



An Independent Review of Housing In England's Areas of Outstanding Natural Beauty 2012-2017

FINAL REPORT NOVEMBER 2017

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Commissioned by:



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Executive Summary

The housing challenge and Areas of Outstanding Natural Beauty

Areas of Outstanding Natural Beauty are some of the most outstanding and cherished landscapes in England. They provide a home for thousands of people who live and work in the many hamlets, villages and towns that exist within and nearby them. The interdependence of people and place is one of their defining features. Yet, as this research shows, over the past decade a number of these areas have faced unprecedented pressure for housing development which risks changing their character fundamentally.

The Government's Housing White Paper, published earlier this year, set out how it intends to 'get England building' reiterating a 2015 commitment to provide a million new homes by 2020. All political parties support a large scale house building programme. Areas of Outstanding Natural Beauty (AONBs) cover 15% of the land area of England and a much greater proportion of southern England where housing pressures are greatest and cannot be considered exempt from the need for new housing. Yet, their capacity to accommodate new built development while safeguarding their essential character is limited.

Maintaining vibrant and diverse local communities is essential to the long-term future of AONBs but this requires careful planning and sustainable stewardship of land.

National policy for AONBs centres on the need to 'conserve and enhance' natural beauty, particularly in the exercise of planning functions by public bodies. This is taken to include landscape and scenic beauty, as well as natural and cultural heritage. The policy framework which sets out the purpose of AONBs would appear to be incompatible with the delivery of large-scale housing development. This view is reflected in the expectation of many of the AONB and CPRE respondents to our survey that housing development should be restricted in such protected landscapes, be predominantly small scale to meet local needs, and not

involve the accommodation of large scale housing schemes.

This research is based on data collected by Glenigan covering planning applications and approvals for housing development in and near to AONBs between 2012-2017. This data was supplemented by interviews with AONB staff and CPRE Branches, contextual research and examination of selected case studies.

This report charts how AONBs, especially in the South East and South West of England, are under considerable and growing pressure from large scale housing development. The crux of the issue appears to be the pressure placed on local planning authorities (LPAs) to find land for housing to meet 'objectively assessed need' irrespective of any constraints imposed by protected landscape policies. The challenge for LPAs is compounded by the problems of interpreting and applying weight to the AONB designation. While the national policy framework relating to AONBs has not fundamentally changed since 2012, our research clearly points to a shift in the emphasis of planning practice from landscape protection to addressing the housing shortage and boosting supply.

There remain questions over the relative extent of housing pressures impacting on AONBs. Comparative data is problematic and this research has only considered large schemes of more than ten units. Consequently, the research does not address the impact of small scale housing schemes on AONBs. The evidence and cases explored in this report, however, demonstrate conclusively that there has been a significant increase in the number and scale of housing applications and approvals within AONBs and within 500m of their boundaries over the past two years. In many cases, these approvals are yet to become apparent through completed development as around a quarter of permitted schemes in AONBs are not completed within four years of the date of planning decisions.

KEY FINDINGS

- 1) A growing number of planning applications for housing within AONB designated areas as well as in the setting of AONBs between 2012-2017
- 2) An increasing number of applications for housing units on sites of all sizes and a growing number of larger sites (>100 units)
- 3) More approvals granted for a larger number of units on larger sites. A growing number of approvals for housing schemes on sites of all sizes with a step change upwards in approval for housing units over the two years since 2015
- 4) A greater proportion of greenfield sites approved within 500m of AONBs compared to brownfield site permissions
- 5) Significantly more greenfield sites awaiting decision within AONBs and within 500m compared to brownfield sites
- 6) Step change increases in private housing approvals in 2015/16 whilst in the same year social housing approvals hit a five year low
- 7) The success rate for housing schemes within AONBs peaked in 2012-2014
- 8) A growing number of appeal cases for schemes >10 units in each year between 2012-2017 both within AONBs and within 500m
- 9) Housing pressure on AONBs, as expressed by the number of applications, approvals and number of units is most keenly felt in South East and South West Regions with 8 AONBs accounting for 79% of all housing units approved within AONBs
- 10) About a quarter (25%) of approved schemes still in pre tendering process up to 4 years after decision date.

Research report

This research report sets out the key aspects of the housing and planning policy context affecting housing development in England and the policies intended to 'conserve and enhance' AONB purpose. It reveals that over the last decade there has been a lack of attention given in national policy to the particular challenges of managing housing pressures in AONBs.

Findings from our analysis of the Glenigan housing data and survey responses from AONB staff and CPRE branches are set out in detail in the report and associated annexes. The qualitative survey undertaken with AONB staff and CPRE branches explores the drivers behind the increases in housing pressures on AONBs, including;

- The national narrative around housing shortage coupled with growing political support for growth linked to housing supply
- The difficulties faced by LPAs in maintaining 5 year housing supply driving allocation and/or speculative development
- Attractiveness of AONB locations for housing development which can attract high returns
- Growing confidence among developers in securing permission from LPAs or at appeal
- Increased concern among LPAs about refusing proposals for housing development on AONB grounds alone
- Reduced capacity of LPAs to deal effectively with impacts on AONB purpose.

These drivers inevitably affect AONBs differently depending on a range of local variables including topography, settlement patterns, presence of market towns, local demographics, proximity to London, and pressure from retirees and second home owners. A fuller understanding as to why there has been such an increase in applications and approvals for housing in some AONBs requires further investigation.

Seven case studies are presented to demonstrate the spectrum of issues relating to housing development in AONBs. The case studies explore the scale and nature of the housing challenge playing out in AONBs, from questions of due process, to local plan allocations through to neighbourhood planning and community led housing initiatives that might point to ways of safeguarding AONB purpose whilst delivering much needed rural housing.

Toward improving safeguards for AONB purpose

Planning is a political process and defining ‘harm’ to the ‘natural beauty’ of AONBs is a matter of subjective balance. As a result we find an uneven distribution of pressures and responses to housing developments in AONBs. Our case studies demonstrate that some communities are more effective than others in making and presenting a case for safeguarding their local landscape assets. There has been no national debate as to whether AONB designation is fit for purpose, instead since 2012 there appears to have been an incremental and geographically skewed erosion of what AONB purpose means and how it is acted upon. Government support for and clarification of the policy status of AONB designation together with detailed guidance on the application of AONB purpose are much needed. However, above all else there is a need to fully recognise and resource the role played by AONB partnerships and AONB management plans in assisting the planning process.

We have identified a series of recommendations grouped around three themes on the most effective way of safeguarding our AONBs and addressing the key findings from our research as follows:

- measures to help AONBs respond to the national need for housing
- measures to achieve a better planning balance by strengthening the weight given to the AONB purpose
- measures to address capacity and support issues

Some 20 recommendations are put forward to inform both CPRE and the National Association for AONBs and help shape policy reviews and consultation input. Recommendations range from: addressing issues of interpretation and application arising from the National Planning Policy Framework (NPPF) drafting; providing further guidance on the treatment of AONB purpose in the planning process; a call for a Ministerial Statement on AONBs to affirm policy support for the designation; to the introduction of a notification process requiring LPAs intending to grant permission for a large residential development (50+units) in an AONB to give notice to the Secretary of State for Communities and Local Government.

While the recently announced review of planning by the former MP and Minister Nick Raynsford and the Department for Local government and Communities (DCLG) consultation on “Planning the Right Homes in the Right Places” may offer opportunities to influence change over the coming months, there is a long way to go before we have the planning system that is capable of giving adequate safeguards to some of our finest landscapes.

Key Figures

Housing applications

- A growing number of applications for > 10 unit housing schemes within AONBs submitted from 2012-2017 – 80 applications in 2012/13 compared to 164 in 2016/17 (a 105% increase)
- A growing number of applications for > 10 unit housing schemes within 500m of AONB boundary submitted 2012-2017 – 45 applications in 2012/13 compared to 105 in 2016/17 (a 133% increase)
- A significant increase in the number of housing units proposed in applications both within AONBs and within 500m of AONB boundary from 2012-2017 – housing schemes for 2,530 units proposed in 2012/13 rising to 6,633 units in 2016/17 within AONBs (162% increase) and 1,610 units in 2012/13 rising to 5,076 units in 2016/17 within 500m of an AONB boundary
- An increase in the number of 10-20 unit scheme applications within AONBs and within 500m of AONB boundary from 2012-2017 – 46 schemes in 2012/13 up to 74 schemes in 2016/17 within AONBs and 12 schemes in 2012/13 up to 46 schemes in 2016/17 within 500m of AONB boundary (an overall increase of 107%)
- A 186% increase in the number of 21-100 unit scheme applications within AONBs and within 500m of AONB boundary from 2012-2017 – 31 schemes in 2012/13 up to 80 schemes in 2016/17 within AONBs and 12 schemes in 2012/13 up to 43 schemes in 2016/17 within 500m of AONB boundary.
- An increasing number of housing units per year have been approved within AONBs and within the 500m across 2012-17 – 2,396 units approved within AONBs in 2012/13 rising to 4,369 units approved in 2016/17 (an 82% increase) and 1,327 units approved within 500m of an AONB boundary in 2012/13 rising to 3,459 units approved in 2016/17 (a 161% increase)
- An increase in the area of sites (Ha) with housing approval within AONBs and within the setting (500m) from 2012-17 – rising from 41 Ha approved within AONBs 2012/13 to 212 Ha approved in 2016/17 and 12 Ha approved within 500m 2012/13 to 110 Ha 2016/17
- A significant number of applications³¹ for housing schemes within AONBs and within 500m still pending a final decision, especially within 500m. No decision on some 12,741 units within AONBs and 19,303 units within 500m of AONB boundary. If all outstanding schemes were to be approved it would more than double the number of approved housing units within AONBs and within 500m – A potential 59,508 units compared to the 27,364 approved 2012-2017
- Increasing approvals for larger schemes within AONBs and within 500m of AONB boundary – approvals for > 100 unit schemes have grown from 5 schemes in 2012/13 to 20 schemes in 2016/17
- The number of >10 unit housing applications refused within AONBs and within 500m of AONB boundary have grown across 2012-2017 especially for schemes < 50 units – only 6 schemes were refused in 2012/13 compared to 72 schemes in 2016/17

