

APPLICATION NO: 21/01270/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 15th June 2021		DATE OF EXPIRY : 10th August 2021
WARD: Battledown		PARISH: CHARLK
APPLICANT:	Mr John Everitt	
LOCATION:	Oakfield House Stables, Oakfield House, Greenway Lane	
PROPOSAL:	Erection of new stable block and riding manege	

## REPRESENTATIONS

Number of contributors	<b>5</b>
Number of objections	<b>3</b>
Number of representations	<b>1</b>
Number of supporting	<b>1</b>

Kyle Lodge  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PN

**Comments:** 9th June 2021

I support this revised application to replace to two derelict delapidated stables with an attractive modern dwelling. I fail to see how the Council planning committee have supported the 8 dwellings at Cromwell Court, a property no more than 500 metres from this proposal, yet the same committee have repeatedly turned down development on the Oakfield House stables site. It seems an inconsistent approach that we have also been victims of with our failed planning application and subsequent appeal at Kyle Lodge.

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PN

**Comments:** 8th July 2021

Letter attached.

**Comments:** 19th August 2021

Letter attached.

Greenacres Farm  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PN

**Comments:** 1st July 2021

Letter attached.

Cherry Court  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6PJ

**Comments:** 9th July 2021

On face value this seems a welcome change as the previous application was for a new house in AONB. So a replacement stable is welcome in terms of land use. However, the applicant has already undertaken works to drain the site by installing a large land drain that changes the nature of the margins of the land which used to be wet and boggy to now one of drained pasture. This has increased net flow off site and will increase the risk of flooding.

So whilst welcoming the recognition by the applicant that the land should be used for pasture rather than becoming domesticated and applauding the planting of the mixed English hedgerow to the boundary, the drainage as installed should be altered to include for a balancing storm retention pond that will incidentally be a positive feature for any disturb amphibian and reptile wild life that used to enjoy the boggy land.

It is annoying that the applicant has presumed consent to develop in an AONB and undertaken these enabling works along with demolition of the old barn, which sat quietly in the landscape without first gaining permission.

The new stable is not only larger than the old buildings but also unimaginative in design and use of materials. The proposal would benefit from the use of more local material to reflect the standing of the land along with the styling of the principal dwelling to which the land belongs. The inclusion of a pitched stone roof would enhance and may be designed to provide a roosting site for the local bat population which is increasingly under threat by development and land clearance in the locality. Equally a lighting scheme should be presented to ensure reduced light pollution to the same affect

The scheme seems to breach planning rules in:

1. Starting on work prior to gaining permission.
2. Not adopting sustainable urban drainage principles by the inclusion of a pond to take the surcharge that now collects and concentrates natural spring water from the fields that sit above the site.
3. Disturbance of protected species. Grass snakes used to hunt along the wet margins of the field and it is likely that bats roosted in the old buildings. Was a bat survey undertaken prior to demolition.
4. Not in accordance with building with nature being a harsh industrial type structure rather than from local materials.

Baedalas Tun  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6PJ

**Comments:** 8th July 2021

Letter attached.

**Comments:** 20th August 2021

Letter and attachments attached.



Delivered by hand  
on 06.07.2021

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
GL52 6PN

M. Holmes, Esq.,  
Interim Head of Planning,  
Cheltenham Borough Council,  
Municipal Offices,  
Promenade,  
Cheltenham  
GL50 9SA



5th July, 2021

Dear Mr Holmes,

**Re: Planning Application Ref: 21/01270/FUL  
Area of Outstanding Natural Beauty**

Since 27<sup>th</sup> June 2019 differing planning applications have been received in respect of the phantom stables at the above named site on Ref Numbers 19/01252/FUL, 20/00154/FUL, followed by Appeal Ref APP/B1605/W/20/3255479 (refused) and now the above. My letters concerning this site, dated 31<sup>st</sup> July.2019, 12<sup>th</sup> October 2019 and 17<sup>th</sup> February 2020 (all 13 points contained therein) remain relevant now. My letter in respect of the Appeal (10<sup>th</sup> August .2020) also holds. Hopefully, this avoids some needless repetition.

The one Site Notice on Greenway Lane, only read with difficulty being wrapped around the post of the PROW footpath sign, was placed on 17<sup>th</sup> June 2021. Therefore, I understand that 7<sup>th</sup> July.2021 is the deadline date for replies and not 18<sup>th</sup> June.2021 and 28<sup>th</sup> June 2021 as stated in previous letters.

Moving forward to today, one would think that horses grazing on agriculture/pasture land would be an idyllic dream. The truth is not so simple and not a given right as, I understand, the laws governing such issues are complex.

- The Applicant's application appears to have overlooked the fact that this an AONB and, as such, has recently been accorded further protection under current legislation.
- An application (ref 20/01163/CLPUD) for a large agriculture storage barn, on the opposite side of Greenway Lane, was refused on 14<sup>th</sup> October 2020, only a few months ago.
- Ref Applicant's Cover letter: There are no existing stables on this site – never have been, as stated before. The two outbuildings (plus one very small shed on the west side of the boundary) were raised to the ground with heavy machinery many months back. Therefore, there is nothing left to repair or extend. In my view, this would be a complete NEW re-build (photos enclosed).
- This demolition took place in conjunction with dubious and inadequate water drainage pipe laying in the field behind the proposed site and alongside the farm track. One of the results of which has increased the water/spring volume over Hallam Oaks' land and into the cattle grid causing overflow and silting.
- It is difficult to ascertain the exact measurements of this proposed Application as only INTERNAL measurements seem to have been supplied. The EXTERNAL ones could be considerably more. But it would appear that the area proposed is in the region of, at least, a third in excess of the existing footprint. Neither does the proposed footprint follow the original, nor the contours of the land. Also, what are the exact height measurements of these proposed stable buildings? What will be the view from the PROW when the trees are leafless during the long winter months?

