

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 20 November 2025

Meeting time: 6.00 pm - 8.08 pm

In attendance:

Councillors:

Frank Allen (Vice-Chair), Glenn Andrews, Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Jan Foster, Iain Dobie, Tony Oliver, Dr Steve Steinhardt, Simon Wheeler and Suzanne Williams

Also in attendance:

Tracey Birkinshaw (Director of Planning and Building Control), Chris Gomm (Head of Planning), Ben Warren (Senior Planning Officer), Lucy White (Principal Planning Officer) and Surinder Atkar (Solicitor)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

The following Councillors attended all sites during Planning View:

- Councillor Garth Barnes
- Councillor Barbara Clark
- Councillor Jan Foster
- Councillor Tony Oliver
- Councillor Dr Steve Steinhardt

Councillor Adrian Bamford had visited site 6a and was familiar with site 6b.

4 Minutes of the last meetings

The minutes of the meeting held on 16 October 2025 were approved and signed as a correct record.

The minutes of the Extraordinary meeting held on 21 October 2025 were approved and signed as a correct record.

5 Public Questions

There were none.

6 Planning Applications

7 25/01031/CONDIT - Land Adjoining Leckhampton Farm Court, Farm Lane, Leckhampton

The Senior Planning Officer introduced the report as published.

There were three public speakers on the item: an objector, the applicant's representative, and the ward member.

The objector addressed the committee and made the following points:

- Live to the north of the site and on two sides of their property are proposed dwellings, garages and car parks.
- Want to raise the issue of surface water drainage. Concerned that levels on the boundary with their property may be changed without consultation, not allowing them the opportunity to address related issues this may cause around vehicular right of way across the site as well as potential flooding issues. Want to be consulted about the impacts of levels and drainage issues.
- It is imperative that the boundary treatment around their house follows that approved by the planning inspector in September 2023, which specifies a 3-meter buffer and a 1.8-meter close board fence. The design and access statement from June 2022 also confirms a 3-meter wide green buffer has been introduced to provide screening for the existing properties off Leckhampton Court Farm. Despite this boundary treatment being included in comments in April 2025 and July 2025, the New Dawn Homes plans do not appear to confirm either the buffer or the fence. In the current application the latest site plan does not show the fence, and approval would make this site plan an official document, leaving the status of the fence in question. Residents of existing properties are relying on this buffer and fence to limit the impact and intrusion of the development, as well as providing privacy and amenity. Were reassured that the planning inspector clearly included the buffer and the fence but are concerned that there is no guarantee that they will appear later in the landscape scheme as they are not shown on the current site plan.
- Ask the committee to include a condition in the approved plans which ensures that a 3-meter buffer and a 1.8-meter close board fence are included as approved by the planning inspector in documents PL-05-D and PL-03-H. Such

a condition would also ensure compliance with Joint Core Strategy (JCS) Policy SD4.

The applicant's representative addressed the committee and made the following points:

- Chartered surveyor specialising in residential development, speaking in favour of New Dawn Homes' Section 73 planning application to amend the house-types and make minor changes to the scheme by Redrow which was approved at appeal. As consented, it is a low-density scheme for 30 homes, including 12 affordable homes, located between Leckhampton Farm Court and Church Road.
- The original application to revise the Redrow permission was withdrawn following a meeting with the parish council and discussions with the planning officers. This new application has been progressed to resolve all of the concerns that were raised and make minor amendments requested by officers.
- The road access point on Church Road and the number of proposed homes is unchanged from the consented scheme. The internal road layout and house positions are virtually unchanged. The retained trees, drainage arrangements, and footpath link to Farm Lane are as previously approved and the similarity of both schemes is clearly demonstrated on the overlay plan.
- Believe the bespoke house designs are far more appropriate to the special location in Leckhampton, than Redrow's nationally standardised arts and craft style house designs. As requested, the proposed brick and stone materials have been revised and during the application process the proposed ridge and eave heights have been reduced to broadly match that of the consented scheme. The officer's report states that they: "consider the amended house types to achieve a high standard of design and appropriate use of materials for its location and context."
- The environmental impact of development in this location has been contested for many years. However, this issue has already been decided by the appeal inspector when granting the Redrow permission and this has not been changed in the New Dawn Homes application. The council's officer advises that the overall scale and bulk of the current proposal is not dissimilar to the Redrow approval and advise that they "do not consider that the proposed development would have any greater environmental or ecological impacts than that of the consented scheme."
- The officer's comment on sustainability is slightly incorrect, as it is the intention to fully comply with the CBC Climate Change and Sustainability SPD and the proposed all-electric heating system will utilise the latest energy efficient air-source heat pumps. Homes will be A rated and have a low carbon footprint.
- Understand that there have been queries about the foul drainage capacity in the area. Severn Trent confirms that there is capacity for this site and that they do not have performance issues indicated in their network. They are investigating the concerns raised by the parish council about drainage smells but do not believe it is a capacity issue.
- Minor changes have been made to the affordable housing mix from the consented Redrow scheme. The two-bedroom rented first floor maisonettes with living rooms adjacent to the luxury properties at Leckhampton Farm

