



## Appeal Decision

Inquiry held on 31 January, 2-4 February, 20 April, 9-11 May 2023

Site visit made on 1 February 2023

**by J Ayres BA Hons, Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> November 2023**

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### **Appeal Ref: APP/F1610/W/22/3306694**

### **Land At Ermin Way Farm, Gloucester Road, Stratton, Cirencester, Gloucestershire GL7 2LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by William Gilder Ltd against the decision of Cotswold District Council.
  - The application Ref 20/04673/FUL, dated 22 December 2020, was refused by notice dated 10 March 2022.
  - The development proposed is provision of a new secure roadside truck stop facility, including associated HGV and car parking, drivers facilities building, vehicular access, service yard and landscaping.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The Council confirmed that they were satisfied that reasons 2 and 3 as set out in its reasons for refusal, relating to ecology and arboriculture, could be overcome with suitable conditions. Based on the evidence and the round table discussion on conditions I am satisfied that it is not necessary for me to take this matter any further.
3. On application, the Cotswold AONB Residents Group (CARG) were granted Rule 6(6) status pursuant to The Town and Country Planning (Inquiries Procedure) (England) Rules 2000. The Rule 6 party participated fully in the Inquiry.
4. In addition to the accompanied site visit that took place on 1<sup>st</sup> February I viewed the site from the public realm on a number of occasions during the Inquiry. I considered this to be necessary, due to the length of time between hearing evidence, and also to be able to view the site and area at night.
5. Since the submission of the appellants' appeal, the Revised National Planning Policy Framework (the Framework) was published and came into force on the 5 September 2023. The revisions update policy on planning for onshore wind development in England. As such, the amendments to the Framework are not material in the consideration of the appeal before me.

6. The appellant and the Council agree that the proposal would be major development for the purposes of applying paragraph 177 of the National Planning Policy Framework<sup>1</sup> (the Framework).
7. On 23 December 2022 The department for Transport updated its policy paper regarding the Strategic Road Network, Circular 01/2022<sup>2</sup> (the Circular). The updated circular was addressed in evidence at the Inquiry and I have used the updated circular in my decision.

### **Main Issues**

8. The main issues are:
  - The effect on the character and appearance of the area, having particular regard to the location of the site within the Cotswold Area of Outstanding Natural Beauty (AONB);
  - Whether the proposal would satisfy paragraph 177 of the Framework, namely whether there is a need for the development; whether there is scope to develop outside of the AONB, or to meet any identified need in some other way; the extent to which any detrimental effect on the environment, the landscape and recreational opportunities could be moderated; and whether the findings in respect of the aforementioned issues would culminate in exceptional circumstances, and that the development would be in the public interest.

### **Reasons**

*The effect of the proposal on the character and appearance of the area, having particular regard to the location of the site within the AONB*

9. The appeal site lies within the Cotswold AONB Landscape Character Type LCT 9 and Landscape Character Area LCA 9D, which are both described as Cotswold High Wold Dip-Slope<sup>3</sup>. The special qualities of the AONB include the setting of the site within a soft, rolling landscape which is punctuated by valleys (including the Daglingworth Valley on the other side of the Gloucester Road). The appeal site and its setting is representative of some of the key characteristics of the AONB.
10. The appeal site, being situated near to existing infrastructure and bordered in part by existing vegetation and trees (albeit permeable in appearance), is experienced in visual terms by those travelling along the Gloucester Road and is not publicly accessible. Whilst the site is not publicly accessible, this is not a necessity for it to be a valuable element of the AONB.
11. In its current form the appeal site exhibits several the characteristics of the AONB and enhances its frequent gentle and undulating openness. The sense of openness is particularly apparent when standing within the site, and whilst there is no public access to it, the lack of built form and the very gentle change in gradient are a characteristic of the AONB, and the site contributes to the wide-reaching setting of the AONB. I consider this to be relevant for the appeal site due to its proximity to the significant infrastructure of the A417 and the

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<sup>1</sup> National Planning Policy Framework (published 2023)

<sup>2</sup> Department for Transport 01/2022; Strategic Road Network and the Delivery of Sustainable Development (published 23 December 2022)

<sup>3</sup> Cotswolds AONB Landscape Strategy and Guidelines (June 2016)

urban elements of the towns and villages in the area. Having regard to the encroachment within the AONB that has already occurred, the appeal site is important in actively preserving the character of the AONB.

