

<b>APPLICATION NO:</b> 17/00129/FUL		<b>OFFICER:</b> Mrs Emma Pickernell	
<b>DATE REGISTERED:</b> 24th January 2017		<b>DATE OF EXPIRY :</b> 21st March 2017	
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Ms Jamima Cox		
<b>LOCATION:</b>	Castle Dream Stud, Mill Lane, Charlton Kings		
<b>PROPOSAL:</b>	Change of use of land for the permanent residential occupation by a traveller family, retention of day room, hardstanding, access, fencing, stables and use of associated land for keeping of horses.		

## REPRESENTATIONS

Number of contributors	<b>21</b>
Number of objections	<b>21</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Court Barn  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 22nd February 2017

I would like to place my objection to this application on record.

Although the residents have maintained the site well, over time there has been a harmful impact on the AONB with its incremental development. It has certainly not 'enhanced this area of the AONB' as claimed in the Design & Access Statement. The Cotswold AONB should be protected and any any changes to the previous conditions would be detrimental. Whilst allowing the appeal by Mr & Mrs Cox in 2011 and granting them temporary permission, it further stated that "change of use to a Traveller site would cause further visual harm to the AONB." Change of use is, in effect, what this application is seeking. I have seen no horses on site for several years and as this site no longer appears to be used as a 'stud', I can see no good reason why a permanent residency should be approved. Other sites locally have been refused residential planning permission and, in the current circumstances, I don't see why this site should be considered any differently.

According to The Design & Access Statement this site has been put forward for GTAA consideration in a 'Call for sites' consultation as part of the JCS and Cheltenham Plan and draws attention to the requirement of the district to provide deliverable Traveller sites now and an ongoing supply in future years. The Design & Access Statement goes on to state that "At present there is no other Traveller site within the district that benefits from planning approval and as such, a common sense approach would be to ensure this site becomes the one to be allocated through the plan. ...". I would point out that this plan has not yet been ratified. However the decision on this application is very significant and could be a source of many predictable and unpredictable outcomes.

54 King William Drive  
Cheltenham  
Gloucestershire  
GL53 7RP

**Comments:** 22nd February 2017

I object to the above application as follows.

1. The Joint Core Strategy - when it was responsible for allocating gypsy sites - never allocated Castle Dream Stud.

In fact in February 2016 In JCS EXAM 187 "Note from the JCS on Gypsy, Traveller and Travelling People for the Inspector" on page 16 under b) Cheltenham Borough Council, in the table reviewing the suitability of Castle Dream Stud, it says plainly:

Suitable: NO (Available Yes) Achievable: NO

Assessment summary: Due to the site's location within the AONB and the sensitive landscape the site is not considered suitable.

2. On the same page it states that the 2015 Cheltenham Plan consultation SALA assessment did not find the site suitable for ANY form of development due to the site being wholly within the Cotswolds Area of Outstanding Natural Beauty.

3. The current draft consultation Cheltenham Plan Part 1 reiterates this. It identifies the site as CP024 and shows it in red as not for development and states that SALA found the site not to be deliverable or developable.

As both the Strategy and the Local Plan agree that the site should not be allocated for permanent residential development then a decision to allow the above application would be premature before this Plan principle is Examined in Public.

4. A full residential permission should in any case be refused as it would leave the site wide open to domestic changes likely to do further harm to this rural corner of the AONB.

5. I object to the wording: 'a traveller family' is too imprecise: for certainty, if any extension of the temporary permission is granted it should only be in the name of Mrs Cox for her immediate family.

6. If any temporary extension is permitted, the existing conditions should be re-imposed to prevent future harm to the AONB.

11 Warwick Crescent  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YZ

**Comments:** 21st February 2017

I object to this application on the basis that this would be a complete change to the terms of the original planning permission. This change of use could be open to all manner of uses not currently permitted, which would be unacceptable in its location within the AONB.

Fieldway  
Ham Road  
Charlton Kings  
Cheltenham  
GL52 6NG

**Comments:** 22nd February 2017  
Letter attached.

Court Barn  
Ham Road  
Charlton Kings  
Cheltenham  
GL52 6ND

**Comments:** 21st February 2017

I object to the proposed planning application for the change of use of Castle Dream Stud. Yet again, planning proposals have been made for properties in the AONB. The proposal would be detrimental to the AONB which has the highest level of protection.

A permanent residence for the use of a traveller family on the AONB could well result in a number of unwelcome future developments. Some harm has already been done to the site and it is unacceptable to take further risk of more damage.

The temporary use was specifically granted to the Cox family only and it is a significant, unacceptable change to grant permission for permanent occupation.

14 Pembridge Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XY

**Comments:** 19th February 2017

I am writing to object to the change of use of Castle Dream Stud to permanent usage because of the adverse effects on the Cotswold AONB in which it lies. This is a protected area and if the site were to be given permanent status it could be developed in a way detrimental to its surroundings.

Mr and Mrs Cox have been given temporary permission for the use of land for country pursuits. It would be reasonable to renew the temporary permission so that the land could be put back to the original state at the end of that time, if necessary. Some harm has been done to the site with the huge fence and hard-standing which was acknowledged by the inspector a few years ago. A site less harmful to the green environment could be found in the meantime for travellers - the JCS plan is not yet completed .

Other locations in the AONB have been refused permission for residential development. This site should not be given special treatment as it is of no benefit to the AONB. The same criteria should be applied for the applicant as for others, as per the recommendations.

Regarding the inspector's conditions of a previous appeal temporary permission was given to Mr and Mrs Cox, not to 'a traveller family' which could mean any number of people and some one without the responsibility of this family who have kept the site tidy for the past few years. The Inspector stated in 2011 'When the land ceases to be occupied by those named in the conditions, the use permitted shall hereby cease and the land shall be restored to its condition before the development took place' The permission should therefore remain temporary for use as a site for

country pursuits. The site has not been granted permission for redevelopment by other applicants in the past for good reasons. This should not be a special case.

3 Natton Cottages  
Ham Lane  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 22nd February 2017

I refer to the above Planning Application which is totally unsuitable for the site and the AONB area. The application has to be considered only in terms of whether a permanent development should be allowed or not as any other factors are not applicable.

The history of the site is well documented as are the refusals and temporary allowance for caravans. The fact that enforcement was carried out on the original owners of the site to remove a bungalow from it would be against natural justice if this planning application were allowed. It would also be a 'reward' for attempting to bypass the planning system on the first application for the site by putting the current caravans on it and then claiming permission.

It would also be very discourteous to all residents in the AONB who have gone through the planning process properly and for better or worse have accepted planning decisions, particularly when these decisions have gone against applications citing the AONB criteria as reason for refusal. If permission were given - then it sets a precedent regarding permissions of other very unsuitable developments within the AONB. There would then be little barrier to a permanent dwelling built in the future - again - against previous decisions for this site.

The claim that the area is being used for keeping horses is not really true. A horse has only been seen very occasionally on the site in the last several years and only sheep invited to keep the grass down have been the main animals on the site.

The site is NOT a designated traveller site and is not suitable as one going forward. If this application is permitted as permanent - there also seems to be no safeguards that the site would not be divided up and sold in parts in future and further caravans appear. The current hard standing area is still very difficult to understand if only a maximum parking area for 5 cars is required.

It is acknowledged that the site has been tidied up and kept that way - so we would support a further TEMPORARY extension of the current permission but the council has to be tasked with sorting the situation out within the current overall plans for Gloucestershire as soon as possible. The preference has to be that the site is vacated as residential and returned to purely agricultural use.

The current temporary planning is for the particular NAMED family and this should be maintained. Any permissions have to lapse if this family moves on from the site.

In conclusion, both the Council and the Planning Authorities must refuse the current application and must work to return the site to unoccupied status as was clearly intended when the original owner was refused development.

4 Pembridge Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XY

**Comments:** 21st February 2017

I would like to raise an objection to this change of use in our AONB. AONB land is protected and should be kept free from residential development.

10 Acomb Crescent  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YH

**Comments:** 21st February 2017

This was initially a temporary measure and I object to it being made permanent. This remains an area of ANOB which is my biggest concern. But the potential number of travellers also is a significant concern.

Wadleys Farm  
Ham Lane  
Charlton Kings  
GL52 6NJ

**Comments:** 9th February 2017

Letter attached.

Wadleys Farm  
Ham Lane  
Charlton Kings  
Cheltenham  
GL52 6NJ

**Comments:** 20th February 2017

Letter attached.

Hamfield House  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NG

**Comments:** 22nd February 2017

There is a long history of attempts to change the use of this AONB site away from agricultural use. A traveller family, then Mr and Mrs Cox, acquired and started residing at the site in around 2010. Following an Appeal which was decided in 2011, they were given temporary permission to continue residence at the site as set out in APP/B1605/C/11/2149107 and 2149171 dated 6 September 2011.

In reaching his decision, the Planning Inspector concluded that: "the change of use to a Gypsy and Traveller site has resulted in, and would cause further visual harm, to the AONB. This is contrary to established local development plan policies and national planning policy advice and guidance and is sufficient reason not to grant a permanent permission." His reason for giving permission on a temporary basis was the lack of sites allocated for gypsies and travellers. Permission was given, therefore, "until such times as less harmful, alternative sites may be identified and brought forward through the JCS process". The Inspector imposed a number of conditions to ameliorate the harm, many of which have yet to be undertaken or fulfilled.

In response to planning application 13/01459/COU, which again sought permanent change of use, on 16 January 2014 Cheltenham Borough Council extended the temporary permission for Mrs Cox and any resident dependants for a further period of three years until 17 January 2017. Please refer to my letter of objection to the 2013 application dated 27 December 2013.

I object to this present application, for the following reasons:

1. The fundamental reasons against change to residential use are as follows:
  - a. The site lies in the Cotswold AONB. The National Planning Policy Framework. Paragraph 115 states: 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' Although the site is screened from Mill Lane, it is highly visible from the public footpath from Hewletts Reservoir to Northfield farm, which I use on a frequent basis.
  - b. Although the location is near to Cheltenham, it is outside the principal urban area of the town and away from any area that has been either allocated or proposed for any urban extension.
  - c. The site is rural and isolated and not close to other dwellings or any public transport..
  - d. There are several other areas of land in the AONB in the vicinity which are used for grazing horses and which have associated stabling similar to that at the present site. Should permission be given for permanent change of use in the present case, a precedent would have been set, making it difficult to resist proposals for change of use at any of these other sites, causing yet further damage to the AONB.
2. The reasons why the temporary change of use should not be made permanent are:
  - a. The underlying reasons at 1. above have not changed. The damage to the AONB is evident from an inspection of the site. In particular, the planting introduced by the temporary residents over the past six years is alien to the AONB and is of a type often used as screening in residential area. It therefore detracts from rather than conserves the landscape and scenic beauty. The situation would be made worse by the erection of a permanent building.
  - b. A principal reason for the Planning Inspector giving temporary permission in 2011 was that he expected permanent pitches for gypsies and travellers to be allocated under the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury. The JCS, now nearing completion, requires Cheltenham Borough to allocate one such pitch up to 2017 with a second in the period 2028-31. Specific sites were to be set out in the forthcoming Cheltenham Local Plan. 'Cheltenham Local Plan (Part One) Preferred Options' is currently undergoing consultation but this part of the Plan does not include any gypsy and traveller site allocation. It would be premature to give permanent permission to this AONB site in advance of even proposed allocations in the Local Plan.

- c. The circumstances under which the previous temporary permission was given have changed. In particular, the site is no longer being used for the keeping and breeding of horses. For at least the past three years, there have been no horses on the site, which is now mainly used, if at all, for grazing the neighbouring farmers' sheep.
- d. The proposal removes the previous condition that the temporary residency applies only to Mrs Cox and any resident dependents. Permission would therefore open the site to occupancy by any traveller family or families without restriction.
- e. A precedent would have been set, encouraging further gypsy and traveller settlements in the AONB.

I therefore urge the Planning Authority to refuse this application for permanent residential occupation. Renewal of the three-year temporary permission under the same conditions as before would be a reasonable alternative decision.

Glenfall House  
Mill Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL54 4EP

**Comments:** 14th February 2017

I would like to object to this, a few of the reasons are - the original planning application; which was the same as this was refused; the duration was given until 2017 for single residency; now a similar application has been submitted.

It will be very difficult to control who will stay at the site if this is granted; which could have an impact on the surrounding highways, neighbours and businesses

I feel that this should not be granted; I am happy that the same restrictions as previously made, are given for the temporary residence of single family

Ham Stud  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 18th February 2017

I feel that any changes to the previous conditions imposed on this site for temporary planning, granted in 2013, would be detrimental to the Area of Outstanding Natural Beauty.

Clause one of this condition states that temporary planning was granted for Mrs Cox and her resident dependants only and I feel this should remain in place.

As there have been no horses grazing this site for the last three years there doesn't appear to be any need for the stable buildings to remain.

