

Coberley Parish Council

17/03352/FUL: Full Application for Removal of Conditions 1 (temporary use and occupancy) and 3 (restoration of site) of planning permission 15/04432/FUL to allow permanent retention of the site at Land Parcel Opposite Windmill Farm Hartley Lane Leckhampton Hill Coberley Gloucestershire

Coberley Parish Council opposes this application on the grounds that it would cause permanent harm to the AONB, the Cotswold Way National Trail and allow unacceptable increased urbanisation of the countryside.

Paragraph 115 of the National Planning Policy Framework states: “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

Furthermore, the Planning Policy for Traveller Sites is clear that as part of the Government’s aim to ensure fair and equal treatment for travellers local authorities have due regard to the protection of local amenity and local environment. Additionally, it is clear that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites then this should be a significant material consideration when considering temporary planning permission. The exception to this is where the proposal is on designated land including Areas of Outstanding Natural Beauty.

In the Appeal Decisions made on 7 August 2013 regarding an adjacent site to the south, when he gave temporary permission to a site defined under Appeal D (APP/F1610/A/13/2192673), an Appeal Inspector has already made clear that further expansion into adjacent land is unacceptable in terms of the impact on the AONB. In three out of four of the Decisions, the Appeals were dismissed (Appeal A: APP/F1610/C/12/2190154; Appeal B: APP/F1610/C/12/2190155, and Appeal C: APP/F1610/C/13/2191310)

He said:

Para 11: In my view, therefore, the harm caused by the site as it stands, is considerable. It is highly visible, even with screening, and stands out in views across the valley. However, if I consider just the site proposed in appeal D, the harm would be reduced.

I am required by the Framework to give great weight to conserving the AONB, and bearing this in mind I find the site does cause significant harm, but the proposed site of appeal D less so.

Para 21: I have found the establishment of a residential mobile home and its ancillary structures causes considerable harm to the AONB and this attracts great weight.

Most relevant to the present Application is what the Inspector said in Para 25: I shall dismiss appeals A and B so that the notices on the northern site come back into effect and prevent the use of that land for the stationing of the mobile home for residential purposes and require the removal of the extension of the hard-standing, the decking, ancillary structure and play equipment.

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In earlier applications with regard to the Application Site and that to the south, CDC has clearly stated its recognition of the harm which these developments will cause to the area.

In Decision Notice dated 11 December 2014 giving temporary permission against Application 14/02614/FUL, CDC recognised the harm which this development would cause. In the reason given against Condition 3, it stated: Permanent development of this type may cause a nuisance or would detract from the amenity of the area having regard to the open countryside location of the site within the Cotswolds Area of Outstanding Natural Beauty, in accordance with Cotswold District Local Plan Policy 19 and Paragraph 115 of the NPPF.

Earlier, when CDC twice refused permission for erection of stables and construction of hard standing on part of this land (Applications 12/03218/FUL on 9 October 2012 and 14/00303/FUL on 18 March 2014), they gave the reason as: The cumulative impact of the proposed development together with the existing stables that are in close proximity to the application site would result in an unacceptable suburbanisation of this attractive rural area that would have a significant adverse impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. The proposal is therefore contrary to Paragraph 115 of the National Planning Policy Framework.

When CDC refused the Application 12/04857/FUL on the adjacent site to the south, on 18 December 2012, it gave as reason: The site forms part of attractive and predominantly undeveloped countryside located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and outside of any settlement or recognised development boundary. The use of part of the land as a caravan site along with associated structures, equipment and domestic paraphernalia would result in an urbanising effect which is out of keeping with, and detrimental to, the rural landscape character and beauty of this part of the Cotswolds AONB.

The latest Planning Policy for Traveller Sites, August 2015 states:

Para 14: When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Para 25: Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

To the best of the Parish Council's knowledge, there is currently a smaller population in the nearby settled community on Hartley Lane than in the 2 traveller sites. With this being the case there is clear potential for the site, in conjunction with the other pitches present and proposed on the adjoining site, to dominate the nearest settled community.

Para 27: 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. 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;

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Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Footnote 9 is clear that “There is no presumption that a temporary grant of planning permission should be granted permanently.”

Given that there is no presumption for a temporary consent to be granted permanently, and the fact that the site is within the AONB where a lack of deliverable sites is not deemed to be a significant material consideration, the removal of the conditions and the creation of permanent pitches is contrary to national policy.

The Evidence Papers, entitled EVIDENCE PAPER: ADVISORY PANEL ON GYPSY AND TRAVELLERS SITE ALLOCATIONS ASSESSMENT NOVEMBER 2014 which support the emerging Local Plan 2011 – 2031, state in the Summary of Advisory Panel Appraisal with regard to the Application Site, designated as GT_8:

The site falls within the AONB and is directly adjacent to the Cotswold Way (a national trail of high community and tourism value) and development at this site could have a detrimental impact.

It is designated only as a ‘Reserve Site’

It is also noted that the Council can, in any event, demonstrate a deliverable 5 year supply of pitches and thus there is no clear need for any further additional permanent pitches. This is also supported by the sites “reserved” status in the emerging local plan.

It is therefore, consistently clear from all these policies and statements that, to grant the Application Site permanent status would cause lasting harm to the AONB and rural Cotswold countryside, with the immediately adjacent, internationally popular Cotswold Way.

Coberley Parish Council requests Cotswold District Council to refuse this Application and ensure that residential occupation of this land ceases when the temporary permission expires in December 2017, that the land is returned to its former rural countryside status and that accommodation is sourced for the families in a more appropriate area.

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24 September 2017