

24<sup>th</sup> September 2019

Amy Robertson  
Case Officer  
Stroud District Council

By email to [planning@stroud.gov.uk](mailto:planning@stroud.gov.uk)

Dear Amy



**S.18/2698/FUL. Residential development of 31 new homes (as a rural exception site).  
Land At, Middle Hill, Chalford Hill, Stroud.**

Thank you for consulting the Cotswolds Conservation Board on the above planning application in January 2019.

The Board did not comment on the proposed development at that time. However, the planning application has recently been brought to the Board's attention and the Board has now reviewed the planning application and the case officer's report. Based on this review, the Board wishes to OBJECT to the proposed development for the reasons outlined below.

The Board apologises for any inconvenience caused by objecting to the proposed development at this late stage. However, given that the planning decision has now been deferred, we consider it important to raise this objection prior to a planning decision being made.

Before outlining the Board's reasons for objecting to the planning application, it is important to state that the Board recognises and acknowledges that:

- provision of affordable housing in the Cotswolds AONB is an important consideration, particularly where there is robust evidence of affordable housing need specific to the parish where the development is being proposed;
- Rural Housing Needs Surveys are an appropriate and robust mechanism for identifying this affordable housing need;
- Rural Exception Sites (RES) can provide an appropriate mechanism for accommodating this affordable housing need.

However, for locations within the Cotswolds AONB, such as Chalford Hill, this affordable housing provision should be considered within the context of the Cotswolds AONB being an area whose distinctiveness and natural beauty are so outstanding that it is in the nation's interest to safeguard it. As such, the statutory 'duty of regard' (under S.85 of the Countryside and Rights of Way Act 2000) and the requirements of the National Planning Policy Framework (NPPF) should be robustly applied.

**The reasons for objecting to the planning application are outlined below:**

1. The Board considers that the case officer's report does not adequately address the requirements of the statutory duty of regard and the NPPF. In particular, the report does not explicitly identify whether or not the proposed development constitutes major development in the context of paragraph 172 and footnote 55 of the NPPF. Annex 1, below, outlines some of the factors that might contribute to the proposed development being classed as major development.

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2. The Board considers that the proportion of affordable housing (52%) is too low for a RES in a protected landscape (i.e. in the Cotswolds AONB), given that many protected landscapes require RES to provide 100% affordable housing and market housing developments to provide 50% affordable housing. Given the relatively low proportion of affordable housing being provided, it is questionable whether the proposal deserves to be classed as an exception site and whether it should be permitted on land that would not normally be used for housing.

The Board would also like to highlight the assumption made by the case officer, in their report, that because the Board had not provided a response, the Board must have had '*no serious concerns regarding the application*'. The Board strongly objects to this assumption. The fact that the Board had not provided comments on a planning application should *not* be taken to mean that the Board has no serious concerns regarding the application. The Board acknowledges that Stroud District Council *did* consult the Board on this planning application in January 2019. Unfortunately, the Board did not have capacity to comment on the planning application at that time. This was the *only* reason for the Board not commenting. Although the Board's objection to this assumption is not a reason for objecting to the proposed development, it is important to highlight the Board's concerns.

**To address these issues, the Board makes the following recommendations:**

1. The case officer should explicitly identify whether or not they consider the proposed development to constitute major development in the context of paragraph 172 and footnote 55 of the NPPF. If the proposed development is deemed to be major development, the officer's report should provide a comprehensive consideration of the major development tests specified in paragraph 172 of the NPPF.
2. The District Council should review the appropriateness of having such a low proportion of affordable housing (52%) on a RES in a protected landscape (i.e. in the Cotswolds AONB).
3. Planning officers and the Development Control Committee at Stroud District Council should be advised that 'no response' from the Board does not equate to the Board having no (significant) concerns about a proposed development.

Further information relating to the points raised above is provided in Annex 1, below.

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

Yours sincerely



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## **ANNEX 1. Further information relating to the comments of the Cotswolds Conservation Board on planning application S.18/2698/FUL**

### **Major Development**

Paragraph 172 of the National Planning Policy Framework (NPPF) states that *'planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest'*. Footnote 55 of the NPPF clarifies that *'for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated'*.

The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area. Public bodies, such as local planning authorities, have a statutory duty to have regard to this purpose. Landscape and scenic beauty / quality are obviously key components of natural beauty. However, natural beauty also includes other factors such as relative tranquillity (including dark skies), natural heritage (including biodiversity) and cultural heritage (including historic environment). The 'special qualities' of an AONB are also a key component of natural beauty. The special qualities of the Cotswolds AONB are outlined in Chapter 2 of the Cotswolds AONB Management Plan 2018-2023.

All of these factors should be taken into account when considering the potential impacts of a proposed development on the natural beauty of the Cotswolds AONB and whether or not a proposed development constitutes major development.

With regards to planning application S.18/2698/FUL, specifically, one of the key considerations relating to 'setting' is the extent to which the proposed development contributes to the coalescence of Chalford and Bussage. At present, there is a distance of approximately 220m of undeveloped land along the south side of Middle Hill Road that separates the eastern edge of Bussage / Newholme (Grid Reference: SO89480367) and the north western corner of Chalford (Grid Reference: SO89590348). The proposed development would encroach on this length of undeveloped land by approximately 75m. This equates to approximately 34% of the total length of undeveloped land along the south side of Middle Hill Road. In other words, the length of undeveloped land between Bussage and Chalford would decrease by approximately one third. This could potentially be deemed to be a significant adverse impact and, by extension, major development.

Another key consideration is whether the proposed development *could* have a significant adverse impact on the purpose of AONB designation. In relation to this issue, the case officer's report states that:

- *'the application occupies an elevated position and there are views of the site and its trees from within the valley bottom';*
- *'significantly, the site is viewed as pasture, and thus any residential development will inevitably change the character of the site completely';* and
- *'the proposed development would undoubtedly alter the character of the application site'*

These are all factors that could potentially contribute to the proposal being deemed to be major development, albeit that the Landscape and Visual Impact Assessment asserts that *'there is low to moderate effect on the landscape and visual amenity and that this impact can be largely mitigated'*. Great weight should still be given to these issues even if the proposal is not deemed to be major development.

## Rural Exception Sites

The Board recognises that the NPPF allows for '*a proportion of market homes*' on Rural Exception Sites (RES). However, in a protected landscape, such as the Cotswolds AONB, the aspiration should be for RES to deliver 100% affordable housing in perpetuity. This is the approach taken in many protected landscapes and is the level of affordable housing that the Board would advocate for affordable housing provision on RES in the AONB.

The Board recognises that the viability of the RES is a key issue. However, where a RES would not be viable based solely on the viability model of the housing developer, the District Council should consider using its own affordable housing financial contributions to subsidise the scheme in order to enable a higher percentage of affordable housing.

Reducing the level of affordable housing to just 52% is not appropriate for an RES, especially in a protected landscape. The Board recognises that this level of affordable housing provision is more than that required for market housing schemes in Stroud District. However, it is only equivalent to the level of affordable housing required on market housing schemes in many protected landscapes (e.g. 50% affordable housing). As outlined in the covering letter, this then calls into question whether the proposal deserves to be classed as an exception site and whether it should be permitted on land that would not normally be used for housing.