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Planning: Place and Growth  
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By email only to: [ben.warren@cheltenham.gov.uk](mailto:ben.warren@cheltenham.gov.uk)

19 May 2022

Dear Ben,

**APPLICATION NO:** 21/02693/FUL

**DESCRIPTION:** Single storey, two-bedroom, self-build retirement dwelling

**LOCATION:** Land Adjacent Lillybrook Golf Club, Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the further information submitted in support of this proposed development, which would be located within the Cotswolds National Landscape.<sup>1</sup>

In our previous response, dated 22 December 2021 (which is appended to this response), we requested that the applicant is asked to provide further information to address the Board's concerns and to demonstrate that the proposal will conserve and enhance the natural beauty of the AONB.

For the reasons outlined below, **the Board wishes to maintain our objection.**

We acknowledge that the applicant has provided a Landscape Study in support of the revised proposals and in the main, do not disagree with its conclusions. We also welcome the repositioning of the proposed dwelling within the plot to a position closer to the boundary.

However, we note that no further information has been submitted to demonstrate how the residential curtilage of the bungalow will be established, what its extent will be and how the potential visual clutter of domestic paraphernalia will be minimised across the grassland field and no further information on lighting has been provided. Indeed, we also note that the revised elevations have introduced a large full length glazed area from the open plan kitchen/dining/lounge area on the western elevation, from which potential light spill and glow would be a concern. Chapter 9 of The South Downs National Park Dark Skies Technical Advice Note ([link](#), page 44), which is considered by National Park Authorities and AONB Boards to be best practice for protected landscapes in relation to this issue, advises that large (>50% on a single elevation) single areas of glazing should be avoided in protected landscapes.

One additional matter we would wish to highlight is a consideration of the proposal against the requirements of paragraph 80 of the National Planning Policy Framework ('the Framework'). At paragraph 2.1 of their Planning Statement, the appellant states the previous Permission in Principle ('PiP') application (appn. ref. 21/01773/PIP) was refused due to the site's location being outside of the

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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.

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*Chairman:*  
**Brendan McCarthy**

*Vice Chair:*  
**Rebecca Charley**

Principal Urban Area of Cheltenham and therefore conflicting with JCS Policy SD10 along with a lack of information to be assured about the appropriateness of the development in the AONB.

The applicant omits to mention that the refusal of PiP application also cites conflict with paragraph 80 of the Framework. Paragraph 6.4 of the Case Officer's report explicitly states that "*paragraph 80 of the NPPF states that decisions should avoid the development of isolated homes in the countryside, subject to certain exemptions, none of which are considered applicable in this instance*". Indeed, the requirements of paragraph 80 are not considered at all in the applicant's submission.

The applicant outlines how even if the Council considers there to be conflict with JCS Policy SD10, that particular policy is currently considered 'out of date' in terms of paragraph 11d of the Framework due to the Council's present lack of five-year housing supply. However, paragraph 11dii) of the Framework still requires an assessment of the proposal against the policies in the Framework, so it is surprising that applicant's submission fails to consider, or even mention, the requirements of paragraph 80.

The consultation response received by the Architects Panel (dated 6 January 2022) concluded that, in the Panel's view, the submitted design does not meet the requirements of paragraph 80 of the Framework, in this case failing to demonstrate "*that the design is of exceptional quality, in that it:*

*- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*".

Whilst the applicant has revised the design proposal since this comment was submitted, the Board considers that the proposed dwelling does not pass the high bar in terms of the 'exceptional quality' required by paragraph 80. We would welcome further comment upon the updated plans by the Panel. Accordingly, we consider that the application has not demonstrated that the requirements of national planning policy have been met. Paragraph 80 of the Framework expressly states that planning decisions should avoid the development of isolated homes in the countryside and as none of the circumstances listed in a) to e) at paragraph 80 exist in this case, the application should be refused.

Without prejudice however, should the Council be minded to grant planning permission, we would request that for the reasons outlined in this and our previous consultation response, appropriately worded conditions are imposed to require the pre-commencement approval of detailed landscaping and external lighting proposals and that louvres (or similar) should be installed in the large full-length glazed windows on the western elevation to reduce light spill.

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

Yours sincerely,



Simon Joyce

**Planning Officer**

[simon.joyce@cotswoldsaonb.org.uk](mailto:simon.joyce@cotswoldsaonb.org.uk) | 07808 391227

## 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) 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](http://www.cotswoldsaonb.org.uk/management-plan)
  - b. Cotswolds AONB Landscape Character Assessment  
[www.cotswoldsaonb.org.uk/lca](http://www.cotswoldsaonb.org.uk/lca)
  - c. Cotswolds AONB Landscape Strategy and Guidelines  
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  - d. Cotswolds AONB Local Distinctiveness and Landscape Change  
[www.cotswoldsaonb.org.uk/ldlc](http://www.cotswoldsaonb.org.uk/ldlc)
  - e. Cotswolds Conservation Board Position Statements  
[www.cotswoldsaonb.org.uk/ps1](http://www.cotswoldsaonb.org.uk/ps1)  
[www.cotswoldsaonb.org.uk/ps2](http://www.cotswoldsaonb.org.uk/ps2)

