

<b>APPLICATION NO: 22/01935/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED:</b> 1st November 2022		<b>DATE OF EXPIRY :</b> 27th December 2022
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Ms J Cox	
<b>LOCATION:</b>	Castle Dream Stud Mill Lane Charlton Kings	
<b>PROPOSAL:</b>	Material change in use of land for mixed use for the keeping of horses with stables and the stationing of caravans for residential use with associated development (hard standing, utility block, dog run, fencing and gates) (retrospective)	

## REPRESENTATIONS

Number of contributors	<b>19</b>
Number of objections	<b>19</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

5 Ewens Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JW

### Comments: 1st December 2022

Further to the application to extend the castle Dream stud to incorporate more caravans. Though I don't live near the location I do own 10 acres of land and stables very close and have some reservations to the application. I do know the owner and have always been on good terms with her and would wish that to continue. She has been friendly and, to my mind, enhanced the exterior visual aspect of the property.

However my reservations are:-

1. The reference to the permanence of the application. It has always been the case that this site was held on a temporary basis. One must make the assumption that this condition was imposed to ensure that illegal use of the site such as siting more than the permitted caravans would involve the permission being withdrawn. My stables, built about 25 years ago, with planning permission, had a similar restriction further stipulating that anything built had to be wood, a condition I have been happy to adhere to.
2. Use of the site:- Stating that the site has been used for the keeping of horses is also spurious. There was a time, interestingly at the time of the first application, when horses were kept there but they have not been a permanent feature.
3. The notion of family:- The definition of family can be interpreted quite loosely and great care must be exercised when given permissions on that basis.

I have no reservations on the current situation being continued and would sincerely wish that this was the case. However the application seems to be a possible opportunity to massively increase caravan usage on this site - an outcome forced almost by the intransigence of the local council to perform responsibly. I sincerely hope this is not the outcome of this application.

Glenfall Lodge  
Mill Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL54 4EP

**Comments:** 5th December 2022

We are writing to express concerns about the application for a permanent site at the above address. The specifics of our concerns are;

1. The septic tank is extremely smelly. For several years now it has overflowed across Mill Lane making it unsafe and unpleasant for walkers, runners, dogs / horses etc. that frequently use the road. We and others have complained on numerous occasions over the years, but the problem continues and will likely get worse with additional dwellings.
2. We have experienced few problems with the current owners but are very concerned that the site is being over developed without planning permission, with the inclusion of a swimming pool and additional accommodation and mobile home caravans. Besides being out of character with AONB we are worried that this retrospective planning application, should it be passed, will encourage continued development of the site and yet more retrospective applications.
3. Light pollution is also a considerable nuisance for us and the neighbourhood. The powerful flood lights are frequently left on throughout the night, together with lights from the dwellings. It floods one side of our garden with light and even reflects into our bedroom. We are most concerned about the damage done to wildlife by such excessive night lighting, and are also aware that it contravenes current environmental policy.
4. The previous permission was for stabling for horses. However, since arrival of the current owner several years ago, and despite the name of the property, we have never seen any evidence of use of the field or stables for horses.
5. As an area of AONB we feel the current entrance design is completely out of character for the location. It has also continuously been enlarged.
6. We are concerned that the precedent set here is already being flouted in neighbouring fields, again where no planning permission having been sought, retrospectively or otherwise.

In conclusion, taking account of all these concerns, we hope that the application is not approved but in the event it is approved we request that our concerns are taken into account.

Yours sincerely

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298 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YF

**Comments:** 21st March 2024

Reference 22/01935/FUL

**OBJECTION TO ABOVE**

Sewage permanently spilling on to Mill Lane, running into opposite field with Public Access, this problem has increased because of more than one home on this site. Additional entrance has now been introduced, causing parking issues on this narrow lane.

The original entrance is not in keeping with the area Hedging and trees are being destroyed around this site in a designated AONB, presumably for firewood. There are no horses at Castle Dream Stud.

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298 London Road  
Charlton Kings

**Comments:** 30th November 2022

An AONB, why are trees felled adjoining, surrounding and opposite this property ? This unnecessary felling is ongoing.

The Septic tank has been leaking through the drain and bank for a considerable time, causing flooding and a very bad smell. The discharge is causing the road to subside and it runs into a field where there is a public footpath.

There are no horses on this site. The gold and black large metalwork horse heads around the property advertising a Stud are not in keeping with an AONB.

Hillview House  
Hambrook Street  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6LW

**Comments:** 12th January 2023

I am strongly against permission being granted for this land to be changed to residential use. The current owners have been living on the land without permission for many years. They allow their sewage to pour over Mill Lane and into the field opposite. This is absolutely disgusting and a health hazard for all the walkers, runners and cyclists using the lane. It gets into the local water system, and is therefore a health hazard to dogs and the local wildlife.

The owners do not appear to have any horses on the land but I have witnessed two cars being driven out of the property by young men in a very fast and aggressive manner, which I found quite intimidating.

I have also noticed that the beautiful hedgerows along the lane have been cut down. This is destroying the beauty of the local area, which is AONB, for what I can only imagine is to be used as firewood.

I also object to the development of the entrance of the land. The owners have installed two large, golden horses heads and large, high gates. This is not in keeping with the rural feel of the area. It has also meant that the view is obstructed into the field from Mill Lane. This has been deliberately done to hide the illegal development of the land.

15 Briarbank Rise  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XR

**Comments:** 22nd March 2024

Well-made, detailed comments appear in other submissions. We either have a planning process which means something and requires residents to abide by it or we have a free-for-all. And we either designate areas as AONB and mean it or give up and forget about the less tangible things which make life richer for everyone.

**Comments:** 7th February 2023

I object in principle to people riding roughshod over the planning process by developing a site and then applying for planning permission retrospectively.

This site has come a long way since it was a simple stable block and it is surely against the intentions behind the AONB within which it stands to countenance substantial residential development there. Where will the development end? The land has already been changed beyond recognition (and permission).

4 Carisbrooke Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YA

**Comments:** 17th March 2024

I object to this proposal for the following reasons:

1. Incompatibility with the character of the area, which is a designated AONB. This is a beautiful but very vulnerable area and, having fought off proposals in the recent past for multiple house building and a 5G mast, this would be another undesirable addition with no enemies to the AONB.
2. Going ahead with plans first and then seeking retrospective planning permission is very questionable. People living close to the site have suggested that this has already happened in a number of cases in this area, and needs to be stopped.
3. I don't believe that the site in fact has anything to do with horses, and that this is being used as a cover for providing sites for residential use. A somewhat intimidating notice on the high gates discourages members of the public from venturing any nearer. I am aware of previous council statements about the need for more Traveller sites within Cheltenham, but this particular site is inappropriate for multiple occupancy.
4. Acceptance of this proposal would be likely to open the flood gates for similar, equally unwelcome applications.

1 Ham Close  
Charlton Kings  
Cheltenham  
GL52 6NP

**Comments:** 23rd November 2022

Dear Miss Payne,

I strongly object to the application to change the use of land for the keeping of horses with stables and the stationing of caravans for residential use with associated development at Castle Dream Stud Mill Lane Charlton Kings.

This area of Charlton Kings is on the lower slopes of the Cotswold escarpment and is a designated AONB. The Castle Dream Stud Site currently enjoys temporary status. I would urge the Planning Committee to retain this status otherwise I fear once the AONB status of this area has been breached we will have applications to build everywhere on this AONB.

Yours faithfully

4 Carisbrooke Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YA

**Comments:** 17th March 2024

I object most strongly to the above application. Mill Lane is part of an AONB and the legal constraints surrounding such a designation should remain in place.

The proposed development offers no benefits to the AONB, and close neighbours have already reported damage to trees and hedgerows, also sewage leaks and light pollution. I also object in general to applications for retrospective planning permission, especially in such a sensitive area as this. If permission is granted, it opens the floodgates for pretty much anything to be built, without the apparent need for making a formal application and doing things properly. In this instance it seems that past applications have requested permission to keep horses with stables, yet according to nearby residents, no horses are being kept in this location so how can we trust the integrity of the current application?

I note that the keeping of horses and stabling is stated once again along with the stationing of caravans (plural) for residential use.

So how many caravans? And is there a limit on the numbers? It doesn't look like it, and I wouldn't be surprised if this was the main objective here.

60 Horsefair Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8JH

**Comments:** 3rd December 2022

I would like to register my objection to the change of use proposed at Castle Dream Stud. I am not a direct neighbour but live locally and use Mill Lane regularly for recreation and access.

1. The land has not been used for the keeping of horses for at least 8 years.
2. The number of caravans on the site has already increased and waste water now routinely pours across and down the lane, causing a hazard.
3. Family and Extended Family are terms that are open to broad interpretation and could include very large numbers of occupants, bringing more vehicle traffic, noise and disruption in the AONB.
4. The appearance of the development is entirely out of keeping with its rural setting in the AONB, introducing suburban timber fencing, huge metal gates, brick walling and decorations. This is very detrimental to the character of the AONB.
5. Roadside trees on both sides of the lane around the site have been cut back beyond recovery, again damaging the coherent rural character of the AONB and lowering amenity for other road users.
6. The site is brightly lit at night, to the detriment of wildlife and amenity within the AONB.

Wadleys Farm  
Ham Lane  
Charlton Kings  
GL52 6NJ

**Comments:** 10th April 2024

Letter attached.

**Comments:** 2nd April 2024

Letter attached.

**Comments:** 22nd March 2024

Letter attached.

**Comments:** 13th December 2022

Letter attached.

**Comments:** 13th December 2022

Letter attached.

Hamfield House  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NG

**Comments:** 2nd December 2022

I write to object to permitting the above application on a permanent basis for the reasons set out below.

#### Background

As I'm sure the Council will be aware, 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 because of 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.

After the temporary permission had expired, a further planning application, 13/01459/COU, again sought permanent change of use. This was determined on 16 January 2014 when 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.

A broadly similar exercise took place three years later when application 17/00129/FUL, to which I again objected on 21 February 2017, was similarly determined on 20 April 2017. Temporary permission for occupation of the site was extended only for Mrs Cox and any dependant relatives up until 21 April 2022 (now over 6 months ago).

### Planning Context

After a lengthy period of consultation and examination, the Joint Core Strategy to 2031 for Gloucester, Cheltenham and Tewkesbury was adopted in December 2017. This requires Cheltenham Borough to contribute 2 gypsy and traveller plots up to 2021 with a third by 2031. The detail of how Cheltenham was to provide these pitches was to be set out in a subordinate Cheltenham Local Plan.

The Cheltenham Local Plan to 2031 was adopted in July 2020 following examination and consequential modification. Whereas the submission draft Plan allocated Castle Dream Stud to meet the requirement to provide gypsy and traveller sites, this was rejected by the examining inspector, who in her final report found as follows:

#### "Gypsies and Travellers

113. In the submitted CP, it is proposed to meet the future needs of gypsies, travellers, and travelling showpeople through the allocation of a site for 3 pitches at Castle Dream Stud (Policy GT1). The site was granted a temporary and personal retrospective planning permission as a Gypsy and Traveller (G&T) site on appeal in 2011. The CBC has renewed the temporary and personal permission for this use, most recently in 2017.

114. The site is in an attractive rural location outside any settlement and within the Cotswolds AONB. In reaching the decision in the appeal, the Inspector stated that the change of use to a G&T site had already resulted in and would cause further visual harm to the AONB contrary to local and national policies. The appeal was allowed because there was no alternative provision and because of the appellants' personal circumstances.

115. National policy is set out in "Planning Policy for Traveller Sites" August 2015 (PPTS). The allocation of private traveller provision such as Castle Dream Stud in local plans is encouraged, but the need for the provision must be balanced against the requirement to conserve the landscape and scenic beauty of the AONB as stated in paragraph 115 of the NPPF. Furthermore, the site is poorly related to education and other services since there are very few bus services in the area and access can only be gained along a winding and narrow unlit country lane.

116. In the absence of any alternative and more appropriate provision, it may be reasonable to allow the temporary and personal use of the site by its current occupants, but in view of its very harmful location and poor relation to services and infrastructure, it should only remain in such use until less harmful sites may be identified through the development plan process.

117. The Council has indicated that no suitable alternative sites were put forward as a result of their Strategic Assessment of Land Availability (SALA). However, I am not



convinced that the Council has been sufficiently proactive in its search for sites to conclude that there is no alternative to Castle Dream Stud.

118. The current need for traveller sites is met on a temporary basis and this provides the opportunity for CBC to take a proactive approach to seeking a long term solution, having regard to the policy set out in the PPTS. Meanwhile the criteria based Policy SD13 in the JCS will provide the basis for the determination of future planning applications.

119. I recommend that Policy GT1 is deleted and the supplementary text is changed through MM025 in order to be consistent with national policy and for the CP to be sound." The adopted Cheltenham Plan includes the above-referenced modification. I am not aware that CBC has yet take 'a proactive approach to seeking a long term solution'.

### The Current Proposal

With regard to the current application, I have the following observations:

- a. The applicant's Site Plan covers only the lower SE corner of the site. An additional mobile home has been sited on a flat area of open field higher up the site, although this has now been removed. It is not evident what services were provided to support this or whether it is likely to return. There is no mention of this in the application.
- b. The application makes reference to the breeding and selling of horses as a principal occupation of the resident family. There has been little or no evidence of any horses on this site for many years.

It is reasonable for the former temporary permission to be extended for a further 5 years for Mrs Cox and her immediate family to continue occupying Castle Dream Stud on a named basis.

However, as in the past, permanent permission should be refused for the reasons given by the inspector examining the Cheltenham Local Plan. Essentially these are:

- a. The site lies in the Cotswold AONB. The National Planning Policy Framework. Paragraph 176 of the extant version states: 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection ... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'
- b. The occupation damages the AONB, as is evident from an inspection of the site. For example, the planting introduced by the temporary residents over the past 11 or so years is alien to the AONB and is of a type often used as screening in residential areas. It therefore detracts from rather than conserves the landscape and scenic beauty. The situation is not improved by the erection of a permanent building.
- c. Although the site is largely screened from Mill Lane, it is highly visible from public footpath ZCK8 from Hewletts Reservoir to Northfield Farm, which I use on a frequent basis.
- d. 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.
- e. The site is rural and isolated and not close to other dwellings or any public transport.
- f. In consequence, the site is not allocated for permanent occupation in the Cheltenham Local Plan to 2031.
- g. There is no longer evidence that the site is being used for the keeping and breeding of horses. For many years, there has been no sign of any horses on the site.
- h. A precedent would have been set, encouraging further gypsy and traveller settlements in the AONB.

Accordingly, I urge the Planning Authority to refuse the application for permanent residential occupation. Renewal of a five-year temporary permission under the same conditions as before would be a reasonable way forward.

Yours sincerely,

Glenfall House  
Mill Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL54 4EP

**Comments:** 21st March 2024

We write to object once again to the retrospective planning application at Castle Dream Stud. The reasons why this should not be granted are numerous and founded in planning law.

Even after the previous retrospective application was submitted there has been further (unapproved) development of the site, which evidences and continuing disregard for the planning process. The occupants have recently cut an access gate into the high fence on Mill Lane, adjacent to another mobile home, and there is a green council bin stationed in what remains of the hedgerow in that location. In addition, a van or car is often parked opposite this unlawful gate in Mill Lane, creating a dangerous obstruction. The highways and environmental issues are further compounded by a constant drainage problem resulting from the occupation of the site which continuously floods the lane with waste water.

The application also references the keeping of horses on several occasions as a justification for the site. This site is not being used for the keeping of horses. Cynically, after this was pointed out in the previous consultation period by a number of objectors, a horse was put on the land very briefly but has now gone. The stables are not being used as such and nor are the paddocks.

There really seems to be no point in having a designated AONB or any form of planning process at all if this application is approved, what is there to stop the same process (build first, ask permission afterwards) happening again? Should we all adopt this strategy and have a flagrant disregard for any planning rules and the AONB?

The impact of this site on the AONB is extremely detrimental. The retrospective application includes an enormous amount of hardstanding, obtrusive fencing and significant built form. The scale and massing on the site is completely inappropriate development for this area of outstanding natural beauty.

Further to the above, there seems to be no consideration for the impact on Dark Skies within this area of AONB. This was an unoccupied site with no light spill but now, with the additional unlawful residential accommodation, there is significant light pollution at night.

This includes recent Christmas lighting placed on top of the 'Dog House' which could be seen for miles.

The impact on the area is being further harmed by the extremely high fencing, large incongruous bricked entrance, gates, lions and horseheads. Other evidence of a complete disregard for the AONB was shown when the hedgerow in Mill Lane opposite the entrance was completely destroyed overnight, in order to facilitate access for further mobile homes to enter the site. This has detrimentally affected the character of the area. We also note that there has been no ecology survey undertaken by the applicant nor is there any quantification of the negative impact on biodiversity loss which will result from the development of the site. What happened to development requiring a biodiversity net gain!?!

Appropriate enforcement action should be taken here to return the site to the status it held within the bounds of its original temporary permission. This temporary permission should be renewed until a more appropriate site is found elsewhere. That is the only justifiable response to this retrospective application.

**Comments:** 2nd December 2022

Ref: 22/01935/FUL

Dear Miss Payne,

I write to express my concerns regarding the application for a permanent site at Castle Dream Stud, Mill Lane.

I am aware that this is a retrospective application and, having read the applicant's report submitted with it, I have the following comments:

1. I understand permission is sought to "Retain two mobile homes and a touring caravan occupied by the family together with a partially constructed utility block, the storage of 1-2 touring caravans for when the family go travelling and associated development (extended hard standing, fencing, dog run and planting)." Whilst I do not object to this at face value, I would ask how is this permission to be enforced? The site has grown unlawfully since the last planning permission was granted. How is it possible to enforce that the site is used by one family and in accordance with the permissions granted on this occasion? How is it possible to ensure we are not in this same position in another 5 years where there is a retrospective application for more caravans or developments to the site? Also, I would like to question the presence of a swimming pool on the site which is not mentioned in the application.

2. Little can be seen of the yard area from Mill Lane. This is largely true except for the exceptionally bright floodlights that illuminate the site at night. I am aware of the dark skies policy and strongly believe the lights contravene this and are harmful to any wildlife in the area. Additionally, the entrance gates with ornamental horse statues on brick piers are extremely visible, overbearing and the statues particularly out of keeping - not least within an AONB.

3. The site frequently pumps foul smelling waste water on to Mill Lane. This needs to be addressed as a matter of urgency and I would urge no permissions are granted until it is resolved. It is quite simply disgusting.

4. The report states that the site "Is where the 7 Applicants keep their horses [and] it would reduce the need to drive to the site on a daily basis to check on their horses if they were permitted to live on site." To be very clear, since we have been aware of the site, there are no horses present and there never have been.

I understand the need for the family to have a site and I do not object to this being on Mill Lane in principle. However, I would very strongly request that the permission, should it be granted, is very tightly controlled using appropriate conditions and that these take into account the points raised above.

Yours sincerely,

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Glenfall Lodge  
Mill Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL54 4EP

**Comments:** 2nd December 2022

We are writing to express concerns about the application for a permanent site at the above address. The specifics of our concerns are;

1. The septic tank is extremely smelly. For several years now it has overflowed across Mill Lane making it unsafe and unpleasant for walkers, runners, dogs / horses etc. that frequently use the road. We and others have complained on numerous occasions over the years, but the problem continues and will likely get worse with additional dwellings.

