



COTSWOLDS CONSERVATION BOARD

POSITION STATEMENT

HOUSING – APPENDICES

APPENDIX 1. EXTRACTS FROM THE GOVERNMENT'S GUIDANCE ON HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

Reference (as of March 2021):

<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

The Government's guidance on 'Housing and economic land availability assessment' makes the following, helpful points in relation to AONB-related considerations and potential constraints on the suitability, availability or achievability of potential housing sites or broad locations for housing:

Paragraph 002: Plan-making bodies should consider constraints when assessing the suitability, availability and achievability of sites and broad locations. For example, assessments should reflect the policies in footnote 6 of the National Planning Policy Framework, which sets out the areas where the Framework would provide strong reasons for restricting the overall scale, type or distribution of development in the plan area.

Paragraph 010: Identified sites, which have particular constraints (such as Green Belt), need to be included in the assessment for the sake of comprehensiveness but these constraints need to be set out clearly, including where they severely restrict development.

Paragraph 012: A 'call for sites' will need to set out the information sought from respondents, which could include ... constraints to development.

Paragraph 13: Plan-makers can assess potential sites and broad locations prior to a more detailed survey to [inter alia]:

- obtain a better understanding of what type and scale of development may be appropriate;
- gain a more detailed understanding of deliverability, any barriers and how they could be overcome.

Paragraph 015: During the [initial] site survey the following information can be recorded ...[inter alia]:

- current land use and character;
- land uses and character of surrounding area;
- physical constraints (e.g. access, contamination, steep slopes, flood risk, natural features of significance, location of infrastructure/utilities);
- potential environmental constraints.

Paragraph 018: A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated.

Paragraph 018: When considering constraints, plan-makers may wish to consider the information collected as part of the initial site survey, as well as other relevant information, such as [inter alia]:

- potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation.

Paragraph 021: Where constraints have been identified, the assessment will need to consider what action could be taken to overcome them. Examples of constraints include policies in the National Planning Policy Framework and the adopted or emerging development plan, which may affect the suitability of the site.

Paragraph 025: If there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing statements of common ground, and in accordance with the duty to cooperate. If following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination.

APPENDIX 2. CASE STUDIES

CASE STUDY 1. WEST OXFORDSHIRE LOCAL PLAN – EVIDENCE OF NEED

The West Oxfordshire Local Plan provides a useful case study of how and why housing needs arising within the Cotswolds National Landscape (and, in particular, affordable housing needs) should be taken into account in the Local Plan process.

As part of the evidence base for the West Oxfordshire Local Plan, West Oxfordshire District Council identified a *'broadly indicative minimum housing need'* for the Burford-Charlbury sub-area¹ for the 2015-31 plan period. However, the planning inspector, in his report on the examination of the Local Plan², stated that:

- *Whilst this is useful evidence as a starting point, it merely indicates the likely implications of various levels of housing growth for the sub-area's population and resident labour force. Neither it nor any other substantive evidence before the Examination identifies a housing requirement figure for the Burford – Charlbury sub-area which appropriately reflect needs, constraints, relevant national policy and the key issues for development and transport detailed in the Cotswolds AONB Management Plan.*³
- *Moreover, in the absence of a specific housing need figure for the sub-area, it is not possible to identify that new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford – Charlbury sub-area.*⁴

The inspector concluded that *'in the absence of a housing need figure for the Burford – Charlbury sub-area and in the particular housing land supply circumstances of West Oxfordshire as a whole at the present time', 'the allocation in the plan of housing sites, and the reliance on additional windfall housing development, in the Burford – Charlbury area, over and above existing completions and commitments, would not be sound.'*

It is evident that, in reaching this conclusion, the planning inspector acknowledged that there was already a commitment for a substantial amount of new housing in the sub-area and that the anticipated district-wide housing supply figure was already 99.5% of the district-wide housing requirement figure. The implication of this is that if there wasn't already a significant housing commitment within the National Landscape sub-area and / or if the anticipated District-wide housing supply figure wasn't close to the District's housing requirement figure then the inspector may have been more inclined to consider further allocations in the AONB sub-area. It is also worth noting that the planning inspector stated that his conclusion in relation to allocations in the Burford-Charlbury sub-area *'does not mean that development of further new housing in the Burford – Charlbury sub-areas would necessarily be inappropriate.'*⁵