APPENDIX 1: COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO  
PLANNING APPLICATION 21/02693/OUT, DATED 22 DECEMBER 2021



Ben Warren  
Planning: Place and Growth  
Cheltenham Borough Council  
PO Box 12, Municipal Offices  
Promenade  
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By email only to: [ben.warren@cheltenham.gov.uk](mailto:ben.warren@cheltenham.gov.uk)

20 December 2021

Dear Ben,

**APPLICATION NO:** 21/02693/FUL

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**LOCATION:** Land Adjacent Lillybrook Golf Club, Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire

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

Having reviewed the information submitted, the Board **objects** to this application as we consider that the applicant has not demonstrated that the proposal would be compatible with the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape, including its landscape and scenic beauty. The planning authority has a statutory duty to have regard to this purpose and must give great weight to conserving and enhancing the landscape and scenic beauty of the National Landscape.

The applicant outlines in their Planning Statement that the site was recently subject to a Permission in Principle (PiP) application (reference: 21/01773/PIP). This was refused by the Council in September 2021 due to the location being outside of the Principal Urban Area and conflict with Joint Core Strategy (JCS) policy SD10, along with a lack of information to enable the Council to conclude whether any harm to the AONB would arise from the development. This in turn would not permit the Council to consider that the 'tilted balance' outlined at paragraph 11d)ii) of the National Planning Policy Framework could be engaged, due to the Council's admission that it could not demonstrate a 5-year supply of deliverable housing.

### **Lack of assessment of landscape and visual impact**

Whilst the applicant's Planning Statement states at paragraph 4.3 that "*the development can be achieved without harm to the AONB; and if anything will enhance the AONB*", no further evidence is provided to support, or enable an objective assessment of, this statement. The information submitted in support of the application is limited to a small number of basic plans and although the Planning Statement acknowledges that the Cotswolds AONB is a "*protected asset of significant importance*" (paragraph 4.3), no assessment of the proposal is made against any national or local planning policies relating to landscape matters, including JCS Policy SD7, or relevant landscape guidance such as the Cotswolds AONB Landscape Character Assessment, in this instance with regards to Landscape Character Type 2, Escarpment.

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Whilst a full LVIA would clearly not be required due to the scale of the proposal, no attempt has been made to describe the local landscape character, assess the baseline landscape and visual contribution of the current buildings to the protected landscape of the AONB or assess the potential impact of the new bungalow, the degree of change that would occur and the degree of harm which may arise from the proposal.

### **Scale of development**

One particular area of concern is that the applicant has not submitted any information relating to the heights of the current buildings on the site or any sections of the current or proposed development which would aid in assessing the potential impact of the new bungalow and its visibility from the A435. Photos 1 and 2 included at page 3 of the Planning Statement show that the ridge heights of the existing sheds are not significantly higher than the small van parked next to them and therefore they appear to be approximately 2-2.5m in height. The proposed bungalow is almost double this height at c.4.75m (as shown in dwg. no. 0683/P/001) and is located at a higher point than the current buildings given the sloping nature of the site which forms part of the Cotswolds escarpment. As such, the Board considers that further information is required to demonstrate the height and impact of the new bungalow compared to the existing buildings, principally when viewed from the A435.

### **Landscaping**

No information has been provided to demonstrate how the residential curtilage of the bungalow will be established, what its extent will be and how the potential visual clutter of domestic paraphernalia will be minimised across the grassland field. There is also no information on boundary, surfacing or landscaping treatments. The Proposed Block Plan (dwg. no. 0683/P/004) shows a rough shaded area marked as providing "*native species tree and shrub*" planting to "*act as a screen*" but no further detailed information is provided on species type, number to be planted or maturity to help assess whether this tree and shrub planting will establish an adequate screen between the site and the A435.

### **Lighting**

No details regarding lighting have been submitted by the applicant. Any lighting would introduce a 'lit element' into what would otherwise be a relatively dark night-time landscape.

The Cotswolds AONB Landscape Strategy & Guidelines for LCT 2 (Section 2.2) identifies 'the introduction of lit elements to characteristically dark landscapes' as a potential (adverse) implication for isolated development such as this. The guidelines seek to 'conserve areas of dark skies', with these dark skies being one of the 'special qualities' of the Cotswolds National Landscape.

Accordingly, further information, particularly on any external lighting, is required to demonstrate adherence to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies). It is also noted that the bungalow is oriented so that the full length windows/patio doors of the living room face directly out to the AONB.

### **Recommendation**

Therefore, the Board requests that the applicant is asked to provide further information to address the Board's concerns outlined above and submit a Landscape and Visual Appraisal that clearly assesses potential adverse and beneficial effects of the development, at a level that is proportionate to the proposed development, and demonstrate that the proposal will conserve and enhance the natural beauty of the AONB. Consideration should be given as to whether the development would impact receptors on the Cheltenham Circular Footpath particularly where it passes in front of the site

on the A435, but also where it rises up the escarpment to the east and below Hartley Hill and also from the Cotswold Way.

Further guidance can be found within the following documents<sup>2</sup>:

- 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;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 2 ([link](#)), including Section 2.2;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to the Tranquillity Position Statement ([link](#)), Housing Position Statement ([link](#)), Landscape-led Development Position Statement ([link](#)) and also the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#))

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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