12. Moreover, and fundamentally, the appeal site contributes to the overall tranquillity of the AONB, this is particularly pertinent in this case because of the nearby A417 which in itself negatively effects the tranquillity of the AONB through its presence within the landscape and its experience as a major trunk road. The concept of tranquillity is applicable to the visual experience of the appeal site as part of a larger field, and in the wider context in respect of the character and form of the AONB.
13. The contribution of the site to the tranquil qualities of the AONB is also legible at night, when the restful tranquil and rural characteristics of the AONB are through stillness and lack of any movement. At night the glare of the A417 is shielded by the existing established tree belts, and light spill from the A417 roundabout junction is largely restricted to the small section of Gloucester Road immediately served by the roundabout. Whilst in the distance the lights of Cirencester are visible, the appeal site is absent of any light or urban development and does not fall victim to light spill from the nearby infrastructure. As such, the appeal site in its current form is a dark and peaceful piece of land, quietly and positively contributing to the qualities of the AONB.
14. The proposed development would result in a site to provide parking for up to 75 HGVs with associated facilities, open for seven days a week. Such a development would result in the introduction of a significant level of infrastructure to what is currently an open field. Regardless of its relationship with the surrounding highway network the site is, simply put, part of a larger open field. The proposed development, which would be some 3.6 hectares, would shatter the openness of the land and install an industrial feature into the AONB with the site being dominated by hardstanding and HGVs. The size and nature of the proposed development would be an alien and discordant feature, imposing itself upon the more natural landscape.
15. As highlighted in the evidence, and as witnessed myself when parked in the adjacent layby on the night of 10 May 2023, the appeal site is quiet and noticeably dormant at night. Traffic along the Gloucester Road is present but sporadic, reflecting its semi-rural character. The proposed development would establish a level of activity and infrastructure that would decimate this tranquillity. The proposal before me did not suggest a restriction upon periods when drivers would enter or exit the site, indeed a restriction of this type would appear to contradict the purpose of such a truck stop providing a rest point for drivers who are required to deliver goods at times beyond the normal shopping and working hours. The concept of HGVs piercing the rural character of Gloucester Road, with the associated light and noise pollution, would cause significant harm to the restful character of the immediate area and in turn the peacefulness and tranquillity of the AONB.
16. The proposed development would incorporate several measures that would attempt to mitigate harm. These include the use of soft landscaping, low level lighting, and design elements of the facilities buildings to replicate the reservoir mounds further along the Gloucester Road. The use of soft landscaping, which would be incorporated alongside significant levels of security fencing, would

result in the partitioning of pastureland. Whilst pastoral use in the present day may be low level, the area nevertheless contributes to this character. To artificially seek to impose the segregation of the field would conflict with the character of the AONB.