However, it is also evident that the lack of a housing need figure specifically for the part of the local authority area that lies within the Cotswolds National Landscape was a key factor in the planning inspector finding the proposed housing allocations unsound. The Conservation Board considers that, even where there is a potential housing shortfall (compared to objectively assessed needs), it would still be appropriate for the LPA to identify the amount of housing for the National Landscape

¹ This sub-area broadly matched the section of West Oxfordshire District that lies within the Cotswolds National Landscape.

² Planning Inspectorate (2018) *Report on the Examination of the West Oxfordshire Local Plan 2031*([link](#)).

³ As above – paragraph 218.

⁴ As above – paragraph 219.

⁵ As above – paragraph 220.

sub-area that would ‘*appropriately reflect needs, constraints, relevant national policy and the Cotswolds AONB Management Plan*’. This information should be an important component of the evidence base in determining the housing requirement figure for the National Landscape sub-area. This principle should apply even when LPA-commissioned landscape and heritage assessments have concluded that potential allocations are potentially suitable for development (as was the case with the proposed allocations in the Burford-Charlbury sub-area).

If West Oxfordshire had had a housing requirement figure for the National Landscape sub-area that reflected these considerations and had put forward proposed allocations that were consistent with this approach, then the planning inspector would have been more likely to deem the proposed allocations as being sound. If they had been found sound then there would be less opportunity for speculative – and potentially damaging - windfall development proposals within the National Landscape, as windfall developments would have played a less significant component of overall housing supply.

Therefore, having an appropriate housing requirement figure specifically for the National Landscape section of a local authority area can potentially:

- (i) increase the likelihood of potential allocations that align with this figure being deemed to be sound;
- (ii) help to reduce the risk of potentially damaging, speculative windfall development proposals within the National Landscape.

With regards to windfall development in the Cotswolds National Landscape, the West Oxfordshire Local Plan states that:

- *Within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas ... will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site.*⁶ (N.B. Underlining added for emphasis).

The Conservation Board has strongly supported this approach, for example, by using it as a key reason for objecting to the proposed development of 68 dwellings in Stonesfield, West Oxfordshire. The Conservation Board was also a Rule 6 party in the planning appeal inquiry for this development (APP/D3125/W/18/3209551) in 2019. Following the positive outcome of this planning appeal, in which the appeal was dismissed and the developer decided to withdraw their proposed High Court challenge to this appeal decision, there is even more justification for advocating the West Oxfordshire Local Plan approach across the wider area of the Cotswolds National Landscape.

CASE STUDY 2: SOUTH DOWNS LOCAL PLAN⁷

Paragraph 7.18 (Housing): Provision of housing to meet local needs is crucial to ensure the sustainability and vitality of communities within the national Park ... However, the provision of housing should not be at the expense of a nationally protected landscape. The NPPF cites national parks as areas where development should be restricted and objectively assessed need not met.

⁶ West Oxfordshire District Council (2018) *West Oxfordshire Local Plan 2031* ([link](#)). Paragraph 5.39.

⁷ South Downs National Park Authority (2019) *South Downs Local Plan 2014-2033*. ([Link](#)).

Paragraph 8.5 (Need for the Development): There is a need for development to take place to meet growth needs, as far as it is compatible with the National Park purposes and the overarching ecosystem services led approach.

Strategic Policy SD28: Affordable Homes

1. Development proposals for new residential development will be permitted that maximise the delivery of affordable housing to meet local need, and provided that, as a minimum, the following are met:
 - a) On sites with gross capacity to provide 11 or more homes, a minimum of 50% of new homes created will be provided as affordable homes on-site, of which a minimum 75% will provide a rented affordable tenure.
 - b) On sites with gross capacity to provide between 3 and 10 homes, a proportion of affordable homes will be provided in accordance with the following sliding scale, applied to new homes created:

3 homes	Meaningful financial contribution, to be negotiated case-by-case
4 – 5 homes	1 affordable home
6 – 7 homes	2 affordable homes, at least 1 of which is a rented affordable tenure
8 homes	3 affordable homes, at least 1 of which is a rented affordable tenure
9 homes	3 affordable homes, at least 2 of which is a rented affordable tenure
10 homes	4 affordable homes, at least 2 of which is a rented affordable tenure

Development proposals of 4 to 10 net dwellings will provide affordable housing on-site. Exceptionally, at the discretion of the Authority, financial contributions in lieu will be accepted.