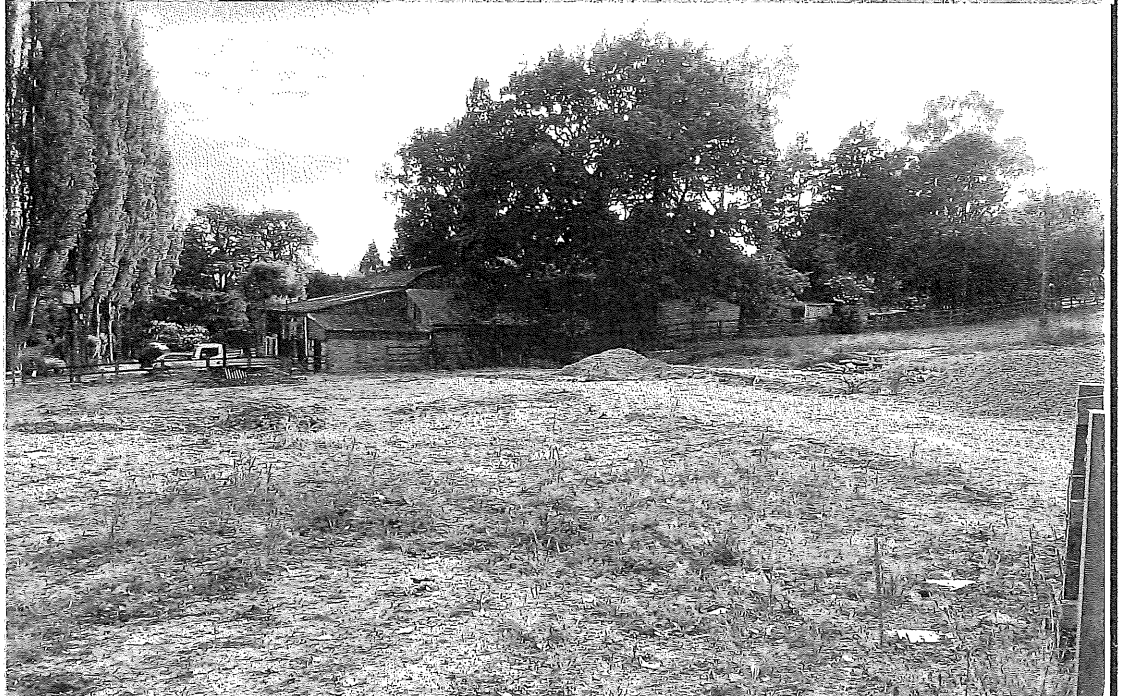
- The Applicant may think, mistakenly, that this project would blend in with the existing barns on Greenacres Farm. Those barns, though not beautiful, are full of country character, were built at least 70 years ago (before the AONB 1966 ruling), patched up 'on and off', and are a wonderful example of true SELF BUILD.
- I find it strange that these proposed stables are not constructed entirely of wood (as are most) as a) they would blend more aesthetically into nature's natural environment and b) even more important, this makes for a much healthier environment for the horses. Also, the proposed rendered blockwork would do nothing to enhance or conserve the area – the mantra of the AONB.
- Although convenient bathroom facilities are shown, I see no lighting plans – either inside or out. What is proposed - floodlights to upset the precious wildlife even further?
- Of major concern: How is the waste product of the animals to be disposed – both from the stable site itself and the fouling on the PROW? Unless hygienically maintained the stench could be considerable and obnoxious. The Applicant's property is situated a fair way up the slope and would not be disturbed by such problems.
- I note, with concern, that once again the Applicant has shown TWO access rights on the proposed plan when there is only ONE access associated with Oakfield House and all its land – the existing one. As I understand it, the access rights are granted solely through the Deeds belonging to Greenacres Farm that owns all the land appertaining to the farm track in this area. Why, too, is the Battledown Manor access, onto the same farm track, not clearly shown on this application?
- I find the GCC report puzzling as I understand the farm track is not an 'adopted highway'. Also, the GCC says that one of the conditions is that, 'the proposed gates be set back 10m from the end of the carriageway (open inwards only) to avoid becoming an obstruction to oncoming traffic'. Either way (private land/adopted highway), I would welcome this Condition. However, I fail to see how that would prevent blocking or congestion as virtually no consideration has been shown from that quarter, in this respect, during the last year. There is no turning area on the farm track. There have been frequent blockages, despite polite requests to keep entrances and the farm track clear at all times.
- A further health and safety concern (by association with this application) is that many families, with young children, dogs, etc., use this PROW. Horses are beautiful creatures but can also be dangerous. I witnessed this recently in the meadow over the road, when a foolish Walker, and her ill-trained dog, greatly disturbed two such creatures. The horses angrily guarded the gate to the meadow for over an hour. - no passing through there. So much so, that I and a three year old had to take the long walk home for safety. If such an event occurred on this relatively narrow PROW – it is not a Bridle path, it could result in dire physical consequences.
- Finally, how many horses are to be stabled in this proposed livery, how many horse boxes, delivery vans, etc., would potentially be blocking the farm track, how much heavy agricultural machinery would be wending its way to storage on the Oakfield House land?