Housing approvals and refusals

- An increase in the overall number of > 10 unit housing schemes approved within AONBs from 2012-2017 – Rising from 70 approved schemes in 2012/13 to 91 schemes in 2016/17 (a 30% increase)
- Overall some 15,485 housing units have been approved within AONBs between 2012-2017 on sites covering 435Ha. This compares with 11,879 housing units approved within 500m of an AONB boundary between 2012-2017 on sites covering 212 Ha
- Over the period 2012-2017 within AONBs and within 500m of AONB boundary 638 planning decisions were granted out of 839 applications, an overall success rate of 76%
- The overall success rate of > 10 unit housing applications within AONBs across 2012-2017 has come down steadily from 93% in 2012/13 to 64% in 2016/17

- Between 2012-2017 some 12,620 private housing units were approved within AONBs compared to 2,094 social housing units. A step change in private housing approvals after 2015, rising from 1,802 units in 2014/15 to 3,556 units in 2015/16 whilst social housing numbers fell to a five year low of just 107 units in 2015/16.

Appeal cases

- The success rate at appeals both within AONBs and within 500m of AONB boundary declined across 2012-2017. Increase in dismissals means success rates drop from 71% in 2012/13 to 24% in 2016/17 for appeals on housing schemes within AONBs and 100% in 2012/13 to 44% in 2016/17 for appeals on housing schemes within 500m of AONB boundary
- The number of appeal cases within AONBs and within 500m for housing schemes > 10 Units impacts on some AONBs areas more than others - 30 of 71 appeals within an AONB are for schemes in two AONBs - Cotswolds (18 cases) High Weald (12 cases).

Development on Greenfield v Brownfield

- Increases in permissions granted and unit size for both greenfield and brownfield sites in line with overall scaling up of housing approvals across 2012-2017
- Within AONBs there have been housing approvals covering 115 Ha of greenfield development and 275 Ha of brownfield development between 2012-2017. Within 500m of AONBs seeing greater greenfield site development 126 Ha compared 83 Ha of brownfield between 2012-2017.
- Significantly more housing schemes for greenfield sites awaiting decisions compared to brownfield sites, especially within 500m of AONB boundary - 8,943 units of greenfield housing sites pending within AONBs compared to 3,773 units for brownfield sites and 14,127 units pending on greenfield sites within 500m of AONB boundary compared to 5,176 units pending for brownfield sites.

Green Belt and AONBs

- Green Belt sites only accounted for 8% of all planning applications within AONBs during 2012-2017 and 12% of approved schemes in the 6 AONBs with Green Belt developments
- Surrey Hills and Chilterns AONBs have seen the highest number of housing unit approvals on Green Belt sites, 423 units and 756 units respectively.

Distribution and housing pressure

- 74% of all housing applications within AONBs and 79% of all approved housing units fall within 8 AONBs
- The AONBs seeing the most significant numbers of housing schemes are clustered in the south of the country with the Cotswolds (62 schemes) having the highest number followed by the High Weald (58), Cornwall (35), North Wessex Downs (35), Dorset (31), Chilterns (23), South Devon (23) and Kent Downs (22). The rate of approvals by LPAs in AONBs with significant pressure for housing development ranges from 96% in South Devon to 71% in the Kent Downs
- 8 AONBs account for 12,304 approved units within AONBs 2012-2017 compared to total units approved across all AONBs for the same period of 15,485 (79 % all approved housing units in AONBs 2012-2017).

Section 1

Introduction & Research Methods

1. David Dixon and Associates Neil Sinden and Tim Crabtree were commissioned by the Campaign to Protect Rural England (CPRE) and the National Association for Areas of Outstanding Natural Beauty (NAAONB) to undertake research into housing in AONB landscapes in England covering the period 2012-2017.
2. The commission team brought together extensive experience and knowledge of the national policy framework, AONB planning and practice as well as understanding of the current housing challenge, especially in rural communities.

Aims of Research

3. Establish the impact of significant housing development which has been approved in and near to AONBs and how the national policy context influences local decisions such as housing allocations in local plans;
4. Investigate planning decisions for housing development in AONBs, classifying decisions in relation to appeals, local plan status and provision of five-year land supply, identifying any trends;
5. Compare where land designated as Green Belt overlays with AONB (7% of AONB land) and establish whether there is a differing trend for approval rates than for land that is solely AONB;
6. Develop up to 6 case studies, which demonstrate the spectrum of issues relating to housing development in AONBs such as how well they have been integrated and associated impacts;
7. Quantify and explore the variation between development on brownfield and greenfield in AONBs to identify any trends, considering the local context of each AONB;
8. Gather, analyse and present qualitative information from AONBs and CPRE branches on their opinions on cases, including the cumulative impact of smaller housing developments within an AONB;
9. Identify actions which may help to reduce the impacts of excessive or inappropriate housing development on the special qualities of an AONB e.g. by including examples of best practice local policies/ good design;
10. Provide recommendations on the most effective way of strengthening the protection for AONBs while making provision for appropriate new housing;
11. Inform a CPRE report on the research and input into future policy reviews of the NPPF or consultations arising from the Housing White Paper.

Methodology

12. CPRE made available data on housing applications and approvals in AONBs 2012-2017 which was collated by Glenigan, a data specialist on the UK construction industry. In total 3 spreadsheets were provided by Glenigan via CPRE; housing developments > 10 Units within AONBs, > 10 Units within 500m of AONB boundaries and >500 Units within 2Km of AONBs.
13. An online survey was developed and invitations sent to 22 CPRE Branches and 34 AONB teams to provide feedback on their experience of housing development within and in the setting of AONBs between 2012-2017.

14. Follow up telephone interviews were undertaken with a representative selection of 6 AONB staff and 3 CPRE branches. The phone interviews focused on reactions to data analysis, drivers for housing pressures and possible responses to better serve the purpose of AONB designation.
15. With support from AONB teams and CPRE branches 7 case studies were developed to illustrate key trends identified in the data and to facilitate deeper understanding of how housing pressure is playing out across the 34 AONBs.
16. An opportunity arose to attend the SE & SW AONB Planners Meeting, held on 19 September 2017 in London, the meeting was used as a sounding board for report recommendations.

Structure of the Report

17. This report is split into 4 further sections:
 - **Section 2** examines the policy framework for housing in rural areas
 - **Section 3** describes the policy framework for AONBs
 - **Section 4** presents the key findings from our research
 - **Section 5** sets out conclusions and recommendations
18. There are a number of accompanying appendices including:
 - **Appendix 1** - Summary of housing data analysis
 - **Appendix 2** - Summary of online survey responses
 - **Appendix 3** - Planning case studies

Section 2

Policy Framework for Housing In Rural Areas

This section sets out the key aspects of housing and planning policy context affecting housing development in AONBs. It reveals that over the last decade there has been a lack of attention given in national policy to the particular challenges of managing housing pressures in these areas. As the evidence and cases explored in this report demonstrate, these challenges are growing in scale and complexity. While the recently announced review of planning by the former MP and Minister Nick Raynsford may offer some fruitful ways forward, there is a long way to go before we have the planning system that is capable of giving adequate protection to some of our finest landscapes.

