

# **CONSIDERATION BY THE COMMUNITIES AND LOCAL GOVERNMENT SELECT COMMITTEE OF THE OPERATION OF THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

## **SUBMISSION BY THE COTSWOLDS CONSERVATION BOARD**

*This submission responds to the call by the Select Committee for evidence relating to planning for housing.*

**Summary: While the Cotswolds Conservation Board supports the simplification of planning guidance in the NPPF, implementation has had adverse and unforeseen consequences. The Board considers that the NPPF supports the Board's statutory objectives, but that since its publication the scale and standard pattern-book design of housing development permitted in the Cotswolds Area of Outstanding Natural Beauty has displayed insufficient consideration of the need to conserve and enhance a landscape which is statutorily designated for its natural beauty and the settlements within it, which are crucial to its character.**

### *Introduction*

1. The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004 under the Countryside and Rights of Way Act 2000. It is responsible for advising on the management of the Cotswolds Area of Outstanding Natural Beauty (AONB), the second largest protected landscape in England, after the Lake District National Park, and brings together 15 principal local authorities including 11 district and unitary planning authorities. As well as supporting the conservation and enhancement of the natural beauty of the Cotswolds, and increasing the understanding of its special qualities, the Board has a duty to foster the economic and social well being of its residents.
2. The Cotswolds is a major engine of economic value for the Midlands and the West Country, not least through its significant tourism industry. The Board is delighted that its constituent local authorities, and most of its residents, take an entirely positive view about the need for economic growth and investment, and for new housing in its communities, including social and low cost housing – whose development should, of course, be consistent with the statutory purpose of designation.

### *Policies of the NPPF*

3. The Board is very supportive of the NPPF's commitment to a plan-led system. The Board has welcomed the simplification of planning guidance provided by the NPPF, and subsequent ministerial statements confirming the special status of protected landscapes (AONBs and National Parks). Development is essential in the Cotswolds as elsewhere, but the statutory protection given to the landscape, and potential impacts on the tourism industry which is the cornerstone of the local economy, make development decisions difficult. The priority has to be local

needs. Planning with local knowledge at local level offers the best opportunity to get these decisions right, and the recent introduction of neighbourhood plans at parish level will make a welcome and effective contribution to this.

4. The Board considers that the policies in the NPPF satisfactorily reflect the need to conserve and enhance AONBs; however, thus far, their interpretation by decision makers has caused the Board serious concern.

#### *Implementation defects*

5. Delegates at a recent well attended conference held by the Board on development in the Cotswolds AONB, drawn from a wide range of professions, clearly understood the importance of addressing local housing need in the Cotswolds. However, they were concerned about the capacity of Cotswolds communities to adapt to disproportionate numbers of new dwellings, especially in the absence of planned infrastructure and employment opportunities in support of sustainable communities. There was criticism of large developments with relatively standardised designs, and a clear preference for a more incremental approach to meeting local housing need in rural settlements in the Cotswolds – an approach already supported by Government in other protected landscapes.
6. In the ten years prior to the NPPF, between 2001 and 2011, 2178 new dwellings were constructed in the Cotswolds AONB.<sup>1</sup> However, in the two years since the publication of the NPPF in March 2012 consent has been granted either by the local planning authority or on appeal for 587 new dwellings on sites with more than 10 dwellings. There have also been consents for many smaller sites. A further 451 dwellings on sites with more than 10 dwellings are currently subject to appeals. Since the publication of the NPPF all appeals for applications for residential development, except one, have been successful. A subsequent application on that site was granted on appeal.
7. The Board considers that there is danger of serious harm being caused to the natural beauty of the Cotswolds AONB landscape by the cumulative effect of *ad hoc* proposals and associated appeal decisions for major development, particularly housing. Some appeal decisions appear to give precedence to major housing development even where harm to the protected landscape is acknowledged, which would not be in accordance with the NPPF. There has been little recognition that there is a requirement to meet assessed needs for housing **only in so far as this is consistent with the policies in the NPPF**, for instance with respect to protected landscapes [NPPF §47 and §115].
8. Some appeal decisions have also justified development on the grounds that parts of the AONB make little contribution to its overall character – thus usurping the statutory process of AONB designation.

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<sup>1</sup> Land use change indicators for protected areas (University of Sheffield/Defra - unpublished)

### *Development plans*

9. The NPPF rightly stresses the need for up to date development plans as a base for decisions. However, the statutory procedures for the adoption of plans are complex, and in protected areas issues are vigorously disputed. The current position in the Cotswolds (excluding Waste and Minerals Plans) is that only one authority, South Gloucestershire, has an adopted Core Strategy. The timetable for the adoption of the remaining ten planning authorities is such that complete coverage will not be achieved until at least late 2015. A relatively small number of parishes are currently working on neighbourhood plans. There is an urgent need for clearer action on the need to avoid serious harm to the protected landscape in the interim period before the development plans for the Cotswolds are brought up to date.
10. Little weight appears to be being given to NPPF §14 footnote 9, which acknowledges that the presumption in favour of sustainable development **may be restricted by NPPF policies**, even where there is no plan or it is out of date. At present, in the experience of the Board, the lack of an up to date plan, and particularly of a five year land supply, appears often to trump landscape harm in appeal decisions.
11. These interpretations of NPPF policies, particularly by Inspectors, have in the Board's view resulted in potential additions of housing to several Cotswold towns and villages which are out of scale, standardised in layout and alien in design, and destructive of the character of these settlements. Significant additions of this kind harm the protected landscape (an impact often identified but overridden by the decision makers) and are likely to damage the important local tourism economy. In the absence of an adopted plan, they often fail to match local needs or to take proper account of the limited capacity of local infrastructure. They also damage organic growth and the social cohesion of small communities.
12. The Board reaffirms its commitment to development which supports the communities and economies of the Cotswolds, but feels that there are currently serious difficulties in the handling of housing issues. It welcomes the Select Committee's interest in this field.

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## **Annex 1 The statutory basis for the Cotswolds Conservation Board**

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

Under the provisions of Section 87, Countryside and Rights of Way Act 2000, the Board has two statutory purposes:

- a) to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (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.

2. Conservation Boards are statutory consultees with respect to National Planning Policy Statements and Nationally Significant Infrastructure Projects.

3. Whilst not statutory consultees on other planning matters, Defra Departmental Guidance on Conservation Boards (2008)<sup>2</sup> states

*'26. Although Conservation Boards are not statutory consultees on planning matters, AONB Conservation Boards have as much right to make representations on such matters as any other body. '*

4. The Board has a planning protocol in place with the Local planning authorities as to in what circumstances the Board will be formally consulted on planning applications.

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183296/aonb-cbguidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183296/aonb-cbguidance.pdf)