

<b>APPLICATION NO: 22/00257/FUL</b>		<b>OFFICER: Mr Ben Warren</b>
<b>DATE REGISTERED:</b> 15th February 2022		<b>DATE OF EXPIRY :</b> 12th April 2022
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr And Mrs Marley	
<b>LOCATION:</b>	Oakfield House Stables Oakfield House Greenway Lane	
<b>PROPOSAL:</b>	To rebuild two single-storey storage/stable outbuildings, following demolition of existing buildings.	

## REPRESENTATIONS

Number of contributors	<b>4</b>
Number of objections	<b>2</b>
Number of representations	<b>1</b>
Number of supporting	<b>1</b>

9 Birch Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8PJ

**Comments:** 2nd March 2022

This application is described as being in the Principal Urban Area, but it is actually in the Cotswolds Area of Outstanding Natural Beauty (the AONB). See the previous application, 21/01270/FUL.

Southern Lawn  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NU

**Comments:** 17th February 2022

I support the proposed development as it replaces two buildings which were in poor repair, apparently like-for-like.

However, I would also support use of alternative materials (other than metal) for better visual amenity, for example timber cladding. This might also give better protection to any livestock housed in the buildings.

My only concern is that the proposed planting will have a detrimental affect on the footpath which is used by many locals and visitors. If the native species hedgerow is planted on the fence line, it will very soon narrow the path making it difficult to use in the future.

Also, the Laurels seem to be out of place in this beautiful setting and perhaps this could be an opportunity to introduce other deciduous species more welcoming to wildlife.

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PN

**Comments:** 7th March 2022

Letter attached.

**Comments:** 24th March 2022

Letter attached.

Baedalas Tun  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6PJ

**Comments:** 7th March 2022

This is the sixth time in three years that I have received a planning notification for this location which lies well within a sensitive part of the AONB and is consequently not part of the PUA or town plan. As this is the crux of the matter when assessing any new proposed development here it is rather annoying that this has yet again been omitted from the list of constraints for public viewing.

Were this the first application here, with the sheds still standing, it might well have sailed through planning with little opposition or controversy. But as it is not and in view of the history of the several attempts to change the character of this protected land, initially with a domestic dwelling and more recently a manège and stable block, I am struggling to imagine that a new shed and stable will be the end of it.

Having made many comments regarding this location on all the previous applications, many of which are relevant here too, I don't need to be overly repetitive but there are a few concerns I wish to briefly highlight.

I may be mistaken about this but the 'yes' on the application form indicates an altered vehicular access, although on the plan the access appears to be as it is now.

The remains of an ancient moat underground and near to the site indicates that there might be a strong possibility of increased flooding to the two houses below during bad weather.

The amazing wildlife in this rural haven should be protected and conserved. Perhaps here it should be noted that the bats which once roosted in the vicinity have disappeared.

This is an intrinsically dark landscape at night. If planning is granted care should be made to take this into consideration and have restricted external low lighting according to AONB guidelines.

The PROW is very well used. Some trees have already been planted along it, seemingly to shield the users from the proposed development. If the development conserves and enhances the AONB, why is this necessary?

The previous planning application on this site, not too dissimilar to this one, went to committee in October last year and after being robustly and quite passionately debated it was turned down unanimously for the following reasons :

The development would not conserve nor enhance the Cotswold AONB and would lead to adverse landscape and visual change in the local area, including negative impacts on the PROW to the immediate east of the site and would alter the existing rural character of the site and its surroundings.

The development would therefore be contrary to the NPPF (para 176), Joint Core Strategy policy SD7, the Cotswold AONB Management Plan 2018-23 and the relevant saved policies of the Local Plan.

HALLAM OAKS  
GREENWAY LANE  
CHARLTON KINGS  
CHELTENHAM  
GL52 6PN

B. Warren, Esq.,  
Planning Officer,  
Cheltenham Borough Council,  
P.O. Box 12, Municipal Office  
Cheltenham, GL50 1PP



Dear Mr. Warren,

Would you kindly ensure that my  
endorsed correspondence in reply to Planning  
Application No. 22/00257/Ful is available  
to view in the Document Column.

As I know, this was not the case and the  
technical issue was not resolved. This  
problem had never been experienced previously  
and efficiency had always reigned.

With many thanks,

Yours sincerely,



1 of 3

DELIVERED BY HAND  
6<sup>th</sup> MARCH 2022

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
Glos  
GL52 6PN

B Warren, Esq.  
Planning Officer  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

6<sup>th</sup> March 2022

Dear Mr Warren

**Re: Planning Application 22/00257/FUL**

**Proposal: To rebuild two single-storey storage/stable outbuildings, following demolition of existing buildings, at Oakfield House Stables, Oakfield House, Greenway Lane**

**COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY**

Yet another Planning Application (fourth?) in respect of this particular site.

I am enclosing a copy of my previous letter, dated 5th July 2021, and have numerated the points that remain relevant to the above application - thereby saving some endless repetition.