This new application for permanent occupation should be refused, and the current conditions enforced in the event of the current temporary permission being granted again

The Willows  
Ham Square  
Cheltenham  
Gloucestershire  
GL52 6NF

**Comments:** 21st February 2017

We object to this planning application for permanent residency of this site in the AONB. The original temporary permission was for the Cox family, and this application is very vague with no names mentioned which means a large family with lots of caravans could move on to the land, thus further harming the AONB. There are no horses on the site.

AONB land should be protected and development should not be permitted. Please refuse this application.

2 The Orchards  
Glenfall Way  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6BJ

**Comments:** 22nd February 2017

This piece of land was not included in the JCS as an allocated site for travellers. This examination in 2016 also stated that this site wasn't suitable due to its AONB status.

If this application were to be permitted then it would be opening up this pocket of land to potential damage in the future. The planning status should remain as temporary.

(address withheld)

**Comments:** 22nd February 2017

I would like to register my objection to the above planning application, but have been told by your colleagues that there is no way to do this online without showing my address. I hope that it is still possible for you to take my views into consideration via this email, but do not want it (my name or address) to be published. My views are broadly the same as those of others.

My objection is based on the location of this site in the AONB. This land is protected for the enjoyment and benefit of all, and I feel it should be kept free from permanent residential development. As others have commented, it has not been used to graze horses for some years.

The current temporary development of the site has damaged the character of the AONB, with tall, suburban-style fencing and gates and a large area of hardstanding. It seems likely therefore that making this arrangement permanent would secure that damage and add more.

Finally, I believe this application would open the way for the development of other plots along Mill Lane for residential use, destroying the quiet character of the area and increasing traffic problems.

146 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LY

**Comments:** 1st March 2017

How this development ever got temporary planning permission is astonishing.

The site is in the AONB.

The site is also completely unsustainable - how is the site accessed on foot - how is it drained - how is it serviced?

Why have the landowners been allowed to erect 6ft high panel fencing immediately adjacent to the highway?

Everything the landowners have done to the site to date has smacked of permanence and this application should have been foreseen when the original temporary application was granted permission. If this development is permitted it will only encourage other developers looking to develop within the AONB in the Ham area.

The proposal has no merit whatsoever and I object to it in the strongest terms.

3 The Orchards  
Glenfall Way  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6BJ

**Comments:** 21st February 2017

I am writing to object to this change of use in AONB. This is a protected area and the land should be kept free from residential development.

19 Lawrence Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NN

**Comments:** 22nd February 2017

This is simply gradual urban development of agricultural land use, and should not be permitted. Traveller sites are for travelling population, not permanent residence - which is just C3 use.

The precedent would open up all manner of urban development on agricultural land and green spaces in the Borough.

The increased vehicular use of the site should be avoided, as passing traffic cannot see emerging vehicles in safe stopping distance. Car towing horse box entering site would sit on highway until gate is open, creating traffic hazard.

The existing temporary use generates significant surface water discharge onto the highway, even after small amounts of rainfall. Any further development will simply make road conditions worse, even treacherous in icy conditions.

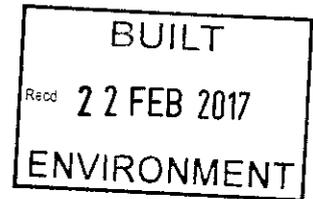
1 Lawrence Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NN

**Comments:** 21st February 2017

I walk past the so called stud daily and have never seen a horse there Nor any sign of horses.  
Blatantly playing the planning rules to get a positive outcome for themselves.

**Fieldway Ham Road Charlton Kings Cheltenham  
GL52 6NG**

**Case Officer Mrs E Pickernell**  
Cheltenham Borough Council  
Planning and Built Environment  
Municipal Offices  
Promenade  
Cheltenham GL50



19<sup>th</sup> February 2017

Dear Mrs Emma Pickernell

**Ref: 17/00129/FUL Castle Dream Stud**

This application is a repeat of the previous one in 2013 which was refused. Permission was originally granted by the Inspector at the Public Enquiry to Mr and Mrs Cox and their dependants as the named residents, for temporary use for 3 years of this piece of land in the Area of Outstanding Natural Beauty, for the keeping of horses.

Shortly after the initial permission was granted the land was grazed by horses for a short period but since then the field has been unused, sometimes grazed by sheep but certainly not for keeping horses nor for breeding them. It is evident that the need for this land for keeping horses is no longer required personally by Mrs Cox and in the meantime, her dependants have grown up and left home.

