



Briony Farmer
Planning and Strategic Housing
West Oxfordshire District Council
Elmfield, New Yatt Road
Witney
OX28 1PB

By email only to: briony.farmer@westoxon.gov.uk

26 January 2022

Dear Briony,

APPLICATION NO: 21/04094/FUL

DESCRIPTION: Change of use of land from agricultural to provide a seasonal outdoor cafe with associated car parking and facilities for a temporary period of three years.

LOCATION: Land North East Of Cornwell Hill Farm Cottage, Worcester Road, Chipping Norton

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 Landscape.² 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 publications:

- 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) 15 (Farmed Slopes);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 15 ([link](#)), including Section 15.2;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Miscanthus & Short Rotation Coppice ([link](#)) Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

Policy EH1 of the West Oxfordshire Local Plan 2031 states that great weight will be given to conserving and enhancing the National Landscape's natural beauty, landscape and countryside, including its wildlife and heritage. Proposals that support the economy and social wellbeing of communities located in the National Landscape will be supported provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area. Policy EH2 states that proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality.

The Board's Management Plan 2018-2023 and guidance documents are also material considerations in the determination of planning applications within the National Landscape. Policy CE4 states that

Cotswolds Conservation Board

The Old Prison, Fosse Way, Northleach
Gloucestershire GL54 3JH
01451 862000
info@cotswoldsaonb.org.uk

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

proposals that are likely to impact on the tranquillity of the AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance. Policy CE5 states that proposals that are likely to impact on the dark skies of the AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.

The applicant proposes that the café will operate between April and October from 5pm to 10pm on Wednesdays to Saturdays for a three-year period. Any structures and facilities associated with the operation of the café will be removed from the site during the winter period before being re-installed the following spring.

The proposed development would be on an exposed site, on an elevated ridge between valleys to the north and south, with expansive views to the north and south. As it is proposed that the café will operate during hours of sunset and darkness, any lighting could potentially introduce incongruous 'lit elements', which could be seen across a wide area, into a characteristically dark landscape. If this lighting is not positioned appropriately, it could also cause 'sky glow'. These factors could potentially adversely affect the dark skies of the National Landscape, which are one of the area's 'special qualities'.

The applicant has sought to address the issue of sky glow by proposing the installation of a tented canopy over the seating area and an additional canopy over the serving area in front of the timber clad shipping container. Lighting in the seating and serving area will comprise outdoor string/ festoon lights and the applicant undertakes to turn off any lighting at the end of each day.

The applicant's supporting information indicates that the surrounding farmland has been planted with miscanthus as a means of mitigating the visual impacts of the proposed development which would be visible from a number of public viewpoints including the bridleway 334/14/10 which forms the access to the site from the A44 and the footpath 334/13/10 which crosses the adjacent field to the north. Miscanthus is not commonly grown in the Cotswolds due to its soil requirements, and consequently does not tend to reach the full growth height. Whilst the applicant states they would not cut the crop to allow it to grow, the photographs included in the supporting letter at Figure 1 showing the café in operation in 2020 clearly show that the miscanthus crop had not grown as high as the timber clad container the café operated from whilst the photographs of the application site in its present state show the miscanthus crop to be significantly shorter than the 2-2.5m mentioned in the supporting statement. Therefore, the extent to which the miscanthus 'hides' the development may be limited.

The Board also notes that the applicant also has not provided any details on whether or not the parking area or access track between the bridleway and the parking area will be surfaced.

Without prejudice, if the local authority is minded to grant planning permission, we recommend that planning conditions should be imposed which seek to mitigate any potential adverse impacts on the landscape and scenic beauty of the AONB and in particular on its tranquillity and dark skies, these being two of its 'special qualities'. These include:

- The development, in particular in relation to lighting, should be carried out in accordance with submitted plans and details. Conditions relating to operating hours and lighting should be imposed to minimise the visual impact of the development and any adverse impact on dark sky quality;
- The submission of further details relating to the surfacing of access and parking areas as a pre-commencement condition;
- A requirement to maintain the miscanthus crop in the field to prevent it being replaced with an alternative crop which may provide less mitigative screening; and

- In line with the comments received from the Council's Environmental Health team, no amplified or live music or broadcasting equipment should be audible from the adjoining highway or local public rights of way.

The Board would also recommend regular monitoring of the development to ensure compliance with all approved plans and conditions.

If you have any queries regarding this response, please do not hesitate to get in touch.

Yours sincerely,

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

Simon Joyce

Planning Officer

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) 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