Court have been replaced with two-bedroom houses for rent, with ground floor living rooms. Believe this is a positive design revision to reduce the neighbours' overlooking concerns. The council's enabling officer has confirmed that the proposed house designs are acceptable and meets with the council's housing needs in this location. The additional build costs will be subsidised by New Dawn Homes and the rents to the housing association for both properties will be very similar.

- As a small, Cheltenham based, family company the committee's support for this application in accordance with the council's senior planning officer's report, would be appreciated.

Councillor Horwood, as Ward Member, addressed the committee and made the following points:

- The new application does represent an improvement on the original Redrow consented schemes in some respects. Welcome that New Dawn Homes in general has engaged with the local community, has complied with the Climate SPD and has made some amendments to the scheme.
- However, there are a number of things relating to the conditions and how these are enforced that should be emphasised.
- Recommend that a condition should be added that the buffer is restored between the residents of Leckhampton Farm Court and the development.
- The parish council has raised issues about the foul drainage. This is being dismissed by Severn Trent but there have been really serious problems in the immediate local area resulting from the very large Redrow 277 house development across the road. This has caused constant complaints of foul scents in the lanes and from Brizen Lane further downhill, and there are real concerns that this development will add to the problem. Believe there should be a technical check on Severn Trent's response.
- Primarily concerned about the environment and have some sympathy with the objectors who have talked about the destruction of the local environment. The officer's report is very good and makes the important point that it should be read in conjunction with the appeal inspector's report. However, there are some important elements of the inspector's report that have not been included. One is a local policy, the Leckhampton and Warden Hill Neighbourhood Plan. Planning law says that once this reaches an advanced stage it has to be given considerable weight in planning decision-making. It is now at the examination stage, practically the end of the path, and yet the committee hasn't been told about the policy. This policy specifically refers to green infrastructure and specifically lists this site as a site of extreme ecological importance. It is mapped in the local nature recovery network as of importance for ecosystem services including biodiversity, food provision, carbon storage, orchards, woodland and stream habitat, soil health, water connectivity, and most importantly nature connectivity. This is a connecting site between the Cotswold National Landscape and the local green space in Leckhampton so it is an important wildlife corridor and the stream and the woodland on the site are really important.
- Unfortunately, the application comes in the context of an initial alleged illegal demolition of trees which the council's enforcement team is currently investigating.

- The appeal inspector's report says that the "framework does not state that such valued landscapes should be immune from development but rather they should be protected and enhanced." The planning officer's report mixes up the valued landscape with the Cotswold National Landscape, but this is not what the inspector was referring to. This site is in Leckhampton's valued landscape and the inspector is explicit in his report: "Overall, I share the views of the characteristics of this land identified by the previous inspector, considering its mosaic of uses, its history, and its network of footpaths, field and mature vegetation as positive attributes. I therefore have no business to depart from the findings of the Secretary of State in a previous appeal. Consequently, it would be within the constrained area, and I am of the view that the appeal site is within a valued landscape." The Neighbourhood Plan has repeatedly and strongly made the point that valued landscape under the National Planning Policy Framework (NPPF) is an important consideration and there is a duty to protect and enhance it.
- Not saying that this site should not be developed but a condition should be included that the local and environmental management plan should be brought back to the committee to ensure it is rigorous, enforced and really does protect the enormously valuable vegetation and habitats.

In response to Members' questions, officers confirmed that:

- The scope of the recommended conditions at the moment are those of the appeals inspector, with two additional that had been captured agreed with the applicant. As this is a new permission, new conditions could be introduced if the committee can demonstrate that there is a material planning reason for their introduction.
- The 3-meter green buffer was not a specific condition in the inspector's decision but was captured in the plans that were approved. It will be further captured by the landscaping plan at condition 8 which requires full details of hard and soft landscaping to be submitted and approved. The plan submitted with the current application does show a buffer and a hedgerow at the south of the boundary with Leckhampton Farm Court. This buffer is not to the same extent as the approved site layout scheme if you take the measurement up to the closest built form, which in this case is detached garages.
- It is not possible to add a new condition relating to doubts around Severn Trent's consultation statement. They have acknowledged that issues have been raised but that there are no flags of issues in their system. As this is a section 73 application, permission already exists for the same number of dwellings on this site, and this application cannot be considered to be increasing pressure on the foul water system beyond that already approved.
- The Leckhampton and Warden Hill Neighbourhood Plan (LWHNP) has progressed since the original application was submitted. As this is a section 73 application, not a new application, the committee are charged with considering whether any changes between the extant and proposed scheme result in harm and whether that harm provides a clear reason for refusal or would outweigh the benefits as required by paragraph 11. Therefore, the harm to the valued landscape as determined in the LWHNP would need to be shown to be in addition to the existing permission to allow additional conditions to be introduced. Cannot speak for the inspector, but it is reasonable for the committee to assume that the inspector had reviewed this

