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28 October 2020

Dear Lee

**APPLICATION NO:** 20/08205/FUL

**DESCRIPTION:** Residential development and a GP surgery, together with vehicle and pedestrian access including a new footway to Sopworth Lane, associated parking, open space, landscaping, drainage infrastructure and land safeguarded for educational use.

**LOCATION:** Land Adjacent to Sherston C of E Primary School, Sherston, Malmesbury, Wiltshire

The above planning application has been brought to the attention of the Cotswolds Conservation Board ('the Board') and we would like to make the following comments.

The proposed development, which includes up to 45 dwellings, would be located within the Cotswolds National Landscape.<sup>1</sup> The Board acknowledges that the site is already allocated in the made Sherston Neighbourhood Plan. However, in reaching its planning decision, the local planning authority (LPA) still has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.<sup>3</sup>

The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) give explicit consideration to the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)), in particular, in this instance, for Landscape Character Type 11 (Dip-slope Lowland);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)), in particular, in this instance, for LCT 11 ([link](#)), including Section 11.1.
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)).

Given the scale of the proposed development in the open countryside of the National Landscape, beyond the village development boundary, the Board finds it very surprising that the applicant's Landscape and Visual Impact Assessment (LVIA) concludes that *'there are no anticipated material adverse effects upon the Cotswolds AONB as a result of the proposals'* (N.B. Underlining added for emphasis).

#### Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

[cotswoldsaonb.org.uk](http://cotswoldsaonb.org.uk)

Chairman:  
**Brendan McCarthy**  
Vice Chair:  
**Rebecca Charley**

The Board also takes exception to the LVIA conclusion that *'the loss of 3.5ha of land to facilitate the proposed development would create a moderate/minor effect on the South Cotswolds Lowlands LCA and a negligible effect on the Cotswolds AONB'*.

It is highly inappropriate to take this approach of comparing the the scale of the proposed development with the scale of the whole of the National Landscape or even with the scale of the whole Landscape Character Area (LCA). In the the context of the Cotswolds National Landscape, which covers over 2,000 square kilometres (or 200,000ha), such an approach implies that a development would need to cover 100s, 1,000s or even 10,000s of hectares in order for the effect on the LCA or the National Landscape to be considered significant. Such an approach would completely undermine the protection that is afforded to National Landscapes through relevant legislation and national and local planning policy.

Relevant case law<sup>3</sup> has identified that:

- *The area of landscape that needs to be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner.*

We ask that the LPA considers the significance of any adverse landscape and visual effects in this more localised context.

If the LPA is minded to grant planning permission, consideration should be given to avoiding built development in the elevated north-west corner of the site, for example, above the 125m contour line (or an appropriate alternative). This would help to reduce the adverse visual impacts of the proposed development, including reducing the extent to which built development on the site becomes visible on the skyline.

At this time, the Board is not able to provide more comprehensive comments on this planning application. However, we hope that the comments that we have provided are useful in helping the LPA to reach its planning decision.

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline.

John Mills  
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## NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) Section 85 of the Countryside and Rights of Way Act 2000. ([Link](#)).
- 3) Monkhill Ltd v Secretary of State for Housing Communities and Local Government 2019 EWHC 1993 (Admin) (24 July 2019). Paragraph 21. ([Link](#)).