

planning@stroud.gov.uk

By email (FAO John Chaplin)



Cotswolds Conservation Board
Fosse Way, Northleach
Gloucestershire, GL54 3JH
01451 862000

21st March 2018

Dear Mr Chaplin,

S.17/2541/FUL

Land to the west of Hawkesbury Road, Hillesley, Gloucestershire. Rural Exception Site comprising residential development of 17 dwellings with associated access, footpath diversion, parking and landscaping.

The Cotswolds Conservation Board (the Board) wishes to **object** to the above planning application.

As you may recall, the Board objected to the previous planning application (S.16/1906/FUL) for this site – see Annex 1, below. We acknowledge that the scale of the development has been reduced slightly, in the current planning application, from 22 dwelling to 17 dwellings. However, having reviewed the current application, we do not believe that this reduction in scale is sufficient to nullify the reasons that we provided for our objection to the previous planning application. As such, given the local context, we still consider the proposal to be ‘major development’, in line with paragraph 116 of the National Planning Policy Framework (NPPF).

As outlined in our previous response, the proposed development lies outside the settlement boundary of Hillesley, extending to some depth beyond what is the natural end point of the village, albeit to a slightly lesser degree than the previous application. As demonstrated in the applicant’s photomontages of the development, there would still be a substantial change in character to this part of the village visible from public viewpoints, interruption of views across the site towards other parts of the AONB, including the Cotswold escarpment, and clear degradation of this part of the AONB landscape that cannot be suitably mitigated.

Please refer to our response to the previous planning application for further details, including our explanation of why this development does not constitute ‘exceptional circumstances’ or being ‘in the public interest’, in the context of paragraph 116 of the NPPF.

Should you require any further clarification on any of the points raised above please do not hesitate to contact me.

Conserving, enhancing, understanding and enjoying the Cotswolds Area of Outstanding Natural Beauty

Cotswolds Conservation Board Fosse Way Northleach Gloucestershire GL54 3JH

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Website: www.cotswoldsaonb.org.uk

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John Mills
Planning and Landscape Officer

Annex 1. Cotswolds Conservation Board reponse to planning application S.16/1906/FUL

26.9.2016

S.16/1906/FUL. Land To The West Of Hawkesbury Road, Hillesley, Gloucestershire Residential development of 22 dwellings with associated access, footpath diversion, parking and landscaping (including 11 affordable dwellings).

The Cotswolds Conservation Board wishes to raise an objection to this proposal.

The site is outside the settlement boundary, in the countryside and within the nationally protected Cotswolds AONB. The site has not been allocated within the recently Adopted Stroud Local Plan. The scheme has been justified on the basis of a local needs survey, whereas the most important requirements in securing a planning permission on a site of this nature is coming forward with a scheme that meets the legal requirements of “conserving and enhancing” the Cotswolds AONB and meets the tests of Paragraphs 115 and 116 of the NPPF.

The proposal for 22 dwellings is within an existing field outside the physical limits of this modest village and will be of a cul-de-sac style extending at some depth at what is the natural end point of the village. There will be a substantial change in character to this part of the village visible from public viewpoints, interruption of views across the site towards other parts of the AONB and clear degradation of this part of the AONB through extending housing into this open landscape that cannot be suitably mitigated. The Cotswolds Conservation Board advises, given the local context (as advised by the NPPG), that the Council should consider this proposal to be “major development” and attach a similar dismissed appeal (25 dwellings) at Ashton Under Hill that was considered to be major development within the Cotswolds AONB.

The submitted Landscape and Visual Impact Assessment has not included a Zone of Theoretical Visibility Plan, photomontages, winter views or a night time/lighting assessment. Further to this the LVIA doesn't actually explain the harm the development will bring. For example Viewpoint 8 is from the public right of way through the development, which the LVIA describes as a “pleasant, predominantly rural view” but doesn't explain that the proposal is to replace it with a housing development.

The site falls within the Landscape Character Area 19C Wickwar Vale (Unwooded Vale). The Cotswolds AONB Landscape Strategy and Guidelines 2016 advises in relation to the expansion of settlements within this area (at Paragraph 19.1) “Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements in areas of open landscape.”

In forming a decision on this application the Council is strongly recommended to consider the attached High Court decision (Mevagissey Case No: CO/6597/2013) a scheme of 31 dwellings of which 21 dwellings were affordable, which resulted in the grant of planning permission in an AONB being quashed by Judge Hickinbottom. In this case Judge Hickinbottom stated in relation to the tests for considering exceptional circumstances (Paragraph 116 of the NPPF) in relation to affordable housing:

(Paragraph 52... “Even if there were an exceptional need for affordable housing in an area, that would not necessarily equate to exceptional circumstances for a particular development, because there may be alternative sites that are more suitable because development there would result in less harm to the AONB landscape...”

In concluding Judge Hickinbottom stated:

“65. However, as Mrs Townsend submitted, there is a close connection between Grounds 1 and 2; and, in my judgment, the inadequacy of reasons I have found was a clear reflection of an actual failure of the Planning Committee to grapple with the issues that the policy required them to deal with. Eloquently, Mr Goodman submitted that, even on the most kindly construction, it is not possible to infer from the available evidence that the Planning Committee appreciated that it was required to refuse permission unless there were exceptional circumstances in the public interest which outweighed the weight required to be given to the scenic beauty of the AONB, or that they appreciated that that policy required the scenic beauty factor be accorded “great weight”, or that they were required to consider other ways of meeting the identified need for affordable housing. For the reasons I have given, I agree. There is no simply evidence that they engaged with the exercise required of them by paragraphs 115-116 of the NPPF, which required them to assess the need for the development, the scope for developing elsewhere outside their area or meeting the identified need in some other way, and the detrimental effect on the environment and landscape, whilst giving “great weight” to the scenic beauty factor. Such engagement and proper analysis cannot be assumed in this case for the reasons I have given. I am therefore satisfied that, unfortunately, the Committee failed to have proper regard to the relevant planning policies, and in particular failed to give the conservancy of the AONB great weight and failed to consider the scope for alternative sites.”

In conclusion the applicant has not referred to Footnote 9 of Paragraph 14 of the NPPF that confirms the presumption in favour of sustainable development does not automatically apply in AONBs given the restrictions within Paragraphs 115 and 116. In addition the Mevagissey decision has confirmed that, amongst material considerations, national policy gives the conservation of landscape and scenic beauty in an AONB a particular enhanced status. It requires an application for planning permission for a major development within an AONB to be refused, unless (i) there are exceptional circumstances (“exceptional” in this context connoting rarity); and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest. As well as any detrimental effect of the development on the landscape, this national policy requires the planning decisionmaker to assess, and take into consideration, the need for the development and the scope for meeting the assessed need in some other way. The Cotswolds Conservation Board accordingly consider that through applying the tests of the NPPF, through the outcome of the Mevagissey High Court decision, the priority lies with the conservancy of the AONB given the level of harm this development would bring and that affordable housing provision does not equate to an “exceptional circumstance.”