2. Where, exceptionally, provision of affordable housing which complies with Part 1 of this policy is robustly shown to be financially unviable, priority will be given to achieving the target number of on-site affordable homes over other requirements set out in this policy.
3. Development proposals will be permitted provided that affordable housing units are integrated throughout the development, are indistinguishable in design and materials from the market housing on the site, and, where feasible, will remain affordable in perpetuity.
4. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.
5. Developers may not circumvent this policy by artificially subdividing sites.

Strategic Policy SD29: Rural Exception Sites

1. Proposals for new residential development of 100 per cent affordable housing outside of settlement boundaries as shown on the Policies Map will be permitted, provided that the following are met:
 - a) Affordable housing is provided in perpetuity;
 - b) The site selection process has considered all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability has been chosen;
 - c) The scale and location relates well to the existing settlement and landscape character; and
 - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
2. The size (number of bedrooms), type and tenure, (for example, social and affordable rented, intermediate, shared ownership or older people's housing) of affordable homes for each proposal will be based on robust and up-to-date evidence of local community need.
3. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.

CASE STUDY 3: ARNSIDE & SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT⁸

Paragraph 3.1.4: Given the difficulties in apportioning the OAN [Objectively Assessed Needs], and the emphasis on the capacity of the landscape to accommodate development within the AONB, the Councils have concluded, taking advice from relevant Counsel and organisations such as Planning Advisory Service, that it is not necessary to identify a specific housing requirement for the AONB. In the AONB, the priority should be to meet identified affordable and other local housing needs within the capacity of the landscape.

Paragraph 3.1.6: Some housing needs may be met outside the AONB if suitable sites are not available within. This includes where development could not take place without harm to the statutory purpose of the AONB.

Paragraph 3.1.7: In line with the landscape-capacity led approach, the Councils have not sought to set targets for amounts of development to be achieved. This would require a particular quantum of development to be delivered regardless of its impacts upon the designated landscape. Instead, the Development Strategy ensures that only development that can be accommodated without harm to the AONB's primary purpose will be permitted, whilst maintaining a positive approach, recognising that appropriately located and designed development can contribute to conserving and enhancing

⁸ South Lakeland District Council and Lancaster City Council (2019) *Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) – Adopted Version, 28 March 2019*. ([Link](#)). This is the first DPD for an AONB in the country.

the landscape and settlement character, including where opportunities for regeneration and redevelopment can be delivered.

Paragraph 4.1.3: A requirement for 50% of new homes to be affordable is justified because the AONB is a sensitive landscape protected at a national level. It is inappropriate to use those sites that are suitable for development in the AONB to deliver development that does not help to meet local affordable or other local needs. Doing so would mean that those needs would remain unmet and more sensitive sites would have to be developed in order to meet the needs, causing harm and compromising the primary purpose of the AONB designation.

AS03 – Housing Provision

Within the Arnside & Silverdale AONB, the number, size, types and tenures of all homes provided should closely reflect identified local needs in accordance with current AONB housing needs evidence at the time of the application. Proposals for new housing development of two or more properties will be supported where they deliver no less than 50% affordable housing. Only where this is demonstrably unachievable will a lower percentage be acceptable. In assessing the level and type of affordable housing provision on each site, the Councils will have regard to site viability, individual site costs, other scheme requirements, and the guidance on affordable housing provision set out in Appendix 4.

Meeting the affordable housing requirement by commuted sums rather than by the provision of housing on site will be exceptional and require justification on a case-by-case basis.

Priority will be given to the delivery of affordable housing and maximising the potential for meeting identified local needs and local affordable needs from appropriate individual development opportunities. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.

