



## OPENING STATEMENT

### COTSWOLDS CONSERVATION BOARD

Town and County Planning Act 1990

Section 78 Appeal

**Planning appeal by:** JJ Gallagher and Mr Richard Cook

**Location:** Land off Ashmead Drive, Cobblers Close, Gotherington, Cheltenham, Gloucestershire  
**Development:** Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works

**Tewkesbury Borough Council Reference:** 19/01071/OUT

**Planning Inspectorate Reference:** APP/G1630/W/20/3256319

**Author:** John Mills B.Eng. (Hons.) M.Sc. MRTPI, Planning and Landscape Lead, Cotswolds Conservation Board

**Contact Details:**

Email: [john.mills@cotswoldsaonb.org.uk](mailto:john.mills@cotswoldsaonb.org.uk)

Tel: 07808391227

**Date:** 28 November 2020

## 1.0 INTRODUCTION

- 1.1 My name is John Mills. I am a Chartered Town Planner employed by the Cotswolds Conservation Board as their Planning & Landscape Lead. I am representing the Conservation Board as the Rule 6 party in this planning appeal inquiry.
- 1.2 The Conservation Board requested to be a Rule 6 party in this planning appeal because we consider that the proposed development would have a significant adverse impact on the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (or AONB for short).
- 1.3 I shall begin my opening statement by briefly outlining the relevance of the Cotswolds AONB and the Cotswolds Conservation Board to the proposed development and to this inquiry.
- 1.4 I shall then outline the Conservation Board's reasons for objecting to the proposed development, before providing my concluding comments.

## 2.0 CONTEXT – COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY & COTSWOLDS CONSERVATION BOARD

- 2.1 The Cotswolds AONB was designated in 1966. As with all AONBs, it is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it.
- 2.2 The Cotswolds Conservation Board was established by Parliamentary Order in 2004 with two statutory purposes:
  - Firstly, to conserve and enhance the natural beauty of the Cotswolds AONB.
  - Secondly, to increase the understanding and enjoyment of the special qualities of the AONB.
- 2.3 In my role as the Board's Planning & Landscape Lead I engage in planning and development issues both within the AONB and within its setting.
- 2.4 In simple terms, the setting of the AONB is the area outside the AONB where development has the potential to have an adverse impact on the AONB.
- 2.5 The Government's national planning guidance recognises that land within the setting of AONBs often makes an important contribution to maintaining their natural beauty. It also recognises that poorly located or designed development in the setting of an AONB can do significant harm to the AONB's natural beauty. This is especially the case where there are important views looking out from or to the AONB.
- 2.6 With regards to the Cotswolds AONB, specifically, it is worth noting four key points:
  - **Point 1:** The views from and to the Cotswold escarpment are one of the AONB's special qualities.
  - **Point 2:** The views from the escarpment and escarpment outliers are one of the key features of these landscape character types.
  - **Point 3:** The Conservation Board's guidance identifies that one of the potential implications of new development is the degradation of views from the scarp across the adjoining vale and from the vale looking at the scarp.

- **Point 4:** The Cotswolds AONB Management Plan specifies that development proposals should ensure that views out of and into the AONB are conserved and enhanced.

2.7 These principles are relevant to the proposed development because:

- Firstly, the development would be located in the setting of the Cotswolds AONB, approximately 450m from the AONB boundary.
- Secondly, the proposed development site is clearly visible in views from the Cotswolds AONB and vice-versa.

2.8 It is within this context that the Conservation Board has become involved in this planning appeal inquiry.

### 3.0 REASONS FOR OBJECTING TO THE PROPOSED DEVELOPMENT

3.1 The Conservation Board objected to the proposed development (planning application 19/01071/OUT) in June 2020. The Board has subsequently expanded on the reasons for this objection in its Statement of Case and in its Proof of Evidence for this planning appeal.

3.2 There are three primary reasons for the Board’s objection to the proposed development:

1. The impacts on views from Nottingham Hill.
2. The impacts on views from the proposed development site towards the Cotswolds AONB.
3. The impacts on views from Cleeve Hill.

#### 3.3 Reason 1 – Impacts on views from Nottingham Hill

3.3.1 The Board’s principal reason for objecting to the proposed development is the impact that it would have on views from Nottingham Hill, which is within the Cotswolds AONB.

3.3.2 The appellant’s own evidence identifies that the development would have a moderate adverse effect on views from Nottingham Hill. The Board would equate this to being a moderate adverse impact on the natural beauty of the Cotswolds AONB. Given the great weight that should be given to conserving and enhancing the landscape and scenic beauty of AONBs, we consider that this, in itself, should potentially be a sufficiently clear reason to refuse planning permission.

3.3.3 However, the Conservation Board considers that the overall visual effect would actually be major adverse, which equates to a significant adverse impact on the natural beauty of the Cotswolds AONB. This level of significance provides an even clearer reason to refuse planning permission.

3.3.4 This difference in opinion primarily relates to the magnitude of change, which we consider to be medium, rather than low. There are a number of factors that contribute to this:

##### 1. Mass / scale / proportionality

Gotherington and the proposed development site appear prominently in the view from Nottingham Hill. The proposed development would significantly increase the mass and scale of built development in Gotherington. As such, Gotherington’s prominence in the view from Nottingham Hill would be substantially increased and the setting of the AONB would appear more urbanised.

We consider that the proposed development would be disproportionate to the existing settlement, both in its own right and cumulatively. As such, it would not be consistent with the Conservation Board's landscape guidance.