Housing Shortage

19. The growing need for housing has been one of the defining features of public policy in recent decades. The pressures this has placed on the countryside in terms of land use has been the subject of a great deal of political and public discussion. Reforms to planning and housing policy have been largely designed to secure an increase in the supply of new housing in both urban and rural areas. The focus of policy reforms in the early 2000s was on achieving an increase in supply through the renewal of urban areas and previously developed land. Attention was also given to measures to increase provision of affordable housing, especially in rural areas.
20. Over the past decade the emphasis has been on finding ways to release more land, and increasingly greenfield sites, in response to market demand. This has placed considerable pressure on the countryside, not just in the Green Belt which surround most of our major towns and cities but also, as this study explores, in areas considered to be among our finest landscapes. The recession which began in 2008, while perhaps frustrating attempts significantly to increase overall housing supply, seems to have had little effect in terms of reducing pressure for development in rural areas.
21. Household growth due to declining average household size and population changes, is driving the need for new housing. Government projections suggest that the number of households in England will increase by an average of around 210,000 a year from 23.7 million in 2014 to 28 million in 2039¹. In general, the areas with the highest projected household growth are to be found in the South East region and parts of the South West and Midlands. Changes in net migration to England, which currently accounts for 49% of the projected increase in population, are likely to have a large effect on household growth.
22. Despite these and other uncertainties, Ministers have indicated that, taking account of higher rates of growth in the early part of that period, we should be building at least 225,000 new homes each year. A recent Government consultation paper suggests a total annual housing need of 266,000 homes across the country². The latest official statistics³ (Nov 2016) shows that the net supply of new housing, including both new build and conversions, was just under 190,000 in 2015/16. This is a drop from the pre-recession high of just under 224,000 in 2007/8. These figures indicate a need to significantly increase new housing provision. There is no doubt that rural areas, particularly in the southern half of the country, where most of the largest AONBs are to be found, will be expected to accommodate a considerable proportion of the supply of new housing.

Urban Renaissance

23. The growing pressure for housing development in the countryside in the 1980s and 90s, and the conflicts this gave rise to, led to changes in planning policies designed to introduce a plan-led system and refocus development within towns and cities. These latter changes were initiated by John Gummer when he was Secretary of State for the Environment in the mid-nineties and subsequently pursued with considerable enthusiasm by his successor John Prescott, Deputy Prime Minister in the new Labour Government. The architect, Lord Rogers was appointed by Prescott to lead an Urban Task Force whose report in 2000⁴ aimed to reshape planning policy to promote the reuse of previously developed (brownfield) land, increase housing density with improved design, and deliver compact, urban communities, thereby helping to take pressure off greenfield sites in rural areas.

Barker Housing Review

24. Arguably, with demographic pressures growing and particularly affecting the economically buoyant South East, the urban renaissance was not given time to take root or help deliver more balanced regional development. To address mounting concern over the lack of new housing supply and rising house prices, the economist Kate Barker was commissioned by the Treasury to carry out a review of the housing market. While the Barker Review⁵ made little distinction between differing housing pressures affecting urban and rural areas, its conclusions emphasised the need for a significant overall increase in housing supply to reduce the growth in house prices. To assist this, it recommended that planning policies

should take greater account of market signals in determining the location of new housing. This led to widespread public concern that pressure for new housing in desirable locations, such as AONBs, would increase. This concern was magnified by a recognition that such an approach would be unlikely on its own to address the growing affordability gap - between average incomes and average house prices - affecting many rural areas.

Affordable Rural Housing

25. Shortly after the Barker Housing Review, in 2005, the Government set up the Affordable Rural Housing Commission to 'inquire into the scale, nature and implications of the shortage of affordable housing for rural communities in England and make recommendations to help address unmet need.' With the journalist, Elinor Goodman, as Chair, the Commission recommended increasing the provision of affordable housing to 11,000 units pa in settlements under 10,000 population through higher public subsidy and greater cross-subsidy from market housing, more than double existing levels of provision. While the Commission's report⁶ did not look explicitly at housing in AONBs, a number of its recommendations concerning the need for sensitive design, working with local communities, and the problems affecting settlements with a high proportion of second homes are particularly relevant in areas of high landscape value.

1. Department for Communities and Local Government, February 2017, Fixing our broken housing market.

2. Department for Communities and Local Government, September 2017, Planning for the right homes in the right places: consultation proposals.

3. see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/568403/Housing_Supply_England_2015-16.pdf

4. Urban Task Force, 2000, Towards an Urban Renaissance - available here: <http://dclg.ptfs-europe.com/AWData/Library1/Departmental%20Publications/Department%20of%20the%20Environment,%20Transport%20and%20the%20Regions/1999/Towards%20an%20Urban%20Renaissance.pdf>

5. Barker Review of Housing Supply, 2004, Delivering Stability: securing our future housing needs - available here: http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/barker_review_of_housing_supply_recommendations.htm

6. Affordable Rural Housing Commission - Final Report, 2006 - available here: <http://webarchive.nationalarchives.gov.uk/20060717195505/http://www.defra.gov.uk/rural/housing/commission/>

Barker Planning Review and Recession

26. Following the earlier review of housing supply, Kate Barker was again asked in 2005 to review the efficiency and speed of the planning system so that it can better deliver economic growth. Driven by concerns about the perceived slowness of preparing local plans and decision making for major infrastructure and other forms of economic development, the review set out recommendations to streamline and simplify the system including strengthening the presumption in favour of development.
27. Despite its emphasis on identifying more land for development, the final report recognised that ‘certain areas are in need of particular protection’ including AONBs. A survey of the public by IPSOS MORI carried out for the review showed that ‘land with significant landscape or scenic beauty’ was considered to be land that is most important to protect from development’ only after ‘land with important or endangered wildlife’⁷. The economic recession, ironically triggered in large part by housing market failures in the US, arrived shortly after the report was published. Nevertheless many of its key assumptions and recommendations were to be taken forward in the major review of national planning policies launched by the incoming coalition Government in 2010.
28. Public finance has been under severe pressure since the recession of 2008. In particular both DCLG and Defra budgets have been reduced since 2010 with knock on impacts in terms of resources available to Natural England, local planning authorities and AONB bodies. The local government grant has been cut and partly replaced by the New Homes Bonus, which is intended as an incentive for local authorities to grant more planning permissions for new housing. This has no doubt added to the housing pressures faced by AONBs.

National Planning Policy Framework

29. The National Planning Policy Framework, eventually published in 2012 after a two year gestation amid ferocious campaigning by environmental NGOs, now provides the primary decision-making context for new housing development. The NPPF strengthens the requirement for local authorities to have a 5 year supply of land for housing based on ‘objectively assessed need’ along with strategic housing land and market assessments. The emphasis is on increasing the amount of land available for housing which is seen as the primary means of boosting housing supply. While in rural areas local authorities are required ‘to plan housing development to reflect local needs, particularly for affordable housing’ (ref NPPF p54), there is little specific guidance on how this may be achieved in areas of high landscape value.
30. What guidance that the NPPF does contain is within paragraph 14 which is predicated on the ‘presumption in favour of sustainable development.’ This key paragraph goes on to state that, in relation to both plan-making and decision-taking, development should be permitted unless ‘adverse impacts’ would ‘significantly and demonstrably outweigh the benefits’ or ‘specific policies in the Framework indicate development should be restricted.’ A footnote makes clear that such policies include those that relate to AONBs which are covered in paragraphs 115 and 116 of the NPPF.
31. Many of the planning decisions referred to in this report have turned around the interpretation of the policies set out in the NPPF in relation to particular local cases. Our conclusions and recommendations show how, on the basis of our analysis, the policies in the NPPF and associated guidance should be improved.

Objectively Assessed Need (OAN) calculations of housing need

32. During the 2012-2017 period OAN assessments have driven local plan policy responses to housing provision in AONBs. OAN calculations are 'policy off', set without consideration for AONBs and include no 'discounts' that might reflect the challenges of providing strategic housing growth in protected areas. Where there is no up to date Local Plan, OAN is used to calculate five year land supply⁸. It is clear that many LPAs with large areas of AONB designated land and/or Green Belt constraint find allocating OAN calculated housing a challenge and as a result we are seeing growing conflicts between landscape protection and new housing.
33. Over time the obvious low impact sites are taken up for development pushing the search for sites to deliver 5 year housing supply into AONBs often forcing consideration of inappropriate locations from a landscape protection perspective. This building pressure is expressed in an increasing number of AONB sites coming forward in housing allocations in Local Plan and Neighbourhood Plans (see Appendix 3 - case study Dorset AONB).
34. The DCLG consultation also proposes that neighbouring LPAs should look to improve co-operation across boundaries through the development of a 'Statement of Common Ground'.

Housing White Paper

35. Earlier this year the Government published its latest attempt to increase the supply of new homes in the shape of a Housing White Paper entitled 'Fixing Our Broken Housing Market'. While the White Paper continues the familiar analysis which asserts that land supply and lack of up to date and realistic plans are one of the main blocks on housing delivery, it is encouraging that it also addresses some of the weaknesses in

the housing market, such as lack of diversity in the house-building sector. There is also a welcome emphasis on the need to redouble efforts to make better use of brownfield land and increase housing density where appropriate.

36. There is a lack of attention given, however, to the challenges of dealing with housing pressures in sensitive countryside locations. While there is recognition of the useful role that Neighbourhood Plans can play, the White Paper contains little to promote community-led responses to meeting local housing needs, such as increased financial support for Community Land Trusts.

Planning for homes

37. In September, as promised in the Housing White Paper, the Government issued a consultation paper on a proposed new methodology for assessing housing need. This seeks to introduce a standardised methodology for LPAs to adopt as a basis for Local Plan policies, including a new 'statement of common ground' to be agreed by LPAs in addressing cross-boundary issues, including housing need. This is intended to replace the 'duty to cooperate' which has proved a challenge to implement especially where LPAs adjacent to areas with environmental constraints such as Green Belt or AONBs are unable to meet their full housing requirements. Many of the cases explored in this research illustrate this problem.

