020.
 - The development proposed is erection of a single self-build dwelling following the demolition of existing stables (revised scheme).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the Cotswolds Area of Outstanding Natural Beauty.

Reasons

3. The appeal site is located outside of the principal urban area of Cheltenham and is within the Cotswolds Area of Outstanding Natural Beauty (AONB). Although the site is next to Greenacres Farm, it is separated from built development in the settlement of Battledown by fields and is therefore within the rural area.
4. As the appeal site is located within the AONB, Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the National Planning Policy Framework (the Framework) specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas.
5. The Cotswolds AONB Management plan 2018-2023 (CAMP) identifies special qualities of the AONB. They include, amongst other things, the tranquillity of the area away from major sources of development and visual clutter. The site lies within National Character Area 106 Severn and Avon Vales, and within the Coopers Hill to Winchcombe Character Type within the Escarpment landscape type identified within the CAMP.
6. The Cheltenham Borough Council Landscape Character and Sensitivity Assessment (CLCSA) of the Cotswolds AONB provides a more detailed

assessment of the landscape in which the appeal site is located. This identifies the appeal site as being located within the Battledown Settled Lowland Landscape Character Area within the Settled Lowlands Landscape Character Type. This assessment identifies the area as being one of an open, sloping and undulating pastoral landscape with well-defined boundaries formed principally by post and rail fencing and hedgerows.

7. I note the appellant's comments made that the landscape characteristics of the appeal site as identified within the CLCSA do not necessarily correlate with the key features of the wider Escarpment landscape type as identified within the CAMP. However, the CLCSA is clear that a key characteristic of the appeal site is one of open sloping pastoral landscape. It is clearly sensitive to change.
8. Key visual receptors identified in the CLCSA include footpath users throughout the area, residents of properties along Ashley Road and road users along Greenway South. The Landscape Value derives principally from the filtered views to the east, looking towards the elevated Escarpment slopes associated with Ham Hill North. The assessment concludes that the appeal site is located in an area with high visual sensitivity, high landscape character sensitivity, with an overall landscape sensitivity of high. The landscape value is identified as high, with the overall landscape constraint being major overall.
9. The proposal would be of a single storey height with a green roof, and would replace dilapidated stables on what the appellant considers to be previously developed land. However, the site is mostly open containing little built development. The proposal would introduce a substantial amount of additional built form into the site which would have an urbanising effect upon its appearance.
10. The submitted landscape visual impact assessment¹ (LVIA) identifies one of the key visual receptors of the site are users of the Public Right of Way (PROW) which is adjacent to the site. The LVIA indicates that the effect on this receptor would not be significant.
11. However, I feel that this does not adequately consider the extent of the importance of views from the appeal site towards the wider AONB and the effect the proposal would have on these. Viewpoint 5 of the LVIA has been taken looking from the PROW towards the appeal site. It appears to show the site being well screened behind mature vegetation, however based on my observations from the site visit the site was much more prominent than indicated by this viewpoint and the LVIA. Whilst I acknowledge that the existing stables are clearly visible, the introduction of additional built form as part of the appeal proposal would be even more visible and prominent in this location.
12. It was also evident that from this location the Escarpment in the direction of Ham Hill is clearly visible in the distance. By introducing a new dwelling in this location, users from this PROW who were to look out towards the Escarpment would be presented with a large dwelling which would be prominent in the foreground.
13. A comprehensive planting schedule is shown on the boundary treatments. However, given the close proximity of the adjacent PROW, and the topography

¹ Landscape and Visual Impact assessment prepared by MHP chartered landscape architects

of the land which slopes upwards away from the appeal site, the proposed dwelling would be evident even with the amount of landscaping proposed. In addition, any landscaping scheme would take several years to reach full maturity.

14. The appellant has drawn my attention to a recent appeal decision² in which the inspector accepted that whilst the Framework indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's, that does not rule out sensitively designed schemes being brought forward. However, that decision related to a different site within Winchcombe, which is not in the locality of the appeal site. I have considered this appeal against its own site specific context.
15. Consequently, I find that the proposal would harm the character and appearance of the area, and would fail to conserve or enhance the scenic beauty of the AONB. It therefore conflicts with policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which seeks, amongst other things that development conserves and where appropriate enhances the landscape and scenic beauty of AONB's. There would be conflict with the aims of the CAMP, which seeks, amongst other things that development within AONB's are compatible with and reinforce the landscape character of the location. The proposal would be contrary to paragraph 172 of the framework which seeks, amongst other things that great weight is given to conserving and enhancing the scenic beauty of AONB's.

Other Matters

16. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. The appellant contends that the relevant development plan policies should be considered out of date, and therefore a presumption in favour of sustainable development applies. However, paragraph 11 d)i of the Framework states that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusal. Footnote 6 of this paragraph includes land designated as an AONB. I have found significant harm to the character and appearance of the area, and have identified that the harm to the AONB provides a clear reason for refusal. Consequently, the presumption in favour of sustainable development is not triggered in this instance.
18. The appeal proposal is for a self-build dwelling, and the appellant has drawn my attention to a recent Government announcement³ which reinforces their commitment towards the importance of self-build housing. Several appeal decisions⁴ have also been cited where the Inspectors have given varying degrees of weight to the importance of developments which are self-build

² APP/G1630/W/19/3228967

³ Press release from Robert Jenrick MP, Secretary of State for Housing Communities and Local Government published 30.10.20.

⁴ APP/W0340/W/15/3051146, APP/Y3940/W/16/3150774, APP/H1840/W/19/3241879, APP/Y3940/W/20/3255756

housing. I have not been presented with the full details of those cases, and thus cannot be certain of the circumstances which led to them being found acceptable. Notwithstanding this, in this instance I have no mechanism to secure the proposal as a self-build property.

19. I note the appellant's arguments that the proposal would add a dwelling to the local housing supply and that it would provide minor economic benefits in terms of its construction. The appellant also contends that new residents would provide support to the existing facilities in the area. However, as the proposal is for one house, these benefits would be very limited and they would not outweigh the significant harm to the AONB I have identified.

Conclusions

20. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR