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

18 January 2021

Dear Simon

**APPLICATION NO:** S.20/2667/FUL

**DESCRIPTION:** Development of 35 dwellings, creation of new access, green infrastructure and associated works.

**LOCATION:** Land Adjoining High Dale, The Knapp, Besbury, Minchinhampton

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.

In principle, the Board supports the provision of affordable housing in the Cotswolds National Landscape where this provision is based on robust evidence of local need arising within the National Landscape. We also acknowledge that there is robust evidence of affordable housing need in Minchinhampton although, as outlined below, we would question the affordable housing need identified by the applicant.

The provision of such housing should be delivered in a way that is compatible with the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape. As outlined below, we do not consider that this proposal would achieve this outcome. Nor do we consider that the proposal demonstrates the exceptional circumstances and public interest that would be required to permit development that is not compatible with this purpose. In addition, we consider that the proposed development would conflict with national and local planning policy.

For these reasons, the Board objects to the proposed development.

Key considerations in reaching this opinion include:

- whether the proposed development constitutes 'major development';
- the need for the proposed development;
- alternative options to the proposed development;
- the detrimental effects of the proposed development.

These considerations are outlined in more detail below.

#### **Cotswolds Conservation Board**

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

[cotswoldsaonb.org.uk](http://cotswoldsaonb.org.uk)

*Chairman:*  
**Brendan McCarthy**

*Vice Chair:*  
**Rebecca Charley**

## Major Development

When determining such planning applications, one of the primary considerations is whether the proposed development constitutes major development, in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF).

For the reasons outlined in Appendix 1, we consider that the proposed development *should* be considered to be major development. A key consideration, in this regard, is the fact that Stroud District Council's own evidence base states that *'the site is not suitable for development because of the likely high landscape impact'*.<sup>1</sup>

For proposals that are deemed to be major development there should be a presumption against granting planning permission.

## Need

For major development proposals, paragraph 172 of the NPPF requires an assessment of the need for the development, including in terms of national considerations, and the impact of permitting it, or refusing it, upon the local economy.

The main justification that the applicant has provided for the proposed development, in the Executive Summary of their Planning Statement, is the assertion that the housing requirement for Stroud District has increased from 638 homes per annum to 786 per annum. However, the Government has subsequently confirmed that it will not be implementing the revised standard methodology for calculating housing need on which this increase is based. As such, the principle justification given for the development in the Executive Summary is no longer valid.

The affordable housing need identified by the applicant for the Plan period represents an 11-fold increase on the affordable housing need identified in the Minchinhampton Housing Need Survey (HNS) and a five-fold increase on the annual affordable housing need identified in the Minchinhampton Neighbourhood Development Plan (NDP). The type of affordable housing proposed by the applicant also differs considerably from the type of affordable housing that is identified as being required in the HNS and NDP. See Appendix 1 for further details.

Such a large divergence from the figures in the HNS and NDP seems excessive and calls into question the validity of the applicant's housing need assessment. Given this significant divergence from the NDP, the proposed development would not be plan-led in this regard.

Case law has clarified that even if exceptional need is identified, this does not equate to exceptional circumstances or being in the public interest. This is because, consideration still has to be given to alternative options and to any detrimental impacts.<sup>2</sup>

## Alternative Options

For major development proposals, paragraph 172 of the NPPF requires an assessment of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.

However, the applicant has made no such assessment.

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<sup>1</sup> White Consultants (2016) *Stroud District Landscape Sensitivity Assessment – Final Report for Stroud District Council*. ([Link](#)). Further information provided in Appendix 1 below.

<sup>2</sup> R (Mevagissey Parish Council) v Cornwall County Council [2013] EWHC 3684 (Admin) Hickinbottom J. Paragraph 53.

A key consideration in this regard is whether there are more appropriate locations in the local area (i.e. within Minchinhampton parish) to meet the affordable housing need arising within Minchinhampton, particularly with regards to the affordable housing need identified in the Minchinhampton Housing Need Survey and in the Minchinhampton NDP.

