

Opening Statement

Land at Oakley Farm, Cheltenham APP/B1605/W/21/3273053



Friends of Oakley Farm
Pasture Slopes



www.friendsofoakleyfarm.org.uk/website.com/oakley

Oakley Farm Pasture Slopes: Outline application (20/01069/OUT) is for a development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. As a group, the Friends of Oakley Farm Pasture Slopes objects to this proposal. What follows is our opening statement for the inquiry which outlines our reasoning.

1 Introduction.

- 1.1 This opening statement is made on behalf of the Friends of Oakley Farm Pasture Slopes, hereafter referred to as the Friends Group, and relates to the proposal by Robert Hitchins Ltd for the development of up to 250 houses on valued countryside on the outskirts of Cheltenham town. The land is known locally as Oakley Farm.
- 1.2 We represent the views of many local people who are against this inappropriate development on land that forms part of the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 We would like to make it clear that we are not against development in the AONB providing it is appropriate and in accordance with policy.

2 Background.

- 2.1 Towards the end of 2018, local residents, aware that Oakley Farm had recently been sold, became concerned about tree felling on this land. With the help of the Cheltenham Tree Group, they shared their concerns with the CBC Tree Protection Officer and action was taken to ensure that most of the wonderful trees on the site were, from that time onward, protected. Awareness of this tree-felling prompted a gathering of local people in March 2019 and the Friends Group was formed shortly after. The outline application on behalf of Robert Hitchins Ltd was submitted over a year later.

- 2.2 After attending a public consultation meeting on 26th June 2019, which was organised for the local community on behalf of the new landowner, residents in the area became very concerned about this potential development and the strength of opposition grew, as did the number of our group members.
- 2.3 The lack of hedge cutting and shrub maintenance along Harp Hill and public footpath 86, which resulted in the loss of much-loved views, was also noted by many.
- 2.4 The outline application itself, including an indicative plan, and its supporting documentation did little to allay people's fears.
- 2.5 What followed were over 370 genuine and compelling objections from local people submitted to CBC with not a single voice in support, despite the need for housing in the borough. In the main, people went to great effort to express their thoughts on AONB protection, traffic levels, wildlife protection, flooding, and residential amenity. Local organisations such as the Campaign to Protect Rural England and the Cheltenham Civic Society also opposed the application. The Parish Council objected unanimously, and the CBC Planning Committee voted unanimously in support of the planning officers' putative reasons for refusal in her report for this appeal. There is little need therefore, for our group to provide yet more in-depth evidence in support of the assertion that this application is not in the public interest, although we will cover the topics of well-being and sustainable economic growth, which also fit into this category, later.

- 2.6 Local people who appreciate and enjoy spending time in this area of suburban Cheltenham come from different parts of the town, as can be seen from the range of addresses on objections. Some are from those recognised as more prosperous areas, and some are from those less so. They are from all walks of life. Many enjoy the attractions of easily accessible countryside in their time off from work, others in their retirement, and some because, when money is short and life is hard, it is their only “free” pleasure. No-one living in Cheltenham has formally written to CBC supporting this development even though, like many other areas of the UK, there is an identified need for housing in this town. This shows that quality of life and enjoyment of the natural environment is clearly important to the local community.
- 2.7 According to the comments submitted by the public, they fully agree with the council’s reasons for refusal. The refusal reasons in relation to infrastructure have been highlighted time and time again by local residents, as have the issues of flood risk and the effect on wildlife. We will not give evidence at the inquiry on these points however as we are unable to provide the data and professional knowledge that would be needed in order to do so.
- 2.8 We will though, provide evidence in strong support of CBC’s views on Heritage, AONB protection and Landscape, with particular focus on visual amenity. And further, we will present additional points for refusal to those presented by the planning officer on behalf of local people. These include significant harm to Residential Amenity, Cheltenham’s Setting and Sustainable Economic Growth.
- 2.9 Our proofs for this inquiry will question the appellant’s Environmental Statement (EIA) with emphasis on sections 6 (Landscape and Visual) and 8 (Cultural Heritage). It will also raise some planning considerations.

