

<b>APPLICATION NO: 21/01518/FUL</b>		<b>OFFICER: Mr Daniel O Neill</b>	
<b>DATE REGISTERED:</b> 30th June 2021		<b>DATE OF EXPIRY :</b> 25th August 2021	
<b>WARD:</b> Park		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr And Mrs Jand F Slimmings		
<b>LOCATION:</b>	21 Merestones Drive, Cheltenham, Gloucestershire		
<b>PROPOSAL:</b>	Change of use of land to residential garden to rear of property and erection of fence at upto 8 ft high, on land to the rear of 21 Merestones Drive		

## REPRESENTATIONS

Number of contributors	<b>3</b>
Number of objections	<b>2</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

1 Merestones Close  
Cheltenham  
Gloucestershire  
GL50 2ST

### **Comments:** 13th July 2021

I wish to strongly object the two above planning applications in respect of enlarging gardens into a public area. These pathways and open verges around the Merestones area are popular with local residents and some from further afield. During the recent COVID lockdown, such local walks have been even more popular and extending the gardens and adding high fences and walls will change the appearance significantly for the public yet only add a few yards to the present large gardens. Instead of walking along a path with grass verges and wildflowers, we will have a narrow passage assuming that the proposals to not actual obstruct the path. I am sure the Estate was originally designed and approved by CBC to provide a pleasant environment so why backtrack now.

In 2014, the many grass verges and other larger open areas were sold by the original developer Percy Bilton to a land holding company. Residents were naturally very concerned, and the situation was investigated by Cllr Rob Garnham. Please see attached letter from Cllr Garnham to residents where we were re-assured that:

- All of existing rights over the affected land will be maintained including utilities etc.
- The Borough Council currently maintains the verges under a mini-agency agreement with the County Council. These verges would continue to be maintained and I have not seen anything that says otherwise.
- All of the said land is adopted public highway and as such people have a right of access over it.

I understand that a stopping order would be needed to block public access.

It is not just these two applications which are of concern as, if this theft of public land is permitted then other open areas may be also at risk. A clear refusal is needed to discourage others. It would be better if the local council had taken ownership of this land that they maintain.

### **Comments:** 13th July 2021

2014 letter from Cllr Garnham attached.

3 Taylors End  
Cheltenham  
Gloucestershire  
GL50 2QA

**Comments:** 14th July 2021

I am not objecting to this application, but I am concerned that [a] no dimensions are given on the drawings and [b] no mention is made of the footpath running behind the house and garden.

In the case of [a] there is space for some extension of the garden but without dimensions we cannot see whether the new fence will interfere with the footpath.

And in the case of [b], apart from the point made above, I believe a condition of any grant of planning permission should specify that free access along the footpath should be retained at all times and that any construction work should be carried out from within the garden.

17 Beeches Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8NG

**Comments:** 21st July 2021

When this estate was laid out the developers provided 2 pedestrian paths alongside the bounding streams as an alternative to using the footways that run along the road. These pedestrian paths are narrow. This is normally acceptable for when the path user meets somebody coming from the opposite direction they can ensure that anything they are carrying is over the neighbouring land.

The applicant wishes to build up to the pedestrian path. This reduces the ease of meeting other path users.

Plants such as ivy could grow up the proposed new fence and over the pedestrian path reducing the available width.



CHEL TENHAM  
BOROUGH COUNCIL

2014 letter to  
residents from  
Cllr Garnham

Councillor Rob Garnham

13<sup>th</sup> March 2014

Dear Resident,

**Merestones Estate - Sale of Grass Verges and Parcels of Land**

Since last weekend I have been working hard to find out as much information as possible about this sale and the likely impacts, if any, for local residents.

Already I can confirm that:-

- Neither Cheltenham Borough Council nor Gloucestershire County Council own the land being sold. The vendors are Bilton Land Ltd, based in Farnham. Please see the reverse of this letter for more details about the land and sale.
- All of existing rights over the affected land will be maintained including utilities etc.
- The Borough Council currently maintains the verges under a mini-agency agreement with the County Council. These verges would continue to be maintained and I have not seen anything that says otherwise.
- All of the said land is adopted public highway and as such people have a right of access over it.

I am still at a loss as to why anyone would want to buy the land. With many years of experience as a member of Cheltenham Borough Council's planning committee I cannot foresee a situation where any of these plots of land would ever be granted planning permission. I would certainly fight on your behalf to prevent this should such an application come forward, although one seems very unlikely to me.

In addition, if the new owners wanted to stop a public right of way they would have to apply for a "Stopping Up Order". Again I would oppose this on your behalf and it would be very unlikely to be granted.

There is a public meeting called by Merestones Resident's Association tomorrow evening, Friday 14<sup>th</sup> March, at Church House, Painswick Road, at 7pm. Due to the short notice, which is understandable in these circumstances, I can't attend - my apologies. If I have more information by then I will ensure the organisers have it in time for the meeting.

Please do not hesitate to contact me if you have any questions.

Best wishes.

[Redacted signature]

[Redacted address line]

mobile [Redacted phone number]

**Details of the sale, including a map of the sites, can be found on the auctioneers web site at:**

**<http://www.auction.co.uk/residential/LotDetails.asp?A=876&MP=24&ID=876000158&S=L&O=A>**

Once on this web site select the online catalogue for March 27<sup>th</sup> and look for lot 156.

**Description of Sale:**

Twelve Freehold Sites extending to Approximately 0.6 Hectares (1.49 Acres) in total. Possible Potential for Development in Part subject to obtaining all necessary consents. To be offered as One Lot.

**Tenure**

Freehold.

**Location**

The sites are located to the north of Shurdington Road and to the south of 'The Park' and to the east of Hatherley Brook. Cheltenham town centre is within easy reach to the north. The sites are ideally situated being within the A40 to the north providing links to Cheltenham and Gloucester. Cheltenham Spa Rail Station is within easy reach.

**Description**

The property comprises twelve irregular shaped sites extending to approximately 0.6 hectares (1.49 acres) in total. The sites will be offered collectively as one lot. ***We are informed that these sites are adopted highway.***

**Accommodation**

Total Site Area Approximately 0.6 Hectares (1.49 Acres)