2. We have experienced few problems with the current owners but are very concerned that the site is being over developed without planning permission, with the inclusion of a swimming pool and additional accommodation and mobile home caravans. Besides being out of character with AONB we are worried that this retrospective planning application, should it be passed, will encourage continued development of the site and yet more retrospective applications.

3. Light pollution is also a considerable nuisance for us and the neighbourhood. The powerful flood lights are frequently left on throughout the night, together with lights from the dwellings. It floods one side of our garden with light and even reflects into our bedroom. We are most concerned about the damage done to wildlife by such excessive night lighting, and are also aware that it contravenes current environmental policy.

4. The previous permission was for stabling for horses. However, since arrival of the current owner several years ago, and despite the name of the property, we have never seen any evidence of use of the field or stables for horses.

5. As an area of AONB we feel the current entrance design is completely out of character for the location. It has also continuously been enlarged.

6. We are concerned that the precedent set here is already being flouted in neighbouring fields, again where no planning permission having been sought, retrospectively or otherwise.

In conclusion, taking account of all these concerns, we hope that the application is not approved but in the event it is approved we request that our concerns are taken into account.

Yours sincerely

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Ham Stud  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 2nd December 2022

Letter attached.

118 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LY

**Comments:** 12th March 2024

Objection reasons:

- 1) Impact on hedges/trees that have been cut back
- 2) Negative impact on environment with foul smelling water from the site flowing across the road, alongside the risk of slipping/accidents from the flow of water
- 3) This is an Area of Outstanding Natural Beauty
- 4) This is an increase in intensity of use on such land.

The concerns raised in the previous objections do not appear to have been addressed in the resubmission.

Old Ham House  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 2nd December 2022

## OBJECTION TO PLANNING APPLICATION OF DREAM CASTLE STUD

REFERENCE:22/01935/FUL RETROSPECTIVE PLANNING APPLICATION CASTLE  
DREAM STUD

I would like to object to this planning application for the following reasons:

1. This is a designated area of outstanding natural beauty, enjoyed by many for leisure pursuits such as walking, cycling, running and horse riding, all known to be beneficial for the community's mental and physical well being. It is a great pity to see the beautiful blackthorn trees which formed a hedge, with blossom hanging over Mill Lane in spring, has been harshly cut back and replaced with a close board fence and gates embellished with golden horses heads. This is not in keeping with the area, and is neither conserving nor enhancing the landscape and scenic beauty, and is urbanising a beautiful rural area. And as such I object to it's presence.

2. As mentioned in other letters of objection, apart from when the applicants were seeking planning permission some years ago, there have never been any horses on the fields.

I have no objection to the family living there as such, but would appreciate seeing it return to its former natural state of beauty, and neither increasing in size, nor becoming more urban.

14 Pembridge Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XY

**Comments:** 19th March 2024

The applicant has flouted the planning rules by building and developing the site without permission, hidden by a high fence.

It seems that there is no respect for the Local Authority planning rules, therefore we object to retrospective permission for these works.

Permission has been given to the applicant in the past for the keeping of horses and for one family to reside on the site. This has not changed so the need for further hard standing and other structures cannot be justified.

If retrospective planning permission is given to these works, it will encourage further development of the site, also without permission, changing the use of the land by stealth.

All other comments made by us on this application still hold.

**Comments:** 1st December 2022

Case No: 22/01935/FUL: Case Officer: Ms Michelle Payne  
Castle Dream Stud. Ham. Cheltenham

We are writing to object to the change of use of the Castle Dream Stud site 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. The owner, Mrs Cox has been given temporary permission for the use of land for country pursuits including the breeding of horses. 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 by the addition of high fences, gates and hard standing. A site less harmful to the green environment could be found in the meantime for travellers - the JCS review is yet to be completed. Other locations in the AONB have been refused permission for residential development. This site should not be given special treatment as it does not benefit the AONB and under 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 of temporary permission was given to Mrs Cox and not to 'any gypsy or traveller family' using the site.

The applicant has argued that permission be given due to a lack of suitable provision for such sites in the borough. Whilst this may be the case, but under planning guidance for PPTS, August 2015, paragraph 27, page 7, sites in the AONB are protected. We quote from the document and the footnote to this effect below:

" If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission(9) . The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads)."

"Footnote ( 9 ) There is no presumption that a temporary grant of planning permission should be granted permanently. For further guidance please see:  
<http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/what-approach-should-be-taken-to-imposing-conditions/> (see paragraph 14)"

Other issues to be considered are the location of the site next to a narrow country lane, not an urban road, with dangerous blind bends and impaired visibility to oncoming traffic. This is also a route to the local primary school, which is already oversubscribed.

The fact that there is urban development close to the site makes no difference to the fact that the site is in the AONB. The national policy gives the conservation of landscape and scenic beauty a particularly enhanced status in the AONB and the Council are required to protect and preserve the specially designated Cotswolds AONB.