as a valued landscape. In allowing the appeal, he felt that whilst harm had been identified, it was outweighed by the benefits in the planning balance. The appeal has been included as an appendix.

- The affordable housing breakdown is five dwellings for social rent, three for affordable rent, and four for first homes. It has been extensively reviewed by the council's housing officers and amendments have been made in line with their comments. They have confirmed that it is fully compliant with Cheltenham's current needs.
- The timetable for the planting of new trees and shrubs is captured within the inspector's existing conditions. This requires that prior to the commencement of development, details shall be submitted and approved in writing to the local planning authority (LPA). All hard and soft landscaping work shall be carried out in accordance with the approved details within the approved timetable.

The matter then went to the vote on the officer recommendation to permit subject to a S106 agreement.

For: 10

Against: 0

Abstain: 1

Voted to permit subject to a S106 agreement.

8 25/00650/OUT - Land On The South Side Of Glenfall Way, Charlton Kings

The Chair addressed the meeting and highlighted that he appreciated the concern that this application is having on the community and his gratitude that the Cheltenham Civic Society have asked people to be respectful and not cause any disturbance by heckling during the meeting. Protests are an unalienable right enshrined in our democracy and the Chair defends that totally. However, he is equally of the opinion threatening people to a certain view is unacceptable and there has been some indication that such threats have been put out on social media to put pressure on planning members. As a committee they have a responsibility to listen to all parties including the council's respected planning officers. They will without doubt take account of all views and deal with the application based on the information and with due regard to the planning process.

The Senior Planning Officer introduced the report and the update officer report as published. She explained that the recommendation is to grant outline planning permission subject to the conditions set out in the update officer report and the applicant entering into a S106 agreement and specified obligations. She noted that there was one correction in 7.3 of the officer report which should read "strong reasons for refusal" rather than "clear reasons for refusal."

There were four public speakers on the item: an objector, the applicant's representative, and two ward members.

The objector addressed the committee and made the following points:

- Object to the planning application in any form because the site lies in a designated National Landscape. This carries statutory protection and the proposal conflicts with national policy, case law, and previous appeals for this very site and the same previous arguments.
- There are also serious and material omissions that make this application invalid and raise significant concerns about due diligence.
- The biodiversity net gain calculations (BNG) are flawed. The applicant proposes to enhance and replace the south-western boundary hedgerow with a native one instead of the non-native laurel to give a 16% increase. This south-western boundary, however, is not within the red line and belongs to the objector and their neighbours. BNG calculations cannot include habitats outside the red line without agreement or legal control, so the BNG 16% increase calculation is invalid. No approach or discussion has been made by the applicant. To replace this hedgerow without permission would not be lawful.
- The plans are flawed as the development is situated right over private water supply pipes. There is no acknowledgement of this, no lawful diversion strategy, and no right of access and there has been no approach or discussion.
- The revised street perspective views rely on a disingenuously planted tree in front of the houses to obscure the loss of the key view down from Ryeworth Road onto the escarpment. The plans reduce this open view by approximately 50% from the top of Ryeworth Road and the landscape architect reported the visual impact could cause a major/moderate material change in places. A pre-planning requirement was to maintain this view.
- The obstruction, whether tree or house, also conflicts with the Highways Agency's visibility requirements of a 2.4m by 43 splay and no obstructions above 60cm in either direction from the access point. Furthermore, the hedgerow to the right of the access road is largely owned by the objector and their neighbours, meaning this condition cannot lawfully be met without their permission.
- There is no contaminated land assessment. The southern part of the field was the septic soakaway for local properties. The system failed repeatedly, requiring new soakaways to be dug repeatedly in that area. When sewage overflowed into neighbouring gardens, this was abandoned and a connection to the mains was made. This is both a contamination risk for the proposed public open space and a drainage risk for the infiltration-based drainage system. A Phase 1 assessment must be conducted. This otherwise contravenes NPPF 196, which requires that "a site is suitable for its proposed use taking account of ground conditions and any risks arising from... contamination."
- The council's ecologist confirmed badger setts will be impacted by the development and require closure or partial closure. Excluding badgers from a sett requires a licence and landowner agreement. The sett extends into neighbours' land. Yet again, there has been no approach by either the council or the applicant for their approval and they would not agree to these terms.