3 The Friends Group’s main points for refusal.

3.1 Landscape, Views and Visual Amenity

- 3.1.1 There is little doubt that these fields form a landscape of intrinsic beauty, worthy of their national designation. Views from Harp Hill, which has attracted observers for many years, are of sheep grazing in fields, historic hedgerows and veteran and ancient trees, providing the foreground to distant views of the Malvern Hills AONB and middle-distance views of the wide expanse of the Cotswolds AONB escarpment and Cleeve Common. From many points on the fields' boundaries one can experience a peaceful and harmonious setting of a rural and tranquil country landscape.
- 3.1.2 The applicant has placed a good deal of emphasis and reliance on the screening effect of the tree belt mitigation planting that is proposed to hide the development. Screening seems to be the solution to all ills in this proposal. To provide the level of screening depicted in the photomontages, the trees would need to be over 30 years old. This is a fantastical rather than a realistic solution.
- 3.1.3 Although the applicant emphasises that the upper part of the site will be free from development and that new views will be created through the new access, these new views will be scarred by buildings, roads, parked cars and other paraphernalia that comes with housing estate life. This would undoubtedly compromise the predominantly rural character of this part of the AONB.
- 3.1.4 The development and its access roads would be very prominent from widespread elevated views from within the AONB. This would be particularly apparent from the highest point in the Cotswolds situated within Cleeve Common, and from several footpaths on Cleeve Hill, including but not limited to an extended and open section of the nationally recognised Cotswold Way long distance trail.
- 3.1.5 More locally, the proposed development would be an extremely prominent feature from both Charlton Kings footpath 12 and Priors Road. Significantly, there would also be a very substantial alteration to the views of the Cotswold escarpment from Cheltenham footpath 86, which borders the site's western boundary and Harp Hill. New houses or tree screening would dominate a large proportion of this view and the openness and rural feel currently afforded from this footpath would be severely harmed.

3.1.6 The applicant attempts to play down the visibility of the site from many significant areas. They describe the lower slopes (qualified as being those areas where development is proposed, which covers well over two thirds of the site) as not being visually prominent, and therefore justifying a moderate assessment as opposed to high in relation to visual sensitivity. We will provide evidence in support of other professionals at this inquiry, particularly in the form of photographs, to prove that this is not the case.

3.2 Heritage

3.2.1 Our evidence not only defines heritage assets and their significance, but in addition to comments provided by the CBC Heritage and Conservation consultee, focuses on the reservoir's setting and the historical significance of this setting to Cheltenham town.

3.2.2 The proposal in its current form will create less than substantial harm to designated heritage assets and substantial harm to non-designated heritage assets. It fails to make a positive contribution to local character and neither conserves nor enhances the significance of the heritage assets or their setting. It is therefore contrary to JCS policy SD8.

3.3 AONB Protection, Conservation and Enhancement

3.3.1 The pastures were originally designated as an AONB in 1966, when this landscape with its sloping pastures, hedgerows and wonderful oak trees was acknowledged as an area of importance. In 1990, the boundary was not only reconfirmed but expanded to include the most westerly field of Oakley Farm, despite being bordered by residential areas and the huge and unsightly buildings of the old GCHQ site. That site did not detract from the AONB designation. Housing, which was then in situ, along with housing which has more recently replaced the GCHQ buildings, should not be used as leverage to mitigate what would therefore be infill development. Little has changed in over 30 years in terms of the extent of the built environment.

3.3.2 Policy references to AONB conservation and enhancement, the protection of valued landscape, and areas of acknowledged importance are too numerous to read out here, but are very apparent in the Crow Act, NPPF, JCS, CP and the Cotswolds AONB Management Plan. It is therefore unthinkable that Oakley Farm Pastures, which sits entirely within the AONB, should even be at risk of development. The land was independently assessed in the CBC commissioned Landscape Character and Sensitivity Assessment of Cotswolds AONB as having high visual sensitivity, high landscape character sensitivity, high landscape value and low capacity for development long before this planning application was submitted, and this assessment has been recently confirmed by an up-to-date report specifically commissioned for this appeal.