The AONB is an area of special beauty mainly for recreational use. If any kind of residential development is permitted, it sets a precedent for more development. Then the whole reason for being designated as a special place becomes pointless as the area becomes urban. The approval of this application is therefore not in the public interest.

3 Natton Cottages  
Ham Lane  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 2nd December 2022

Re:- Development Proposal:- 22/01935/FULL - Mill Lane - Retrospective Change of Use.  
- Objection

I refer to the above Planning Application which for this site - ONCE again - is retrospective.

As the history detail for this site is well known and that there has been a failure by planning both to enforce its decisions for NO development and also in the meanwhile not stopping the obvious development which has taken place without planning consent, it is about time that the original decision was enforced and the land vacated back to the original stables only.

It does seem that there are now too many retrospective applications in the AONB in particular and this is being used by applicants to get their way regardless of the suitability or indeed the Planning Regulations which are supposed to ensure the area is kept within certain bounds that makes it what it is designated - natural as far as possible.

If this application is granted, then in future how many more 'houses' - what has now been put on cannot be classified as caravans - are going to be put on the site without gaining Planning permission FIRST. The future placing of more 'houses' on this site for more members of 'family' under a similar retrospective cannot be ruled out.

Given that over the last few years, raw overflow sewage water has been running across Mill Lane on nearly a continuous basis which is not a good thing for both walkers, bikes and vehicles using the lane - the smell at times being totally unacceptable. There is not the sewage system infrastructure to deal even with the previous level of occupation and definitely not the current one.

The sewage that has and does flow into the field opposite the site, with puddling on the side of the road due to poor drainage of normal rain water from the road has not, as yet it is understood, from tests done by the Environment



Agency, reached the stream across the field that runs eventually into the River Chelt. It can only be a matter of time and adverse weather before Raw sewage does reach this stream! It is also not a good hygiene situation for the food animals grazing in the field to be allowed access to human sewage, which they must do if grazing close to its the entry point from Mill Lane.

I make the following additional observations:-

1) The recurring presentation that horses have been, are or probably going to be kept on this site does not stand up to the fact that no horses have been seen for quite a few years since this area was occupied. In any case the keeping of horses does not require on site living.

2) Failure by Planners to enforce their decisions against development on this site demonstrates the failure of planning overall and especially in protecting the AONB. If there were now a full scale raft of Retrospective Applications from the general population - which does seem to have increased in recent years as a way of 'getting disallowed development through', then to allow these and this one in particular is definitely failing applicants and residents who follow the procedure properly within the law and accept the decisions made by planners- especially where it concerns the AONB.

3) In previous years especially when ice and snow are about - the drainage of sewage waste water has combined with existing rain water to make for a skating rink along the lane for vehicles and pedestrians. In conclusion, this application must be taken back to first base principles and not treated as anything different than an application to develop on open agricultural fields within the AONB by any member of the public. Such an application would fail and indeed has been shown to fail right back to the beginning of this saga with the original owner.

Yours sincerely,

Glenfall Lodge  
Mill Lane  
Charlton Kings Cheltenham  
Gloucestershire  
GL54 4EP

**Comments:** 15th March 2024

We would like to take this opportunity to express our significant concerns regarding the continued development at Castle Dream Stud.

In December 2022, we expressed concerns about the original retrospective planning application pointing out this process could be continually repeated, resulting in a continued flaunting of Planning regulations, and an ever-increasing eyesore to a designated AONB area.

The proposed application is of grave concern to us for the following reasons;

- The development now runs down a considerable length of Mill Lane and virtually halfway up what was once a beautiful field.

- An additional gate to the lane has also been introduced, where cars are often seen to park, restricting passing on an already narrow and relatively busy lane.
- Since the addition of further accommodation, there is now even more night lighting in this once beautiful and peaceful location, intruding on neighbours and harming wildlife.
- There has been a considerable increase of vehicle noise, with powerful vehicles being revved up at the site and accelerated down Mill Lane.
- Continued development of the site will be devaluing surrounding properties and damaging further this ANOB.
- The entrance, which includes two lions on pedestals, appears totally out of keeping with the location.
- While efforts have been made to prevent the sewage spilling onto Mill Lane, this has not been totally successful, presenting a continued danger to walkers and animals.

If this retrospective application is passed for the second time, what protection is there against further continuing development, thereby making the designation AONB a total farce?

We have no personal Issue with the owner of this property, but in view of the observations listed above we are strongly opposed to the granting of this retrospective application.

Yours Faithfully

F.A.O Miss Michelle Payne (Planning Officer)

REF NO. 22/01935/FUL

Retrospective Planning Application Castle Dream Stud

After looking at the photographs and documents regarding the above application I strongly object to this development.

1. It is not in keeping with the A.O.N.B e.g. the metal gates and brick built access wall both containing gold metal art works.
2. The site has only temporary planning permission and any brick built buildings should be removed
3. As reported on many occasions to the Environmental Health Department the septic tank cannot cope with one park home. There is a continuous stream of grey water running across the public highway and any additional drainage into the septic tank would increase the problem.
4. The boundary fence appears to be higher than the permitted height
5. It also appears that hedges and trees around the entrance to the site and on the opposite side of the highway have been cut down



Ham Stud  
Ham Road

Charlton Kings

Your ref. 22/1935/FUL.

