



Ceri Porter
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
GL5 4UB

By email only to: ceri.porter@stroud.gov.uk

1 March 2022

Dear Ceri,

APPLICATION NO: S.22/0071/FUL

DESCRIPTION: Retrospective application for the retention of an agricultural barn, existing access and associated minor works.

LOCATION: Land Opposite New Inn, Waterley Bottom, North Nibley, Gloucestershire.

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

Despite the complex planning history of the holding and the fact that this application retrospectively seeks full planning permission, the information provided to support the proposal is limited to a simple set of plans and a Planning Statement. As such the Board considers that insufficient information has been submitted to demonstrate that the proposal will conserve and enhance the natural beauty of the Cotswolds National Landscape as required by Section 85 of the Countryside and Rights of Way Act 2000, paragraph 176 of the National Planning Policy Framework and Delivery Policy ES7 of the Stroud District Local Plan 2015.

Accordingly, we wish to raise an **objection** pending the submission of further information, including photographs of the site as specified below, to allow the Board to make an appropriate assessment of the proposal. This request is made in the context of the previous planning history of the site, where a previous application for stables in a similar location was refused by the Council on grounds of the adverse impact on the landscape and scenic beauty of the AONB (application ref. S.20/0799/FUL) and this view was subsequently supported by an Inspector in dismissing the subsequent appeal (appeal ref. APP/C1625/W/21/3276894, decision dated 30 September 2021). The current enforcement notice brought by the Council and again upheld at appeal also relate to the visual and physical harm that unauthorised works on the site has caused to 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 of the signature.

Simon Joyce

Planning Officer

simon.joyce@cotswoldsaonb.org.uk | 07808 391227

ANNEX 1: COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION S.22/0071/FUL

The Board notes the extensive and complex planning history associated with this site. Notwithstanding the applicant's assertions regarding any potential fallback position which may or may not be established by Schedule 2 Part 6 Class A of the Town and County Planning (General Permitted Development) (England) Order 2015 ('permitted development rights'), this application has been made for full planning permission. As such it should be assessed on the basis of the information submitted and determined in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Landscape and Visual Impact

The site is located within the Cotswolds National Landscape, within which there is a duty to have regard to the purpose of conserving and enhancing natural beauty². Within this context paragraph 176 of the National Planning Policy Framework further states that great weight should be given to conserving and enhancing landscape and scenic beauty. These objectives are reflected in Delivery Policy ES7 of the Stroud District Local Plan 2015.

Therefore, the Board is concerned that no assessment of the proposal is made against any national or local planning policies relating to landscape matters, in particular Stroud Local Plan Delivery Policy ES7 which states that priority will be given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage.

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 site, in both its previously undeveloped and current states, to the protected landscape of the AONB or assess the potential impact of the barn and associated works, the degree of change that has occurred and the degree of harm which may arise from the proposal. This is particularly relevant given the appeal Inspector's view outlined at paragraph 7 of his decision letter pursuant to the appeal referred to above that the works (in this case the access platform) are *"wholly at odds with the topography of the slope, [and therefore] I see no reason to question the harm that it causes to the AONB"*.

The Board also wishes to question the applicant's assertions on landscape impact in their Planning Statement, where they state that *"the secretary of state has also confirmed that such modest buildings, where necessary for ongoing land based operations, do not represent any harm to the intrinsic quality and character of the AONB. Details of this are also included in appendix"*. The list of appendices to the Planning Statement cites Appendix E as being the 'Secretary of State's AONB impact statement'. However, this 'Secretary of State's AONB impact statement' appears to be an Environmental Impact Assessment screening opinion issued by the Planning Inspectorate on 17 September 2021 in relation to a planning appeal at the same site, but for a different development proposal to that being proposed by this retrospective application. Moreover, it only concludes that the appeal proposal for equestrian stables was not likely to give rise to significant environmental effects in accordance with EIA regulations for the purposes of determining whether or not

Environmental Impact Assessment was required rather than providing any assessment of the proposal against Development Plan policies and other material considerations.

Delivery Policy ES7 states that in all locations development proposals should conserve or enhance the special features and diversity of the different landscape character types found within the District and priority will be given to the protection of the quality and diversity of the landscape character. With regards to potential impacts on landscape character, the proposed development is located in the 'Rolling Hills and Valleys' Landscape Character Type (LCT 3 in the Cotswolds AONB Landscape Character Assessment referred to below) which is particularly sensitive to change. This is because these valleys are quiet rural landscapes with strong associations of peace, tranquillity and a sense of remoteness. As such the erection of an isolated building and associated areas of hardstanding may diminish the environmental quality of this locality.

Tranquillity and Dark Skies

The applicant has also not provided details of any external lighting that would be associated with the proposed development. In line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan, lighting should be avoided if possible. If it cannot be avoided, it should be minimised. Any lighting associated with the development should be consistent with the Board's Position Statement on Dark Skies and Artificial Light, referenced below.

Other matters

The applicant contends that this application is to regularise works which are essential to the operation of an agricultural holding ('the agricultural unit') which they state extends to 19 hectares.

Our previous responses to applications at this site have highlighted that when assessing and defining the extent of an agricultural unit there is a requirement to demonstrate the security of tenure of each parcel of land and whether each of these parcels of land is definitely used for the purpose of agriculture. The applicant's Planning Statement highlights that a Planning Inspector, when upholding the Council's enforcement notice issued on the site, set out that she was not convinced over the security of tenure or the sole use of the agricultural unit operated by the applicant. Whilst the applicant states that they occupy an agricultural unit in excess of 5 hectares, this is not evidenced in the submission save for an email from the applicant and the Board recommends that the Council request further evidence on this point.

The Board further notes that the Site Location Plan (undated and with no drawing reference number) submitted shows a 'proposed stable building' as well as the 'proposed agricultural building' yet the description of development only mentions the agricultural barn and the Existing and Proposed Site Plan drawings show the proposed stables being replaced by mobile field shelters. We would also request clarification from the applicant on this issue.

Recommendation

The Board requests that the applicant is asked to provide further information to address the Board's concerns outlined above and to demonstrate that the proposal will conserve and enhance the natural beauty of the AONB.

In particular the Board requests photographs of the site in its current state from the following key viewpoints:

- The entrance to the site;
- The footpath that crosses the north-east corner of the site (North Nibley Footpath 10);
- A suitable viewpoint, with a clear view of the site, on the road running east-west on the south side of the valley (i.e. between Waterley Farm and Pitt Court).

Further guidance can be found within the following documents³:

- 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) 3 Rolling Hills and Valleys;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 3 ([link](#)), including Section 3.3;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#)); and
- Cotswolds Conservation Board Position Statements ([link](#)), including in this instance, with regards to the Tranquillity Position Statement ([link](#)) and with regards to the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#))

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