7. Chart 1, page 9, Barker Review of Land Use Planning, 2006 - available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228605/0118404857.pdf
8. The Barwood Judgement (CO/12394/2013 EWHC 573)

38. The consultation paper says little about how to address the challenge of dealing with housing need in areas where the availability of suitable land is constrained by environmental factors. There is an accompanying paper setting out housing need figures for each LPA which also identifies the extent of land covered by Green Belt, AONB or other environmental constraint. Referring to the standardised figures for housing need, the consultation paper simply states that: 'Local planning authorities then need to determine whether there are any environmental designations or other physical or policy constraints which prevent them from meeting this housing need. These include, but are not limited to, Ancient Woodland, the Green Belt, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest⁹.

Neighbourhood Planning

39. 'Neighbourhood Plans' are plans created by Parish and Town Councils, and designated community groups known as 'Neighbourhood Forums', to aid local planning decision making within relevant 'Neighbourhood Areas'. A draft Neighbourhood Plan must be endorsed through a local referendum and once endorsed, the planning authority must bring it into force. A Neighbourhood Plan which has been adopted becomes a part of the planning authority's statutory development plan. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

40. The Neighbourhood Planning Act 2017 (NPA) received Royal Assent on 27 April 2017. The NPA brings into force wide-ranging changes to neighbourhood planning, local development documents, compulsory purchase and planning conditions.

41. The NPA now gives weight to Neighbourhood Plans in draft form once they have passed the referendum stage. A Plan may cease to be part of the development plan if the Council decides that it would be incompatible with European Union or

human rights law - the only bases on which a local planning authority can decide not to make a plan.

Community Led Housing - Policy

42. Whilst there is public concern about the nature of much current housing development in AONBs, local communities will often support a requirement for new housing where there is un-met local need. This has led to a significant growth in community-led housing, which has been described as "homes that are developed and/or managed by local people or residents in not for private profit organisational structures" (Gooding, 2013). The aim is for local people to play a leading role in solving local housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing.

43. According to Jarvis (2015)¹⁰, community-led housing "stands in opposition to speculative building for the open market and the large corporations or state entities that build and allocate housing in a remote fashion." It encompasses a wide range of approaches, including community land trusts, community self-build, co-housing and co-operative housing.

44. An alliance of community-led housing organisations has endorsed the following definition¹¹ to ensure that schemes are truly community-led:

- A requirement that the community must be integrally involved throughout the process in key decisions (what, where, for who). They don't necessarily have to initiate and manage the development process or build the homes themselves, though some may do;
- A presumption in favour of community groups that are taking a long term formal role in ownership, management or stewardship of the homes; and
- A requirement that the benefits to the local area and/or specified community must be clearly defined and legally protected in perpetuity.

45. There is no statutory definition of 'community led' housing as a whole but co-operative housing is defined in various pieces of legislation and the Community Land Trust model was defined in Section 79 of the Housing and Regeneration Act 2008. The Homes and Communities Agency draws on legislation in deciding whether a group is community led, stating that groups must be 'Established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned'¹².
46. The government has provided funding of £60 million to create a Community Housing Fund, with the monies allocated to 158 local authorities. A further £240 million may be made available over the next 4 years¹³.

9. Paragraph 9 Department for Communities and Local Government, Planning for the right homes in the right places, consultation proposals, September, 2017
10. Jarvis H. Community-led housing and 'slow' opposition to corporate development: citizen participation as common ground? *Geography Compass* 2015, 9(4), 202-213.
11. <https://bshf-wpengine.netdna-ssl.com/wp-content/uploads/2017/01/Community-Led-Housing-Guidance-for-Local-Authorities.pdf>
12. Section 61F(5) of the Town and Country Planning Act 1990, Amendment Localism Act 2011.
13. Gooding, J. (2013) An investigation into the potential of community-led initiatives, including CLTs, as an approach to regenerate older or other housing areas experiencing decline or lack of investment. Tees Valley, Unlimited.

Section 3

Policy Framework for AONB designation

This section explains the duties and responsibilities imposed by primary legislation in relation to AONBs of relevance to decision making about development in general and housing in particular. It also considers some recent planning cases relevant to interpreting AONB protection in planning¹⁴.

47. Areas of Outstanding Natural Beauty (AONBs) are internationally significant landscapes. The International Union for the Conservation of Nature (IUCN) classifies them as Category V Protected Landscapes which are described as:

“An area of land, with coast and seas as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance & evolution of such an area”¹⁵.

48. AONBs and National Parks were initially established by the National Parks and Access to the Countryside Act 1949. The law for AONBs was subsequently updated and enhanced by Part IV of the Countryside and Rights of Way Act 2000 (CRoW Act 2000¹⁶).

49. The sole criteria for designation as an AONB is that the outstanding natural beauty of the area makes it desirable that particular protections should apply to it. The Countryside & Rights of Way Act 2000 provides a statutory framework for all policy, plan-making and decision-taking affecting areas designated as AONBs by all public bodies, including local planning authorities and government agencies.

50. Section 85 of the CRoW Act places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any functions in relation to or so as to affect land in an AONB. This duty is variously referred to as

the ‘section 85 duty’ or the ‘duty of regard’ or the ‘AONB duty’. The following paragraphs break down the duty and explain the pertinent elements of it.

THE AONB DUTY SUMMARISED **SECTION 85(1) of The Countryside and Rights of Way Act 2000:**

Subsection (1)

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

Subsection (2) specifies relevant authorities as

“Ministers, public bodies, statutory undertakers and persons holding public office” (which are then further defined).

51. To ‘conserve and enhance’ is a single duty¹⁷, therefore exercising the duty requires that both elements be addressed for the duty of regard to be properly discharged. The requirement to ‘enhance’ is often overlooked.
52. The CRoW Act defines relevant authorities as government Ministers, public bodies, statutory undertakers and any persons holding public office. Public bodies include local authorities, Parish and Town councils, amongst others. Statutory undertakers include rail and utilities companies (water and sewerage, electricity, gas, telecommunications).

DEFINING NATURAL BEAUTY

- Natural beauty is a broad term, which encompasses many factors and which can be experienced in and applied to both natural and human influenced landscapes.
- That natural beauty includes “flora, fauna and geological and physiographical features” was established by the National Parks and Access to the Countryside Act 1949, and reaffirmed by The Countryside and Rights of Way Act 2000. This means in effect that the criteria for natural beauty set out in the law are open-ended and not exhaustive. Therefore other factors may contribute to natural beauty. Natural England¹⁸ in its ‘Guidance for assessing

landscapes for designation as National Park or Area of Outstanding Natural Beauty in England’ sets out an evaluation framework for natural beauty criteria. This lists factors that contribute to natural beauty as:

- Landscape quality
- Scenic quality
- Relative wildness
- Relative tranquillity
- Natural heritage features
- Cultural heritage

53. The duty applies to all planning functions, covering all aspects of plan-making and decision taking. Natural England consider it good practice that a local planning authority considers the duty of regard at several points in any decision-taking process or activities, including during initial thinking, at more detailed planning stages, at implementation and that it also provides written evidence that it had regard and considered whether the duty is or is not relevant. Defra’s expectations of relevant authorities are that they should be able to:

- Demonstrate that they have met the duty; and
- Show that they have considered the AONB purpose in their decision-taking.

What is meant by the ‘setting’ of an AONB?

54. The law on AONBs does not use the term ‘setting’ it uses the term ‘so as to affect’ land in the AONB. The key consideration is whether the AONB is affected¹⁹ and it

is not relevant where the proposal is being carried out. The term ‘the setting’ of the AONB is used to refer to areas outside the AONB within which changes or activities are likely to have effects on the AONB. Setting cannot be definitively described or mapped as it will depend upon local context and the location and specifics of the activity. The key here is that the duty is not to protect land ‘in the setting’ per se, but to protect land in the AONB from effects arising from changes or activities occurring in the setting.

55. Activities and developments outside the boundaries of AONBs may affect land in the AONB. In such cases, section 85 of the Countryside and Rights of Way Act 2000 clearly applies. Therefore, the ‘setting’ does require different treatment through the planning system than other areas of undesignated countryside, but only in so far as it concerns the interrelationship with the AONB.

14. Acknowledgement to South Devon AONB for use of text from South Devon AONB Planning Guidance (2017) throughout this section

15. IUCN Protected Area Categories http://www.iucn.org/about/work/programmes/gpap_home/gpap_quality/gpap_pacategories/gpap_category5/

16. The Countryside and Rights of Way Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/contents>

17. Duties on relevant authorities to have regard to the purposes of National Parks and Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads: Guidance note’ (Defra, 2005)

18. Natural England, ‘Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England’ (Natural England, 2 March 2011)

19. Seeking advice from the AONB Unit can help clarify whether effects are likely.

Other duties and powers conferred by the Crow Act 2000 regarding AONBs include:

- a duty upon the local planning authority to consult Natural England when preparing its development plan or proposing alterations or amendments to it, and to take into account Natural England's views²⁰;
- a duty on Natural England to provide advice²¹ to the appropriate planning authority on the preparation or changes to development plans or individual development applications when asked to do so by the authority²²;
- a permissive power for local planning authorities to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the AONBs in their areas²³;
- a duty to prepare and publish a management plan for each AONB. The duty falls to the local authorities or Conservation Board, where established, which must act jointly to produce the plan²⁴;
- the AONB management plan must formulate the policies of the relevant local authorities for the management of the AONB and for the carrying out of their functions in relation to it;²⁵ once adopted by the relevant authorities, and published, the AONB management plan must be reviewed at intervals not exceeding five years.

National Planning Policy Framework

56. Government's National Planning Policy Framework (NPPF) is a Government policy document setting out rules to guide the way in which officials carrying out planning functions exercise their discretion during plan-making and decision-taking. This helps officials to act in line with the Government's intentions, whilst still being able to take account of local circumstances. National guidance aims to create consistent decisions and increase certainty for those applying for planning permission. If decision-takers choose not to follow the NPPF, clear and convincing reasons for doing so are needed.

57. The NPPF provides special guidance for plan-makers and decision-takers in relation to AONBs. In summary it confirms:

- That the presence of AONBs can restrict development in order to help achieve sustainable development
- That 'great weight' should be given to conserving their landscape and scenic beauty;
- That they have the highest status of protection in relation to landscape and scenic beauty, equal to National Parks;
- That the conservation of wildlife and cultural heritage is important in AONBs; and
- That major development in AONBs should be refused unless it meets special tests.

58. Local Planning Authorities should be transparent about the weight it attributes to conserving and enhancing the AONB and to the other factors that are relevant during its considerations and explain its reasoning. This would include referencing a core planning principle set out in NPPF paragraph 117 that land allocations for development should 'prefer land of lesser environmental value'.

59. As outlined in the previous section, Paragraph 14 of the NPPF explains that for decision-taking, the presumption in favour of sustainable development means:

- "Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted." Footnote 9 provides examples of such "specific policies" and include reference to Green Belts and AONBs.

Table 1: Natural beauty factors set against NPPF paragraphs

Natural Beauty factor	NPPF Paragraph
Landscape quality	115,116
Scenic quality	115, 116
Relative wildness	114
Relative tranquillity	123, 125
Natural heritage features	109 to 125
Cultural features	114, 126 and 141

60. Since 2012 there has been some confusion as to whether AONB policies should be interpreted as part of an LPAs housing policies and therefore considered ‘out of date’ in the absence of a five year housing supply. A Supreme Court decision²⁶ in May 2017 provided some clarity by confirming that where a development will have a ‘harmful’ impact on an AONB then the presumption in favour of sustainable development should be disengaged. The planning balance must still be weighed by the LPA but it is not the ‘tilted’ balance invoked by the presumption²⁷.

61. The different factors of natural beauty are addressed in different paragraphs of the NPPF. Table 1 sets out which paragraphs are the most pertinent to a range of ‘natural beauty’ factors.

Great Weight

NPPF Paragraph 115

“Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads”.

63. For the purpose of AONB designation to be properly addressed in the planning process it is critical that ‘great weight’

is applied to conserving landscape and scenic beauty during the evaluation of all proposals. Local planning authorities and inspectors will need to take account of other material considerations, including their legal obligation under the section 85 duty of regard. They should provide reasoned justifications for doing so if other considerations are given even greater weight than the great weight to be given to the conservation of landscape and scenic beauty. The need for transparency about the weight given to different considerations and the decision taker’s reasoning will be especially important where major development is under consideration.

Major Development

64. Paragraph 116 of NPPF states that planning permission should be refused, except in ‘exceptional circumstances’ and where it can be demonstrated that development is in the public interest. Both these requirements must be met. Paragraph 116 also sets out matters that must be assessed in the consideration of such applications. Broadly speaking these three assessments cover: the need for development and impacts on the local economy; alternative locations outside the AONB or ways of meeting the need; and impacts on the environment, landscape and recreational opportunities and if and how these can be moderated. The list is not exhaustive and additional assessments may be required depending on the individual circumstances.

20. As set out in Section 9(1) National Parks and Access to the Countryside Act 1949

21. Natural England duties with regard to AONBs in England – see: <https://www.gov.uk/government/publications/areas-of-outstanding-natural-beauty-natural-englands-role>

22. Conferred by Section 84(1)(a) of CRoW Act 2000, and set out in Section 6(4)(e) National Parks and Access to the Countryside Act 1949

23. Section 84(4) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/84>

24. Sections 89(2) and (1) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/89>

25. Section 89(2) CRoW Act 2000 available at <http://www.legislation.gov.uk/ukpga/2000/37/section/89>

26. see: <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf>

27. see para 22 (2) of Barwood v East Staffordshire EWCA Civ 893 case number C1/2016/4569 30 June 2017

NPPF Paragraph 116

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or*
- *meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

65. The NPPF does not determine or seek to illustrate the meaning of the phrase ‘major development’. Assessing whether a proposed development is a major development is a matter of judgment for the local planning authority, based on an assessment of all the circumstances.

66. There is no single threshold or factor that determines whether a development is major development or not for the purposes of NPPF paragraph 116. What is clear from the case law and Planning Inspectorate decisions is that the determination as to whether a development is major development or not, is to be considered

in the policy context of paragraphs 115 and 116, the intent of which is to conserve landscape and scenic beauty in AONBs. As such the potential for harm to the AONB should be foremost to the determination of whether development is major or not. This will require consideration of a range of site and development special factors that include (but are not limited to) location, setting, quantum of development, duration, permanence or reversibility of effects.

67. Local Planning Authorities can set out in their local planning policies details of how they intend to approach major development.

68. Once the decision-taker has determined that development in the AONB is major development it must apply the two tests as informed by (as a minimum) the three assessments referred to in the bullet points of paragraph 116. The assessments listed are mandatory, indicated by the use of the word “should” in paragraph 116.

Development in the setting of AONBs

69. The law on AONBs does not use the term ‘setting’ and this approach is followed in the NPPF. However, the Government’s Planning Policy Guidance draws attention to the concept of ‘setting’ and how this should be considered as part of the Section 85 duty of regard to AONB designation.

THE GOVERNMENT’S PLANNING PRACTICE GUIDANCE

Section 85 duty to AONBs states that:

“The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas²⁸.”

In some circumstances development located outside an AONB is capable of affecting the AONB. In such cases the potential for effects on AONB special qualities and distinctive characteristics will be a material consideration in determining an application. During considerations the planning authority must:

- have regard to conserving and enhancing the AONB (considering all factors of natural beauty under the section 85 duty)
- give great weight to conserving the landscape and scenic beauty of the AONB (applying paragraph 115 of the NPPF).

This approach must be applied to all development affecting the AONB whether located within or outside the AONB’s boundary and it applies to non- major and major developments. The underlying legal principle is that land in the AONB should be conserved and enhanced irrespective of where any affect on it arises from.”

Recent AONB housing appeal cases

69. There is a growing body of decisions relating to cases where those seeking planning permission have appealed against refusals or non-determination of applications since the publication of the NPPF in 2012.
70. The interpretation of planning policy relating to AONB designation through such appeal cases has strongly influenced the way LPAs treat AONB policies and the confidence in which objections based on them are used in planning decisions.
71. Cases such as *Mevagissey* and *High Field Farm, Tetbury* challenged interpretations of what constituted “great weight” of what could be understood as ‘exceptional circumstances’ and ‘major development’ in AONBs.

“I have not been provided with any evidence to suggest that there is anything other than very limited scope indeed to provide housing within the District on sites that are not part of the AONB. Moreover, there is a clear and pressing need for more housing; locally, in terms of the severe shortfall that currently exists in the Cotswold District, and nationally, in terms of the need to get the economy growing. In my view, these amount to exceptional circumstances, where permitting the proposed development can reasonably be considered to meet the wider ‘public interest’, in the terms of the framework.”

Extract: *High Field Farm, Tetbury* Judgement

72. The *Tetbury* judgement is seen as particularly damaging to AONBs, suggesting that a pressing need for housing can as a matter of principle be used to override the landscape protection that AONB policy normally provides.
73. Other appeal cases and court judgements relevant to the interpretation and application of AONB designation in the planning process are well covered by other reports ²⁹.

Hopkins Case

74. A housing development at *Yoxford* in the *Suffolk Coasts and Heath* AONB within the

area of the *Suffolk Coastal District Council*. The Council’s refusal of permission for housing was upheld by the Inspector on appeal, but his refusal was quashed in the High Court (*Supperstone J*). The principal issue was the application of paragraph 49 of NPPF, in the absence of a 5 year supply of housing, to “relevant policies for the supply of housing”. In *William Davis* [2013] EWHC 3058 Mrs Justice Lang had confined the term to policies for the provision of housing, and held that it did not extend to a green wedge policy. In three subsequent cases - *Cotswold*, *South Northamptonshire* and *Barwood* it was held that the term related to policies that are relevant to, or constrain, the supply of housing.

75. In March 2017 the Supreme Court quashed the High Court’s decision which had proceeded on the *William Davis* basis. The Supreme Court made it clear that AONB policies are not rendered out of date by a lack of five year housing land supply. Feedback from our survey suggests, however, that the previous High Court judgement on the *Hopkins* case had affected other cases in AONBs with LPAs interpreting the *Hopkins* judgement to mean that the absence of a five year housing supply also rendered AONB policies ‘out of date’. They therefore failed to give the required weight to AONB restrictions on development.

“No-one would naturally describe a recently approved Green Belt policy in a local plan as “out of date”, merely because the housing policies in another part of the plan fail to meet the NPPF objectives. Nor does it serve any purpose to do so, given that it is to be brought back into paragraph 14 as a specific policy under footnote 9. It is not “out of date”, but the weight to be given to it alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with ordinary principles”

Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District Council [2015] EWHC 132 (Admin)

28. Planning Practice Guidance, Natural Environment (Landscape) section, paragraph reference ID 8-003-20140306 <http://planningguidance.comunities.gov.uk/blog/guidance/natural-environment/>

29. see “Development in and affecting AONBs” Green Balance for National Trust (2015)

Section 4

Key Findings From Research

This section sets out the key findings from our analysis of housing data as well as survey responses. A more detailed breakdown is provided in Appendix 1 and 2.

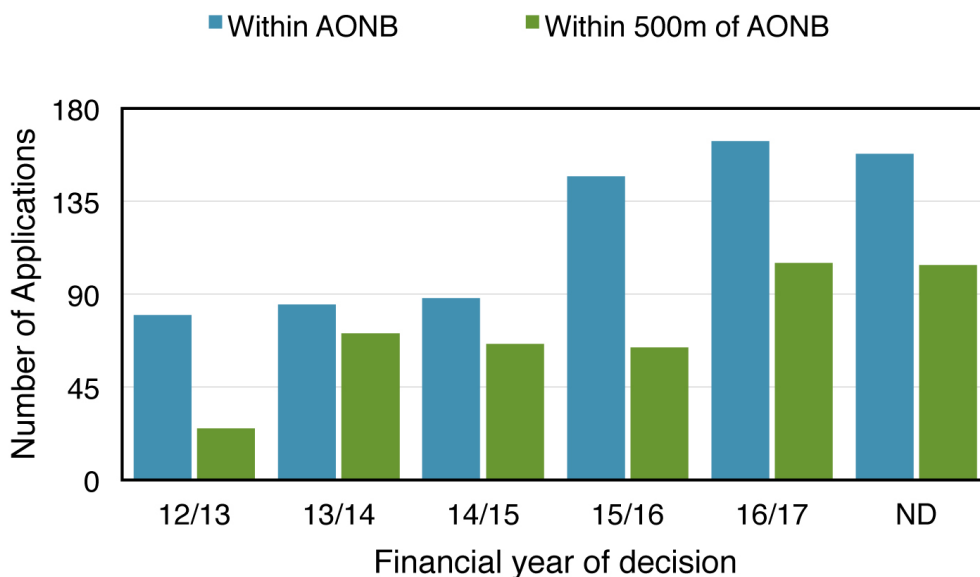
Housing applications and approvals

- 76. Our analysis of data provided by Glenigan reveals a large and significant increase in housing applications and approvals for large schemes (>10 units) within AONBs and within the setting of AONBs since 2012. There has been an increase in the number of applications and approvals for more housing schemes with larger numbers of units from 2015 onwards.
- 77. Between 2012-2017 a total of 1,207 planning applications for some 108,021 housing units have been submitted to LPAs for schemes within AONBs, within 500m of an AONB or for schemes >500 units within 2 Km of an AONB³⁰.
- 78. Across the period 2012-2017 there has been a growing number of housing applications within AONBs being approved by LPAs. However, it appears that the overall success rate of housing

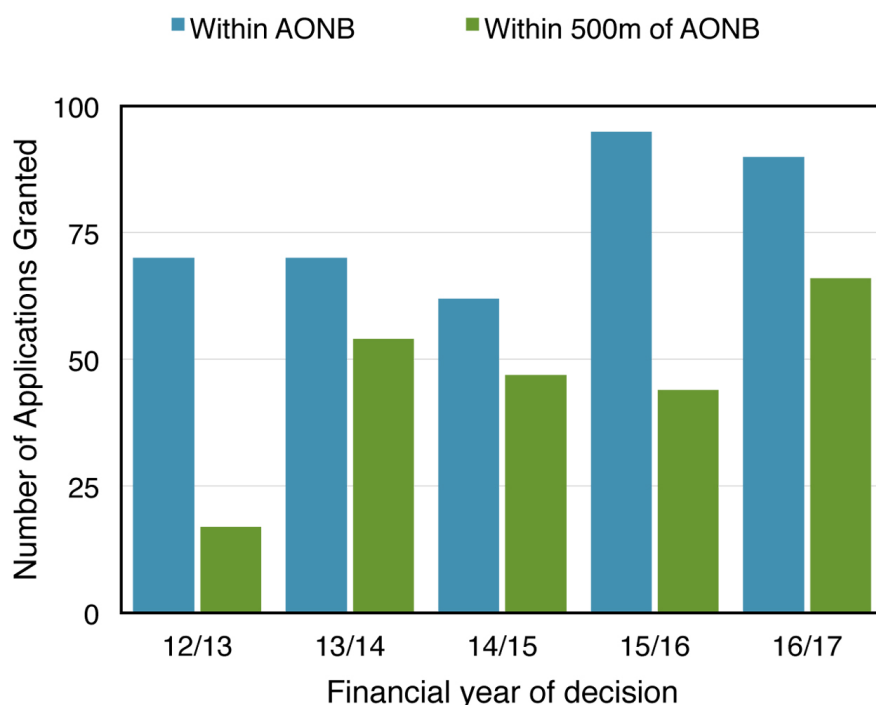
applications within AONBs peaked in 2012-13 at 93% and has declined in subsequent years to achieve an average across the 5 years of 76%.

- 79. Overall some 15,485 housing units have been approved within AONBs between 2012-2017 on sites, covering 435 Ha. This compares with 11,879 housing units approved within 500m of an AONB between 2012-2017 on sites, covering 212 Ha.
- 80. A significant number of applications for housing schemes submitted between 2012-2017 within AONBs and within 500m of an AONB boundary are still pending final decisions. Decisions are awaited for some 12,741 units within AONBs, covering at least 616 Ha and 19,303 units within 500m, covering at least 270 Ha. If all outstanding schemes were to be approved it would more than double the number of approved housing units within AONBs and within 500m.

Graph 1: Applications for Housing >10 Units within AONBs and within 500m 2012-2017



Graph 2: Housing approvals within AONBs and within 500m 2012



Scale of housing development

81. Since 2012, 15,485 housing units have been approved within AONBs, with an increase of 82% between 2012-13 (2,396 units) and 2016-17 (4,369 units). The average number of units per application approved in 2015-17 was 43 units per application, compared with 36 in the previous three years. Decisions are currently pending on a further 12,741 units in AONBs. Based on the 2016-17 approval rate (64%), this could mean another 8,154 units, which would result in a total of 23,639 new housing units being approved in AONBs since 2012-13.

82. There has been an increase in the area of sites (hectares) with housing approval within AONBs and within 500m across 2012-17. The increase is from 53.38 hectares in 2012/13 to 321.78 hectares in 2016/17. The increases in the number of housing applications 2012-2017, described above, is of such a scale that despite success rates of appeal cases declining and refusals of housing schemes increasing many AONBs are seeing unprecedented growth in housing unit approvals.

Table 2: Applications and units proposed within AONBs, within 500m and including >500 unit schemes within 2 Km of AONBs 2012-2017

Financial Yr of Decision	Number of Applications	Total units applied for
2012-2013	126	6,421
2013/2014	159	8,392
2014/2015	158	10,368
2015/2016	224	19,780
2016/2017	274	14,946
Decision Pending	266	48,114
Grand Total	1,207	108,021

30. This is the broader definition for housing development likely to impact on the purpose of AONB designation agreed in discussions with client

Table 3: Units and site area of approved housing developments within AONBs 2012-2017³¹

Financial Yr of Decision	Sum of Units	Sum of Site area (Hectares)
2012/2013	2,396	41
2013/2014	2,378	48
2014/2015	2,557	22
2015/2016	3,785	113
2016/2017	4,369	212
Total	15,485	436
No decisions	12,741	616
Possible Total	28,226	1,052

83. To put the housing numbers impacting on AONBs into a national context we attempted a comparison with Government rural housing statistics. Data is only available for 2015/16 when nearly 48,000 net new dwellings were completed in ‘predominantly rural areas’ in 2015/16. Critically, the AONB figures do not include housing schemes below 10 units, which on previous trends is likely to be a significant number overall. Also, looking at 2015/16 data does not take account of the step change in housing approvals identified since 2015 as many of approved schemes have yet to be implemented.

84. A significant number of housing approvals within AONBs remain in the pre-tendering process. Our analysis shows that 51 of 202 approved building projects have not started on site 2-4 years after the date of approval decisions.

85. Two high profile cases involving significant housing development within AONBs at Pease Pottage, High Weald AONB and Farthingloe, Kent Downs AONB were investigated (see Appendix 3 - case studies). The following learning points were identified:

- Cases such as Pease Pottage are a worrying precedent for statutory AONB designation appearing to undermine the planning weight behind such designations. ‘Exceptional circumstances’ must indeed be ‘exceptional’ and justified through a transparent process of assessment.
- The addition of 600 homes at Pease Pottage should have been considered through the Local Plan process so that AONB considerations could have been fully identified and understood. To pre-empt this process by determining the planning application ahead of the Local Plan hearings denied the opportunity for participants (including Natural England and developers promoting other sites) to challenge the District Council claim that the need for housing could not be met in other ways without encroaching on the AONB.
- The Pease Pottage case demonstrates the need for large housing applications in AONBs which local planning authorities intend to approve to be subject to a notification period (similar to that currently required for out-of-town shopping centres) to allow the Secretary of State for Communities and Local Government the opportunity to decide whether the application should be called in for a decision in the national interest.
- The Farthingloe case tests the principles of planning law and the operation of the planning process. In particular, how the AONB purpose is interpreted and applied

when faced with a large scale housing development. The case hinges on whether Dover District Council gave proper regard to AONB policies and therefore good enough reasons for approving the scheme in the face of NPPF policy safeguards for AONB.

- Whatever the outcome of the Farthingloe case in the Supreme Court this is a high profile case and will influence future decision making in AONBs. It will particularly influence how LPAs are expected to apply NPPF paras 115 and 116 and 'give great weight' to AONB purpose.
- This case also shows that there is a growing confidence and power vested with house builders in the planning process. It appears the LPA was overly focused on securing the housing numbers and readily accepted the developer's advisors claim that reducing housing numbers from 521 units to 375 units would make the scheme economically unviable.
- The Farthingloe case also demonstrates that achieving land use outcomes that reflect policy ambitions for the local community, for developers and for designated landscapes can be problematic. The right expertise and resources need to be available to support dialogue involving all parties as equal partners from the outset of any large housing schemes.

Distribution of housing development

86. Focusing on the eight AONBs under greatest housing pressures (see Table 4), we can see a significant uplift in the average number of units built per year as well as the number of units per 1000 population. Before 2012, all of these AONBs saw new dwelling completions of below 5 units per 1000 population. After 2012 new dwelling completions per 1000 population began to rise and by 2015-2017 ranged from 2.62 to 7.21 units per 1000 population. The High Weald and Cotswolds AONBs saw the largest rise in units per year averages; 186 units to 895 units and 217 units to 635 units respectively. The rate of new dwelling completions nationally in 2015/16 in 'predominantly rural areas' stood at 9.9 per 1,000 households.
87. The eight AONBs under greatest housing pressure are Cotswolds (62 schemes), followed by the High Weald (58), Cornwall (35), North Wessex Downs (35), Dorset (31), Chilterns (23), South Devon (23) and Kent Downs (22). The rate of approvals by LPAs in AONBs with significant pressure for housing development ranges from 96% in South Devon to 71% in the Kent Downs (see Table 9).

Table 4: Development within selected AONBs 2012-17 compared pre 2012³²

AONB	PRE 2012		2012-2015		2015-2017	
	Units per yr ave	Units per 1000 Households	Units per yr ave	Units per 1000 Households	Units per yr ave	Units per 1000 Households
CHILTERNES	82	1.02	138	1.72	386	4.82
CORNWALL	120	2.22	192	3.55	210	3.88
COTSWOLDS	217	1.70	533	4.26	635	5.08
DORSET	265	3.78	280	4.00	184	2.62
HIGH WEALD	186	1.50	311	2.51	895	7.21
KENT DOWNS	192	2.06	145	1.55	415	4.46
NORTH WESSEX DOWNS	252	2.01	168	1.34	391	3.12
SOUTH DEVON	82	2.61	111	3.58	198	6.38
SURREY HILLS	47	1.27	90	2.43	96	2.59

31. Based on 190 applications (totaling 7,807 units) where site area was known.

32. Average housing units granted 2012-17 compared to average units constructed 2001-2011 expressed per 1000 population. Pre 2012 units include schemes <10 units, post 2012 data > 10 unit schemes only. 2015/17 figures for Dorset AONB do not include 4800 units allocated in Local Plans. Pre 2012 housing data sourced from 'Land Use Change in Protected Landscapes' Bibby (2014).

Table 5: Number of housing units in >10 unit applications within AONBs by region 2012-2017

English region	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	Grand Total
E.MID		20		20	15	55
EAST	36	196	125	290	205	1,665
N.EAST		26	44	150	45	433
N.WEST	10	73	22	34	137	430
S.EAST	735	956	1,782	2,867	3,431	14,443
S.WEST	1,726	1,477	1,431	1,935	2,455	12,336
W.MID	23	130	309	365	87	1,199
YORK & HUMB		30		83	108	329
Grand Total	2,530	2,908	3,713	5,997	6,633	34,522

Cumulative impact of small-scale housing development

88. Data provided for this commission only considered large scale housing developments (> 10 units) and as a result our analysis underplays the full impact of housing development in AONBs. For many AONBs, especially outside the SE and SW regions, small scale housing development account for the majority of new house building.

89. Survey responses from across AONBs point to a range of issues resulting from poorly located housing developments and in particular the cumulative impact on the special qualities of AONBs from housing schemes and other large scale developments.

“Cumulative impact is only included as a consideration in the development plan policies of one (out of 11) of our partner local authorities”

AONB respondent

90. Respondents also report difficulties in consistently measuring, monitoring and reporting on the cumulative impact of small scale housing developments in AONBs. The cumulative impact of housing developments on AONB purpose are not being fully considered (only 7% of respondents report that Local Plans covering AONBs are specifically considering cumulative impact issues). It would be helpful to provide AONB

teams with a standard methodology for assessing cumulative impact as well as commitments to aggregate emerging data to present a clear picture of how multiple developments impact on AONBs across England³³.

91. However, responses from many AONB teams, especially outside of housing ‘hot spots’ does suggest that by working with local communities and landscape specialists, small scale housing schemes can work alongside the delivery of AONB purpose. Achieving the right site selection, layout and design for housing in AONBs is critical to delivering the high quality, locally distinctive homes that enhance landscape character in AONBs.

92. Consideration of a housing development case in Cotswolds AONB (see Appendix 3- case studies) shows how permissions for housing developments on exception sites appears to have attracted additional development proposals made worse by the allocation of the site in the reviewed Local Plan. Rural exception sites should not be a mechanism for opening up new areas for large scale housing development, especially in AONB landscapes where large scale housing development require rigorous assessments.

93. An increasingly common planning challenge for AONBs is the large scale refurbishment, replacement or extension of existing dwellings. Handsmooth House,

Ipsden in Chilterns AONB (see Appendix 3 - case studies). identifies that:

- By their very nature AONB landscapes are desirable places for people looking to invest in property and land. This attractiveness is driving property development and the scaling up of existing properties for the high end market.
- Farmhouses and associated farm buildings have long been an accepted part of rural landscapes. The emerging challenge for AONB landscapes are the cumulative impacts of large scale residential developments, especially when this involves visually prominent locations, often driven by a desire to own a 'view'.
- Often mega-house developments include a range of security and privacy measures, such as high fencing, CCTV surveillance, warning signage and automatic gates. These urbanising elements can damage landscape character, reduce public enjoyment and make the countryside much less welcoming.

Status of Local Plans and housing land supply

94. Survey responses identify that many AONBs are still not covered by up to date Local Plans. Almost two thirds of respondents (60%) report only partial coverage of AONBs with up to date Local Plans. This would seem to align with research by planning consultants Lichfields (2017) that suggest that only 36 per cent of planning authorities have seen a Local Plan through examination to adoption and 43% have not even published a draft Local Plan. Two thirds of respondents also identify that many LPAs with AONBs are unable to meet 5 year housing land supply requirements, resulting in increased pressures to allocate sites in Local Plans or face speculative development proposals. Both consequences can lead to proposals for housing development for sites considered inappropriate from a landscape character perspective. *"The lack of a 5 year housing supply is the main issue as opposed to lack of up to date local plan policy. The lack of an up to date plan leads to reliance on NPPF for determination. The arguments then*

presented turn on paragraphs 49 and 14 of the NPPF " AONB respondent

95. A growing number of Local Plans include allocation of housing within AONBs and within the setting of AONBs. Some 61-77 % of respondents report housing allocations in adopted Local Plans within AONBs and within the setting of AONBs.
96. For a number of respondents it is the challenge of providing a 5 year housing supply that is the crux of the issue driving development pressures into AONBs and resulting in approval of housing in inappropriate locations from an AONB perspective. In LPA areas with high proportion of AONB or other designated land, it is inevitable to allocate housing sites in AONBs in order to meet supply requirements and therefore have an up to date plan.
97. Having AONB specific policies in adopted Local Plans is seen by respondents as offering positive support for AONB purpose (44-66% respondents report that there are specific AONB policies in all Local Plans).
98. Experience in the Dorset AONB provides an insight into the scale of housing development facing AONBs with some 4800 new housing units being allocated or actively considered within the AONB area and its setting in recent years (see Appendix 3 - case studies). Consideration of the Dorset AONB case highlights that:
 - The impact of development on the Dorset AONB is inextricably linked to the strategic approach to housing provision adopted by the Local Planning Authority (LPAs) . Most LPAs have chosen to concentrate housing provision in their larger towns - the higher up the hierarchy of settlements the greater the number of housing units likely to be allocated. It would appear that the decision to allocate housing numbers to the larger towns is often taken despite the settlement's relationship with the AONB designation and in locations that are sensitive due to issues such as contrast with historic settlement pattern and comparatively prominent topography.

