

## Annex 8: Inspectors' comments

**A compilation of planning inspectors' comments and conclusions over time in relation to Leckhampton's valued local landscape, Local Green Space designation and the value of Leckhampton's green spaces to the community.**

Extract from Landscape Character Assessment Update with evaluation of landscape value  
B3LCA Update © Lepus Consulting for Leckhampton with Warden Hill Parish Council

### 1: Inspector's Interim Report – EXAM 232, Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Inspector Ord, 31<sup>st</sup> May 2016.

<p>Para 112</p>	<p>In my Preliminary Findings I indicated that I was not minded to find the Tewksbury side of the Leckhampton allocation, West of Farm Lane, sound and that overall, built development should avoid areas of high landscape and visual sensitivity. Having considered additional evidence submitted since then, including Redrow's planning application documents relating to Land West of Farm Lane, I remain of this view.</p>
<p>Para 114</p>	<p>I also note that the Council's Landscape Officer referred to stunning views from Leckhampton Hill from the Devils Chimney and Cotswold Way, which would be negatively impacted, bringing the perception of the southern edge of Cheltenham closer to the viewer with a greater mass of conurbation in view. In my judgement, development on the West of Farm Lane site is environmentally unsustainable mainly due to its impact on the setting of the Cotswold Hills AONB and the high landscape and visual sensitivity of the site.</p>
<p>Para 117</p>	<p>From my site visit observations, the adjacent land, East of Farm Lane, is also highly sensitive to development mainly due to its proximity to the AONB and stunning views into and out of the AONB. The various significant heritage assets in the south of the site add further interest and sensitivity, rendering this area unsuitable for built development on environmental sustainability grounds. Therefore, the area to the south of the allocation, coloured red for high landscape and visual sensitivity on the Landscape and Visual Sensitivity plan<sup>[113]</sup>, should remain as green infrastructure.</p>
<p>Para 118</p>	<p>Furthermore, the Urban Extensions Definition Study shows other areas of high landscape sensitivity<sup>[114]</sup> scattered throughout the site. Additionally, there are important views from the A46 Shurdington Road across the site onto the Cotswolds Hills, the most spectacular being from the junction with Kidnappers Lane<sup>[115]</sup>.</p>
<p>Para 119</p>	<p>Moreover, the site is crossed by an intricate network of footpaths over the fields, providing impressive views of the Hills from the site's own pleasant, rural environment. On landscape and visual grounds Natural England and the Conservation Board objected to the recently dismissed Bovis/Miller planning appeal for development of up to 650 dwellings on the Cheltenham side of this allocation<sup>[116]</sup>.</p>

Para 120	I note that the Cheltenham Assessment of land availability <sup>[117]</sup> states “In general, a site is considered unsuitable where it is assessed as being of ‘high’ landscape sensitivity”. On this basis, a large part of the site would be unsuitable for built development and, in my judgement, the extent of the proposed development should be significantly reduced.
Para 123	Overall, in my judgement, a limited amount of development could be supported towards the north of the site where public transport is more accessible, subject to the avoidance of land of high landscape and visual sensitivity. Therefore, for reasons of landscape/visual amenity and highway impacts, I recommend that the Cheltenham part of the site be allocated for a modest level of built development in the order of 200 dwellings.
Para 174	As indicated in my Preliminary Findings, in my judgement, the case for Local Green Space designation within both the proposed North West Cheltenham and Leckhampton urban extensions has been made out <sup>[166]</sup> . However, as I am recommending the removal of Leckhampton as a strategic allocation, the Local Green Space designation can be made in either the emerging Cheltenham Local Plan or the forthcoming Neighbourhood Plan.

## 2: Inspector’s Preliminary Findings on Green Belt Release Spatial Strategy and Strategic Allocations - EXAM 146, Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – Inspector Ord, 18th Dec. 2015.