An obvious alternative option would be draft site allocation PS05 (East of Tobacconist Road) where 80 dwellings are proposed. An additional alternative option would be the South of Cirencester Road site, which had previously been considered for an allocation of up to 50 dwellings in Stroud District Council's Emerging Strategy Paper.

Although the Board has previously expressed concerns about both of these sites, they are both potentially preferable to a housing development at The Knapp. For example, unlike the current proposal, they would not extend development at Minchinhampton (or the visual impact of such development) onto the upper slopes of Golden Valley.

An additional consideration should be the potential to deliver smaller scale affordable housing developments within the settlement development limit of Minchinhampton.

### **Detrimental Effects**

For major development proposals, paragraph 172 of the NPPF requires an assessment of any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which this could be moderated.

Even if the proposal is not considered to be major development, great weight should still be given to conserving and enhancing the landscape and scenic beauty of the Cotswolds National Landscape. In addition, any assessment of whether the development would be in the public interest should bear in mind the fact that it is in the national interest to safeguard the natural beauty of the National Landscape.

The Board acknowledges the measures that the applicant has taken to mitigate adverse impacts, as outlined in Appendix 1. However, we consider that the applicant's Landscape and Visual Impact Analysis (LVIA) has failed to adequately assess adverse landscape and visual impacts. For example, it has not provided wireframe images or photomontages of the proposed development, or even demarcated the proposed development on the viewpoint photographs. We consider that these adverse impacts are likely to be more significant than the LVIA suggests.

As outlined above, Stroud District Council's own evidence base indicates that the site is not suitable for development because of the likely high landscape impact. Even taking into account the proposed mitigation, the Board supports this conclusion. Further comments are provided in Appendix 1.

### **Environmental Impact Assessment**

Stroud District Council should have undertaken an Environmental Impact Assessment (EIA) Screening Opinion for the proposed development. Given the likely adverse effects identified in the District Council's own evidence base, it would be logical to conclude that an EIA *should* be required.

Further information relating to the Board's comments is provided in Appendix 1.

If you have any queries regarding the Board's comments please do get in touch.

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John Mills  
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## APPENDIX 1. SUPPORTING INFORMATION

### MAJOR DEVELOPMENT

Footnote 55 of the NPPF specifies that ‘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 or defined’.

Legal opinion has clarified that consideration of whether a development has the potential to have a significant adverse impact ‘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 ... is sufficient’.<sup>3</sup>

The proposed development is not allocated in either the adopted or draft Local Plan. In addition, the development would be located outside the settlement development limit. For a ‘local service centre - second tier’ settlement such as Minchinhampton, development outside the settlement development limit should only be permitted in exceptional circumstances.

The Board considers a single, windfall development of 35 dwellings to be relatively large in the context of the Cotswolds National Landscape, albeit that this would represent a relatively small % increase in the total number of dwellings in Minchinhampton.<sup>4</sup>

A key consideration is the potential for the proposed development to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape. In this regard, Stroud District Council’s own evidence base states that:

- The land parcel has high landscape sensitivity to housing use: *The area’s sensitivity lies in ... its role as part of the skyline and location on the edge of the wold top and the sloping valley side. Existing housing is set back from the wold edge. The area’s value lies in its location in the Cotswolds AONB and role as setting to Minchinhampton Common multi-period scheduled monument ... Housing would adversely affect the setting and character of the common to the west and would impinge on the skyline on the wold edge or on the valley sides which would be uncharacteristic of the main settlement form.*<sup>5</sup>
- *The site is not suitable for development because of the likely high landscape impact. Development would adversely affect the setting and character of Minchinhampton Common to the west and would impinge on the skyline on the wold edge which would be*

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<sup>3</sup> <sup>3</sup> Maurici, J., QC (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Opinion* Paragraph 26. ([Link](#)). (N.B. This is commonly referred to as one of the ‘Maurici Opinions’).