The updated report gives an alternative to bury a fence along the boundary line instead. This requires deep excavation along the boundary. Under common-law trespass, the Party Wall Act, and Natural England's licensing conditions, no such works may lawfully be carried out without the adjoining landowner's written consent.

- There are no exceptional circumstances that justify harm to this National Landscape. The previous appeal inspector made clear that this very same fringe location is vulnerable to incremental erosion and that development here would cause demonstrable harm to natural beauty. That assessment still applies. NPPF 189 states that great weight must be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest level of protection. Nothing in this proposal meets that test, nor has anything changed since the last appeal. The inspector concluded that residential development here would cause, "demonstrable harm to the quality of the natural beauty of the landscape."
- Even the application itself provides direct evidence of harm and justified grounds for refusal. The updated BNG calculations suggest a loss of nearly 10% of habitat. Buying offsite units absolutely does not compensate for the landscape loss in a nationally protected area and does nothing to "conserve and enhance the landscape."
- For these reasons, the application is incomplete, technically unsound, and contrary to national policy. In both law and in planning policy, it should be refused.

The applicant's representative addressed the committee and made the following points:

- This is a planning application for four self-build dwellings. From the outset in preparing the proposals, there have been a number of core considerations largely reflected in the officer's report. Notably, the landscape context of the site and its location within the Cotswold National Landscape, changes to planning policy over recent years, recognising the planning history, and what has changed since that time, and the delivery of self-build accommodation as a specific statutory requirement for the council. And the opportunity to deliver finality for this site.
- Recognise that there have been previous planning applications in this location but these have been for very different proposals. This proposal offers opportunities to enhance nature conservation and public access within the site. This is not salami slicing as has been claimed, it is the opposite. Most of the site will be managed for ecology with community access sterilising potential future development in this area.
- These considerations sit alongside detailed and early pre-application engagement with officers, including the council's landscape architect. The officer report is comprehensive recommending the proposals be granted planning permission. Reflecting the high quality of the proposals that minimise impact and maximise benefit.
- To highlight some of the key issues for determination in the context of landscape. Officers, including the council's landscape architect, recognise that

the design layout minimise impacts on the area and also recognises the proposal would bring some enhancement to it through the wider natural meadow proposals. Existing views are maintained and new views created from within the site by providing the opportunity of public access. These measures are to be secured by legal agreement. It is noted that the area of outstanding natural beauty (AONB) board were consulted on this application, and they declined to comment.

- Public access will be provided through a new permissive path, also secured by legal agreement, which will enable access to the meadow which occupies 74% of the entire site. It is an alternative to using the existing track which is currently shared with a skip lorry serving the recycling business adjacent and will be safer and much more attractive.
- Design. A high-quality design which has been subject to early pre-application engagement and received support from the architect's panel.
- A sustainable location providing the opportunity to access local services and facilities.
- A materially different planning policy environment to the planning history. Not only addressing technical constraints previously raised, but considering the proposal in the context of revised national policy, a presumption in favour of development and applying a tilted balance. Given the significant shortfall in housing generally, but also self-build accommodation specifically, which comes with statutory force.
- Highly sustainable dwellings utilising renewable energy and high-quality fabric and energy efficiency.
- An acceptable relationship with surrounding development, which also establishes a permanent gap on the settlement edge, preventing future development and delivering finality, removing the ability to salami slice.
- No concerns have been raised from any of the technical officers which would direct that this is even a fine balance in decision-making terms. These matters have led your officers to the conclusion that any impact of development is at the lower end of the scale. They do not significantly and demonstrably outweigh the benefits which have been identified and the substantial weight identified in favour of the proposals.
- The offer proposed by the application, the planning obligations to be secured and the accompanying planning conditions set out the applicant's commitment to deliver a high-quality development which can be integrated locally and benefit the wider community.

Councillor Day, as Ward Member, addressed the committee and made the following points:

- "This land is not suitable for development" the words of Councillor Baker, a highly experienced and respected former member of this committee, recorded in the minutes of the meeting which refused against officers' recommendation a previous application on this field, also for four houses with landscaping and public open space.