Para 8	In terms of the designation of Local Green Space (LGS), I find that this is justified in principle at both the Leckhampton site and the North West Cheltenham site.
Para 48	Although that part of the site which lies to the south-west of Farm Lane (within Tewkesbury Borough) was considered by the AMEC GB Assessment to have potential to be added to the GB <sup>[42]</sup> , the report stopped short of recommending its inclusion. The AERC GB Review of Cheltenham <sup>[43]</sup> found that the Cheltenham part of the site did not score highly against defined GB purposes.
Para 49	The Strategic Allocations Report <sup>[44]</sup> and Landscape Report <sup>[45]</sup> indicate that its overall landscape sensitivity is high to medium, and that whilst the site lies generally within flood-zone 1, there are small areas which fall within flood-zone 2.
Para 50	A section of the site’s southern boundary lies adjacent to the AONB and some areas of the site are very sensitive to development. In the SA it 10 scored major negative against the landscape sustainability objective, meaning that it is assessed as having a problematical sustainability effect, with mitigation likely to be difficult and/or expensive <sup>[46]</sup> . It is the only strategic allocation to have scored a negative effect above minor against any objective.
Para 51	The Landscape Report indicates that a large part of the allocation, (including land to the south west of Farm Lane) falls within the highest category of landscape and visual sensitivity. One of the key considerations in the Report is that the site has a “very prominent landform and field pattern to the south adjacent to the AONB which is vulnerable to change and is considered a valuable landscape resource” <sup>[47]</sup> .

Para 52	I have reservations about the soundness of developing that part of the proposed allocation which is highly sensitive and which, from my site visit, I noted to be in clear view from within the AONB and other public recreational areas.
Para 53	A number of heritage assets also require careful consideration, including the moated site at Church Farm, the Rectory, Leckhampton Farmhouse and Barn, the Olde England Cottage, the Moat Cottage and Church Farm <sup>[48]</sup> . The Historic Environment Assessment states that “there are major heritage concerns to development” due to the high contribution the area makes to the setting of designated buildings and the high potential for archaeological remains of medium regional significance <sup>[49]</sup> . Development should be avoided that could have a significant impact on these assets unless appropriate mitigation were demonstrated.
Para 54	The section south west of Farm Lane, within Tewkesbury’s boundaries, is an existing allocation within the Tewkesbury Borough Plan. However, the Inspector examining the Tewkesbury Borough Plan had reservations about developing this area and recommended its deletion as an allocation <sup>[50]</sup> . This recommendation was not taken forward by the Council.
Para 59	In summary, balancing the harms and benefits of this site[56], in my judgement some residential development is justified on the Cheltenham part of the site. Nonetheless, this should not be on those areas that have high landscape and visual sensitivity. With this proviso, I am minded to find that the Cheltenham part of the allocation is sound. Submissions are invited from the JCS authorities only on what capacity is justified on this site in view of my comments.
Para 65	Turning to the merits of designation, the proposed LGS lies close to the local community, and is well supported by local people <sup>[60]</sup> . Following public consultation, a range of reasons was submitted in support of the designation. Amongst other things, these relate to the beauty and interest of views, the importance of the network of footpaths for dog walkers and others, opportunities for all year round exercise such as jogging, enjoyment of the historic buildings, hedgerows and trees, and the area’s overall tranquillity <sup>[61]</sup> .
Para 66	<p>In my judgement, the evidence suggests that the NPPF criteria are met and LGS designation is justified. The JSC authorities are requested to consider indicative areas for LGS designation based on two scenarios:</p> <ol style="list-style-type: none"> <li>1) development not proceeding on the Farm Lane site;</li> <li>2) development proceeding on the Farm Lane site.</li> </ol> <p>Further input from relevant developers and Leckhampton with Warden Hill Parish Council, limited to indicative areas, is invited at the forthcoming hearings. Detailed boundaries are best left for either the Cheltenham Borough Plan or the forthcoming Neighbourhood Plan.</p>

**3: Report to the Secretary of State for Communities and Local Government by P W Clark MA MRTPI MCMI. Inquiry held on 22 - 25 September and 29 September – 2 October 2015. Land at Kidnappers Lane Leckhampton, Cheltenham. File Ref: APP/B1605/W/14/3001717, 11 January 2016**

