

PLANNING RESPONSE

For the Cotswolds AONB

COUNCIL / DEPT / AGENCY:
West Oxfordshire

APPLICATION NUMBER:
16/03494/OUT.

DESCRIPTION:

Erection of up to 34 new dwellings, including affordable homes; formation of new pedestrian and vehicular access from Grammar School Hill. Land South Of Grammar School Hill Charlbury Oxfordshire.



17-Nov-16

RESPONSE:

The Cotswolds Conservation Board raises an **objection** for the following reasons:

This site, within the Cotswolds AONB and outside the physical limits of the village, is a key part of the rural setting of both Charlbury and the entrance to Cornbury Park from Charlbury adjacent to what is in effect the eastern entrance to Charlbury. It is a prominent and sensitive location, [development on which](#) would significantly diminish the rural character of the southern side of the road that skirts the South East side of the town, altering how it is perceived in its surroundings and its relationship to the Grade I Park. The relationship between open landscape and built heritage is fundamental to Cotswold character and the inclusion of open space within Conservation Areas – especially in this case to preserve the setting of both the town and the Park – a key consideration.

The Council has a statutory duty to attach particular importance to conserving and enhancing the character or appearance of the nationally protected Cotswolds AONB and its Conservation Areas. This proposal neither conserves nor enhances the character of the area, or the setting of the Grade I park and its bridge.

In these circumstances, as the Courts have repeatedly ruled, very strong public need for the development must outweigh any harm – not just ‘substantial’ harm, and such justification does not exist in this case. The site does not feature within the draft Local Plan. Furthermore, any perceived need derived from seeking to contribute to unmet five year supply of housing does not outweigh the particular regard that must be given to designated heritage assets and the AONB. This is very clearly set out in the High Court judgment, *Forest of Dean vs Gladman* ([2016] EWHC 421 (Admin)) (attached).

Further to this, the Council should consider in this case given the local context, whether this proposal does constitute major development (given the guidance in the NPPG) and therefore that Paragraph 116 of the NPPF is relevant (together with Paragraph 115 that gives “great weight” to conserving landscape and scenic beauty in AONBs). Of note a scheme for 25 dwellings on the edge of a village at Ashton Under Hill in the Cotswolds AONB was considered to be “major development” on appeal (see attached).

Conserving, enhancing, understanding and enjoying the Cotswolds Area of Outstanding Natural Beauty

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In conclusion, this sites policy status within the Conservation Area and within the Cotswolds AONB, confirms it is within an area where development should be restricted and where the presumption in favour of sustainable development therefore does not automatically apply (Footnote.9. of Paragraph 14 of the NPPF). The NPPF also confirms (Paragraph 17) that “Allocations of land for development should prefer land of lesser environmental value.” Further to this the NPPF confirms that “great weight” should be attached to conserving landscape and scenic beauty in this case. Sustainable development as defined within the NPPF includes a specific “environmental role” that confirms that refers to “contributing to protecting and enhancing our natural, built and historic environment.” This development would therefore harm the landscape character and scenic beauty of the AONB (contrary to the purposes of the CRoW Act 2000) and the character and quality of the Conservation Area and related Heritage Assets and would not constitute sustainable development for the purposes of the Framework and should therefore be refused.

CCB OFFICER:
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