Until all of the above important issues are addressed, with legal and total accountability, and safety, I have to OBJECT to this application. I feel that it would be no less of a scar on this AONB than its predecessors and I fully endorse the Cheltenham Civic Society report.

Yours sincerely

[Redacted signature block]

Encs.





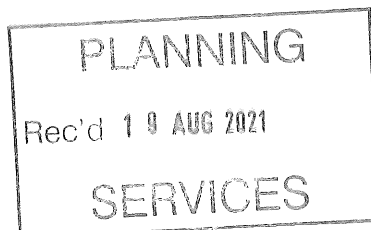


Scanned *ef*  
Done

Delivered By Hand  
on 18<sup>th</sup> August 2021

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
GL52 6PN

D Oakhill Esq.  
Head of Planning  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP



17<sup>th</sup> August 2021

Dear Mr Oakhill,

Re: Planning Application Ref: 21/01270/FUL  
Erection of New Stable Block and Riding Manège  
at Oakfield House Stables Oakfield House Greenway Lane

Area of Outstanding Natural Beauty

Yet another application for the above site. I am not repeating comments made previously, but I am enclosing a copy of my letter dated 5th July 2021 as I adjoin it to this current one. I endorse all the points therein with the only adjustments being:

- a) at point 5, deleting the sentence, 'But it would appear that the area proposed is in the region of, at least, a third in excess of the existing footprint'.
- b) at point 10, TWO access rights have now been reduced to the statutory ONE.

This time I have to object to the application for two straightforward reasons:

- This is nothing less than a NEW build (be it Stables or a House) far removed from the original footprint of the two larger sheds (not a Barn as is labelled on the diagram and the Outbuilding is incorrectly sited – the sheds followed each other in a virtually straight line).
- The siting now proposed for the slightly smaller Stable Block makes for an ugly blot on this AONB landscape, being considerably forward of the existing Greenacres Farm barns and bungalow. The boundary/building line was established at least 60 – 70 years ago in order to protect any views from Battledown Manor and a potential, then, new build for Greenacres Farm (later to become Hallam Oaks). This Stable Block would be an eyesore from ALL compass points, blocking much of the views to the hills, particularly from the PROW. This latter important point could not have been spelt out more clearly by The Planning Appeal Inspector – also reiterated in respect of the Kyle Lodge Appeal.

Further points:

- Although a Stable Brochure is shown in the document file, I find this to be something of a red herring, as there is no indication by the applicant that any of those designs would in fact be used.
- Yet again, I feel that the application is short on detail in respect of construction materials and measurements – particularly with regard to roofing and height – and difficult to establish with accuracy.
- I also find the somewhat 'overblown' trees (one tree missing to the north of the manège?) and the Greenacres Farm barns somewhat exaggerated in proportion to the new Stable Block and the 'dinky' car on the plans. Also, in my ignorance, I do not know what the red-coloured A, (plus red arrow) by the one north tree, signifies. Neither can I find any explanation.

### The Manège

- I understand that a Manège is a school for training horses. Is this, then, to be a commercial venture? Horses need daily attendance and care. How many horses, people, vehicles would be travelling on a daily basis on Greenacres Farm private drive? Lighting? Floodlighting at night? How much noise and disturbance? How much public safety, health and security would be involved in this quiet corner of the AONB?
- I assume, maybe wrongly, that this application is for an outdoor Manège – once more, there are no details. It could, of course, be developed into a covered riding area or, at the very worst scenario, one of an indoor variety/or a further application to convert to a house, in due course. Should roofing become involved then this would be yet another complete eyesore from all areas of the PROW/AONB compass points.

Finally, but by no means of least importance:

1. 'A Manège should not be built on land that's been artificially built up'. This proposed land has been so infilled, built up, water-logged over the years, that the present day facts and conditions speak for themselves.
2. 'It should be flat, well-drained land.' The referred to area sits on top of an old, large moat. In recent times, since the insertion of a drain (including broken down rocks) across the large north/west field, there has been an increased water flow across the land, even filling our cattle grid.
3. 'The surface must be safe and there should be no rocks in it.' Even the applicant's plan details 'rocks'.

These quotes come from Equestrian manual guidelines/regulations as a means to maintaining healthy horses.

As my many concerns, in both letters, remain unaddressed, I can only repeat my OBJECTION to this latest application, particularly as it does nothing to conserve and enhance the AONB.

Yours sincerely

[Redacted signature block]

Copy

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
GL52 6PN

M. Holmes, Esq.,  
Interim Head of Planning,  
Cheltenham Borough Council,  
Municipal Offices,  
Promenade,  
Cheltenham  
GL50 9SA

5th July, 2021

Dear Mr Holmes,

**Re: Planning Application Ref: 21/01270/FUL  
Area of Outstanding Natural Beauty**

Since 27<sup>th</sup> June 2019 differing planning applications have been received in respect of the phantom stables at the above named site on Ref Numbers 19/01252/FUL, 20/00154/FUL, followed by Appeal Ref APP/B1605/W/20/3255479 (refused) and now the above. My letters concerning this site, dated 31<sup>st</sup> July.2019, 12<sup>th</sup> October 2019 and 17<sup>th</sup> February 2020 (all 13 points contained therein) remain relevant now. My letter in respect of the Appeal (10<sup>th</sup> August .2020) also holds. Hopefully, this avoids some needless repetition.