**AND Secretary of State covering letter, Julian Pitt, APP/B1605/W/14/3001717, 5 May 2016.**

<p>Para 19 SoS covering letter</p>	<p>Landscape of the site itself and conclusion on landscape character and appearance</p>
	<p>Turning to the site itself, the Secretary of State has considered the Inspector's assessment at IR257-263 and agrees that, whilst not designated, the site has its own intrinsic charm which gives it value (IR260), is a locally valued landscape, and that its value derives from its own characteristics, of which views towards the AONB are only one of a number of charming features (IR263).</p>
<p>Para 20 SoS covering letter</p>	<p>In conclusion, the Secretary of State agrees that development on this site at the present time would harm the character and appearance of the local area through the loss of a valued landscape (IR264). Although development of the site would no harm more structural elements of the wider contextual landscape character, such as the nearby AONB or the setting of Cheltenham as a whole, its development would cause a local loss and would conflict with LP policies identified at IR265.</p>
<p>Para 29 and 30 SoS covering letter</p>	<p>Overall conclusions and planning balance</p> <p>The Secretary of State agrees with the Inspector's overall conclusions at IR299-310.</p> <p>The Secretary of State concludes that granting permission for the appeal scheme would be contrary to the development plan overall due to the severe residual cumulative transport impacts and through the loss of a locally valued landscape (IR300-301). He has therefore gone on to consider whether there are any material considerations that indicate the proposal should be determined other than in accordance with the development plan.</p>
<p>Para 32 SoS covering letter</p>	<p>The residual cumulative transport impacts of development would be severe, in conflict with Framework paragraph 32. The development would prejudice the possible designation of Local Green Space, in conflict with Framework paragraph 76, and the guidance indicates that allowing the appeal would be premature in such circumstances. Though not designated, the site is clearly a locally valued landscaped which paragraph 109 of the Framework states should be protected.</p> <p>The Secretary of State agrees with the Inspector that all three paragraphs in the Framework indicate that development should be restricted and, in the circumstances of this case, that the appeal should be dismissed (IR305).</p>
<p>Para 10 Inspector Clark's Main Report</p>	<p>Nine reasons for refusal were given in the Council's decision letter<sup>10</sup>. By letter dated 29 May 2015, the Council advised that it did not wish to pursue refusal reasons 1, 2, 3, 6, 7 and 8 but would continue to submit evidence in support of reasons 4, 5 and 9. The Parish Council, in an e- mail of 16 June 2015, confirmed that it resolved to contest the appeal on grounds of transport, landscape and Local Green Space. Those grounds correspond to reasons for refusal 3, 4 and 5. LEGLAG did not give advance notice of any intention not to pursue any matter. Some third parties, including Mr Pollock, specifically asserted their intention not only to pursue all refusal reasons but also additional matters.</p>

<p>Para 156</p> <p>Case for Leckhampton with Warden Hill Parish Council</p>	<p>The landscape value of Leckhampton Fields was comprehensively assessed for the Borough Council in 2003 by Landscape Design Associates (the LDA report).<sup>403</sup> The landscape, and its value, have hardly changed since<sup>404</sup></p>
<p>Para 258</p> <p>Inspector's Conclusions</p>	<p>My site visits, both informal and unaccompanied before the event, and formal and accompanied during the event, convince me that the LDA report referred to by the Parish Council carries the most compelling analysis of the worth of this site rather than the more recent work carried out by the Council and the appellant specifically for this proposal. That earlier report accurately describes the mosaic of land uses, varied topography, landscape history, dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and frequent glimpses of or views to the AONB which combine to make the whole of this site a memorable landscape [156-160]. Those characteristics remain largely unchanged.</p>
<p>Para 260</p> <p>Inspector's Conclusions</p>	<p>In my view, the landscape value of this site depends less on the fact that it can be seen from the AONB, or that from it can be seen the fact that hills surround Cheltenham; rather, it is its own intrinsic charm which gives it value. That intrinsic charm is well described in the LDA report.</p>
<p>Para 261</p> <p>Inspector's Conclusions</p>	<p>There has been a succession of planning Inspectors who have recognised the intrinsic landscape value of this site [37-39 and 43]. I have no reason to disagree with them. I concur with the opinion that it would be sad if Leckhampton fields were to be developed in preference to some less interesting but designated Green Belt land.</p>
<p>Para 265</p> <p>Inspector's Conclusions</p>	<p>It would conflict with those parts of Local Plan policies CP1, CP3, CP7 and CO1 which would permit development only where it would take adequate account of safeguarding attractive landscapes, complement and respect the character of the locality and not harm the visual amenity of the landscape, attributes and features which make a significant contribution to its character, distinctiveness, quality and amenity value. Although consistent with emerging (but not universally accepted) JCS policy SA1 which allocates the site for development and with emerging policy SD8 which requires development to preserve the special qualities of the AONB, it would also conflict with emerging JCS policy SD7, seeking to protect landscape character.</p>
<p>Para 305</p> <p>Inspector's Conclusions</p>	<p>Finally, although not designated, the site is clearly a valued landscape. Paragraph 109 of the NPPF advises that the planning system should protect valued landscapes. Therefore, it seems to me that three specific policies in the NPPF indicate that this development should be restricted and the appeal dismissed.</p>

**4: Cheltenham Borough Local Plan Second Review 1991-2011 Inspector's Report, pp 187, DP527 8 March 2005 David Asher BA DipTP MRTPI<sup>4</sup>**