17. Moreover, the level of planting required to adequately screen the proposed development would take a significant period to mature, during which time the harm to the AONB would be established and ongoing. I consider that the use of screening would at best provide some visual screening during daylight hours and for the summer period. I am not satisfied that such screening would mitigate the harm to the tranquillity of the area, particularly during the hours of darkness, and the winter months, when the site would continue to function and include the movement of a substantial number of HGVs. Moreover, there is no guarantee that the landscaping would provide mitigation for the lifetime of the development. Having to rely on the excessive use of landscaping to shield and hide development is not a good approach to planning.
18. The use of low-level lighting would be similar to that used on other truck stops and if successfully implemented may assist in reducing light spill. However, the site is currently undeveloped without any such lighting. The proposed use of the site and the lights associated with the vehicles would have a significant adverse effect on the existing landscape. Based on the hours of operation and the nature of the proposed development, I do not consider that this harm would be adequately mitigated by low level lighting.
19. Although there are other developments within the area these do not at present negate the contribution of the appeal site to the character of the area. The A417 is heavily screened, and whilst there is a slight hum associated with the traffic on the A417 which is experienced when standing at the appeal site during the day, it does not visually alter the character of the site as part of a large, predominantly open landscape. Ermin Farm and the reservoir site are not comparable in respect of size or levels of activity to the proposed development. The extent of hardstanding and the introduction of such a use would decimate the character of this undeveloped site, and the presence of development elsewhere does not constitute a reason to allow a development that would be harmful.
20. I find that the adverse impact on the landscape would not be adequately mitigated, and that the proposed development would have a significant detrimental impact on the landscape character, tranquillity, and special qualities of the AONB. Accordingly, it would conflict with Policies EN2, EN4 and EN5 of the Cotswold District's Local Plan 2011-2031 (the Local Plan). I return to the application of these policies later in this decision.
21. Given the harm identified, the proposed development would neither preserve nor enhance the natural beauty of the Cotswold AONB. Paragraph 176 of the Framework provides that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. This is further reflected in Section 85 of the Countryside and Rights of Way Act 2000 (as amended).

*Whether the proposal would satisfy paragraph 177 of the Framework*

22. The Framework provides that proposals for major development in the AONB should be refused other than in exceptional circumstances, and where it can be

demonstrated that the development is in the public interest. It adds that assessment should include: a) the need for the development, including in terms of any national considerations, and the impact upon the local economy; b) the costs of, and scope for, development outside the AONB, or meeting the need in some other way; and c) the extent to which any detrimental effect on the environment, the landscape and recreational opportunities could be moderated. Evidence was given at the Inquiry in respect of each of these elements required under paragraph 177, and I turn to these in assessing the proposal.

*Whether there is a need for the development having regard to any national considerations and the impact on the local economy*

23. Paragraphs 80 and 81 of the Circular recognise the need for freight parking on a national basis, and this is supported by the statement of the transport minister<sup>4</sup>.
24. There has been an increasing demand for goods, which are largely delivered between distribution hubs using HGVs and this is demonstrated by an increase in the number of vehicles utilising the highway network between the 2017 Department for Transport National Survey of Lorry Parking (the 2017 NSLP)<sup>5</sup> and the 2022 Department for Transport National Survey of Lorry Parking (the 2022 NSLP)<sup>6</sup>. It cannot be disputed that an increase in vehicles requires an increase in people to drive them. Moreover, it is necessary to provide a good environment for those working within the haulage industry. It is not simply a case of providing more facilities, but better facilities should be provided to cater for the needs of drivers to encourage people to enter the profession. Accordingly, I accept that there is a national need for roadside facilities.
25. The volume of heavy good vehicle movements varies across the national highway network, this reflects the demand for goods and the location of regional requirements in respect of physical elements such as distribution hubs and pockets of warehousing. This is demonstrated in the 2022 NSLP which identifies that some regions experience a significantly higher volume of vehicles when compared to the others. The South West region is part of a major infrastructure network which includes sections of the M4 and M5. There are existing large truck stops at Swindon (the Swindon Truck Stop) and at Gloucester (the Gloucester Truck Stop) which are located near to large distribution centres. In addition to this there are truck stops throughout the region, varying in their size and offering of facilities.
26. Whilst there is an expected variation in levels of traffic between regions, the 2022 NSLP indicates that whilst there has been a steady increase in the volume of traffic in the South West region there has not been a significant increase in the number of truck stop facilities across the region. Accordingly, I agree that there is a regional need for truck stop facilities.
27. The appeal site is situated near to the A417/A419, which is a transport corridor forming part of the Strategic Road Network within Gloucestershire connecting the M4 to the M5. Appendix 6 of Mr Hatfield's proof contains a map identifying large scale warehousing across the South West corridor. There is a significant

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<sup>4</sup> Statement of Grant Shapps, 8 November 2021

<sup>5</sup> Department for Transport National Survey of Lorry Parking, published 2018 but undertaken in 2017.