The temporary period and its extension has now expired so the current situation now calls into question the validity of the occupation of the land by Mrs Cox, now the sole occupant, and the presence of all the ancillary buildings. Nevertheless, we do not ask that the existing temporary land use be changed until all related matters are resolved by the Joint Core Strategy which is currently going through a period of public consultation.

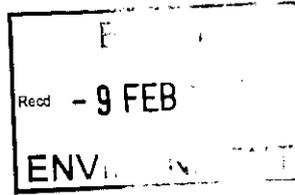
However, this latest application for permanent residency for a 'traveller family' is completely contrary in both spirit and actuality to the original, and personal, permission granted. It is an application for an open-ended occupation of the land in perpetuity. If permission were granted it would be impossible to monitor and/or limit the land use to horse keeping or users of the land to a single 'traveller family'.

We strongly object to this application and urge Cheltenham Borough Council to refuse it.

Yours sincerely,



WADLEYS FARM,  
HAM LANE  
CHARLTON KINGS,  
CHELTENHAM,  
GL52 6NS.  
7-2-17



17/00129/FUL.

Dear Mrs. Pickernell,

The wording on this present application is exactly the same as the previous application 13/01459/COU on the 17th September 2013, when the applicant wished to change the temporary permission to permanent, and the applicant named as Mrs. Cox to 'a traveller family'.

Permission was granted on the 22nd August 2013 for only Mrs. Cox and resident dependants to live there and only until 17-1-17.

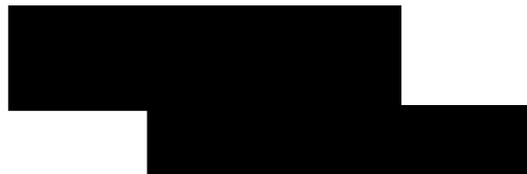
The cycle is now repeating, and surely the same conditions apply today as were present in August 2013?

If permission moves away from Mrs. Cox to 'a traveller family' there could be no control over the quantity of residents, as some traveller families may stretch over 3 generations, together with all their caravans, trucks etc.

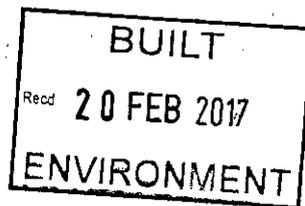
The temporary permission for 3 years only should be continued, in my estimation, especially as the U.C.S. policy is still not sorted out, and no permanent decision should even be considered until that policy is settled.

I would urge you to refuse this application and maintain the conditions as they apply at present.

Yours faithfully,



Ref: 17/00129/FUL.



Wadleys Farm,  
Ham Lane,  
Chalton Kings,  
GL52 6NJ  
17<sup>th</sup> Feb. 17.

Dear Madam,

I have a document dated 16<sup>th</sup> Jan. 16 where it clearly states "The occupation on the site hereby permitted shall be carried on only by Mrs. Cox and any resident dependents," and this is in accordance with the National Policy Framework planning policy for Traveller Sites and Circular 11/95.

The history of this "traveller site" goes back several years - the site initially having been occupied by Mr. & Mrs. Cox without planning permission.

When retrospective permission was refused, there was a Public Enquiry and the result of that, quite clearly states that "when the land ceases to be occupied by those named" (i.e. Mr. & Mrs. Cox) all activities should cease and all structures and caravans should be removed.

In NO way was any other "Traveller Family" permitted to occupy the site as requested in this latest application. Mrs. Cox (and any resident DEPENDENTS, of which there are none) was the named resident only, once Mr. Cox had left.

I am totally opposed to PERMANENT permission being granted on this site for Mrs Cox

and certainly NOT for another traveller family - the site being within the AONB and as such should not even be there.

Cheltenham Borough Council has been generous in allowing Mrs. Cox temporary residency permission, more especially because the original occupation was based on the fact that it was land for the keeping and breeding of horses - the name of the property being "Castle Dream STUD"

There has been no breeding of horses or the grazing of them, during the past 3 years, so even Mrs. Cox's occupancy is flawed.

I would urge you, please to REFUSE this application for a traveller family to have permanent residency on this site, which could have serious implications for the AONB and the neighbourhood. However I would be satisfied if Mrs. Cox ONLY were to be granted permission for a further 3 years on a TEMPORARY basis, by which time the J.C.S., in relation to Traveller sites would be in operation.

I sincerely hope you will consider my views when making your decision, and thank you for the opportunity to state them.

Yours faithfully,

