



# PINS NOTE 15/2015

To: All Inspectors, England

Relevancy: Planning appeals and Secretary of State Casework

Date of Issue: 31 March 2015

Currency: review on 31 September 2015

## Stroud District Council v Secretary of State for Communities and Local Government v Gladman Developments Limited

### Action

1. Judgment<sup>1</sup> has been given in the above-mentioned challenge by Stroud District Council against the Inspector's decision to grant planning permission for 150 dwellings on land lying between 50 and 150 metres outside the boundaries of the Cotswold Area of Outstanding Natural Beauty (AONB). The challenge was unsuccessful.
2. The judgment centred around the proper interpretation of the scope of [paragraph 115 of the NPPF](#) in relation to conserving landscape and scenic beauty in National Parks, the Broads and AONBs.

### Background

3. Of particular relevance for Inspectors is the view of the Court on the first ground of challenge in this case, which related to the Inspector's approach to valued landscape.
4. The Court held, in paragraph 26 of the judgment, that to expand the scope of paragraph 115 to include all land from which the AONB can be seen would not reflect the intention of the policy.
5. Mr Justice Ouseley stated that it would be, "*unduly restrictive to say that paragraph 115 could not cover the impact of land viewed in conjunction with the AONB from the AONB*". However, "*to go so far as to say that [paragraph 115] must also cover land from which the AONB can be seen and great weight must be given to the conservation*

<sup>1</sup> [2015] EWHC 488 (Admin)

*of beauty in the AONB, by reference to that impact, reads too much into paragraph 115.”*

6. Although not a finding of the judge in this case, note that the statutory duty under section 85 of the Countryside and Rights of Way Act 2000 requires the Secretary of State or an Inspector acting on his behalf, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions in relation to, or so as to affect, land in an ANOB. The duty is relevant in considering development proposals that are situated outside Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of the AONB (see Planning Practice Guidance Reference ID: 8-003-20140306).
7. Please contact XXXX if you have any queries on this Note.

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Acting Chief Planning Inspector

<sup>1</sup> [2015] EWHC 488 (Admin)