I will repeat again:

- a) The application seems to ignore the important fact that this proposal concerns the Cotswolds Area of Outstanding Natural Beauty.
- b) 'The Stables' referred to were not built for the purpose of horses but as two small sheds for storage use: hens, hay, etc. I think the application confirms this point by labelling the sheds as a 'Barn' and an 'Outbuilding' in the diagrams.

I do feel, that the 'Outbuilding' still lies forward, at an angle, of its original building line.

- c) This site is OUTSIDE of the Principle Urban Area of Cheltenham.

Further Points:

1. I have been given to understand that the regulations state that, once a building has been demolished, the rights to rebuild are sacrificed (particularly in respect of AONB sites).

Therefore, I find the application is splitting hairs between a 'rebuild' or a 'new planning application'. If the latter, and should the application be granted, what would prevent the two 'new' buildings from being converted into a single bungalow/house in a short passage of time? This would take the matter back to the original application, no. 19/01252/FUL, dated 27.06.2019 that was then refused.

2. I feel the two sheds (Barn, Outbuilding) could have been renovated in their own rights and that the only health and safety issue concerned the bats, who had their roost uprooted (on and off) by mechanical machinery.

3. I do not comprehend the question: 'Is a new or altered access proposed to or from a public highway?' The applicants' reply: 'Yes' to both vehicular/pedestrian.

The proposed 'Stables' exit would surely be on to the private drive belonging to Greenacres Farm? That, in its own right, joins the public highway of Greenway Lane. The pedestrian PROW extends over the private drive. Should Greenway Lane itself (which is already seeing a much greater traffic flow, also parked cars in respect of the Cricket Club), be affected by any proposed application change, then that would be a concern; as would the blocking by vehicles on the private drive affecting easy movement for the other residents.

4. The comment in Southern Lawn's email: 'The Laurels seem to be totally out of place in this beautiful setting' has my understanding.

Indeed, I feel the already planted Laurel hedge, around the perimeter of this proposed site, only serves as an endeavour to urbanise this sensitive AONB.

5. The proposed new structures:

When the sheds were finally demolished, it was a joy to see the AONB opened up more fully. The proposed two new Buildings would only reverse the situation with the blockwood walls clad in sheet metal and, also, with the ugly sheet metal roofing rising up into the sky. This would certainly not conserve or enhance this AONB.

At this stage, I feel it matters not whether an application is for sheds, stables, bungalow, house - either one would damage the pivotal vista of this area, especially so in respect of the PROW running alongside.

Unfortunately, one only has to look to the West to see, in my view, the monstrous, barrack-like building of Oakfield Rise (clearly visible for six months of the year) that overlooks this AONB, including the PROW and Greenway Lane itself, to understand the damage already done. Not to mention the Cricket Club, whose roof stands clearly visible when viewed from the nearby hill, or the disastrous, so-called 'brown field' site at Cromwell Court. Enough damage, no more.

6. I am also enclosing a copy of The Planning Inspector's Appeal Decision Report, made on 16th December 2020 (house application), that was Dismissed. The Inspector's words and reasonings are far more eloquently and clearly written than mine. I have numerated, again, the paragraphs that I consider remain applicable to this current application.

7. I consider that this precious AONB should indeed be conserved and enhanced, not only for the principles involved, but also for the benefit of the people of Cheltenham, Charlton Kings, the many visitors and the all important wildlife. Therefore, I have to currently object to this planning application.

Yours sincerely

Encs.

2 of 3

2084

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?

2084

- VI
- 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.
- VII
- 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?
- VIII
- 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.
- IX
- 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.
- X
- 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]





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## 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

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**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).
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### 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

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<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

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<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

Delivered by hand 17.03.2022

Hallam Oaks  
Greenway Lane  
Charlton Kings  
Cheltenham  
Glos  
GL52 6PN

B Warren, Esq.  
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PO Box 12  
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Cheltenham  
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17<sup>TH</sup> March 2022

Dear Mr Warren

**Re: Planning Application 22/00257/FUL**

**Proposal: To rebuild two single-storey storage/stable outbuildings, following demolition of existing buildings, at Oakfield House Stables, Oakfield House, Greenway Lane**

**COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY**

1. Thank you for re-printing correctly the Inspector's Appeal Decision Report (my letter to you dated 06.03.2022). Appreciated.

However, frustratingly, a correction is still needed. When I enclosed, originally, the copy of that letter I indicated the salient points (in Roman Numerals, on the left hand side of the pages) for clarity. These numbers were omitted in the reprint. Therefore, for the sake of the record being correct, I would like to state here that the Inspector's points that I specifically referred to were: 2, 3, 4, 8, 9, 11 and 13 only (out of a total of 19).

2. Since my letter dated 06.03.2022, I have read the subsequent reports submitted by the Consultees. I have been disturbed to learn that Laurels are actually toxic for horses.

I am mystified, therefore, why the applicant has already planted the hedge of Laurels around the proposed perimeter (and more Laurels northwards, higher up the field) as, according to the prior application, 21/01270/FUL stables and manège, the cover letter of 23.05.2021 states, 'they currently have a number of horses at livery close by and now wish to bring them home.' I would have assumed that the applicant already had this equestrian knowledge.

Yours sincerely