The one Site Notice on Greenway Lane, only read with difficulty being wrapped around the post of the PROW footpath sign, was placed on 17<sup>th</sup> June 2021. Therefore, I understand that 7<sup>th</sup> July.2021 is the deadline date for replies and not 18<sup>th</sup> June.2021 and 28<sup>th</sup> June 2021 as stated in previous letters.

Moving forward to today, one would think that horses grazing on agriculture/pasture land would be an idyllic dream. The truth is not so simple and not a given right as, I understand, the laws governing such issues are complex.

- The Applicant's application appears to have overlooked the fact that this an AONB and, as such, has recently been accorded further protection under current legislation.
- An application (ref 20/01163/CLPUD) for a large agriculture storage barn, on the opposite side of Greenway Lane, was refused on 14<sup>th</sup> October 2020, only a few months ago.
- Ref Applicant's Cover letter: There are no existing stables on this site – never have been, as stated before. The two outbuildings (plus one very small shed on the west side of the boundary) were raised to the ground with heavy machinery many months back. Therefore, there is nothing left to repair or extend. In my view, this would be a complete NEW re-build (photos enclosed).
- This demolition took place in conjunction with dubious and inadequate water drainage pipe laying in the field behind the proposed site and alongside the farm track. One of the results of which has increased the water/spring volume over Hallam Oaks' land and into the cattle grid causing overflow and silting.
- 5. • It is difficult to ascertain the exact measurements of this proposed Application as only INTERNAL measurements seem to have been supplied. The EXTERNAL ones could be considerably more. But it would appear that the area proposed is in the region of, at least, a third in excess of the existing footprint. Neither does the proposed footprint follow the original, nor the contours of the land. Also, what are the exact height measurements of these proposed stable buildings? What will be the view from the PROW when the trees are leafless during the long winter months?

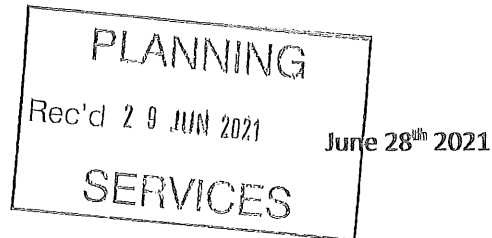
- The Applicant may think, mistakenly, that this project would blend in with the existing barns on Greenacres Farm. Those barns, though not beautiful, are full of country character, were built at least 70 years ago (before the AONB 1966 ruling), patched up 'on and off', and are a wonderful example of true SELF BUILD.
- I find it strange that these proposed stables are not constructed entirely of wood (as are most) as a) they would blend more aesthetically into nature's natural environment and b) even more important, this makes for a much healthier environment for the horses. Also, the proposed rendered blockwork would do nothing to enhance or conserve the area – the mantra of the AONB.
- Although convenient bathroom facilities are shown, I see no lighting plans – either inside or out. What is proposed - floodlights to upset the precious wildlife even further?
- Of major concern: How is the waste product of the animals to be disposed – both from the stable site itself and the fouling on the PROW? Unless hygienically maintained the stench could be considerable and obnoxious. The Applicant's property is situated a fair way up the slope and would not be disturbed by such problems.
- 10. • I note, with concern, that once again the Applicant has shown ~~TWO access rights~~ on the proposed plan when there is only ONE access associated with Oakfield House and all its land – the existing one. As I understand it, the access rights are granted solely through the Deeds belonging to Greenacres Farm that owns all the land appertaining to the farm track in this area. Why, too, is the Battledown Manor access, onto the same farm track, not clearly shown on this application?
- I find the GCC report puzzling as I understand the farm track is not an 'adopted highway'. Also, the GCC says that one of the conditions is that, 'the proposed gates be set back 10m from the end of the carriageway (open inwards only) to avoid becoming an obstruction to oncoming traffic'. Either way (private land/adopted highway), I would welcome this Condition. However, I fail to see how that would prevent blocking or congestion as virtually no consideration has been shown from that quarter, in this respect, during the last year. There is no turning area on the farm track. There have been frequent blockages, despite polite requests to keep entrances and the farm track clear at all times.
- A further health and safety concern (by association with this application) is that many families, with young children, dogs, etc., use this PROW. Horses are beautiful creatures but can also be dangerous. I witnessed this recently in the meadow over the road, when a foolish Walker, and her ill-trained dog, greatly disturbed two such creatures. The horses angrily guarded the gate to the meadow for over an hour. - no passing through there. So much so, that I and a three year old had to take the long walk home for safety. If such an event occurred on this relatively narrow PROW – it is not a Bridle path, it could result in dire physical consequences.
- Finally, how many horses are to be stabled in this proposed livery, how many horse boxes, delivery vans, etc., would potentially be blocking the farm track, how much heavy agricultural machinery would be wending its way to storage on the Oakfield House land?

Until all of the above important issues are addressed, with legal and total accountability, and safety, I have to OBJECT to this application. I feel that it would be no less of a scar on this AONB than its predecessors and I fully endorse the Cheltenham Civic Society report.