<sup>4</sup> 35 dwellings would be a 1.5% increase on the 2,406 dwellings in Minchinhampton parish - and a 2.6% increase on the 1,366 in the built-up area of Minchinhampton - at the time of the 2011 census (N.B. The 2011 census data is taken from [www.nomisweb.co.uk](http://www.nomisweb.co.uk)).

<sup>5</sup> White Consultants (2016) *Stroud District Landscape Sensitivity Assessment – Final Report for Stroud District Council*. ([Link](#)). This extract relates to land parcel M08, which includes the proposed development.

*uncharacteristic of the main settlement form. There are therefore potential impacts preventing sustainable development in this location.*<sup>6</sup>

The proposed development is also in close proximity to a number of nature conservation and historic environment designations and close to access land.

For these reasons, the Board considers that the proposed development *should* be considered to be major development.

## **HOUSING NEED**

The applicant's Housing Need Assessment (HNA) identifies a need for 156 affordable / social rent dwellings and 127 shared ownership dwellings in the 11 years to 2031 (i.e. 253 dwellings in total). The Minchinhampton Housing Need Survey (HNS) identifies a need for 24 affordable dwellings. The HNA figures is therefore an 11-fold increase on the HNS figure.

The applicant's HNA identifies an annual affordable housing need in Minchinhampton of 25.7 dwellings per annum (14.2 affordable / social rent dwellings and 11.5 shared ownership dwelling), whereas the need identified in the NDP (page 40) is for *'about 5 new affordable dwellings per year'* (which equates to the HNS affordable housing need figure of 24 dwellings spread over five years). The HNA figure is therefore a five-fold increase on the NDP figure.

The type of affordable housing provision identified by the applicant is also not consistent with the type of affordable housing provision identified in the NDP or in the Minchinhampton Housing Needs Survey (HNS). As such, it is not consistent with the Development Plan in this regard as well.

100% of the affordable housing need identified in the HNS is for one bedroom dwellings (i.e. all 24 of the households identified as being in need of affordable housing). On the basis of the HNS findings, the NDP (paragraph 4.84) states that *'new housing to meet local needs should ... compromise small one and two bedroomed properties ... and a smaller proportion of 3 or 4 bedroom homes'*. In contrast, the applicant identifies that the majority of affordable housing need in Minchinhampton is for three bedroom homes. Only four of the 35 proposed dwellings in this development (i.e. 11%) are for one bedroom dwellings, whereas 16 (i.e. 45%) are for three or four bedroom dwellings.

The applicant's data is skewed towards larger dwellings because it inappropriately conflates affordable housing need data with the proportion of different size dwellings for Minchinhampton as a whole.

It is worth noting that the applicant's HNA (paragraph 1.6) explicitly states that actual results may differ materially from the results predicted and that the consultant who compiled the report (WP-Housing) *'specifically does not guarantee or warrant any estimate or projections contained in this report'*.

## **DETRIMENTAL EFFECTS**

### **Landscape and Visual Impact Analysis**

The applicant's Landscape and Visual Impact Analysis (LVIA) provides an unsatisfactory assessment of landscape and visual impacts. For example:

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<sup>6</sup> Stroud District Council (2020) *Strategic Assessment of Land Availability Assessment – New Sites Update Report October 2020*. Appendix 4 – List of Rejected Sites. ([Link](#)). This extract specifically relates to the proposed development site (i.e. The Knapp).

- The photographs:
  - Are very small and, as such, do not convey the actual view that would be experienced from the viewpoints in person – by extension, they potentially underplay the visual effects.
  - Do not demarcate the extent of the development within the site.
  - Do not provide photomontages or wire frame images of the proposed development.
- It doesn't adhere to the Landscape Institute's LVIA guidance in terms of assessing the sensitivity of receptors and the magnitude of change in order to gauge the significance of the effect – indeed, it frequently conflates the two components in a way that undervalues the sensitivity (for example, it gives higher value to receptors at viewpoints that are closer to the proposed development rather than basing the value on their status as receptors on public rights of way in a nationally important protected landscape).
- It focusses heavily on visual impacts with very little assessment of impacts on landscape character. For example, there is very little assessment of impacts on the key characteristics of the relevant Landscape Character Types (LCTs) or of the relevant special qualities.
- It doesn't address the issue of light pollution on the dark skies of the National Landscape (including the introduction / spread of lit elements that could potentially be seen across a wide area).
- It doesn't include a Zone of Theoretical Visibility – as such, it is difficult to gauge if there are other potential key viewpoints, for example, on the opposite side of Golden Valley above Brimscombe.
- It includes several irrelevant viewpoints, located some distance from the site and looking in the opposite direction to the site (for example, viewpoints 12, 16, 17 and 18).