3.3.3 Many people have quoted in their objections the national policies intended to protect the AONB for future generations, and trust that we focus on the spirit and intentions of these policies despite the occasionally questionable wording. The overriding objective of these government policies and those of the statutory Cotswolds Conservation Board when it comes to the AONB is to Conserve, Protect and Enhance. Nothing in this proposal does any of these things.

4 The Friends Group's additional points for refusal.

4.1 Loss of Residential Amenity

4.1.1 Although the appellant's plan for houses is illustrative, they have made it clear in their draft Statement of Common Ground that it was "submitted to demonstrate how the appeal site could deliver the scale and nature of the development that has been proposed. It demonstrates how the development could be laid out to respond to the constraints and opportunities of the site." In our opinion Residential Amenity should therefore be considered now in support of a case for refusal.

4.1.2 For the occupiers of properties on the site's north-eastern boundary, their open and expansive outlook of sloping pastures, fringed with historic hedgerows and ancient and veteran trees will be lost. This outlook will be replaced by close quarter development resulting in overlooking and a significant loss of privacy. Changes to the living conditions, at approximately fourteen properties in this northeast section, would be adversely significant, especially for those with homes where living accommodation and main outside space is at first floor level. Here currently sunny gardens would also be shaded by tree mitigation measures. Changes to the visual amenity encountered from public areas within the Oakley Grange development will also be of detrimental harm.

4.2 Well-being

Cheltenham's attractive setting with its AONB backdrop is undoubtedly one of its prime assets and is recognised as a key factor in helping to achieve sustainable economic growth and to secure social well-being, both of which we consider to be in the public interest. [CP 7.4](#), [7.5](#).

4.2.1 On the topic of well-being, our opinion is, that the views of Oakley Farm and its pastures are appreciated by both those who live in this part of Cheltenham and those who visit. The scenery, with its variety of ancient trees and wildlife habitats so easily accessible from the town, are still enjoyed today as they have been for many years by residents and visitors when walking, running or cycling on the site's surrounding roads or when using local public footpaths.

4.2.2 Since this application was submitted, an unprecedented event in our lives has been the Covid-19 pandemic. Being physically active outdoors is generally important but has been especially so during the pandemic. Walking, jogging and cycling are great ways to stay fit and the numbers of people drawn to this easily accessible area of countryside to enjoy these activities has increased significantly in recent times. Increased traffic levels and the replacement of what are currently uninterrupted views by so-called "new views" of the proposed development are likely to discourage many from keeping up their new regimes.

4.2.3 Not everyone either wants to or is able to stray far from their local area and extend their walks more deeply into the AONB, particularly the elderly, very young families or those with disabilities. Many like to take advantage of the shorter local strolls available on their doorsteps and would clearly wish to continue this pleasure whilst enjoying wonderful uninterrupted panoramic views from a road with a countryside feel or from public footpath 86.

4.3 Sustainable Economic Growth – Visitors and Tourism.

4.3.1 Tourism has been an integral part of Cheltenham’s economy since its development as a regency spa in the second half of the 18th Century. Tourism provides important employment opportunities for the local workforce. [CP 3.35](#)

4.3.2 This area of the Cotswolds AONB, which includes Cleeve Common Site of Special Scientific Interest (SSSI) and the Cotswold Way National Trail, is a considerable draw to tourists visiting the area and Cheltenham town itself. Visitors can take in some of the best views across the Cotswolds and the Severn Vale. Oakley Farm, with its park-like setting forms an integral part of these views. [CP 2.9](#)

4.3.3 One of the routes to Cleeve Hill, a popular attraction for visitors and local residents, is via Harp Hill (where the proposed access to the development is to be situated). Harp Hill allows superb open views of Cheltenham town and over Oakley Farm Pasture Slopes, offering “a taste of what is to come” as pedestrians and vehicles make their way higher up the escarpment and further into the Cotswolds.

