

Planning application Ref: **14/01063/OUT**

Proposal **Outline application for the erection of up to 420 dwellings and community space / building as well as associated landscaping, public open space, access, drainage, infrastructure, earthworks and other ancillary enabling works.**

Address **Land South Of Winnycroft Farm Corncroft Lane Gloucester GL4 6BX**

Response of the Cotswolds Conservation Board

1. The Cotswolds Area of Outstanding Natural Beauty was designated in 1966, and the designated area was extended in 1990. The primary purpose of designation is the conservation and enhancement of the natural beauty of the area.
2. The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004. Under the provisions of Section 87, Countryside and Rights of Way Act 2000), the Board has two statutory purposes:
 - a) to conserve and enhance the natural beauty of the AONB; and
 - b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well being of people living in the AONB.

3. The Board notes that development as proposed would interfere with views of the Cotswolds AONB.
4. In determining appeal Ref APP/G1630/A/12/2183317 at Greeton Road Winchcombe the Inspector gave consideration to the issue of "setting" of a protected area. The Inspector noted that the proposed development would interrupt views of the AONB and that this represented "significant harm" to the setting of the AONB, contrary to development plan policy. A copy of the decision notice is attached.
5. The Winchcombe case was determined in favour of the applicant primarily due to the lack of a five year housing supply in Tewkesbury Borough as a whole. However paragraph 14 of the NPPF which provides a presumption in favour of sustainable development, is caveated by footnote 9 to that paragraph. This indicates that where other policies in the NPPF restrict development, such as that for AONBs, then the presumption need not apply.
6. The Board would therefore wish the Council to consider carefully if the harm identified to the setting of the AONB is sufficient to refuse consent for this proposal.
7. The Cotswolds AONB Management Plan 2013-18 is a statutory plan¹. Planning Practice Guidance states that 'National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions

¹ http://www.cotswoldsaonb.org.uk/management_plan/index.html

on individual planning applications, where they raise relevant issues.’ (Paragraph: 004 Reference ID: 8-004-20140306).

8. The Guidance also states:

‘Section 11A(2) of the National Parks and Access to the Countryside Act 1949, Section 17A of the Norfolk and Suffolk Broads Act 1988 and Section 85 of the Countryside and Rights of Way Act 2000 requires that ‘in exercising or performing any functions in relation to, or so as to affect, land’ in National Parks and Areas of Outstanding Natural Beauty, relevant authorities ‘shall have regard’ to their purposes. A list of the public bodies and persons covered under “relevant authorities” is found in Defra guidance on the ‘have regard’ duty. Natural England has published good practice guidance on the ‘have regard’ duty.

This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.’

9. Landscape policies in the Management Plan are

LP1: The key characteristics, principal elements, and special qualities (including tranquillity), which form the natural beauty of the Cotswolds landscape are conserved and where possible enhanced.

LP2: Development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the Board.

10. A ‘special quality’ of the Cotswolds AONB identified in the Management Plan is:

‘the Cotswold escarpment, including views to and from it’.

11. The Board has published a Position Statement on Development in the setting of the AONB.² This states:

‘The Board considers the setting of the Cotswolds AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of the Cotswolds AONB.

The Board will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and seek the views of the Board when significant impacts are anticipated.’

12. The site is only separated from the AONB by the width of the M5 motorway, which is predominantly in cutting as it passes the site.

² <http://www.cotswoldsaonb.org.uk/userfiles/position-statements/setting-revision-2013.pdf>

13. The landscape character of the site shares many of the features of the nearby AONB – grazing land, mature hedgerows and mature trees, both in hedgerows and standing alone.
14. There are clear views of the Cotswold escarpment from the boundaries of the site and the extensive network of rights of way across the site lead into the AONB across the motorway.
15. A landscape analysis of the site was undertaken by the Council in November 2013 as part of developing the evidence base for the Joint Core Strategy.³ The application site forms a substantial part of a larger area described as ‘Site 1, Winneycroft Farm’. The outcome of the analysis is shown in Appendix B of that report. This clearly shows that whilst some of Site 1 could be suitable for development, a substantial area, including much of the application site is ‘not suitable for development.’ This is the area closest to the AONB.
16. The Board strongly concurs with this analysis. Development of the area closest to the M5 would substantially interfere with views of the scarp slope from numerous public viewpoints, and break the visual connection between the landscape of the AONB and the similar landscape to the west of the M5.
17. In view of the above the Board would object to development of the whole site as proposed in the application, but would accept development on the smaller area as identified in the Council’s report.

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[http://www.gloucester.gov.uk/resident/Documents/Planning%20and%20Building%20Control/Evidence Base/WSP%20FINAL%20Landscape%20analysis%20Report%20December%202013.pdf](http://www.gloucester.gov.uk/resident/Documents/Planning%20and%20Building%20Control/Evidence%20Base/WSP%20FINAL%20Landscape%20analysis%20Report%20December%202013.pdf)