



Appeal Decision

Hearing Held on 21 September 2022

Site visit made on 21 September 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/C1625/W/22/3300819

Land at The Knapp, Minchinhampton GL6 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Piper Homes against the decision of Stroud District Council.
 - The application Ref S.20/2667/FUL, dated 20 November 2020, was refused by notice dated 20 May 2022.
 - The development proposed is 35 dwellings, creation of new access, green infrastructure and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. After the hearing a signed S106 agreement was submitted which seeks to secure affordable housing (AH) and payments towards mitigation for any likely significant effects on the Rodborough Common Special Area of Conservation (the SAC). It is joined by a separate draft UU which intends to provide contributions to education and libraries provision. I return to the matter of planning obligations later in this decision.
3. Revised plan Ref 6229-P-100 Rev M was submitted with the appeal. Given that it addresses an error in the Schedule of Accommodation, and does not change the substance of the scheme, I had regard to it without prejudice to any party.

Main Issues

4. From all I have seen and heard, I consider the main issues to be:
 - the effect of the proposal on the character and appearance of the area, with regard to the Cotswolds Area of Outstanding Natural Beauty (the AONB); and,
 - whether or not the proposal would constitute major development within the AONB for the purposes of local and national policies.

Reasons

Character and appearance

5. The site is a triangular sward, bound by dry stone walls at the edge of the settlement of Minchinhampton, within the AONB. Housing along The Tynings is to the south, which bounds the site and forks to a Public Right of Way (PROW) to the northeast. A rural lane, The Knapp, adjoins the site's north boundary. The Knapp connects to the busy Cirencester Road close by to the southwest.

6. Policy ES7 of the Stroud District Local Plan (SDLP) (adopted 2015) prioritises the conservation and enhancement of the natural and scenic beauty of the AONB. SDLP Policy HC4 supports the provision of AH at exception sites to meet local affordable housing needs adjoining settlements like Minchinhampton, provided the site is not subject to an overriding environmental planning constraint. Its supporting text states that particular importance is given to sustainability considerations including the scale of development and the impact on the character of the surrounding landscape and countryside.
7. AONBs are defined as 'valued landscapes' by Paragraph 170 of the National Planning Policy Framework (the Framework). Paragraph 176 states that AONBs have the highest status of protection in relation to conserving and enhancing their landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of AONBs to conserve and enhance the natural beauty of the area. The Framework requires that great weight be given to these matters in decision making.
8. The special qualities of this AONB are expressed in Chapter 2 of the AONB Management Plan 2018-2023 (AONBMP)¹ and several apply to the site. It is an open and elevated area at the edge of a wold top and demarks the start of the wold giving way to a steep slope and then quickly a dramatic escarpment. The site's openness offers up big skies and a wide vista of the river valley landscape to the north and Rodborough Common to the northwest, particularly from The Tynings and the adjacent PROW. The vista is extensive and not only contingent on gaps that have been made in the tree belt atop the crest of the escarpment. The Knapp, and the PROWs that connect to it, offer tranquil recreational routes from Minchinhampton down to Besbury Common, an important public space.
9. These characteristics are also reflected by the site straddling the Wold Tops LCA and also the Secluded Valley LCA at its north edge, as identified in the Stroud District Landscape Assessment (2000). The specific assessments for these LCAs pick up on similar attributes to the AONBMP, such as a simple expansiveness and a lack of enclosure on the wold tops, but also a lack of surface water.
10. The properties on The Tynings do present a stark edge to the village, but they are also set forgivingly back from the edge of the wold top behind the site, which markedly reduces their imposition upon the AONB landscape, particularly in the shorter to moderate distance views from the north and Minchinhampton Common. A builder's yard across The Knapp is low key and innocuous. As such, despite its proximity to Minchinhampton, the appeal site and its rural environs make a significant contribution to the landscape and scenic beauty of the AONB.
11. The appeal is accompanied by a 'Landscape Visual Impact Analysis'. However, this analysis has not been carried out with strict adherence to GLVIA3, as it does not clearly separate landscape and visual effects into discrete assessments. Reference is not made to the AONBMP. Clear conclusions on the effect of the development from certain viewpoints are not always reached. These shortcomings do undermine the authority of its conclusions.
12. The layout of the development seeks to provide a framed 'corridor' view of the valley landscape through a break in built form, which would act as new public open space. However, this would not adequately substitute the wide ranging, long-distance views extensively on offer along The Tynings and the connected