Yours sincerely


Greenacres Farm  
Greenway Lane  
Cheltenham GL52 6PN



For attention of Mr David Oakhill Ref 21/01270/FUL

Dear Mr Oakhill,

- 1. I am concerned over the long-standing water and run-off issues with this site.

Many years ago, a substantial moat was constructed, some 30x20 metres, just above the proposed site, in order to collect and release run-off and address the rising spring issues along it's northern boundary. Over recent years the moat has been filled in. A lot of excavated clay from the construction of Oakfield Cottage was placed in this area. Consequently, there is no containment of water in periods of prolonged and heavy rainfall.

Since the inception of the drainage works the run off has been exacerbated, due to a drain depth of one metre and in heavy clay, which has been backfilled mostly with the excavated clay.

Virtually no surface water can enter the system.

All the remaining excavated spoil, mostly clay, has been spread over a large area above the site making the surface almost impermeable, which in turn has caused flooding on our property.

- 2. I recently had a meeting at this site with a long-standing drainage company who stated that this site is in dire need of an attenuation system to control the water problem.
- 3. I am bemused by the comments of the GCC highways planning officer. The proposed site is 120 Metres from the adopted highway, the site is almost landlocked apart from it's access rights to pass and repass over the private driveway wholly owned by Greenacres Farm. There is also a public footpath which takes the line of the driveway adjoining the adopted highway (Greenway Lane)
- 4. As an additional point, has consideration been made to deal with the storage and disposal and seepage of stable waste. Also, I feel the soakaway would not function because of the heavy clay soil in this area

I feel strongly that these issues must be addressed before any permissions are granted.

Yours sincerely



21/01270/FUL



I have several reasons for concern regarding this latest application; the proposed development is clearly a group of buildings with plumbing and full vehicular access which has to beg the question about future intentions, particularly as the three previous applications were all to build a house, and they were all refused.

- There's a lack of detail on the submitted plans - certainly no easy way to determine the actual size of the proposed buildings. Why would one omit the measurements - such a crucial detail - if this is to be judged fairly?
- Even for stables, we are still talking about a very sensitive site which is outside the PUA - so not part of the Town Plan - and it is well within the AONB. So it does seem a little presumptuous to have demolished the 'no longer existing' ramshackle sheds - to call them barns or stables would be a huge exaggeration - before gaining permission to replace them with something considerably larger.
- We are told that the applicants are now keen to build stables for their horses. If this is their honest intention and not a back door way of obtaining permission for a house in the future, why is there the need to create a secondary entrance next to the current one as 'access' to the 'second' field? Would this even be permitted on a single track lane which is owned by someone else, over which they have right of way? It is already extremely restricted for space as there is no turning area here and it is also the continuation of a public footpath. If it were to be permitted, then the proposed block plan is misleading and inaccurate as it is showing several trees which would presumably have to be removed to enable this, which in turn would make the site completely visible to all who pass by.
- Historically, Greenacres Farm owned the field - this explains their continued ownership of the private drive which leads to both the field and the public footpath. The applicants have a right of way via this to access the field. With Hallam Oaks opposite and no turning area, any development here needs to be extremely carefully considered.
- Even if it is truly their intention to retain the stables just as stables going forwards into the future, there will still be an impact on the immediate neighbours who have already had to deal with a huge amount of disruption this past year.
- How would the waste be dealt with and disposed of so that it does not cause an environmental hazard?
- I am no expert, but the recent attempt to ameliorate the longstanding water and run-off issues on this site by installing a drainage system seems to have caused 'more' water to pool than before down on the proposed site and onto the neighbour's land. Taking into consideration the other comments regarding this, it does seem to be very much a problem which perhaps ought to have been resolved before submitting a further application to develop here.

- I am also bemused by the GCC Highways comments. It seems they don't realise that the driveway is privately owned by Greenacres Farm and that the field in question is 120 meters from the adopted highway.
- I have talked about the abundance of wildlife in this field in my comments on the previous applications. It is teeming with all sorts of creatures, some of whom are protected species, and light pollution should be avoided here, or at least kept to an absolute minimum were permission to be granted, as rules require in areas of AONB such as this.

I remain unconvinced that this proposed development would either 'conserve' or 'enhance' the AONB or sit nicely in its surroundings, thus conflicting with JCS Policy SD7. It looks to me more like a house masquerading as stables, rather than a traditional Cotswold farm building.

Baedala's Tun  
Ashley Road  
GL52 6PJ





21/01270/FUL

Please do refer also to my previous comments to this application, most of which still apply to the 'revised' version.

The revised plan is a little vague particularly when a new use is being proposed, and one which involves engineering works (a manège), in the corner of a lovely protected AONB field which runs alongside a very well trod PROW. The previous tumbledown sheds, still being described as 'existing', were dismantled some time ago and their footprint was quite a lot smaller and in a different location to the new proposed stable. According to the Planning Department the size proposed is :

- Height : 2.9 metres
- Length : 21 metres
- Width : 4.745 metres

No measurements are given for the manège, although it seems they are usually 40 X 20 metres, which appears to fit the plan. This is a very large area and it would have been helpful to have had more information about it. What will the appearance and colour be? The plan shows gates opening into the manège, so is it to be surrounded by wooden fencing or railings; if so, what type? Hopefully lighting would be minimal and not left on at night - there are lots of creatures that would be disturbed by this. These are important factors to be considered for such a sensitive area in which their application for a domestic dwelling has been turned down three times.