WANLEYS FARM,  
HAM LANE,  
CHARLTON KINGS,  
Q. 526NJ.  
12-12-22.

Dear Miss Payne,

This latest application for the [REDACTED] in Mull Lane arises from the previous application 5 years ago in that they are requesting the permission to be PERMANENT, and that it is to be for ANY [REDACTED]

There have been two previous temporary permissions of 3 years each, and the latest one of 5 years, all in the specific name of [REDACTED] and her dependant family.

This latest application is a marked game changer, and I maintain it is a step too far for the long term benefit of the area, bearing in mind the site is within the Cotswold AONB

at the last permission by CBC for a Super extension (17/00129/FUL) [REDACTED] again was the only normal occupant and it was stated that to grant a permanent consent would result in long term harm to the AONB.

By continuing the process of temporary permission CBC have a potential 'caretaker' watch over what



2/  
goes on and have the ability to oversee any limitations which have been imposed in the Planning Permission. It would be much more difficult to establish this if the permission became permanent.

There has also always been the proviso that [redacted] and her family were named occupants, and once they had ceased to use the site it was to be cleared away and returned to its previous use as an agricultural grazing field. This clause has been repeated several times in the past.

This would be impossible to maintain if the site became permanent and the occupation was open to any [redacted]  
[redacted]

There is a legal obligation for CBC to find and construct a permanent [redacted] within the Borough and one suspects that they have given up on the quest and are using this site in Mill Lane as a back door way of fulfilling their legal obligation.

I note that the request is for 2 mobile homes and a touring caravan, as well as 1-2 towers in case they wish to go touring! This is a lot of accommodation for 1 family!

Recently a very large mobile home, about the size of a small bungalow, has been sited behind the fence

adjacent to the road, and the capacity of this one plus the other  
one on site has totally overwhelmed the ability of the septic tank  
to cope, and grey sewage water is constantly discharging across the  
road surface and on to the feet of passing pedestrians.

This is totally objectionable and an environmental danger,  
and MUST be controlled in any negotiations over this application.

In conclusion, I would like to see the previous system  
of a 5 year temporary permission continued, and the occupancy  
only being in the name of [REDACTED] and her dependants.

I would urge this present application to be rejected.

Yours faithfully,

[REDACTED]



Ref: 22/01935/FUL

Wadley Farm,  
Ham Lane,  
Charlton Kings,  
GL52 6NT.

6<sup>th</sup> April, 24

Dear Madam,

On 3<sup>rd</sup> April at 1:35 pm, I drove along Mill Lane, Charlton Kings only to be inconvenienced by a car parked outside a pedestrian gate at Castle Dream Stud which had been made in the hedgerow, which I believe had no granted Planning Permission.

This lane is barely wide enough for 2 cars to pass safely in parts, but a car parked there is totally unacceptable. A car coming in the opposite direction to me had to wait before the parked car, and I was shunted into a big pot hole in the side of the lane.

Mill lane is used by numerous horse riders, cyclists, dog walkers and many other walkers.

Any car parked in it is a danger to all other road users and should not be allowed. In my view, the pedestrian gate should be removed & the hedge replaced. It seems to me Castle Dream Stud does exactly what it wishes to do & when "discovered" applies for planning permission retrospectively.

Yours faithfully,



Wadleys Farm,  
Ham Lane,  
Chalton Kings,  
Cheltenham.  
GL52 6NJ.

Ref: 22/01935/FUL

22nd March '24.

Dear Madam,

Please take account of my previous letter for the above reference.

This application (24) is exactly the same as submitted in 11.11.22, which should have been dealt with promptly. Now it has become RETROSPECTIVE with a lot of unpermitted extra work being carried out in the meantime.

The applicant is asking for permanent use of the site for, which she had temporary permission which expired on 21.4.22, nearly 2 years ago. If she is granted another temporary permission she is already 2 years into that permission. The matter of TEMPORARY PERMISSION is vital because it maintains some hold by C.B.C. over what goes on, on the site and maintains permission to ONE NAMED person i.e. Mrs. Cox. If the permission is granted to ANY [REDACTED] family there is no effective control and it also gets Cheltenham Borough Council off the hook on having to provide a permanent [REDACTED] within the borough.