CASE STUDY 4: NEW FOREST NATIONAL PARK LOCAL PLAN⁹

Policy SP27: Affordable housing provision within the Defined Villages and on allocated sites

50% of net dwellings ... will be provided as affordable homes to meet local needs. In practice:

- a) on developments of 1 – 2 net new dwellings, no affordable housing will be sought;
- b) on developments of between 3 – 10 net new dwellings, a target of 50% affordable housing will be sought on site. Exceptionally, at the discretion of the National Park Authority, financial contributions in lieu of on-site provision will be accepted on smaller sites;
- c) on development sites of 11 dwellings or more, a target of 50% affordable housing will be sought on site.

The layout and design of affordable housing will be appropriately integrated into each development. Local connection criteria will be applied to affordable housing to ensure local needs are met.

The tenure (social and affordable rented, intermediate, shared ownership and other) of affordable homes will be based on up-to-date evidence of local needs. A suitable mix will be determined through liaison with the local housing authority and the starting point is to seek 75% social / affordable rented tenure and 25% shared ownership / intermediate housing.

The proportion and tenure mix of affordable housing sought will take into account evidence of viability.

Policy SP28: Rural exception sites

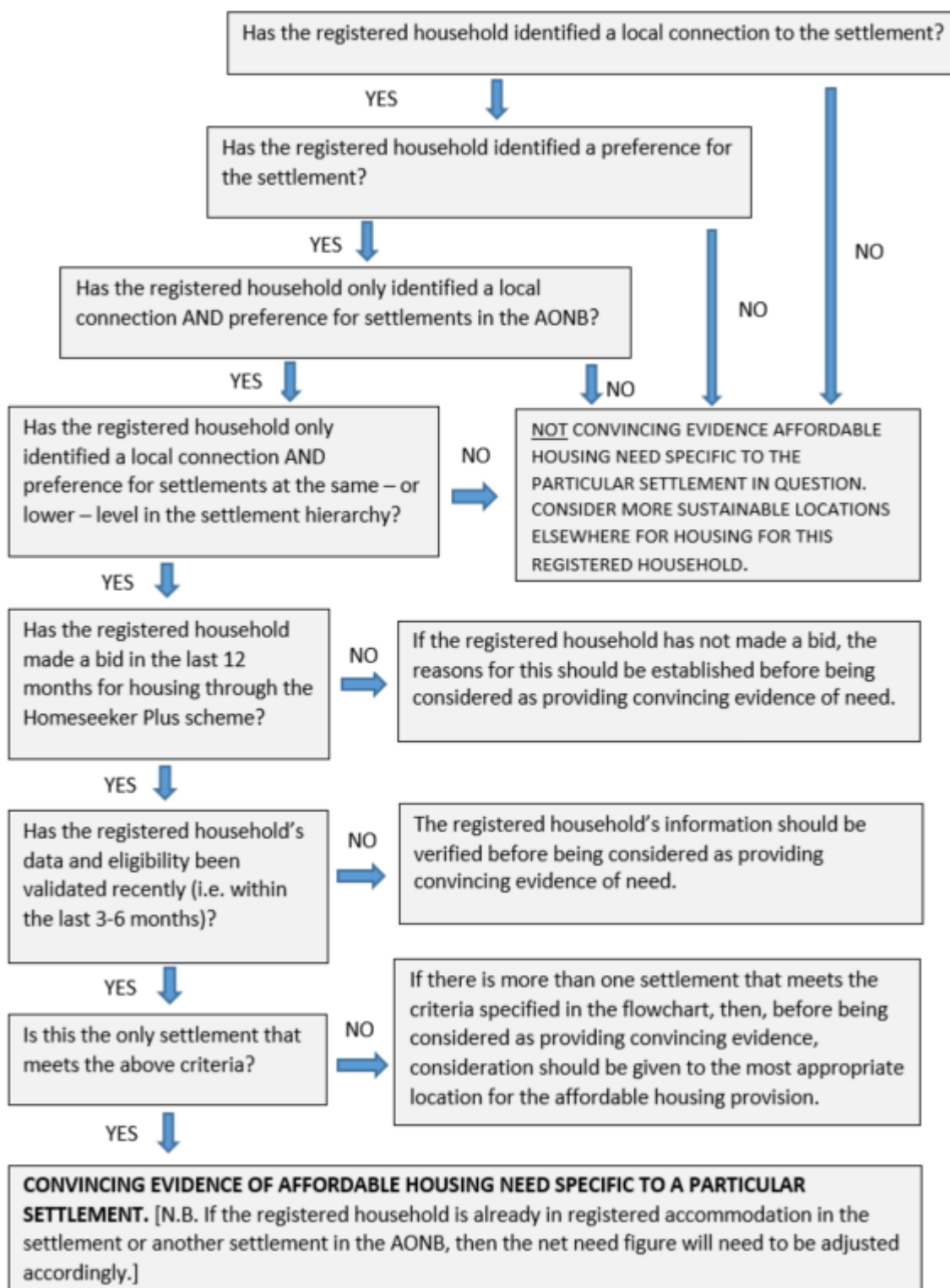
Small-scale affordable housing developments may be permitted as “exceptions” on sites in or adjoining villages to meet the identified needs of local people in these areas. Proposals for exception sites should:

- a) meet a particular local need that cannot be accommodated in any other way
- b) be subject to a planning obligation under Section 106 of the Town and Country Planning Act (1990) to ensure that the dwellings provide for low-cost housing for local needs in perpetuity
- c) be capable of management by an appropriate body, for example a Registered Provider, the Authority, or a community land trust or similar accredited local organisation
- d) be located where there are appropriate local services (e.g. shops, schools and public transport).

100% of the housing on rural exception sites will be affordable.

⁹ New Forest National Park Authority (2019) *New Forest National Park Local Plan 2016-2036* ([link](#)).

APPENDIX 3. FLOWCHART OF THE EXTENT TO WHICH HOMESSEEKER PLUS DATA EQUATES TO CONVINCING EVIDENCE OF HOUSING NEED WITHIN A SPECIFIC SETTLEMENT¹⁰



¹⁰ This flowchart has been developed by the Cotswolds Conservation Board following the Board's involvement in the Stonesfield planning appeal in West Oxfordshire (APP/D3125/W/18/3209551).

ANNEX 4. SAMPLE EXTRACT FROM THE COTSWOLDS AONB LANDSCAPE STRATEGY & GUIDELINES RELATING TO HOUSING DEVELOPMENT IN LANDSCAPE CHARACTER TYPE 1 (ESCARPMENT OUTLIERS)¹¹

Local Forces for Change ¹²	Potential Landscape Implications ¹³	Landscape Strategies and Guidelines ¹⁴
Development, expansion and infilling of settlements including residential, industrial and leisure, fringing the lower slopes of the outliers including expansion onto the lower slopes.	<ul style="list-style-type: none"> • Encroachment of development onto visually prominent slopes of the Outliers • Erosion of organic growth and linear pattern of settlements bordering roads fringing the lower slopes of individual outliers including their relationship to the landscape • Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features. • Spread of lit elements up the slopes of the outliers. • Potential for glint from buildings on the outlier slopes. • Loss of characteristic small scale settlements and hamlets due to settlement growth and coalescence • Introduction of lit elements on previously dark hill sides. • Upgrading of rural lanes and holloways in areas of new development and the introduction of suburbanising features such as mini roundabouts, 	<ul style="list-style-type: none"> • Maintain the often open, dramatic and sparsely settled character of the Escarpment Outliers • Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements on visible hillsides • Ensure new development is proportionate and does not overwhelm the existing settlement • Conserve linear pattern of settlements fringing the lower slopes of the hills and the rural road network linking them, particularly the narrow winding lanes linking villages to hillside farms and ancient hollow-ways onto the tops of the outliers. • Conserve the distinctive orientation of linear villages on lower slopes and along the base of the outliers and their relationship to the landscape, ensuring new development does not adversely affect settlement character and form • Avoid developments incorporating standardised development layout, suburban style lighting, construction details and materials that cumulatively can lead to the erosion of peaceful rural landscape character. • Avoid cramming development right up to the boundaries resulting in hard suburban style edge to the settlement. • Restore existing stone, old brick and half-timbered buildings within settlements in preference to new built development. • Existing buildings should be carefully conserved and where converted to new uses buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented

¹¹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-1-escarpment-outliers-2016.pdf>

¹² **Local Forces for Change.** These are the forces that have been assessed as being of greatest significance in each of the nineteen landscape types. They represent a refinement of the generic forces for change that have been identified for the AONB as a whole.

