

**Planning application Ref:** 14/00838/FUL  
**Proposal:** Residential development  
**Location:** West of Farm Lane, Leckhampton, Cheltenham

## **Response of the Cotswolds Conservation Board**

The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

The Board has two statutory purposes<sup>1</sup>:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

1. The Board notes that the land subject to the application is included in the South of Cheltenham Strategic Housing allocation in the Pre-Submission Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury. The Board is in principle supportive of such this allocation.
2. The Board notes that the boundary of the Cotswolds AONB lies immediately to the south of the site on the other side of Leckhampton Lane. The site clearly lies within the setting of the AONB.
3. **Planning Practice Guidance states with respect to** Areas of Outstanding Natural Beauty and National Parks:

Section 11A(2) of the National Parks and Access to the Countryside Act 1949, Section 17A of the Norfolk and Suffolk Broads Act 1988 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. A list of the public bodies and persons covered under "relevant authorities" is found in Defra guidance on the 'have regard' duty. Natural England has published good practice guidance on the 'have regard' duty.

This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.

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<sup>1</sup> Section 87, Countryside and Rights of Way Act 2000, as amended by the NERC Act 2006.

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4. Clearly therefore the impact of development on the setting of the AONB is a material consideration.
5. The Boards acceptance of the strategic allocation was to some extent influenced by the 'Illustrative Masterplan' prepared by RPS for Bovis Homes and Miller Homes in March 2013, and which is included in the Environmental Statement submitted with this application. (Appendices Part 9). A copy is appended to this response.
6. This masterplan clearly shows a significant area of green infrastructure on the southern side on the Farm Lane site, including a 'community orchard' and 'kick about' area. This would form a significant green buffer between the residential development and the AONB.
7. In the layout proposed in the current application, this buffer has shrunk to a thin area of open space, bounded by residential properties. The Board is of the view that this provision is insufficient to maintain the quality of the setting of the AONB by virtue of the visual impact of the development and impact on tranquility.
8. In view of the above, whilst the Board has no objection to the development of the site for residential purposes, the proposed layout is unacceptable due to adverse impact on the AONB.