The plan shows there to be only one oak tree north of the manège, when there are actually two fine oak trees there.

As was the case previously, there is no provision on the plan as to how they will deal with waste and the subsequent associated smells. Situated adjacent to and sandwiched between Greenacres Farm and the PROW, this is a hugely important consideration.

It appears that good drainage is essential in constructing a manège; one site says 'don't go trying to stick it in the bottom of a muddy gully'. The proposed site is below where there used to be an ancient moat. Is it a good idea to put it on land which, in spite of efforts to control the excess spring water, appears to be prone to flooding in very wet weather?

As previously stated this land is outside of the PUA and within the AONB. The Government has just launched a new initiative - Defra's Farming in Protected Landscapes programme recognises that our National Parks and Areas of Outstanding Natural Beauty are special places endowed with a huge range of habitats . . . . . and as such they deserve particular support. The Cotswolds is one of many areas which have been given a pot of money to award grants to people who come up with innovative ideas which will maintain and enhance the natural beauty of these protected habitats.

Although this proposal might seem preferable to a contemporary new house, I still think that a very large arena, coupled with extensive modern stables, will still have an 'adverse' effect on the nature of the AONB here and I don't think it will 'enhance' it, thereby contravening JCS Policy SD7. It will be entirely visible to the many users of the PROW. And in addition perhaps the elevation as seen from Greenway Lane might be jarring if juxtaposed to the old farm buildings next door.

I am incredibly fortunate to have lived in this area for most of my life so that it feels like it is a part of me - which is why I care so deeply about it remaining peaceful and unspoilt.

Baedala's Tun  
Ashley Road  
GL52 6PJ

21/01270/FUL

I have several reasons for concern regarding this latest application; the proposed development is clearly a group of buildings with plumbing and full vehicular access which has to beg the question about future intentions, particularly as the three previous applications were all to build a house, and they were all refused.

- There's a lack of detail on the submitted plans - certainly no easy way to determine the actual size of the proposed buildings. Why would one omit the measurements - such a crucial detail - if this is to be judged fairly?
- Even for stables, we are still talking about a very sensitive site which is outside the PUA - so not part of the Town Plan - and it is well within the AONB. So it does seem a little presumptuous to have demolished the 'no longer existing' ramshackle sheds - to call them barns or stables would be a huge exaggeration - before gaining permission to replace them with something considerably larger.
- We are told that the applicants are now keen to build stables for their horses. If this is their honest intention and not a back door way of obtaining permission for a house in the future, why is there the need to create a secondary entrance next to the current one as 'access' to the 'second' field? Would this even be permitted on a single track lane which is owned by someone else, over which they have right of way? It is already extremely restricted for space as there is no turning area here and it is also the continuation of a public footpath. If it were to be permitted, then the proposed block plan is misleading and inaccurate as it is showing several trees which would presumably have to be removed to enable this, which in turn would make the site completely visible to all who pass by.
- Historically, Greenacres Farm owned the field - this explains their continued ownership of the private drive which leads to both the field and the public footpath. The applicants have a right of way via this to access the field. With Hallam Oaks opposite and no turning area, any development here needs to be extremely carefully considered.
- Even if it is truly their intention to retain the stables just as stables going forwards into the future, there will still be an impact on the immediate neighbours who have already had to deal with a huge amount of disruption this past year.
- How would the waste be dealt with and disposed of so that it does not cause an environmental hazard?
- I am no expert, but the recent attempt to ameliorate the longstanding water and run-off issues on this site by installing a drainage system seems to have caused 'more' water to pool than before down on the proposed site and onto the neighbour's land. Taking into consideration the other comments regarding this, it does seem to be very much a problem which perhaps ought to have been resolved before submitting a further application to develop here.

- I am also bemused by the GCC Highways comments. It seems they don't realise that the driveway is privately owned by Greenacres Farm and that the field in question is 120 meters from the adopted highway.
- I have talked about the abundance of wildlife in this field in my comments on the previous applications. It is teeming with all sorts of creatures, some of whom are protected species, and light pollution should be avoided here, or at least kept to an absolute minimum were permission to be granted, as rules require in areas of AONB such as this.

I remain unconvinced that this proposed development would either 'conserve' or 'enhance' the AONB or sit nicely in its surroundings, thus conflicting with JCS Policy SD7. It looks to me more like a house masquerading as stables, rather than a traditional Cotswold farm building.

Baedala's Tun  
Ashley Road  
GL52 6PJ

---

## Appeal Decision

Site visit made on 22 October 2020

by **S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

---

**Appeal Ref: APP/B1605/W/20/3255479**

**Oakfield House Stables, Greenway Lane, Cheltenham GL52 6NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Newbay Consulting Ltd against the decision of Cheltenham Borough Council.
  - The application Ref 20/00154/FUL, dated 27 January 2020, was refused by notice dated 8 April 2020.
  - The development proposed is erection of a single self-build dwelling following the demolition of existing stables (revised scheme).
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the Cotswolds Area of Outstanding Natural Beauty.