¹ Informed by the Cotswolds AONB Landscape Character Assessment (2016)

PROW that would be lost. I agree with the Council's landscape evidence that the receptor sensitivity along these routes is high, the magnitude of effect at Year 1 would be substantial and the overall level of effect would be major. At Year 15 the magnitude of effect would reduce to substantial/moderate with the level of effect remaining major. It would be permanent and unavoidable.

13. In views from down the slope along The Knapp and the PROWs to Besbury Common, the site marks a point where the slope rises to converge with the sky. This is an example of the Secluded Valleys LCA attribute of 'steep upper slopes forming abrupt break of slope with the Wold Tops'. This focus point would be beset by houses which would break the skyline, in conflict with a key priority for the Wold Tops LCA to maintain the open character of the upland landscape and avoid siting development on prominent ridgelines or horizons. The existing, single houses around the site would combine with the proposal to exacerbate the visual sense of the village extending towards the wold top edge.
14. The receptor sensitivity from the Knapp and the PROWs to Besbury Common is high and the magnitude of effect at Year 1 would be substantial. I do not share the optimism that the planting would ultimately soften the scheme so that its effects would be at worst neutral after 15 years. It is highly unlikely that the boundary treatments proposed would screen the upper parts of the dwellings. Rather, the housing would perch at the precipice of the wold top, visually set against the sky. Larger scale planting would itself overtop the horizon and would not be suitable for this intimate domestic layout.
15. Reference is made to the nearby woodland belts along the escarpment's crest. These are also a special quality of the AONB, but it is the site's absence of tree cover and the simple, expansive openness of the wold top and the adjacent slopes that is paramount to the landscape and scenic beauty of the AONB in and around the appeal site. Going further therefore, I find the general dependence on mitigatory planting to be inherently flawed for this particular site.
16. In any event, in practical terms 15 years is a long and perhaps unrealistic time to wait for this level of harm to an AONB to resolve. I am also informed that the composition of the topsoil in this area may jeopardise the viability of the planting. These concerns were reinforced as I heard anecdotal evidence of tree planting that has failed to flourish locally elsewhere in similar conditions.
17. The houses on the Knapp Lane frontage would likely provide intrusive artificial lighting at this sensitive edge of the wold top, to the detriment of the AONB's dark skies, another of its listed special qualities. The proposed use of the first section of The Knapp for all vehicular movements is likely to lead to an at times intense shared space, detrimental to the levels of tranquillity that it currently exhibits. The provision of the infiltration pond would introduce an element of surface water to a location characterised by an absence of such.
18. The dwellings would not utilise the area's limestone, a unifying material and AONB special quality present in its built and natural environments. Whilst the low dry-stone walling would be largely retained, the scheme would also in places utilise less refined timber fencing. The flower rich grasslands within the layout would be a modest enhancement in isolation. Any tranquil qualities present within the layout would not compare to the existing open sward.
19. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, with regard to the AONB. It would

conflict with the landscape aims of Policies ES7 and HC4 of the SDLP, Policy MP Env 1 of the Minchinhampton Neighbourhood Development Plan 2018 to 2036 (made 2019), the AONBMP, and the Framework.

