

Development in the Cotswolds Area of Outstanding Natural Beauty

Policy Assessment of Draft Allocated Sites

May 2021

1.0 Introduction

- 1.1 Stroud District Council has been producing a new Local Plan since 2017. The Pre-Submission Draft Local Plan (May 2021) contains two sites allocated for future housing development which are located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2 Development proposed within the AONB is subject to specific national policy and guidance in addition to general requirements for development. As a result, the Council has produced this paper to explain these additional policy requirements and to assess whether the two proposed sites meet these requirements.

2.0 National policy tests

Major development

- 2.1 Paragraph 172 of the National Planning Policy Framework (NPPF) states that:

“Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. 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..”¹

- 2.2 Whilst the NPPF glossary sets out a definition of major development, this definition is explicitly excluded for the purposes of paragraph 172. There is no definition of major development for the purposes of paragraph 172. Taking account of national policy, guidance and case law, the South Downs National Park Authority obtained a legal opinion in 2014 that whether a proposed development should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.

“The decision maker may consider whether the development has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park or AONB by reason of its scale, character or nature. However, that does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient.”²

- 2.3 The intention of this paper is to provide such an assessment.

¹ National Planning Policy Framework, February 2019, paragraph 172

² Landmark Chambers, Opinion by James Maurici QC, July 2014, paragraph 26

Meeting housing and development needs

- 2.4 National planning practice guidance was published in July 2019 setting out how development within AONBs should be approached:

“The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.”³

- 2.5 It would seem reasonable to conclude therefore that development within the Cotswolds AONB should be based on needs arising from within the AONB. This principle is reflected in Policy CE12 of the Cotswolds AONB Management Plan 2018-2023, which states that:

“Development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB.”⁴

- 2.6 This does not, of course, mean that development needs derived from within the AONB have to be accommodated at a specific location within the AONB, but it would certainly support the view that if a housing needs survey carried out at a settlement or parish within the AONB were to indicate housing need within that settlement or parish, then it would be appropriate, in principle, to seek to meet that need locally.

3.0 Methodology for assessing sites

- 3.1 Having regard to the above, the Council has considered how to assess compliance with these additional national policy requirements. Set out below is the process used to assess whether sites within the AONB proposed for development in the Local Plan could be regarded as major development and whether they could be justified by evidence of local housing need.

Major development

- 3.2 For each of the sites proposed for allocation, a desk top assessment has been produced, which seeks to consider the key factors in determining whether the site may constitute major development: scale, local context, landscape impact, other impacts (ecology, heritage, recreation, etc.). The assessment takes account of the Council's Strategic Assessment of Land Availability (SALA), relevant landscape and heritage assessment work, the Local Plan Sustainability Appraisal and Habitats Regulation Assessment (where relevant).

Meeting housing and development needs

- 3.3 The desk top assessment includes the findings of the most recent Housing Needs Surveys, carried out for the relevant parish council by the Gloucestershire Rural Community Council in accordance with an approved methodology. The findings of the

³ National Planning Practice Guidance paragraph 041 reference ID: 8-041-20190721 Revision date: 21 07 2019

⁴ Cotswolds Conservation Board, Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023, September 2018, Policy CE12

District Council's Settlement Role and Function Study Update (2018) which comments on demographic and socio-economic factors affecting settlements is also referred to.

4.0 Summary of findings

- 4.1 A summary of the desk top assessment of the two proposed sites at Minchinhampton and Painswick is set out in Appendix A. The following paragraphs highlight key findings and how they relate to the AONB policy tests.

Major development

Scale

- 4.2 The proposed site at Minchinhampton (up to 80 dwellings) would represent an increase of 5.5% on the current size of the settlement (c.1449 dwellings in 2020). Minchinhampton is a large village with more opportunities than smaller villages and hamlets within the AONB to absorb new development. Consequentially, this level of development is considered to represent a relatively modest increase in the size of the settlement as a whole, particularly as no other allocations are proposed at Minchinhampton within the Plan. In 2019 an officer from the Cotswold Conservation Board stated that:

"I would certainly think that if an allocation (or allocations) was to increase the number of dwellings in a settlement (such as Minchinhampton) by, say, more than 10% then serious consideration should be given to classing it / them as major development. Also, it is worth noting that the Board's Planning & Infrastructure Working Group has taken the view that any development in the AONB of 100 dwellings or more should constitute major development, regardless of the size of the AONB settlement."⁵

On both counts the proposed site would be well below the levels considered by the Board to constitute major development.