### Reasons

3. The appeal site is located outside of the principal urban area of Cheltenham and is within the Cotswolds Area of Outstanding Natural Beauty (AONB). Although the site is next to Greenacres Farm, it is separated from built development in the settlement of Battledown by fields and is therefore within the rural area.
4. As the appeal site is located within the AONB, Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the National Planning Policy Framework (the Framework) specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas.
5. The Cotswolds AONB Management plan 2018-2023 (CAMP) identifies special qualities of the AONB. They include, amongst other things, the tranquillity of the area away from major sources of development and visual clutter. The site lies within National Character Area 106 Severn and Avon Vales, and within the Coopers Hill to Winchcombe Character Type within the Escarpment landscape type identified within the CAMP.
6. The Cheltenham Borough Council Landscape Character and Sensitivity Assessment (CLCSA) of the Cotswolds AONB provides a more detailed

assessment of the landscape in which the appeal site is located. This identifies the appeal site as being located within the Battledown Settled Lowland Landscape Character Area within the Settled Lowlands Landscape Character Type. This assessment identifies the area as being one of an open, sloping and undulating pastoral landscape with well-defined boundaries formed principally by post and rail fencing and hedgerows.

7. I note the appellant's comments made that the landscape characteristics of the appeal site as identified within the CLCSA do not necessarily correlate with the key features of the wider Escarpment landscape type as identified within the CAMP. However, the CLCSA is clear that a key characteristic of the appeal site is one of open sloping pastoral landscape. It is clearly sensitive to change.
8. Key visual receptors identified in the CLCSA include footpath users throughout the area, residents of properties along Ashley Road and road users along Greenway South. The Landscape Value derives principally from the filtered views to the east, looking towards the elevated Escarpment slopes associated with Ham Hill North. The assessment concludes that the appeal site is located in an area with high visual sensitivity, high landscape character sensitivity, with an overall landscape sensitivity of high. The landscape value is identified as high, with the overall landscape constraint being major overall.
9. The proposal would be of a single storey height with a green roof, and would replace dilapidated stables on what the appellant considers to be previously developed land. However, the site is mostly open containing little built development. The proposal would introduce a substantial amount of additional built form into the site which would have an urbanising effect upon its appearance.
10. The submitted landscape visual impact assessment<sup>1</sup> (LVIA) identifies one of the key visual receptors of the site are users of the Public Right of Way (PROW) which is adjacent to the site. The LVIA indicates that the effect on this receptor would not be significant.
11. However, I feel that this does not adequately consider the extent of the importance of views from the appeal site towards the wider AONB and the effect the proposal would have on these. Viewpoint 5 of the LVIA has been taken looking from the PROW towards the appeal site. It appears to show the site being well screened behind mature vegetation, however based on my observations from the site visit the site was much more prominent than indicated by this viewpoint and the LVIA. Whilst I acknowledge that the existing stables are clearly visible, the introduction of additional built form as part of the appeal proposal would be even more visible and prominent in this location.
12. It was also evident that from this location the Escarpment in the direction of Ham Hill is clearly visible in the distance. By introducing a new dwelling in this location, users from this PROW who were to look out towards the Escarpment would be presented with a large dwelling which would be prominent in the foreground.
13. A comprehensive planting schedule is shown on the boundary treatments. However, given the close proximity of the adjacent PROW, and the topography

---

<sup>1</sup> Landscape and Visual Impact assessment prepared by MHP chartered landscape architects

of the land which slopes upwards away from the appeal site, the proposed dwelling would be evident even with the amount of landscaping proposed. In addition, any landscaping scheme would take several years to reach full maturity.

14. The appellant has drawn my attention to a recent appeal decision<sup>2</sup> in which the inspector accepted that whilst the Framework indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's, that does not rule out sensitively designed schemes being brought forward. However, that decision related to a different site within Winchcombe, which is not in the locality of the appeal site. I have considered this appeal against its own site specific context.
15. Consequently, I find that the proposal would harm the character and appearance of the area, and would fail to conserve or enhance the scenic beauty of the AONB. It therefore conflicts with policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which seeks, amongst other things that development conserves and where appropriate enhances the landscape and scenic beauty of AONB's. There would be conflict with the aims of the CAMP, which seeks, amongst other things that development within AONB's are compatible with and reinforce the landscape character of the location. The proposal would be contrary to paragraph 172 of the framework which seeks, amongst other things that great weight is given to conserving and enhancing the scenic beauty of AONB's.

### **Other Matters**

16. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. The appellant contends that the relevant development plan policies should be considered out of date, and therefore a presumption in favour of sustainable development applies. However, paragraph 11 d)i of the Framework states that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusal. Footnote 6 of this paragraph includes land designated as an AONB. I have found significant harm to the character and appearance of the area, and have identified that the harm to the AONB provides a clear reason for refusal. Consequently, the presumption in favour of sustainable development is not triggered in this instance.
18. The appeal proposal is for a self-build dwelling, and the appellant has drawn my attention to a recent Government announcement<sup>3</sup> which reinforces their commitment towards the importance of self-build housing. Several appeal decisions<sup>4</sup> have also been cited where the Inspectors have given varying degrees of weight to the importance of developments which are self-build

---

<sup>2</sup> APP/G1630/W/19/3228967

<sup>3</sup> Press release from Robert Jenrick MP, Secretary of State for Housing Communities and Local Government published 30.10.20.

<sup>4</sup> APP/W0340/W/15/3051146, APP/Y3940/W/16/3150774, APP/H1840/W/19/3241879, APP/Y3940/W/20/3255756

housing. I have not been presented with the full details of those cases, and thus cannot be certain of the circumstances which led to them being found acceptable. Notwithstanding this, in this instance I have no mechanism to secure the proposal as a self-build property.