Major development in the AONB

20. Policy ES7 goes on to say that major development will not be permitted in the AONB unless it is demonstrated to be in the national interest and there is a lack of alternative sustainable development sites. This is broadly consistent with Paragraph 177 of the Framework which states that in AONBs 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.
21. Given the foregoing analysis, the proposal, with regard to its nature, scale and setting, would have a significant adverse impact on the natural beauty of the AONB and would constitute major development in the AONB. The appellant has provided three appeal decisions which consider this issue for schemes of a comparable or larger scale. However, assessments of this issue are highly fact sensitive and site (and AONB) specific, to the point that these other appeals lack relevance. The sites at Sonning Common and Kingsbridge may have been close to those settlements, but I have set out specific reasons why, despite its proximity to Minchinhampton, the site contributes positively to this AONB.
22. If a scheme is found to be major development, assessments should progress to consider: a) the need for it, including in terms of national considerations, and the impact of permitting it or refusing it upon the local economy; b) the cost of, and scope for, developing outside the AONB, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.
23. With regard to part a), there is an agreed need for AH in Minchinhampton Parish, but there is disagreement as to the extent of that need. The appellant eventually concluded that the need could reach 12 units per annum over the plan period. The Council found it to be more likely about eight or nine, utilising the appellant's modelling, which, despite misgivings, the Council found no reason to criticise in principle. I note that the figure of eight is consistent with the AH need figure for Minchinhampton that is derived through the 2020 Gloucestershire Local Housing Needs Assessment, which offers it corroboration.
24. The appellant's final figure was a reduction, based on revisions to the modelling in light of accepted criticisms about double counting. However, at the hearing it became apparent to me that these concerns could also be extended to the updated modelling. Either way, however, the need is high, and I recognise that this is reflective of a pressing demand for AH in local communities elsewhere in the AONB, the plan area and nationally². I have therefore adopted the appellant's revised, higher figure of 12 for the sake of my assessment.
25. In terms of the local economy, the occupants of the 35 homes may take up local job opportunities. They would undoubtedly frequent the local facilities within Minchinhampton, providing them with a welcome boost. However, I have been offered no substantive evidence or clear indication that these facilities are at risk without this increased footfall. Benefits associated with the construction phase of the development would be relatively modest and time limited.

² 'An Affordable Housing Emergency – The National Failure to Provide the Homes we Need

26. It has been accepted by the main parties that, as the AONB washes over Minchinhampton, its AH need cannot be met beyond the designated landscape. However, my attention has been drawn to other ways it could be met on sites at the edge of the settlement which are less sensitively placed in the AONB, as identified by the Council's Strategic Assessment of Land Availability (SALA). The appellant questioned the usefulness and rigor of the SALA given its strategic scale, but it offers detailed and substantive analysis of each site, giving site specific reasons for its conclusions. The appellant has not offered proportionate landscape appraisals of these other sites in response.
27. Notably, there is a site allocated for housing within the emerging Stroud District Local Plan Review (the Review), identified as Site PS05 Land East of Tobacconist Road. The Review is yet to be examined and can only be afforded limited weight, but that is not to say that Site PS05 does not offer scope for AH delivery. Yet, during the hearing it became clear that there are numerous objections to the site which will have to be addressed at examination. Site PS05 is intended to accommodate *up to* 80 homes, so the actual number may also be less. Even if 80 were delivered, I understand that the Review's policy approach to AH contributions for allocated sites of this scale may well yield less than 35 units of AH at Site PS05. The scope for Site PS05 to meet some or all of the AH need of the proposal is therefore uncertain as things stand.
28. South of Site PS05 is Site PS05a, which is intended to be safeguarded for future allocation for housing. The SALA's suggestion that the AONB is less sensitive to its development was borne out when I visited the site. However, I have gleaned scant information about its credentials beyond that. Whilst there is a parcel of land to the north of Site PS05 identified by the SALA as M06, which is also more suitable than the appeal site in landscape terms, the Council offered little at the hearing to convince me of its immediate scope to deliver AH and I am not aware that a planning application at this site is in the offing. Small sites within Minchinhampton may cumulatively provide AH, but there also appears to be sparse evidence of such sites coming forward so far.
29. For these reasons, whilst there are sites around Minchinhampton that are less sensitive with regard to the AONB, there is a lack of certainty as to their future prospect for AH delivery. I therefore give only limited weight to the scope for the need for the proposal to be met in some other way.
30. However, with reference to c), the effect of the proposal on the environment and the AONB landscape would be highly significant. Recreational opportunities would be modestly harmed by the somewhat inhospitable road environment the scheme would create along The Knapp. The onsite play area, allotments and orchard would provide modest benefits which would not relate directly to the recreational value of the AONB itself. The planting would intrinsically depart from the open, simple expansiveness of the site and would not suitably moderate the visual and landscape effects of the proposal. Biodiversity gain within the site associated with the new landscaping would be modest.
31. Drawing this together, there is a high need for AH in Minchinhampton and the scheme would make a clear inroad towards meeting that local need. There is presently only limited scope for the proposed AH to be delivered in other ways. The provision of AH in this case therefore attracts significant weight. On the other hand, the harm to the AONB would be highly significant, and this must be afforded great weight in the balance. The economic effects and the recreational