The lack of photomontages or wireframe images is particularly important in the context of the proposed development. As indicated in the District Council's evidence base, one of the issues is the potential for development on this site to impinge on the skyline of the wold edge. Most development within Minchinhampton (including the adjacent Tynings development) is located within – and / or follows - the contour line of the 'plateau' on which Minchinhampton is located. The proposed development, on the other hand, would bring housing onto land that starts to slope down towards Golden Valley. Photomontages, or wireframe images, would therefore help to clarify the extent to which the proposed development would impinge on the skyline of the wold edge.

Photomontages would be particularly useful in relation to viewpoints 19, 20 and 22. For example, considering that the Tynings development can be seen from viewpoint 20, the proposed development (which would, in effect, be in front of the Tynings development) is likely to be much more prominent on the skyline. The proposed development would also potentially introduce built development into the skyline when viewed from viewpoint 19.

Given that the hedge and tree planting along the visually prominent north-western boundary will be at a lower elevation than the new housing, this will limit the extent to which this landscaping mitigates the adverse visual effects of the proposed development.

The conflation of sensitivity and magnitude of change also potentially undermines the landscape and visual impacts. For example, the very high sensitivity of receptors at Rodborough Common (Viewpoint 22) means that the significance of the visual effect would be at moderate / major even if the magnitude of change is low. Whilst we acknowledge that the site would form a relatively small component of the overall panoramic view from Rodborough Common, the open nature of the site provides an important contrast to the woodland dominated view along the Golden Valley.

With regards to the landscape character, the open, undeveloped and agricultural nature of the site reflects one of the key features / characteristics of the High Wold Dip Slope Landscape Character

Type. As such, we strongly disagree with the assertion in the LVIA that the proposed development would (arguably) provide a betterment.

We acknowledge the measures that are being proposed to mitigate adverse impacts, such as:

- the provision of open space, providing a line of sight through the development;
- 'copse' planting on the western boundary;
- enhanced on-site biodiversity.

However, even taking into account the proposed mitigation, we consider that the proposed development would have an adverse impact on the landscape and scenic beauty of the Cotswolds National Landscape. With regards to potential biodiversity benefits, it is important to note that these are an 'important' consideration, in the context of the National Landscape, whereas landscape and scenic beauty should be given 'great weight'.



## APPENDIX 2. RELEVANT COTSWOLDS CONSERVATION BOARD GUIDANCE

Further guidance on relevant considerations is provided in the following Cotswolds Conservation Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#)).
- Cotswolds AONB Landscape Character Assessment ([link](#)), particularly, in this instance, with regards to the 'key features / characteristics' of:
  - Landscape Character Type (LCT) 9 (High Wold Dip Slope), in which the proposed development would be located;
  - LCT 5 (Settled Valleys), which the development would impinge upon, both physically and visually; and
  - LCT 7 (High Wold), which the development would impinge upon visually.<sup>7</sup>
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)), particularly, in this instance, with regards to LCT 9 ([link](#)), LCT 5 ([link](#)) and LCT 7 ([link](#)), including Sections 9.1, 5.1 and 7.1 respectively.
- Cotswolds Conservation Board Position Statements ([link](#)).

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<sup>7</sup> It is worth noting that the long-distance views across and from the high wolds are one of the special qualities of the Cotswolds National Landscape. This would include the views from Rodborough Common.