<sup>6</sup> Department for Transport National Survey of Lorry Parking, published September 2022

level of warehousing activity around the Swindon area, the Bristol and Avonmouth area, and to a lesser extent towards Gloucester. The appeal site is not in the vicinity of any regional warehousing activity and there are no distribution centres within the AONB section of the A417/419 corridor, however it is a heavily utilised road linking the distribution centres to the south and north.

28. Along the A417/419 corridor there are rest stops provided for haulage drivers in a north and south direction. These vary in respect of the level of facilities that are provided, from basic laybys to more extensive parking areas. Whilst some of these stops do not provide a full range of facilities, they are capable of providing a respite area for drivers, who can then carry onto one of the larger stops located within the vicinity of the distribution centres and regional hubs.
29. However, the number of stops is very limited, and having regard to the number of freight movements along the A417/419 corridor, I accept that there is a local need for truck stop facilities to accommodate those within the haulage industry generally. To my mind the term local need should be interpreted as a need within the local Strategic Road Network to provide respite areas, it is not representative of a local need arising from a local distribution centre or some other form of demand within this section of the A417/419 corridor.
30. Drivers have a legal requirement to break, however there is a difference between a legal duty to rest and the need to wait for a time slot in relation to a distribution centre. Evidence from Mr Hatfield identified there are frequent occasions where haulers arrive close to a distribution centre in good time for a delivery, however it is necessary to then wait for a period until the scheduled timeslot is available. Mindful that time spent waiting for a time slot would count towards the statutory break requirement, it would be sensible to provide facilities close to distribution centres.
31. The proposal would create employment for a small number of staff, according to the evidence of the appellant, and these roles could be filled by local people. The provision of secure facilities would deter theft, which would be a benefit to the economy. However, there was limited evidence to confirm the level of theft along this section of the A417/419, or an attempt to quantify the effect of such loss on the economy. The use of the appeal site as a truck stop may create a local employment opportunity, and to some extent would contribute to the economy in safeguarding goods in transport. However, such contribution would be modest, and I attach limited weight to it. Nevertheless, I find that in respect of demand for truck stop facilities, there is an identified need for the development.

*Whether there is scope to develop outside of the AONB, or to meet any identified need in some other way*

32. The Circular addresses the provision of roadside facilities and their connectivity with the Strategic Road Network to ensure the safe and efficient operation of the network. I am required to have regard to the Circular, which sets out at paragraph 81 that in areas of identified need the decision maker should have regard to the spacing requirements set out within the circular, which are for the avoidance of doubt a maximum distance between facilities providing HGV parking (being service areas or truck stops) of 20 minutes driving time for HGVs.