- The inspector who dismissed the 2008 appeal to build on this site said: “I do not consider that the site can be considered suitable for housing” despite the council having a housing land supply shortfall at the time.
- Since then, planning rules over the AONB have been further tightened by section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) which requires the council to seek to further the purpose of conserving and enhancing the natural beauty of the AONB. The inspector who dismissed the recent appeal on the neighbouring field determined that the LURA imposes a more rigorous requirement than SD7.
- This application in no way conserves or enhances the AONB. Views from Glenfall Way will be materially affected by the housing which will be clearly visible, not least because Highways require that vegetation is kept at a low height to give vehicles clear visibility when leaving the site.
- The house designs are as hideous as they are huge, incorporating what look like clad portacabins, and in no way enhance the AONB. The porsche sportscars in the drawings indicate the pricing.
- There are issues with the landscape architect report. Under areas of concern the architect says “I was under the impression that the development would be built out by a single developer. The self-build brings in an element of risk in terms of changed arrangements where they are critical in terms of the appearance of the scheme.” The developer was clear in their neighbourhood consultation that they intend to sell the plots with outline planning permission attached, and it will be the responsibility of the buyers to bring forward detailed designs under a reserved matters application.
- The architect says in relation to composite wood cladding: “I am unfamiliar with the aging process of composite wood and question whether it would mature and ‘silver-down’ to better assimilate into the local landscape.”
- The application is well understood by local residents. More than one hundred objections have been received to date and no expressions of support despite the applicant’s neighbourhood consultation.
- Among the many valid reasons for objecting are that it conflicts with: paragraph 187a of the NPPF as it does not protect or enhance the landscape character of the site, paragraph 189 of the NPPF which says great weight should be given to conserving and enhancing landscape and scenic beauty, and that the conservation and enhancement of wildlife is an important consideration. It conflicts with section 245 of the LURA and SD7. It also conflicts with the Cotswold Management Plan.
- The updated officer’s report shows, after repeated challenge from the CBC ecologist, there will be a 9.12% habitat loss. This is a clear admission that the AONB will be neither conserved nor enhanced. Members should note that the ‘small’ offsite BNG requirement described in the previous version of the officers’ report was based on a 2.53% loss – a figure that had been superseded. An over 9% loss is not small. The UK is one of the most nature depleted countries in the world and we cannot afford to lose more of our precious protected habitats.
- It has been confirmed that the badger sett will be affected, at a minimum by excavation and use of a buried chain link fence. In what way does that

conserve and enhance wildlife? The badgers are living happily in a highly protected landscape. This application is about a rapacious developer who is happy to build over their home to maximise their profits, and this application must be refused.

Councillor Dr. Pemberton, as Ward Member, addressed the committee and made the following points:

- There have been over a hundred objections to this application. Many of them expressing concern about the loss of this important wildlife habitat that is part of the Cotswold National Landscape. As at least one resident has pointed out, granting permission for a development in this location represents the thin edge of the wedge. Setting a precedent. If we grant permission to build on one part of the Cotswold National Landscape, then how can we justify refusing the next application, and the next?
- We already leave so little room for nature in this country, surely we have a responsibility to protect what little remains. There are many barriers in place that provide justification to refuse this application. For some reason these are all being ignored. Once our areas of natural habitat are gone, we – as a species – have an extremely poor record of replacing it.
- Like to remind the committee of the council's own Draft Nature Recovery Supplementary Planning Document (SPD) which is out for consultation. The following points seem particularly pertinent:
 - o 1.5 Cheltenham Borough Council believes it is vital that we protect, enhance and grow biodiversity throughout our urban and rural environments.
 - o 1.6 This [AONB] is a UK Biodiversity Action Plan priority habitat which is important for biodiversity and maintaining the ecological character of Cheltenham.
 - o 1.14 [CBC] declared a climate emergency in 2019.
 - o It goes on to say that: "Research shows that a minimum 10% biodiversity net gain is required to prevent biodiversity degradation". This is not the case here.
- As an example of wildlife that would be adversely affected by this development – there is a badger sett close to the area the developer has applied to build over. The badgers have a right to a home, every bit as much as we do. Yes, if it suits, we will move them – like the rest of our wildlife, plants, animals and fungi – over a bit, squeeze them into ever smaller areas, until the area they have is no longer adequate to sustain them. Then we wonder what happened. Why we have no local wildlife? Why there are no bees? Why certain species get out of control? I would like to remind Members that badgers are the UK's last remaining, native, large carnivores. Badgers and their setts are protected by The Protection of Badgers Act 1992. This law strictly prohibits any malicious or negligent act which disturbs badgers or their homes. Development projects can result in the loss of badger foraging areas. Badgers are ecosystem engineers and the loss of viable habitat for badgers has wide reaching consequences for other native plants and animals.

- The Campaign for the Protection of Rural England has also lodged a strong objection to the application, due to the site of the proposed development being within the Cotswold National Landscape which has the greatest degree of protection afforded by national guidance and local policy. I would like to draw the committee's attention to that objection. They reference specifically NPPF section 15, in particular paragraphs 187 and 189, JCS policy SD7, and the recently adopted Cotswold National Landscape Management Plan which emphasises the importance of higher tier guidance and policy. The Campaign for the Protection of Rural England's view is that the adverse effects of the proposed development outweigh any benefits, that the application is contrary to policy and is not supported by relevant material considerations.

