

## **Response of the Cotswolds Conservation Board**

The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

The Board has two statutory purposes<sup>1</sup>:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

### **National Policy considerations**

1. The Board is of the view that the proposal constitutes major development and therefore NPPF paragraph 116 applies. This view is based on:
  - a) The definition of "major" development is in the Town and Country Planning (Development Management Procedure)(England) Order 2010:

"Major development" means development involving any one or more of the following—

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where —
  - (i) The number of dwellinghouses to be provided is 10 or more; or
  - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more;

and

- b) That the number of dwellings being applied for (120) clearly represents major development in the local context of a settlement the size of Tetbury.
2. Paragraph 116 sets out the criteria against which the application has to be assessed to meet the "exceptional circumstances" test for permission to be granted for major development in a nationally designated landscape..

The criteria are:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

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<sup>1</sup> Section 87, Countryside and Rights of Way Act 2000, as amended by the NERC Act 2006.

**Planning application Ref: 14/0610/OUT**

**Proposal:** Residential development

**Location:** Land Off Hampton Street, Tetbury, Gloucestershire,

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
3. In relation to the second criterion, the Board is of the view that for the following reasons the applicant has not demonstrated that the need cannot be met outside the AONB:
  4. In granting consent on appeal ref: APP/F1610/A/11/2165778 for residential development at Tetbury in the Cotswolds AONB, the Inspector concluded;

*“But importantly, in terms of the harm that would be caused to the AONB, I have not been provided with any evidence to suggest that there is anything other than very limited scope indeed to provide housing **within the District** [my embolding] on sites that are not part of the AONB.”*

The Secretary of State concurred;

*“But there is no evidence to indicate that the remaining shortfall could be addressed solely through the use of previously developed sites. He notes that the Inspector found no evidence of anything other than very limited scope to provide housing on sites outside the AONB.”*

5. Therefore the Secretary of State considers that there should be consideration of the scope for developing sites within the District but outside the AONB before releasing major development sites inside. The Strategic Housing Land Availability Assessment (SHLAA) indicates that there is considerable scope for development outside the AONB but within the District. Furthermore the Council now considers that it does have a five year land supply (including a 20% buffer) as required by paragraph 47 of the NPPF, even if no account is taken of the considerable constraint placed upon the Council by the high proportion of AONB within its jurisdiction.
6. The draft Cotswold District Preferred Strategy includes information regarding sites for residential development which are considered by the Council to be available for development as a result of the Strategic Housing Land Availability Assessment (SHLAA) Review 2012.
7. Thus there is the potential for the “developing elsewhere” in the District especially outside the AONB where generally there is a presumption in favour of sustainable development:
8. The Board is therefore of the view that the “scope elsewhere” test has not been met and therefore “exceptional circumstances” are not justified to allow this development.
9. With respect to the third criterion the Board is of the view that this has not be met for the following reason:

The site consists of agricultural land surrounded and divided by stone walls and hedgerows and trees of various native species. As such its character and appearance are entirely in accord with the landscape character of the AONB of which it forms part. In his consideration of the Tetbury appeal referred to above the Secretary of State was of the view that:

*“The Secretary of State agrees that the primary concern about the impact on the AONB is the loss of fields to housing development (IR14.53). Despite the visual improvements that would result from the landscaping proposals, and to some extent moderate the impact of the new buildings, he agrees that the **loss of open fields must inevitably have a detrimental effect on the landscape and environment**”.* [My embolding] (para 21)

*“...and harm the AONB through the loss of open fields.”* (para 24)

Clearly the Secretary of State considered in the Tetbury case that the loss of “open fields” was itself harmful to the landscape and scenic beauty of Cotswolds AONB.

10. The site lies within the Cotswolds Area of Outstanding Natural Beauty, and therefore paragraph 115 of the National Planning Policy Framework (NPPF) applies.

*115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

As noted above, the Secretary of State is of the view that the loss of open fields harms the landscape and scenic beauty of the Cotswolds AONB, and that the loss of such fields inevitably has a detrimental effect on the landscape and environment.

## **Summary**

11. The Board **objects** to this proposal on the following grounds:

**The Council states that it does have an adequate five year land supply for residential development as required by paragraph 47 of the NPPF and therefore no further sites need to be released at this stage to meet identified housing needs in the District.**

**The Board considers the proposals to represent major development and fails to meet the criteria for approval on grounds of “exceptional circumstances” set out in paragraph 116 of the National Planning Policy Framework.**

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**The Board considers that the proposals fail to give great weight to the conservation of the landscape and scenic beauty of the Cotswolds AONB, contrary to policy 115 of the National Planning Policy Framework.**