33. Paragraph 72 of the Circular identifies general principles concerned with provision and signage eligibility for truck stops. The Circular looks at the ideal spacing distances for the operation of the network in relation to the provision of road side facilities which are served by signage. Whilst a lack of spacing along the route would be a failure to comply strictly with the Circular, it is one document which I am required to have regard to. The Circular is intended to be read alongside the Framework and to be applied having regard to all other material considerations, as set out in paragraph 8 of the Circular.
34. Between the Swindon Truck Stop and the Gloucester and Strensham Motorway Services Areas there are four service stations. I accept that there is a difference between service areas, which can provide facilities to include HGV drivers, and HGV specific truck stops. Whilst the existing service areas do not meet the signage requirements of the Circular, nor pretend to be all purpose truck stops, they do provide facilities and an opportunity to break the journey. Accordingly, along the A417/A419 there are opportunities for drivers to take a break in accordance with the Government driver regulations which require drivers to have a break of at least 45 minutes after no more than 4 hours and 30 minutes of driving<sup>7</sup>.
35. To alleviate the shortage the Circular encourages the expansion of existing facilities. Whilst the existing stops along the A417/419 do not meet the mandatory requirements for signage as set out in Table 1 of the Circular, it is possible that those sites could be upgraded and/or expanded to provide additional facilities to meet the Circular and therefore be eligible for signage.
36. The appeal site is not located with 20 minutes of either Strensham Services or Swindon Truck Stop, therefore drivers utilising the truck stop would still be reliant on other existing facilities within the Strategic Road Network. Moreover, the Circular does not preclude the use of more than one site, and for the purpose of functionality it may be practical to provide more than one truck stop to accommodate breaks for drivers. It may therefore be possible that alternative sites could be sought outside of the AONB, which would 'piggy back' the designated area thereby avoiding harm to the AONB, whilst complying with the signage requirements of the Circular.
37. Alternative sites were put forward by the Council that are south of the AONB, one of which was agreed by witnesses for both the Appellant and Council as being potentially suitable.<sup>8</sup> Furthermore, it would be an efficient use of land and support productivity, to ensure that larger truck stops are located close to distribution centres and the Strategic Road Network. As I have found in my decision, the national need for HGV truck stop facilities is not reflected in a local need that would arise from distribution centres within this section of the AONB.
38. The pro-active approach of seeking to locate truck stops near to distribution centres is echoed in the Framework at paragraph 109, which considered in its entirety identifies that there is a risk that parking in locations which lack proper facilities could cause a nuisance. This is reflected through the function of the HGV industry, where drivers are frequently allocated tight delivery/collection timeslots, requiring them to be near to the relevant distribution centre or hub.

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<sup>7</sup> Zesta Planning Statement, December 2020, Appendix G

<sup>8</sup> Site 15 identified in M Hatfield's Proof of Evidence

39. Land to the north of the site is more restricted due to it being within the Green Belt and therefore alternative sites to the north were considered by the appellant to be unlikely to succeed. It is true that it would be necessary to demonstrate very special circumstances for inappropriate development within the Green Belt. However, I note that local transport infrastructure need not be inappropriate development within the Green Belt.
40. The Missing Link (ML) will function to decrease journey times along the A417/419. Whilst there was some discussion regarding the actual period of time that could be saved, the ML will provide an opportunity to travel part of the A417/419 in an alternative way, thereby removing some of the pressure on the A417/419.
41. Whilst a number of alternative sites put forward would not necessarily be suitable in isolation, it is not possible to conclude that no alternative site would be suitable outside the AONB, or indeed that the requisite break period could not be satisfied through an alternative method, such as a two-site approach.
42. Accordingly, I find that in respect of the application of paragraph 177b of the Framework, it is has not been sufficiently demonstrated that the need cannot be met by either developing outside of the designated area, or by meeting it in some other way.

*Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

43. I have found that the proposed development would have a significant detrimental impact on the landscape character, tranquillity, and special qualities of the AONB. My reasons for this are set out above and it is not necessary to repeat them.
44. In respect of whether that harm could be moderated, during construction the raw effect of the proposal would be clear for all to see. Some measures such as planting could potentially moderate the harm once fully established, however I consider any mitigation through landscaping to be limited. The use of low-level lighting would be less harmful than pole mounted lighting, however the use of lighting, of whatever type, over a site of this scale would itself be detrimental.
45. Consequently, I consider that moderation of detrimental effects on the environment, the landscape and recreational opportunities would be possible only to a limited extent.

*Whether the findings in respect of the above main issues would culminate in exceptional circumstances, and that the development would be in the public interest*

46. Exceptional circumstances in paragraph 177 of the Framework has its ordinary meaning of an unusual occurrence or one that is not typical. The way in which a site can meet the need, including its location, can fall within the concept of 'exceptional circumstances'.
47. The increase in demand for goods, which necessitates an increase in HGV movements, is experienced throughout the highway network on a national scale. The appeal site is located within a corridor that connects major roads and distribution centres, and it is therefore logical that the corridor is used to connect regions. However, the proposed development on the appeal site is not



in response to the development of a distribution centre, nor is it near to one. This part of the AONB does not contain any industrial sites or warehousing such to demonstrate that the appeal site would serve a local network or economy. As such the location of the site is not exceptional in serving a need, such that it may be possible to serve that need through alternative, possibly smaller, sites that would meet the requirements of the Circular whilst complying with National and Local policies.