In response to Members' questions, officers confirmed that:

- A footpath diversion is not part of the planning application proposal so cannot be considered at this meeting. The footpath link is an alternative route through and would provide a safer and more accessible route so people can avoid using the track used by commercial vehicles. It would be a mown path through the site, rather than a hard surface track. A footpath diversion application would be a lengthy process. The county council's right of way officer was consulted and they did not suggest a footpath diversion, as they felt the proposal didn't affect the existing right of way.
- Before a footpath (including the proposed alternative footpath) can be included on the definitive maps it has to be an established footpath.
- No direct consultation response was received from the Cotswold Conservation Board, instead they referred us to the national and local planning policy guidance relevant to development within the Cotswold National Landscape.
- The biodiversity gain plan includes some replacement of a non-native laurel hedge along the western boundary of the site and some replacement hedging throughout on all boundaries. The issue of ownership of the hedging was brought to officer's attention a couple of weeks ago and they have been trying to seek clarification from the applicant. Believe the conclusion is that there is potentially some laurel hedge inside the application boundary and some outside. Where the bases are within the application site it will be replaced. The reserved matters application will also be required to include an updated biodiversity net gain plan, so any anomalies will be picked up at this stage.
- The previous proposal on adjacent land that was refused at appeal has also been considered by the landscape architect. The primary difference between the two applications is that the appeal site is very different in character. It is far smaller, five houses were proposed on that site and the layout of the scheme was frontage development. The scheme would have had a far more significant impact in blocking the important view of the escarpment than the current application proposal. The current application is a far larger site that retains the important views and limits development to one side. It is also on the edge of the settlement boundary and is not separated from it. The refused scheme was far more isolated, and it would have urbanised that space and

closed the gap between Ham and Charlton Kings, whereas the current application does not do that to the same extent.

- The Legal Officer noted that the appeal decision may have predated the 11d tiled balance analysis, so it may well be that when the decision was made the merits as assessed were against the development plan and other material considerations. Now, following government guidance within the NPPF we have to give a greater presumption in favour of development unless the harm demonstrably and significantly outweighs the benefits of the scheme.
- The application being for self-build dwellings is a reason in favour of the development. It remains the case that there is a planning balance to be done and the pros and cons of the development have to be weighed up in that planning balance exercise. The council has a duty to maintain a self-build register and when considering to grant planning permission, should have regard to proposals which contribute to meeting the demands of the register. This does not mean that the committee is obliged to grant permission, but it is something that carries an elevated level of weight in the balance. There is a statutory requirement for the Council to have a certain level of self-build plots on its register, which the council is falling short of which makes this a weighty material consideration, and this would be considered by the inspector at an appeal. It would be up to the inspector how much weight that would be given but it is likely to be significant.
- The drainage officer has reviewed the drainage strategy provided at this outline stage. The reserved matters details would need to include a detailed surface water drainage strategy (SuDS) and a foul water drainage strategy. Any issues with the soakaway which weren't raised by the drainage officer should be picked up at that stage when there is a detailed scheme.

The matter then went to Member debate where the following points were made:

- The application has been described by the planning officer as "an extension of the urban fringe." That is an extension of Cheltenham into the Cotswold National Landscape. Two key points, building beyond Cheltenham's urban boundary is in conflict with the local Joint Core Strategy (JCS) and also with the NPPF. Secondly, the impact on the Cotswold National Landscape would be similarly contrary to the JCS and NPPF. The application is against strategy, both local and national.
- Many strong reasons why the application could or should be refused. However, appreciate the need for self-build and the principal of self-build. There is not enough self-build in the UK. There are other countries where self-build is the norm, with large estates built by developers as the exception. Self-build offers much more diversity and more interesting buildings.
- Whilst this site is within the Cotswold National Landscape, which provides a good reason for refusal, it is on the very edge of the area. Whilst there will be some effect on the views into the AONB, in line with officers, believe this to be minimal. Of the opinion that the effects of the development are minimal and need to be weighed against the need for houses, including larger houses. Good reason to support the development.