¹³ **Landscape Implications.** The same or similar forces for change may apply across a number of landscape types. However, the implications of change on each landscape may be very different as a result of their contrasting character, the nature of their key environmental features and their sensitivity or capacity to accommodate change.

¹⁴ **Landscape Strategies and Guidelines.** This section presents strategies for each of the landscape types based on the key environmental features and consideration of the implications of each of the local forces for change.

Local Forces for Change ¹²	Potential Landscape Implications ¹³	Landscape Strategies and Guidelines ¹⁴
	<p>street lighting, highway fencing, kerbs and traffic calming at village entrances.</p> <ul style="list-style-type: none"> • Degradation of the view to and from the outliers from the adjacent vale and Escarpment and in some instances between outliers. • Loss of archaeological and historical features, field patterns and landscapes. • Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes 	<ul style="list-style-type: none"> • Promote the use of local stone and building styles in the construction of new buildings and extensions to existing dwellings. New buildings should at least respect the local vernacular style. • Promote initiatives that remove heritage assets from 'at risk' status in the Heritage at Risk Register. • Conserve the rural character of the road network. • Avoid development that may restrict or obscure views to the upper slope, skylines or sweeping views across the landscape and to distinctive features such as folly towers and hillforts. • Avoid proposals that result in the loss of archaeological and historical features or that impact on the relationship of the settlement and its links with surviving historical features. • Ensure the historic character and context are included in Neighbourhood Plans • Retain existing trees, hedges etc as part of the scheme. • Plant trees and hedges within and around new development to reduce impact on the landscape ideally in advance of the development taking place. • Identify key viewpoints to and from the outliers, including between outliers and between outliers and the escarpment • Ensure development proposals safeguard and provide new links and enhancements to the Public Rights of Way network. • Consider the impact on local Public Rights of Way as settlements expand and take into account any required improvements.
Isolated development such as new single dwellings and conversion of farm buildings on the slopes that might compromise	<ul style="list-style-type: none"> • Visual intrusions introduced into the landscape • Upgrading of minor roads and hollow-ways in areas of new development and introduction of suburbanising features such as street lighting and kerbs. • Introduction of lit elements to areas of dark landscape • Potential for glint from buildings. • Erosion of distinctive dispersed settlement pattern of hill slopes. • Proliferation of suburban building styles/ materials 	<ul style="list-style-type: none"> • Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated. • Conserve the dispersed pattern of settlement on Outlier hillsides. • Protect the undeveloped, unlit character of the hillsides • Oppose new housing on the Escarpment (unless special circumstances apply in accordance with Paragraph 55 of the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000 • Avoid conversion of isolated farm buildings. • Restore existing stone buildings in preference to new built development. • Where converted to new uses buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented

Local Forces for Change ¹²	Potential Landscape Implications ¹³	Landscape Strategies and Guidelines ¹⁴
rural landscape character and dispersed settlement patterns, including farm buildings converted to residential use.	<ul style="list-style-type: none"> • Suburbanisation of agricultural landscape by the introduction of gardens e.g. ornamental garden plants and boundary features, garden sheds, gateways, parking areas and conversion of tracks to manicured drives and ornamental gateways • Appearance of 'mini parklands' out of context with the surrounding landscape. • Appearance and proliferation of stables and 'white tape' field boundaries for horses and ponies. See section 1.6 below. • ☒ Loss of tranquillity and sense of seclusion particularly on Bredon Hill 	<ul style="list-style-type: none"> • Maintain the sense of openness and remoteness and consider the impact of new development proposals on views to and from the hillsides, including the impact of cumulative development. • Control the proliferation of suburban building styles and materials. • Landscaping schemes accompanying development should encourage the planting of appropriately sized native trees, shrubs and traditional fruit varieties, whilst discouraging large alien tree species such as eucalypts and conifers and inappropriate forms and cultivars of native species, particularly on fringes of open countryside. • Respect traditional position of agricultural buildings and their relationship to the surrounding land.