



Michelle Payne
Planning: Place and Growth
Cheltenham Borough Council
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By email only to: michelle.payne@cheltenham.gov.uk

1 December 2022

Dear Michelle,

APPLICATION NO: 22/01935/FUL

DESCRIPTION: Material change in use of land for mixed use for the keeping of horses with stables and the stationing of caravans for residential use with associated development (hard standing, utility block, dog run, fencing and gates) (retrospective)

LOCATION: Castle Dream Stud, Mill Lane, Charlton Kings, Cheltenham

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.¹

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape². 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) take into account the following Board publications³:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 2 Escarpment and 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 2 ([link](#)), including Section 2.1 and LCT 7 ([link](#)), including Section 7.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to The Keeping of Horses and Ponies ([link](#)), Tranquillity ([link](#)) and the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

Having considered the applicant's submission and the previous planning history related to the site, the Board **does not object** to this application for the reasons outlined in Annex 1 below.

Without prejudice, if the local authority is minded to grant planning permission, we have made some recommendations regarding planning conditions which the local authority may consider to ensure the conservation and enhancement of the landscape and scenic beauty of the National Landscape.

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

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

Please do not hesitate to contact me if you wish to discuss this response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Joyce', with a small dot at the end.

Simon Joyce

Planning Officer

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ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/00998/FUL

Paragraphs 174 and 176 of the National Planning Policy Framework ('NPPF') provide the highest status of protection for the landscape and scenic beauty of AONBs, including the Cotswolds National Landscape. Paragraph 174 states that planning decisions should both contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. Paragraph 176 then outlines the 'great weight' to be given to the conservation and enhancement of the landscape and scenic beauty of AONBs.

Policy SD6 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy requires development to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. This reflects advice in the NPPF that requires policies and decisions to recognise the intrinsic character and beauty of the countryside. Policy SD7 of the JCS states that all development proposals within the setting of the Cotswolds National Landscape will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage, and other special qualities. Proposals will also be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

The Cheltenham Plan, adopted in 2020, states at paragraph 8.3 that because of its attractive character, which derives from its built form as well as the landscape of the scarp edge, and its location on the urban fringe, the AONB in the Borough is particularly sensitive to development pressures. A restrictive approach is therefore necessary to conserve and enhance both of these elements. The Council considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB.

The Landscape Character, Sensitivity and Capacity Assessment of the Cotswold AONB within Cheltenham Borough was published in April 2015 (updated May 2016). The application site is situated within site reference LCA 10.11 (Greenway Wooded Pasture Slopes). The assessment suggests that the character area has an overall landscape constraint score of 'major' and that the landscape capacity for development is 'low'. However, we acknowledge that the current application site was in residential use when the study was undertaken so does not, in a sense, represent 'new' development.

The Board is aware of the previous planning history of this site, including both the current ('fall-back') permission for stables and keeping of horses and the temporary consents for the residential elements on site, including that allowed at appeal in 2011, though it is noted that permanent consents were refused primarily for the reason that the development would not conserve or enhance the National Landscape.

The applicant's Planning Statement admits that the proposal would not conserve or enhance the landscape and scenic beauty of the National Landscape and we share that view. However, in making our overall assessment this is balanced against the fact that the site has been occupied for more than a decade for the residential use applied for here and that the equestrian use is already consented. We also agree with the assessment of the applicant, the Council in determining previous applications and the Inspector in determining the 2011 appeal, that any landscape and visual harm

would be relatively limited owing to the existing boundary screening, site topography and the positioning of the structures towards the lowest part of the site.

We are also aware that the Council in making its decision will have to balance any assessed harm to the landscape and scenic beauty of the National Landscape, with the 'great weight' this attracts in the planning balance, against the Council's current inability to meet its housing requirements, including those of Gypsies and Travellers. Bearing all of these factors in mind, on balance we do not object to this application.

One matter we would wish to comment upon is the lack of proposals regarding lighting. Paragraph 185c of the NPPF states that planning decisions should ensure that new development is appropriate for its location and in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 001 of the Planning Practice Guidance (PPG) on Light Pollution (Paragraph: 001 Reference ID: 31-001-20191101) states that 'intrinsically dark landscapes' are those entirely, or largely, uninterrupted by artificial light. National parks ... can serve as good examples'. As AONBs have the same level of protection with regards to landscape and scenic beauty as national parks within the NPPF and PPG and dark skies are one of the special qualities of the Cotswolds National Landscape, we consider it reasonable to treat the National Landscape as an 'intrinsically dark landscape' in NPPF and PPG terms.

The Cotswolds AONB Landscape Strategy & Guidelines for LCT 2 (Section 2.1) identifies 'the spread of lit elements up the Escarpment slope' as a potential (adverse) implication for development such as this. The guidelines also seek to 'conserve areas of dark skies', with these dark skies being one of the 'special qualities' of the Cotswolds National Landscape. This is particularly important in an area with relatively low levels of light pollution such as this, as indicated in Appendix 1 of the Board's Tranquillity Position Statement, referred to above.

As such, we recommend that the introduction of any lit elements should be designed to adhere to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies) as well as the ILP Guidance Note for Reduction of Obtrusive Light and the CfDS Good Lighting Guide which form Appendices B and C of the Board's Dark Skies & Artificial Light Position Statement (linked above).

Without prejudice, if the local authority is minded to grant planning permission, planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting meets the standards outlined above and will be limited to low-level, down-facing lights to preserve the landscape character of the Cotswolds National Landscape.

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.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2