- Feel as if the plan is to sneak in houses where it will not quite be noticed that they are outside the urban area. What is to stop another line being sneaked in and another and them creeping across the landscape? Would prefer to see houses dotted with lots of space between them in valleys where you would not be seen.
- Minded that we have to build and are under pressure to do so but do not feel we should give in on this due to the risk of creep and further building in the future. Also concerned that each house could come back and change the design, so the committee cannot know how the development will end up.
- There are only six areas of biodiversity left in Cheltenham and the town is incredibly short of land, which does not allow for building in the valleys. Deeply resent those who have planning permission for large schemes and are sitting on them and not doing anything. Worried about what we are signing up for if approved.
- Understand the strong planning case that has been made for this development but believe it is possible as a councillor to have a slightly different perspective than the planning officers. For instance, mindful of the massive local objection and complete lack of local support and will take that into account.
- The strongest argument against the development is that the Cotswold National Landscape has always been sacrosanct. It is unthinkable to sacrifice that for a tiny contribution towards Cheltenham's housing need. Have been under huge pressure as a committee to build due to a bonkers local and national target. Not confident that in the medium or long-term view these houses will be needed given the current low birth rates. Conscious that as planners we have to heed these targets. Do not feel that the contribution of four houses towards an impossible target is going to be materially helpful.
- When is harm not harm? Agree that a lot of this development is contrary to policies. Have discussed the NPPF, JCS policy, Cheltenham Plan and Cotswold National Landscape Management Plan. Appreciate the strong arguments that officers have provided. However, it is contrary to what we stand for in protecting the environment. The proposal does not conserve or enhance the natural beauty of the Cotswold National Landscape.
- The field in question is currently not publicly accessible. So, there is an argument that has been made that this enhances the environment for those wandering onto the field.
- Find it somewhat ironic that we quote these four dwellings as adding to our housing stock, when only just a few hundred yards away we were arguing against holiday lets transferring to residential properties. In that case the committee took the opposite view to the planning officers. Obviously, the housing really needed is social generally and considerably lower value than the ones proposed, which are likely to be multi-million pound properties.
- Concerned that with the lack of major objections from the likes of Natural England or Highways that should this go to the planning inspector at appeal it will be overturned. Suspect that if granted it may end up under judicial review, so either way suspect this will not be the end of the saga. On balance not

particularly happy with the choice but would accept the planning officer's recommendation.

- In terms of biodiversity do not like offsetting. Do not know exactly where they are planning to offset the loss but if it is just protecting a section of forest that does not represent a biodiversity gain. It is also important that if approved, the offsetting occurs in Gloucestershire and ideally adds to the western forest project.

The Legal Officer responded to the following points made during the debate:

- The consideration of encroachment in terms of granting this application and fear this will lead to copycat applications is not a material consideration. The application has to be considered on its own merits and not be forecasted into the future to see what ramifications may or may not happen.
- On the matter of the strong local objection, that is also not a material consideration and cannot be weighed in the balance. Whilst it is clear that the objection is there, it is vital it should not be allowed to interfere with the decision-making process.
- Judicial review will only come into effect if the committee's decision is considered totally unreasonable. If refused, then the application would be open to appeal. If granted, it could be subject to a judicial review but the criteria for that is very strict.

The Member debate continued where the following points were made:

- Very conflicted. Lived in Cheltenham entire life, came on to the planning committee to try and enhance Cheltenham and preserve all the local green spaces. But committee members have to work by planning rules. The tilted planning balance is like having one hand tied behind your back, and to a certain extent it affects every decision made. Honestly believe that if refused this will be taken to appeal and overturned, which would cost the people of Cheltenham money. It is a councillor's job to try and look after the interests of the people of Cheltenham and for that reason will have to support the officer's recommendation.
- The Vice Chair offered his thanks to the committee for their honesty, bravery and opinions. Clearly a very controversial matter that a lot of people find to be egregious, and a lot of people find to be in accordance with legislation. An unfortunate case where planning law does not seem to abide by common sense and a clear example where the committee are pressured into accepting a tilted balance. As a result, are strangled into something that is contrary to the JCS and contrary to what we believe to be right for Cheltenham and for our land. It is a shame as we are likely to be punished at appeal if refused. Whilst the risk of appeal is not necessarily a material planning consideration, it does factor into the decisions taken. Do not know where to stand on this application. On the one hand it is clear that there is a legal belief that approval is correct. On the other hand this is immoral. However, cannot weigh the decision on the basis of morality. Want to go on record to say that this is a clear example of where the government is out of step with the people.

- The Chair noted that the committee is not being forced into a decision. They are to consider the planning laws and planning rules, and the definitive response from officers. In an ideal world we would not build anywhere as it is always going to affect somebody. Objections are received for almost every planning application, but that is not a reason for opposing or rejecting a planning application. The committee has received good advice from the legal officer and a thorough report from the planning officer on the tilted balance. In an ideal world would love to see Cheltenham greened and beautified by trees, but this planning application lies on the basis that it is a responsible way of dealing with the land within our control. The committee has to take a planning view on these issues, not a moral view, a practical one. Government's make all kinds of decisions over the years which some of us disagree with totally but we have to live with them. Would have preferred not to have seen this scheme, but it is a proper planning scheme put forward to the committee and will support the officer's recommendation.