effects of allowing or not allowing the proposal would be modest either way. There are further circumstances in the scheme's favour. I recognise that the site has adequate access to facilities and sustainable transport options. The provision of a raised table, the realignment of The Knapp junction to improve visibility, and the introduction of a pedestrian crossing on Cirencester Road amount to highway safety improvements of modest weight in the balance.

32. Ultimately, the situation before me falls short of amounting to the exceptional circumstances that would justify the highly significant and permanent harm that would arise to the AONB. This is unlike the Sonning Common appeal decision, where there was a materially lower impact upon the landscape and visual qualities of that AONB, and a higher order of compelling circumstances, including a requirement for extra care provision and the absence of a five-year supply of deliverable housing sites, in addition to an unmet need for AH.
33. Accordingly, I conclude that the proposal would constitute major development in the AONB for the purposes of local and national policies. Exceptional circumstances are not present, and the proposal would not be in the public interest. The proposal would therefore conflict with the relevant aims of Policies ES7 and HC4 of the SDLP, the AONBMP and the Framework.

Other Matters

34. The S106 establishes that the AH would be aimed at those with a local connection first and then cascaded outwards if people with a local connection are not identified. The S106 agreement also seeks to secure financial contributions towards mitigation as to the likely significant effects of the proposal on the integrity of the SAC. Had I been minded to allow the appeal, it would have been necessary to consider this matter within an Appropriate Assessment. As I am dismissing the appeal for other reasons, I have not.
35. Similarly, the draft UU relating to the libraries and education obligations pertains to a disagreement between the Council and Gloucestershire County Council about whether or not these requirements should be addressed by the Community Infrastructure Levy. I have not had cause to consider this further.

Planning Balance

36. The harm to the AONB draws the proposal into conflict with the development plan when read as a whole. In addition to the aforementioned benefits of the scheme, the totality of the other considerations put before me do not justify setting aside the great weight I attribute to the harm to the AONB, and the consequent conflict with the development plan.

Conclusion

37. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sian Griffiths	RCA Regeneration Ltd
Joe Bennett	RCA Regeneration Ltd
Penny Wagner	Page Wagner Associates Ltd
Matthew Hunt	Walker Pritchard Partnership
James Whitton	JNP Group
Ellen Lishman	JNP Group
Andrew Browne	Piper Homes

FOR THE LOCAL PLANNING AUTHORITY:

Simon Penketh	Principal Planning Officer
Simon White	White Consultants
Jonathan Lee	Opinion Research Services

INTERESTED PERSONS

Stephen Hawley	Highway Authority
Richard Jeffries	Highway Authority
Andrew Case	AC Planning Solutions
James Hunter	Helix Transport Consultants
Patrick Swift	Local Resident
Catherine Copper	Local Resident
Cllr Pippa Schwartz	Minchinhampton Parish Council

DOCUMENTS SUBMITTED BEFORE THE HEARING

1. Amended junction plan (appellant)
2. Illustrative massing photographs and site visibility sections (appellant)
3. Housing analysis (appellant)
4. Objection in relation to planning obligations (Gloucestershire County Council)