10.147	I conclude on this issue, therefore, that the development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB.
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**5: Tewkesbury Borough Council Local Plan To 2011 Report Of Public Local Inquiry Into Objections PINSM/G1630/429/5 December 2003 - Mary Travers Ba(Hons) DipTP MRTPI - The Planning Inspectorate**

2.25.11	The site consists of four fields subdivided by substantial hedgerows that are interspersed with hedgerow trees. It has a gently rolling, topography and an attractive pastoral character that in my view links strongly into the landscape of the AONB immediately to the south of Leckhampton Lane. Generally the contours fall from south to north and from east to west and there is a distinct ridge running roughly northwest-southeast through the site so that the south-eastern corner is the most elevated part. A public footpath that traverses the northern part of the site forms a link in a network of rural paths to the east and west of the site.
2.25.12	As can be observed from public vantage points, the site is highly visible from within the AONB, for example from the lower slopes of Leckhampton Hill and from higher up at the Devil's Chimney. It is also visible partly from the west and in long distance views from the north. There is a substantial hedgerow on the western boundary with the Green Belt but this area drops away towards the Vale of Gloucester. As a result, development on the more elevated south-eastern part of the site would be very conspicuous from the western approach along Leckhampton Lane where it would be seen within the context of the AONB. And looking southwards from the public footpath across the site it is apparent that, development would entail a significant intrusion into views of the open countryside and the AONB from the existing edge of the built-up area. It would also sever the link between the rural footpaths to the east and west of the site and replace it with one of an entirely different character. For these reasons and taking into account the scale of the proposed development, I consider that its visual impact on the surrounding countryside would be very significant and that it could not be easily mitigated.
2.25.13	In addition, the site forms part of a swathe of open land that sweeps down from the Cotswolds to pass between Cheltenham and Gloucester and it provides a link between the AONB and the Vale of Gloucester. Development of the site would form an incongruous promontory in this open area, eroding the link and cutting off the rural land to the east of Farm Lane from the tract of countryside to the west. I do not consider that there are any differences in character or appearance between the Cheltenham Borough safeguarded land and the SH1 site that are so significant as to render this incursion less harmful.

## 6: Cheltenham Borough Local Plan Inquiry (1993) - Inspector's Report

6.92	The land at Leckhampton should be protected for its special historical, landscape and amenity value. It represents the last example of the gradual transition between the urban area and the countryside which characterised the Regency town. It should be considered anew for green belt or AONB status, for 'landscape conservation area' status, and as part of a Leckhampton Conservation Area (35A, 129W).
6.95	The land at Leckhampton continues to be farmed with no indication of decline. The structure plan says that development which leads to additional traffic on Bath Road will be resisted, as improvements would be damaging to the environment. The present sewerage system cannot accommodate even limited development on the Leckhampton land, and the Hatherley Brook is loaded to capacity.
6.97	The land at Leckhampton was originally omitted from the green belt with the proviso that the green belt notation might be extended if it appeared at a later date that it should remain open in the long term. The Cheltenham Environs Local Plan (CELP) Inspector concluded that the principles which guided the planners in 1968 applied equally in 1984, and that the land should not be green belt, but should remain open. I have had the benefit of new evidence concerning the character, appearance and historic interest of the land. I have walked over it and examined it from Leckhampton Hill, and reached my own conclusions on its merits. I have also examined Swindon Farm, which the CELP inspector was not asked to do. The Gloucestershire Structure Plan First Alteration (GSPFA) with its strategy of restraint, in great contrast to the high level of development which occurred in the 1980s, was approved only recently (in 1992). In my opinion these are material changes, which have occurred since 1984, in the circumstances surrounding the question of longer term development in Cheltenham. I believe that it would be very sad indeed if development were to proceed at Leckhampton, with its variety and interest.
6.103	The land at Leckhampton appears from the latest available classification (MAFF 1) to be a mixture of Grade 2, 3a and 3b. Although not of the highest quality, the land is in my opinion sufficiently valuable for this factor to be given some weight if it ever becomes necessary to consider whether the land ought to be released.
6.104	The Structure Plan supports the council's contention that Bath Road does not have the traffic capacity to support further development. There is insufficient evidence for me to draw conclusions about the drainage question: there is, at the least, serious uncertainty. Whether these constraints might be overcome in the longer term is not a matter which I need to address. However, they seem to me to be of such importance, and to have implications for such a wide area, that it is reasonable to conclude that the land at Leckhampton would need to be the subject of comprehensive development proposals if it were ever to be developed, as the council suggest. In the meantime, it should in my view continue to be protected from development.