48. The proposal would make a very modest contribution to the local economy, and possibly some wider contributions in deterring theft, however these would fall far short of being exceptional. I find nothing in the considerations, either in isolation or cumulatively, relied upon by the appellant to demonstrate exceptional circumstances. I am not persuaded that the proposed development would meet the paragraph 177 requirement for exceptional circumstances to justify major development in the AONB.
49. What is in the public interest for the purposes of applying paragraph 177 of the Framework is undefined. However, the parties agree that a contribution towards the need to deliver transport infrastructure through the provision of roadside facilities, and the provision of jobs and related economic benefits, would amount to a public benefit. However, this does not automatically equate to the benefit being in the wider public interest.
50. I consider that it is the totality of the planning system that operates in the public interest. This encompasses statutory provisions, the development plan, national and local policy, and guidance, along with development management in accordance with this overall policy framework, taking into account relevant material considerations. It is therefore the balance of all of these matters that contribute to whether or not a scheme is in the public interest.
51. Whilst the proposal would provide some public benefits it would not conserve or enhance the natural beauty of the AONB, and taking all relevant matters into account, I find that the proposed development would not be in the public interest.

#### *Other matters*

52. I have had regard to the written representations made during the course of the application and appeal, and the verbal representations made at the Inquiry. Having regard to the harm that I have identified in respect of the main issues, and my conclusions on those, the representations do not alter my findings.

#### **Planning balance and policies**

53. The parties agreed in evidence that the most relevant policies for determining the proposed development are up to date.
54. For the reasons given in the character and appearance section of this decision, the proposal would conflict with Policies EN2, EN4 and EN5 of the Local Plan. These policies state that proposals should be of a design quality that respects the character and distinctive appearance of the locality, and confirms that development will only be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside). This is reaffirmed by paragraph 174 of the Framework which advises that decisions should, amongst other things, contribute to and enhance the natural and local environment by protecting and

- enhancing valued landscape and recognising the intrinsic character and beauty of the countryside. I give this harm significant weight.
55. Furthermore, the proposal would directly contradict Policy EN5 of the Local Plan which sets out that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in national Policy and Guidance. This policy reflects the provisions of paragraphs 176 and 177 of the Framework, with paragraph 176 attributing great weight to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection. The scale and extent of development within all these designated areas should be limited.
56. Facilities of this size would be major development for the purposes of paragraph 177 of the Framework. This was agreed by all parties. As set out above, I consider that the requirement for exceptional circumstances to justify major development in the AONB has not been demonstrated and the appeal scheme would be contrary to paragraph 177 of the Framework. I attach significant weight to this conflict.
57. There are no policies within the Local Plan that specifically address the provision of lorry parking or roadside service facilities. Paragraph 106(e) of the Framework relates specifically to the need for transport infrastructure. It advises that local authorities should provide for large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion, and contribution to the wider economy. I have found that, whilst there is a need for truck drivers to be given opportunities to rest when travelling the highway network, the extent of development proposed has not been demonstrated to be necessary on the appeal site.
58. The proposal would provide economic benefits through the creation of jobs, and in supporting the haulage industry. Paragraph 81 of the Framework advises that significant weight should be placed on the need to support economic growth and productivity. However, the proposed facilities would provide a very limited local contribution, and the benefit of deterring theft was not quantified such to conclude that this appeal site would indeed provide anything other than a modest contribution to the industry as a whole. There would be a very modest biodiversity net gain as a result of the proposal which would be a benefit. However having regard to the industrial nature of the proposed use, I attach very limited weight to the gain.
59. Taking into account national policies for conserving and enhancing the natural environment I find that the appeal scheme would conflict with the Framework as a whole.
60. Given the harm that I have identified to the character and appearance of the area, I find that the great weight to be given to conserving and enhancing landscape and scenic beauty in the AONB outweighs the weight attributable to increasing the provision of truck stops facilities in this area, and the limited economic and biodiversity benefits of the appeal scheme. I find that the planning balance falls against the proposed development.