- 4.3 The proposed site at Painswick (up to 20 dwellings) would represent an increase of 1.6% on the current size of the settlement (c.1274 dwellings in 2020). Painswick is a smaller settlement in dwelling terms than Minchinhampton but has the status and character of a historic town, the focus for historic development within the surrounding countryside. The level of development is both numerically and proportionately much smaller than at Minchinhampton and is not considered consequentially to be of such a scale as to represent major development.

Local context / enclosure

- 4.4 The proposed site at Minchinhampton is on the south eastern edge of the village, with modern development on its northern and western boundaries. There is a relatively strong tree belt on the eastern boundary and the site is bounded by the campsite and road to the south with some further scattered development on the other side of the road. The site is therefore semi-enclosed. The wold top location also reduces its visibility within the wider landscape.
- 4.5 The proposed site at Painswick is on the north eastern edge of the town, with built development on three sides, with open grazing land and Washwell Farm buildings to the north. The site is substantially enclosed and largely screened from views.

⁵ Cotswolds Conservation Board Planning and Landscape Officer, Email to SDC, 16 August 2019

Landscape sensitivity

- 4.6 The proposed site at Minchinhampton is located within a larger land parcel identified in the District Landscape Sensitivity Assessment (December 2016) as Medium sensitivity to housing uses. The Assessment concluded that housing development, if well-conceived, could provide an improved settlement edge without detracting from the character of the settlement or impinging on open arable farmland. The existing tree line along part of the eastern boundary could be strengthened and extended to screen the settlement edge from the wider landscape. Following further landscape assessment in 2019⁶, the Council has reduced the size of the allocation, pulling it back from the southern boundary and proposes to safeguard the southern parcel for reassessment during the review of the Local Plan.
- 4.7 The proposed site at Painswick is located within a larger land parcel identified in the Landscape Sensitivity Assessment as High/Medium sensitivity to housing uses. However, the Assessment states that the field between Washwell Farm and Lower Washwell Lane may be able to accommodate some housing as this site is largely screened from views. Following further landscape assessment in 2019, the importance of retaining a minimum 50m gap between the northern boundary of the site and the Washwell Farm complex was confirmed as was the importance of tree and hedge planting on the northern boundary, accommodating the existing mature trees in and adjacent to the site and the provision of further large species trees. On this basis the landscape assessment was that the site was suitable for development⁷.

Other factors: Heritage, biodiversity and recreation

- 4.8 An initial desktop biodiversity and geodiversity assessment of both the Minchinhampton and Painswick sites has indicated there is potential to develop the sites. However, proximity to the Rodborough Commons SAC and the Cotswold Beechwoods SAC means that mitigation measures are required to address potential recreation impacts. The Habitat Regulation Assessment (May 2021) recommends that the Council updates the current Rodborough Common Mitigation Strategy and adopts the proposed Cotswold Beechwoods Mitigation Strategy, funded by developer contributions, to address potential in-combination recreation impacts. The mitigation strategies are likely to enable the Council to be confident that adverse effects on integrity, alone or in combination, can be ruled out.
- 4.9 Initial heritage assessment work has identified the Minchinhampton site directly adjoins The Bulwarks designated Scheduled Ancient Monument (SAM), which represents a significant heritage asset. However, subject to archaeological investigation, the heritage assessment concludes that impact on the setting of the SAM is likely to influence the scale and massing of any new development, rather than to preclude any development at all and there may be scope to incorporate green infrastructure, conserving the site's open character, to mitigate any impacts on known or unknown archaeology. Research undertaken to establish the archaeological potential of the site, which included a geophysical survey, has confirmed that it is highly unlikely that buried archaeological deposits that relate to the scheduled area are present within the site.
- 4.10 Initial heritage assessment work relating to the Painswick site has identified no significant heritage constraints. Although the site adjoins the garden grounds of Grade

⁶ White Consultants, Evaluation of Site Landscape and Visual Issues, October 2019, page 8

⁷ White Consultants, Evaluation of Site Landscape and Visual Issues, October 2019, page 15

It listed Washwell House, development would be unlikely to affect the setting of the listed building to the extent that it would harm its character or alter its historic or architectural interest significantly. Similarly, the physical and visual separation provided by the A46 and the enclosure provided by the buildings of Washwell Farm and Washwell House mean that there is relatively little relationship between this land and the Gyde House conservation area.