## **2. Gotherington Gap / Special Landscape Area**

The area of undeveloped land between Bishop's Cleeve and Gotherington, commonly referred to as the Gotherington Gap, also appears prominently in the view from Nottingham Hill. From Nottingham Hill it can be seen that the area of undeveloped land extends from the northern edge of Bishop's Cleeve to the northern edge of the proposed development site. If the proposed development was permitted, this length of undeveloped land would be reduced by approximately one-third.

The contribution that the site makes to the Gotherington Gap is all the more important given the erosion of this gap in recent years with the development that has taken place on the north edge of Bishop's Cleeve. As such, we consider that the site plays a crucial role in protecting the setting of the AONB and therefore merits its status as a Special Landscape Area.

## **3. Linear form**

The village of Gotherington currently manages to retain its strong, historical east-west linear form along Malleson Road / Gretton Road, as identified in the Neighbourhood Development Plan. This linear form is clearly visible in the views from Nottingham Hill. The currently undeveloped status of the proposed development site makes a crucial contribution to maintaining this linear form. If the proposed development was permitted, it would result in the significant erosion and potential loss of this linear form. As such, it would not be consistent with the Conservation Board's landscape guidance.

- 3.3.5 Given the difference in elevation between the proposed development site and Nottingham Hill, any proposed mitigation measures would do very little to reduce the adverse visual effects.

### **3.4 Reason 2 – Impacts on Views from the Proposed Development Site towards the Cotswolds AONB**

- 3.4.1 The Conservation Board strongly disagrees with the appellant's assertion that the proposed development would have a neutral effect on views from the proposed development site towards the Cotswolds AONB and that the magnitude of change would be moderate. Instead, as I shall explain, we consider that the proposed development would have a major adverse effect on these views.
- 3.4.2 The appellant's Landscape and Visual Appraisal (LVA) primarily focussed on the views from the main footpath that cuts across the site, looking north / north east towards the escarpment outliers of Crane Hill and Woolstone (or Oxenton) Hill. However, the part of the site that lies within these views would not have any built development and would, instead, be open space. As such, it is hardly surprising that appellant considered the effect of the proposed development to be neutral in this regard.
- 3.4.3 Unfortunately, the LVA completely failed to explicitly address the views from this main footpath looking east-south-east towards Nottingham Hill and south-east towards Cleeve Hill. These are magnificent views across open countryside, relatively unfettered by built

development, with the nearest buildings – which are, to a large degree, screened by intervening vegetation - being hundreds of metres away.

- 3.4.4 In contrast, if the development is permitted, housing would be built directly adjacent to the south side of this main footpath, directly in the line of – and potentially blocking or significantly reducing - these magnificent views. Contrary to the assertion in the LVA, none of the proposed streets would be aligned to allow glimpsed views of the escarpment from this footpath. Furthermore, the trees that would be planted as part of the scheme would further reduce the visual connectivity with the Cotswold escarpment over time.
- 3.4.5 As such, the proposed development would fundamentally undermine these magnificent views, including the overall panorama which currently extends from Crane Hill to Cleeve Hill and beyond. We therefore consider that the magnitude of change in the views would be high and, as previously indicated, we consider that the overall effect on these views would be major adverse.

### **3.5 Reason 3 – Impacts on Views from Cleeve Hill**

- 3.5.1 With regards to views from Cleeve Hill, which is also within the Cotswolds AONB, the Conservation Board accepts that the proposed development would be a relatively small component of a wider, panoramic view.
- 3.5.2 However, we do not accept the appellant’s assertion that the nature of the visual effect would be neutral and that the magnitude of change would be very low. There are a number of factors that contribute to this opinion.
- 3.5.3 For example, one of the factors that contributes to the size of the visual effect is the relative amount of time over which the view will be experienced and whether the view will be full, partial or glimpsed. For visual receptors who are crossing Cleeve Common in a northerly direction, for example, on the Cotswold Way National Trail, Gotherington and the proposed development site will be in their main line of sight, in full view, over a substantial period of time, rather than being a peripheral, glimpsed feature.
- 3.5.4 From this location the adverse impact of the proposed development on the Gotherington Gap would also be noticeable.
- 3.5.5 For these reasons we consider that the magnitude of change would be low, rather than very low, and that the effect would be adverse, rather than neutral. Combined with the very high sensitivity of the visual receptors at this location, the overall visual effect would be moderate adverse. As indicated previously, the Conservation Board would consider that this equates to a moderate adverse impact on the purpose of AONB designation.

## **4.0 CONCLUSIONS**

- 4.1 So, in conclusion, the Conservation Board considers that the proposed development would have a major adverse effect on views from and to the Cotswolds AONB. As such, we also consider that the proposed development would have a significant adverse impact on the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds AONB.
- 4.2 On this basis, we consider that the proposed development would not comply with national and local planning policy, including the Development Plan.
- 4.3 We consider that these arguments, both individually and collectively, provide a clear reason for refusing planning permission. It is on this basis that we support the reasons for refusal

provided by Tewkesbury Borough Council in their Decision Notice relating to planning application 19/01071/OUT, specifically Reason for Refusal 2.

4.4 The Conservation Board therefore recommends that:

- The tilted balance should not apply (i.e. there should not be a presumption in favour of granting planning permission).
- Tewkesbury Borough Council's refusal to grant planning permission should be sustained.
- The planning appeal should be dismissed.