4.4 Setting

4.4.1 Cheltenham owes much to its setting at the foot of the Cotswolds escarpment. Oakley Farm forms an important part of this escarpment and is viewable from many parts of the town. (Examples are Priors Rd, Ladysmith Rd and Barley Rd). The Cheltenham Plan emphasises the need to avoid harm to the town’s setting and stresses the importance of protecting the scarp as the dominant feature.

5 **Other Considerations**

5.1 Wildlife and Wildlife Habitats

5.1.1 Local people are concerned about the loss of ancient trees and hedgerows and the effect on wildlife. The Friends Group's foresight in relation to tree protection was fortuitous but despite this, it is acknowledged by the Tree Officer in his report that this proposal will involve substantial tree removals. Historic hedgerows will also be destroyed and, although the applicant claims to demonstrate a net gain in biodiversity, this net gain will take many years to come to fruition and will likely require regular expensive monitoring by CBC to ensure delivery and maintenance. In fact, only yesterday (6 September), as was widely covered in the media, the CPRE published their groundbreaking report into hedgerows which shows that increasing the hedgerow network by 40% would make a large contribution to the UK's climate obligations to reduce emissions by 80% before 2050; additionally this would enhance biodiversity, aiding the recovery of species which would otherwise continue to decline. This is not to mention the economic benefits of adopting such a policy, for example generating over 25,000 more jobs in a 30-year period and as much as £3.92 for every £1 invested in hedgerows.

5.2 Exceptional Circumstances

5.2.1 The Planning Balance

NPPF paras. 11, 174, 176 and 177 are significant policies in this case. We will show how these policies will provide a clear reason for refusing this proposal, thus disengaging the "Tilted Balance", and how when great weight is given to the harm that this proposal brings to conserving and enhancing scenic beauty the planning balance will fall to dismiss the appeal.

5.2.2 Housing Land Supply

While it is noted that the proposal would provide a contribution to the Cheltenham 5YHLS, this does not necessarily mean that the borough's circumstances are sufficiently exceptional to warrant the approval of this particular development in the AONB. After all, many other planning authorities are in similar short-fall positions and like them, CBC are correctly pursuing alternative solutions. Additionally, Oakley Farm surely cannot be classed as a genuinely

exceptional case; it is hardly on a par with, for example, the A417 missing link or the new Sizewell C nuclear power plant proposals, which have clearly warranted serious consideration in relation to their cases for destruction of AONBs.

The housing shortfall in Cheltenham is temporary and mainly due to strategic allocations being delayed. This strategic shortfall should not be recovered, even partially, by a non-strategic allocation from within the AONB. There is no evidence of a housing need arising from within the AONB and this development will not in any way enhance it.

5.3 **Conclusion.**

5.3.1 The Cheltenham Plan sets out the vision for the town. It identifies those sites within the Principle Urban Area of the borough, which together with supporting infrastructure have already been agreed for development by locally delegated councillors representing the people of Cheltenham. The Plan, which protects the borough's natural and built heritage, has been adopted by those councillors, is the democratically chosen way forward, and provides the overarching method for managing and guiding development through the Council's decisions on planning applications. It does not feel right that the considerations, debate, effort, and decisions hitherto associated with the production of this Plan should now be undermined by this unpopular and unwanted major development proposal.

5.3.2 Although Cheltenham does not have a five-year housing land supply, the permanent destruction of Oakley Farm Pasture Slopes, which sits entirely within the AONB, should not be part of the solution to this issue. Furthermore, this proposal is not in line with the spirit of those policies and guidelines which have been put in place with the intention to enhance, conserve and protect designated landscapes such as this.

5.3.3 The Friends of Oakley Farm Pastures Group would ask that this appeal is dismissed. Thank you, Sir and the other parties for listening to our opening statement.