- 4.11 The identification of major sites must also consider the potential for serious harm to recreational opportunities in the AONB. Whilst landscape appraisals of both the Minchinhampton and Painswick sites has identified the potential for some impacts on views from existing public rights of way, these are not considered significant and are capable of mitigation. The Minchinhampton site does contain a right of way which crosses the site but this can be diverted through the proposed area of landscaping.

Housing need

- 4.12 In relation to Minchinhampton, the Parish Housing Needs Survey (HNS) (October 2016) identified 24 households with a local connection in need of affordable housing and 98 households seeking market housing. A new HNS is programmed to be produced later during 2021. The latest Local Housing Needs Assessment (September 2020) provides evidence to support the Council's current policy of seeking 30% affordable housing from new development sites. On this basis, a development of up to 80 dwellings would deliver 24 affordable homes, thus delivering the local affordable housing needs identified in the survey. As this is the only site proposed at Minchinhampton in the Local Plan, this provides the only certain opportunity to deliver affordable housing.
- 4.13 In relation to Painswick, the Parish HNS (June 2020) identified 16 households with a local connection in need of affordable housing and 62 households seeking market housing. A development of up to 20 dwellings would deliver 6 affordable homes, thus contributing significantly to the local affordable housing needs identified in the survey. As this is the only site proposed at Painswick in the Local Plan, this provides the only certain opportunity to deliver affordable housing.
- 4.14 The Settlement Role and Function Update 2018 (May 2019) identified housing affordability as an acute issue in both Minchinhampton and Painswick. In addition, a range of other demographic trends indicate that both settlements would benefit from further development to ensure future vitality.

*"Minchinhampton and Painswick are amongst the District's most vulnerable settlements in terms of ageing population and socio-economic trends. Reducing household size, ageing population and housing unaffordability are likely to put increasing pressure on the community's diversity and vitality. Targeting and tailoring any future development to address this should be a key consideration when it comes to planning any future growth or development."*⁸

5.0 Conclusions

- 5.1 Following an assessment of the two proposed sites at Minchinhampton and Painswick, it is concluded that neither site constitutes major development in the context of the NPPF para. 172.

⁸ Stroud District Council, Settlement Role and Function Update 2018, May 2019, pages 80 and 83

- 5.2 There is local evidence of affordable housing needs which cannot be met with any certainty other than from an allocation in the Local Plan and there are pressing demographic factors identifying further limited development at both Minchinhampton and Painswick as important to maintain the diversity and vitality of these existing rural communities.