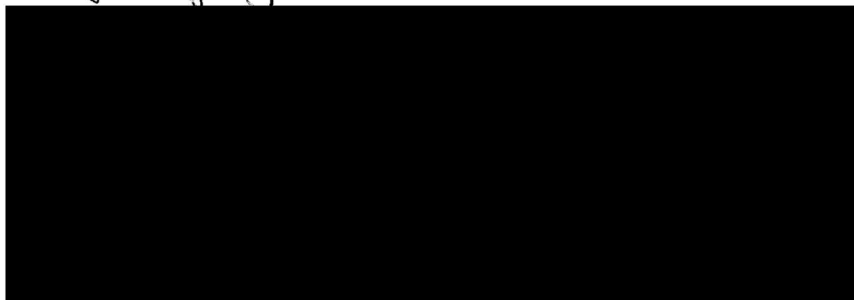
The matter of having MORE caravans



on the site has already been illegally achieved with dire consequences to the septic tank system which is obviously inadequate and hence the risk to environmental health by overflowing onto Mill Lane.

I urge this application to be rejected and the temporary 5 year permission to be continually reinstated during the life time of Mrs Cox.

Yours faithfully,



Wadley's Farm  
Ham Lane,  
Charlton Kings,  
Cheltenham.

Ref: 22/01935/FUL

GL52 6NT  
11<sup>th</sup> Dec. 22.

Dear Madam,

The original Planning Permission was given for Mill Lane Stables (Castle Dean Stud) for keeping horses. There were 2 at the time 1 mare and 1 foal with the proviso of a stud, which never transpired. No horses have been evident since that time, which in my view, negated the temporary planning permission granted at that time.

However, I now see that permission is sought for the keeping of horses with stables & the stationing of caravans (mobile homes) plus ancillary additions, eg. hardstanding, utility blocks mostly retrospectively.

In the Government Inspector's original report:  
"No more than 2 caravans as defined in the 'Caravan Sites and Control of Development Act 1960' (of which no more than one shall be a static

These should be for the use of [REDACTED] and their dependants only.

Permission is now sought on a Permanent basis for any [REDACTED], as well as the [REDACTED] family, hence more caravans - 2 mobile homes a touring caravan and storage for 2 more caravans are requested.

I deplore the enlargement of this site well within the Cotswold A.O.N.B., and that includes a proposed hard standing which I hope, if permitted, would be of a permeable nature, and not extending further into the field.

The Government Inspector reported:

"I have found that the change of use to a [REDACTED] has resulted in, and would cause further visual harm, to the A.O.N.B. This is contrary to local development plan policies - National Planning Policy Advice and Guidance, and is sufficient NOT to grant a PERMANENT permission."

Nothing has changed to give a reason for a permanent site to be permitted here in the A.O.N.B.

would urge the Planning Officer to respect the Government Inspector's report, and NOT grant permanency or the site's enlargement.

From a submitted photograph, the "Day Room" looks like a permanent structure with brick walls and a slate roof. I would hope that conditions be laid upon it, that it is a "day" room and not to be used as sleeping or living accommodation & that it should be removed when the site is no longer used by the [REDACTED] family.

Deciduous trees surround the site. May I point out that in the Autumn when the leaves fall, this area is conspicuous from the public right of way to Northfield Farm & is a blot on a country walk in the AONB.

[REDACTED] is considered to be a reason for a permanent site here in Mill Lane. Another five year temporary permission would give almost the same stability and would be far more acceptable in the AONB.



Borough Council more jurisdiction over the site.

Walking along Mill Lane, we, and so many other walkers have been beset by foul water being discharged from the Castle Dream site.

I hope this serious waste problem will be solved before even discussing the Planning Application for more mobile homes & thus more people dwelling there.

I would urge you, please, to consider the points I have raised, even though lengthy, and REFUSE this application for a

[REDACTED] in this

[REDACTED] popular and easily accessible part of the Cotswolds AONB, on the outskirts of Cheltenham.

Yours faithfully,

[REDACTED]

Wadley's Farm,  
Ham Lane,  
Chaulton Kings,  
Cheltenham.  
GL52 6NJ  
20<sup>th</sup> March '24.

Refs : 22/01935/FUL  
1st March 2024

22/01935/FUL  
11<sup>th</sup> November 22.

Dear Madam,

I note that the above two Planning Applications at Castle Dream Stud, Mill Lane, Chaulton Kings are identical references and descriptions of the proposals, with the additional word of RETROSPECTIVE in your letter dated 1st March, 2024.

Why wasn't the one dated 11<sup>th</sup> Nov. 22 resolved earlier? It enabled the work in the application to be done for which retrospective planning permission has now to be sought.

I wrote at length with regards to the history of this site for the application of 11<sup>th</sup> Nov. 22, AND the Inspector's report. I know the latter should be inviolate and yet this present application seems to contravene what the Inspector decreed.

I would ask you to use my original letter of 2022 for the original application and consider all the points which are still relevant to this one (2024)

The site was intended for a Mrs. Cox and her dependents only, as a TEMPORARY permission. The two huge mobile homes now on site

are in total contravention of the Inspector's report as indeed is the permanent building (a house?) now erected there.

Cheltenham Borough Council has a responsibility to provide a [REDACTED] site - Mill Lane must not be a surreptitious way of fulfilling this requirement.

I would urge you to refuse this application which does nothing to enhance the beauty of the A.O.N.R. in this area.

Yours faithfully,

[REDACTED]