19. I note the appellant's arguments that the proposal would add a dwelling to the local housing supply and that it would provide minor economic benefits in terms of its construction. The appellant also contends that new residents would provide support to the existing facilities in the area. However, as the proposal is for one house, these benefits would be very limited and they would not outweigh the significant harm to the AONB I have identified.

### **Conclusions**

20. For the reasons given above the appeal is dismissed.

*S Shapland*

INSPECTOR

Oakfield House Stables

Planning Inspectorate Reference: APP/B1605/W/20/3255479

The decision-making process for the above revised application was for the first time undertaken in a different way to usual as the meeting of the Planning Committee due to go ahead on the 19th March had to be cancelled in view of the imminent lockdown and the decision to refuse it was made by the David Oakhill, Head of Planning in Cheltenham, after carefully reviewing all documents representing each side and taking into account the views of all the councillors who would normally have been able to vote for or against.

It is my sincere hope that you will find his decision a just one. The site is not part of the Town Plan; it is on AONB. To build this house here would contravene very robust and persuasive national and local policies. It would also be very out of keeping with the more traditional dwellings which you will find in this semi-rural location.

It has been incredibly hard for me to stand up and speak out against this application as it has been made by friends and neighbours of mine. But it is because I, like many people who have lived in this location for many years, passionately believe in maintaining the integrity of this beautiful part of Cheltenham and in protecting its very special AONB status.

I quote from the observations of Councillor Baker who is Vice Chairman of the Planning Committee:

"Greenway Lane is a very special road, driving or walking along it you enjoy unspoilt views to the east and the gently wooded slopes to the west with the occasional traditionally built dwelling, it is unquestionably rural, infilling such as this will change the look and feel of this precious landscape forever."

"Cheltenham was recently voted the best place to live in the south west, no doubt for a variety of reasons. Our approach to planning and preserving the very best of our town is crucial to that award, important to why we love our town."

The pandemic and consequent lockdown have made these comments even more pertinent as hordes of runners, cyclists, horse-riders, families and children with dogs in tow have taken to these roads - and also to the footpath in question - like never before. There are very few roads which lead up to the very popular beauty spot of Cleeve Hill and this is one of them. The PROW which passes the site has lovely views of the field and is extremely well-frequented at all times of the year. A brand new modern house such as this would detract from the semi-rural nature of this lovely AONB field and their views into it.

With so many shops closing down due to the economic fallout from the pandemic Cheltenham's lure as a thriving shopping centre will in the future become less and less important, whereas the



natural beauty of its surroundings and its designation as 'The Heart of The Cotswolds' will become ever more relevant.

Indeed the latest government proposals regarding planning and development make it clear that AONB will be classified as protected and as such will not be made available for development in order to prioritise building on brownfield sites which will be more readily available and less likely to cause controversy.

There were no letters of support for this application either from neighbours or professional bodies. Great weight should be given to the views of the following:

The Cotswold Conservation Board

'We are concerned about the ongoing (sub)urbanisation of the Cotswolds AONB around the east side of Battledown along Greenway Lane and it's environs.'

Cheltenham Civic Society

'Would adversely affect the AONB and be contrary to the AONB Management Plan, the NPFF, JCS and the Local Plan.'

The Campaign to Protect Rural England

'The box-like design of the proposed dwelling remains significantly out of keeping with its environment.'

I urge you to refer to the excellent detailed report submitted for the original application by the specialist Landscape Consultant Stuart Ryder in consideration of this appeal. It was commissioned on behalf of the Planning Department and the majority of its observations still apply to this revised application.

To quote Councillor Baker again :

"This application will not in any way enhance or conserve this highly sensitive and valued landscape . . . . We should also not be persuaded that this well-designed house, albeit in the wrong location, is better than the eyesore of the so-called 'stables' so rewarding an applicant, indeed any applicant, to allow their AONB land to become an eyesore. . . . Clearing away the dilapidated buildings and restoring the field would do that."

For your information in case you do not know this area well the two houses to the north and those bordering the field opposite the PROW are part of the Battledown Estate, which is a historically unique estate created over 150 years ago. It is not part of the AONB and is therefore not bound by its rules. Instead residents abide by their own regulations overseen by the Trustees. For non-residents the core of the estate is only accessed via Battledown Approach which is off Hales Road on the other side of the hill and there are three other gated access

roads for residents only. There is a definite disconnect between these two areas and they are very different in character.

The more rural AONB side of this hill, in particular the field in front of me of which the site is a part, is teeming with wildlife and all manner of birds and wild animals are a common sight in broad daylight as they go about their daily business. I recently saw an interesting Countryfile programme about an initiative in a particularly beautiful part of Shropshire, together with the cooperation of local farmers, to create 'wildlife corridors' or 'pathways' across tracts of land to enable wildlife to move around unrestricted. It made me reflect upon the site and how if a house were to be built there it would effectively 'close off' what is currently already a natural pathway for the local wildlife.

Another final matter of concern is that the only public access to the site is along a single lane farm-track with no turning area for construction vehicles, delivery vans and more importantly emergency vehicles. Backing out onto Greenway Lane would be extremely dangerous and if vehicles were parked outside the proposed site the opposite neighbour's exit would be obstructed.

Thank you so much for your consideration of this application - I hope that I haven't been overly repetitive in my attempt to support the decision made by David Oakhill in March.

Baedala's Tun  
Ashley Road  
Cheltenham  
GL52 6PJ