Planning Strategy

Stroud District Council

May 2021

Appendix A: Assessment Table

Policy Ref Site Name No. Dwellings Area	Description	Landscape Sensitivity	Other Relevant Constraints	Sustainability Appraisal Summary	Reason why not major development	Evidence of housing need
<p>Policy PS05 East of Tobacconist Road Minchinhampton</p> <p>Up to 80 dwellings</p> <p>5.27 hectares</p>	<p>Agricultural fields located adjoining the south-eastern edge of the settlement of Minchinhampton. The site is bisected by a public footpath. The site is bounded by mature hedging to the east, further fields to the south and residential development to the north and west.</p>	<p>The site is located within a larger land parcel identified in the Landscape Sensitivity Assessment as Medium sensitivity to housing uses. Housing development, if well-conceived, could provide an improved settlement edge without detracting from the character of the settlement or impinging on open arable farmland. The existing tree line along part of the eastern boundary could be strengthened and extended to screen the settlement edge from the wider landscape.</p>	<p>An initial desktop biodiversity and geodiversity assessment of the site has indicated there is potential to develop this site without harm to a current local or national designated natural environment site. Very significant heritage constraints. A highly sensitive site, which directly adjoins The Bulwarks designated Scheduled Ancient Monument (SAM). Subject to archaeological investigation, the impact on the setting of the SAM is likely to influence the scale and massing of any new development, rather than to preclude any development at all and there may be scope to incorporate some kind of green infrastructure or community use, conserving the site's open character, to mitigate any impacts on known or unknown archaeology.</p>	<p>The development of the site would have positive benefits in terms of SA objectives 1 (Housing), 2 (Health), 6 (Services and facilities), 16 (Employment) and 17 (Economic growth). Development could have a negative impact on 7 (biodiversity/geodiversity) as it is within 250m-1km of an SSSI and 3 km of a SAC, 8 (landscapes /townscapes) although policy requirements may potentially limit impacts, 9 (historic environment) subject to policy requirements, 11 (water quality) as the site is within a Drinking Water Safeguarding Zone, 12 (flooding) as the site is on greenfield land although outside of flood zones 3a and 3b and 13 (efficient use of land) as the site although relatively small is on greenfield land and grade 3 agricultural land.</p>	<p>Medium landscape sensitivity. Potential to provide an improved settlement edge. Up to 80 dwellings not large in the context of Minchinhampton (c.1449 dwellings 2020*) i.e. growth of 5.5%. No significant ecological constraints. Potential impacts on heritage but likely to influence the scale and massing of any new development, rather than to preclude any development at all.</p>	<p>Parish Housing Needs Survey (October 2016) identified 24 households with a local connection in need of affordable housing and 98 households seeking market housing.</p> <p>A new housing needs survey was scheduled to take place in 2021 although this has been delayed.</p> <p>The Settlement Role and Function Update 2018 identified housing affordability as an acute issue in Minchinhampton. "Minchinhampton and Painswick are also amongst the District's most vulnerable settlements in terms of ageing population and socio-economic exclusion – addressing this should be a consideration when it comes to planning any future growth or development." (para. 3.38)</p>

Appendix A: Assessment Table

<p>Policy PS41 Washwell Fields, Painswick</p> <p>Up to 20 dwellings</p> <p>1.13 hectares</p>	<p>Grazing field on north-eastern edge of settlement. Residential development on three sides, with Washwell Farm buildings to the north. Lower Washbrook Lane to the south. A steep level change with wooded embankment to east with housing and lane beyond.</p>	<p>The site is located within a larger land parcel identified in the Landscape Sensitivity Assessment as High/Medium sensitivity to housing uses. However, the field between Washwell Farm and Lower Washwell Lane may be able to accommodate some housing as this site is largely screened from views.</p>	<p>An initial desktop biodiversity and geodiversity assessment of the site has indicated there is potential to develop this site without harm to a current local or national designated natural environment site. No significant heritage constraints. Although the site adjoins the garden grounds of Grade II listed Washwell House, development would be unlikely to affect the setting of the listed building to the extent that it would harm its character or alter its historic or architectural interest significantly. Similarly, the physical and visual separation provided by the A46 and the enclosure provided by the buildings of Washwell Farm and Washwell House mean that there is relatively little relationship between this land and the Gyde House conservation area.</p>	<p>The development of the site would have positive benefits in terms of SA objectives 1 (Housing), 2 (Health), 6 (Services and facilities), 9 (Historic Environment), 16 (Employment) and 17 (Economic growth). Development could have a negative impact on 8 (landscapes /townscapes) dependent upon the specific design which is unknown at present, SA11 (water quality) as the site is within a Drinking Water Safeguarding Zone, 12 (flooding) as the site is on greenfield land although outside of flood zones 3a and 3b and 13 (efficient use of land) as the site although relatively small is on greenfield land and grade 3 agricultural land.</p>	<p>The site is surrounded by other built development. Although part of a land parcel with High/Medium landscape sensitivity, this site may be able to accommodate some housing as it is largely screened from views. Up to 20 dwellings not large in the context of Painswick (c.1274 dwellings 2020*) i.e. growth of 1.6%. No significant ecological constraints. No significant heritage constraints.</p>	<p>Parish Housing Needs Survey (June 2020) identified 16 households with a local connection in need of affordable housing and 62 households seeking market housing.</p> <p>The Settlement Role and Function Update 2018 identified housing affordability as an acute issue in Painswick. “Minchinhampton and Painswick are also amongst the District’s most vulnerable settlements in terms of ageing population and socio-economic exclusion – addressing this should be a consideration when it comes to planning any future growth or development.” (para. 3.38)</p>
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* Minchinhampton – 1,437 dwellings in 2018 (Role and Function Study) + 12 completions (2019) and 0 completions (2020); Painswick – 1,268 dwellings in 2018 + 6 completions (2019) and 0 completions (2020)