## **Conclusion**

61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be in accordance with the plan unless material considerations indicate otherwise.
62. Taking into account my findings in this decision regarding policies E2, E4 and E5 of the Local Plan, I consider that the proposal would conflict with the development plan when taken as a whole. It would also conflict with the Framework. The appellant argues that dismissing the proposal would result in conflict with the Circular and exacerbate an absence of truck stop facilities. However, I have had regard to the Circular alongside other national policy with which there is a clear conflict. The planning benefits do not overcome the harm and conflict that I have found.
63. For the reasons given above and having regard to all other matters raised, I conclude that the appeal is dismissed.

*Johanna Ayres*

INSPECTOR

## APPEARANCES

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Alexander Greaves of Francis Taylor Building                      Instructed by Cotswold District Council

He called

Mr Michael Hatfield                      Director, MDS Transmodal Ltd

Mr Nigel Evers                      Director, Viridian Landscape Planning

Mr Andrew Moody                      Senior Planning Case Officer, Cotswold District Council

### **FOR THE APPELLANT:**

Mr Killian Garvey of Kings Chambers                      Instructed by William Gilder Ltd

He called

Mr Ashton Cull                      Road Haulage Association

Mr Mike Glaze                      Director, Rappor Consultants Ltd

Mr Stephen Kirkpatrick                      Director, Scarp Landscape Architecture Ltd

Mr Oliver Rider                      Director, Zesta Planning Ltd

### **FOR THE RULE 6 PARTY:**

Mr Hashi Mohamed of No 5 Chambers                      Instructed by Cotswold AONB Residents Group (CARG)

He called

Mr Nathan McLoughlin (MRTPI)                      McLoughlin Planning Ltd

### **INTERESTED PERSONS:**

Mr Graham White                      Chair of Daglingworth Council

John Mills

Mrs Valerie Dyson

Mrs Fiona O'Brien

Mr John Parrot

Mr M St Jon

Ms Sonia Pritchard

Mr Alan Bond

Mr Dummit

Mr Steve Brady

**DOCUMENTS SUBMITTED AT THE INQUIRY (ID)**

- ID 1 Opening submissions on behalf of the Appellant
- ID 2 Opening submissions on behalf of the LPA
- ID 3 Opening submissions on behalf of the Rule 6 Party
- ID 4 Address to the Inspector from Mr Mills
- ID 5 Address to the Inspector from Mr Parrott
- ID 6 Address to the Inspector from St Johns
- ID 7 Address to the Inspector from Sonia Pritchard
- ID 8 Key facilities along A417/A419
- ID 9 Alternative Sites Map
- ID 10 Site visit information for Alternative Sites
- ID 11 Address to the Inspector from Ian Towle
- ID 12 Missing Link
- ID 13 Creamery Site Local Plan
- ID 14 Extract of Secretary of State Decision, relating to Site 16
- ID 15 Response to Acoustic Objection
- ID 16 AONB Guidance
- ID 17 Appeal Decision (APP/W/22/3306652)
- ID 18 Example of proposed security fencing
- ID 19 Aerial photograph and site line plan of Cross in Hand Farm
- ID 20 Closing submissions on behalf of the Local Planning Authority
- ID 21 Closing remarks on behalf of the Rule 6 Party - CARG
- ID 22 Appellant's closing submissions, submitted with reference to Luton Borough Council v Central Bedfordshire Council v Houghton Regis Development Consortium, Lands Improvement Holdings Limited, Landmatch Limited, Fiends of Life Limited, St Albans Diocesan Property Company Limited [2015] EWCA Civ 537, 2015 WL 2369975