The Legal Officer clarified that the risk of going to appeal is in itself not a material consideration. However, if you are entertaining the possibility, it must be inferred from that that you feel the grounds for refusing the application would bring that into action. Need to be very careful as this is a two-edged sword. The risk is there but that does not mean it is a material consideration. Entertaining the possibility suggests that in your mind the decision should legally be in a particular direction.

The Member debate continued where the following points were made:

- The Vice Chair agreed that this is a thorough report and is in accordance with planning law. He highlighted that he feels it is a shame that it is in accordance but that he understands the committee cannot vote on moral considerations. Wanted to make sure the point is clearly understood that the committee have to vote on the basis of planning law.
- One councillor noted that his ward is on the west of Cheltenham where in excess of 4000 homes plus offices are being built. He lives in a house that was once in the middle of an orchard. Whilst these proposed houses are in a beautiful area, it is not comparable. Would love for the fields on the west of Cheltenham to remain green but there is a need for houses and for employment land and he is prepared to sacrifice that for the homes and the workspaces. Here we are talking about 4 houses, not 4000. Will support the officer's recommendations.
- There is a balancing act here. We are in an insect crisis, we need this land and four houses is a drop in the ocean against Cheltenham's housing need. Cannot see that it outweighs the harm that is going to be done by the development of this site.

The senior planning officer clarified the following points as part of their final right of reply:

- In regards to the house types and design changing substantially at reserved matters stage. The applicant has provided plot passports/design codes that are quite rigid. These will inform the reserved matters proposals and provide

adequate control over future design, including the materials pallet and the roof forms. There is coherence and consistency between all four but some flexibility would still be allowed in terms of internal layout and perhaps some minor tweaks to building footprints and other aspects. However, the height and floor areas are fixed so in this case there would be minimal changes to the indicative proposals.

- On the matter of creep. As previously set out, the applicant has agreed to enter into a section 106 obligation to retain two thirds of the site as open space, including the new footpath. That would effectively sterilise the land against future development. Therefore, any creep within the application site is extremely unlikely.
- If the resolution is to grant outline planning permission one further condition would need to be added in relation to a waste minimisation statement. This is due to a late representation from the county council. It is recommended that the wording of this condition be agreed through the Chair and Vice Chair.

The matter then went to the vote on the officer recommendation to permit subject to stated conditions and a S106 agreement, and one additional condition, wording to be agreed with the Chair and Vice Chair.

For: 5

Against: 6

Abstain: 0

Voted against the officer recommendation to permit the application.

The committee discussed reasons for refusal and cited the following:

- Primary concern that the boundaries of Cheltenham are being extended into the Cotswold National Landscape and this is such precious land.
- Conflicts with paragraphs 187a and 189 of the NPPF, and SD7 and SD10 of the JCS.

The Head of Planning noted that as we do not have a 5-year housing land supply, development needs to be approved and in particular where the policies that are most important for determining the application are out of date. In this particular case members need to be clear that there is a strong reason for refusing the application or whether there is any adverse impact of granting that would significantly and demonstrably outweigh the benefits. Need to understand what the strong reason is and what the policies are that support that reason.

The Legal Officer advised that the policies are outlined in the report and that the committee needs to identify by chapter and verse which policies were used to come to the conclusion that effectively the tilted balance has not swayed the committee and that the presumption in favour of development has been displaced.

The Vice Chair suggested consideration of SD7 and SD10 of the JCS in response to paragraph 11d(i) of the NPPF. He noted that paragraph 11dii might overrule these policies and asked for officers' advice. The Legal Officer confirmed that if the committee identified those policies as effectively overcoming the tilted balance and paragraph 11dii of the NPPF, then they can be given as reasons for refusal.

One Member noted that the Campaign for the Protection of Rural England objection stated that they "consider the proposed development is contrary to policy and guidance at all levels. NPPF section 15 and, in particular, paragraphs 187 and 189". It also goes on to discuss JCS policy. He noted that it also doesn't conform with the Cheltenham Plan. He proposed that this be used as a basis for refusal. The Head of Planning confirmed that the objection refers to JCS SD6 (landscape) and SD7 (AONB), which seek to preserve and enhance the landscape within those areas. If the committee is of the view that the application is contrary to those policies, then that is a legitimate reason for refusal.

The committee then voted to delegate authority to the Head of Planning in consultation with the Chair and Vice Chair of the Committee to agree the exact wording of the refusal to refuse the application, which was carried.

9 Appeal Update

The appeal updates were noted.

10 Any other items the Chairman determines urgent and requires a decision

There were none.