33. Chilterns Conservation Board will publish a guide on cumulative impact for LPAs in Autumn 2017

- Although the Dorset AONB partnership is working with LPAs to develop a strategy for delivering growth, there continues to be pressure to allocate large housing numbers within and close to the AONB. It is difficult to see how LPAs with large proportions of AONB area can achieve future housing growth requirements without having to allocate increasingly large schemes within or affecting AONBs. There would need to be a radical reduction in housing numbers coupled with a change to the current approach of concentrating housing sites in or near the large settlements and Market Towns.
- From an historical perspective it is possible to identify 'waves of housing growth' impacting on the larger towns in and around the Dorset AONB over the last 60 years. As a result, what might be considered the 'easy and obvious' development locations have long been identified and developed. This presents new and complex challenges for the larger settlements to find sustainable locations for ever increasing housing numbers without compromising the special qualities of landscape that underpin the AONB designation.

Scale and success rate of planning appeals

99. Our analysis shows a growing number of appeals for housing schemes > 10 units within AONBs and especially within 500m across the 2012-2017 period. There were 112 appeal cases involving 5,952 housing units between 2012-2017 within or within 500m of AONBs. The number of appeal cases increased in each year from 8 cases in 2012/13 to 38 cases in 2016/17. Not surprisingly more cases meant a greater number of housing units decided at appeal (1,162 units in 2012/13 rising to 2,047 units 2016/17). In AONBs, a total of 1,882 housing units were approved at appeal.
100. There appears to be a distinct change in the success rate of large scale housing-schemes that are taken to appeal across the 2012-2017 period. The success rate for appeal cases within AONBs peaked in 2012/13 at 71%. Since 2012/13, success

rate of appeals within AONBs has declined dramatically, down to 35% in 2014/15 and 24% in 2016/17. Similarly the number of housing units approved at appeal within AONBs peaked in 2012/13 (674 units allowed). Indeed over 50% of the number of housing units approved at appeal across the 2012-2017 period occurred in the first two years. Since 2014 there is a distinct decline in the success rate at appeal within AONBs.

101. A similar trend can be seen for housing appeals within 500m of AONBs, with success rates at appeal being 100% in 2012/13 but falling after 2014 to a low of 35% in 2016/17.
102. The data reveals a distinct geographic concentration of housing appeal cases within a limited number of AONBs. The Cotswolds AONB, with 36 appeal cases, and High Weald AONB with 15 appeal cases, account for almost half of the 112 housing appeal cases within and in the setting of AONBs between 2012-2017. Other AONBs seeing a relatively high number of appeal cases are also found in the 8 AONBs under greatest housing pressures; Kent Downs AONB (9 cases) and Cornwall AONB (7 cases).
103. Not all proposals taken to appeal would have been subject to the major development test, as there is no size threshold on the housing schemes it should cover. Bath Road recovered appeal allowed in Tetbury, 13/2/13 in which 39 dwellings were ruled to not be 'major development'. Considering the rationale for allowing housing development at appeal between 2012-2017 there are two commonly cited reasons used to justify 'exceptional circumstances':
- Where there is a need to address housing (land) supply shortfall and/or an LPA is unable to demonstrate 5 year land supply
 - Where it is argued that the impact would be acceptable, e.g. where harm is considered limited or insufficient to outweigh a shortfall in housing supply.
104. We found no mention of 'overriding national need' or the 'public interest' in appeal decision citations. The main

rationale for allowing large scale housing development in AONBs appears to relate primarily to District wide housing needs.

Capacity constraints

105. Survey responses highlighted the importance of AONB management plans as ‘material considerations’ in the planning process. Linked to this is the important role of the AONB Partnership’s in providing specialist advice as part of the planning process. The survey revealed, however, that there are real capacity issues within AONBs and LPAs. Capacity issues are identified as restricting the capabilities of both AONB teams and LPAs to assess development proposals effectively and to appropriately articulate the impacts on landscape. It appears that many AONB Partnerships are struggling to cope with the volume of development proposals coming forward in AONBs.

106. As to whether AONB team and CPRE Branches consider that they are effectively listened to by LPAs, 18-22% of AONB staff report that they are ‘always listened to’ by their LPAs with a further 78-82% reporting they are ‘sometimes listened to’. Whilst 93% of CPRE branches report that they are ‘sometimes listened to’ by LPAs with 7% reporting they felt they were ‘never listened to’.

“With the majority of Councils, we are only listened to if our views align with the local authorities’ own agenda. With one local authority in particular, while Officers generally take on board our views, Members consistently disregard the importance of the AONB”

AONB respondent

Neighbourhood Planning and Community Led Housing

107. Our research finds that 62% of respondents think it is ‘too early to say’ what, if any, impact Neighbourhood Plans are having on the allocation of new housing sites within or in the setting of AONBs.

“Villages in the AONB that have taken very little development over the last 20 years are considering some quite significant

allocations. Partly this is due to the incentive of CIL payments and a genuine wish to provide affordable housing, but mostly it is because the LPA’s lack of five year supply means that parishes are feeling threatened by speculative developments and want to try and take control of what development goes where”

AONB respondent

108. Respondents identify the value of AONB teams investing time to engage with and support neighbourhood planning groups. By being involved in the neighbourhood planning process AONB teams can input training and advice that helps ensure neighbourhood planning groups fully understand the special qualities of the AONB and how best to balance development with the duty to ‘conserve and enhance’ AONB designation.

109. Over 50% of respondents are unaware of any Community Led housing schemes taking place in AONBs, with less than 25% of respondents reporting that Community Led housing schemes are taking place in AONBs.

“Ultimately we cannot divorce housing affordability issues faced by communities in AONBs from the low wage economies found in many rural areas...be that agriculture or hospitality industries”

AONB respondent

110. Consideration was given to Neighbourhood Plans in development across South Devon AONB (see Appendix 3 - case studies) and the following learning points identified:

- The Neighbourhood Planning process offers local communities a voice in the planning process. Facilitating local discussions and ensuring that local knowledge and evidence are factored in to decision making on housing allocation can greatly improve outcomes in AONBs.
- With the right support from AONB teams neighbourhood planning offers an opportunity to strengthen connections between AONB management plans and local communities, encouraging finer grained articulation of the special qualities of the AONB as well as re-inforcing the importance of place and place making.

- The amount of time and resource required from Neighbourhood Plan Groups to undertake the necessary levels of local consultation should not be underestimated. The South Milton Group are reaching their 55th meeting and have been working on their Neighbourhood Plan for three years.

111. Community Led Housing schemes were explored across Cornwall AONB (see Appendix 3 - case studies) with the following learning points identified:

- Housing that is community-led (including community land trusts, community self-build and affordable co-housing) has been shown to secure greater levels of local support. This is evident at a planning stage but also with landowners more likely to bring forward appropriate sites and volunteers helping to develop the projects. They are led by local people and include allocations policies that ensure all homes go to people with a local connection.
- Communities lead on site selection and design, so landscape considerations are taken very seriously. These communities are fully aware of the sensitivities of building houses in AONBs. The majority of community led schemes are on exception sites – on the edge of settlements and not in open countryside.
- Development of small affordable housing developments can link with other AONB priorities. By providing accommodation for working households with a local connection, community-led housing projects can lead to more balanced communities, thus keeping local businesses and local services viable.
- There is a wide range of pre-development and development funding available so reducing the need to cross-subsidise with market housing, thus keeping the scale of developments smaller. In December 2016, the government announced the Community Housing Fund, with a particular aim of helping address the impact of second homes in communities. Cornwall Council was allocated £5,117,980 of this fund, which will help Cornwall Community Land Trust support more communities to develop affordable housing.

Green Belt overlap with AONB designation

112. A relatively small number of AONBs also have Green Belt land, which covers 7% of AONBs by area. We found that 8% of applications for housing development overlay AONB and Green Belt constraint. Of the six AONBs where there were applications of housing on Green Belt land, only Nidderdale AONB falls outside the South East.
113. AONBs within commuting distance of London, notably the Surrey Hills and the Chilterns have the highest level of housing approvals for sites which also fall within the Green Belt. Within Chilterns AONB and its setting 773 units out of a total of 2,125 units approved between 2012-2017 were on Green Belt land and within Surrey Hills AONB and its setting 494 units out of total 908 units approved were on Green Belt land.

Greenfield v brownfield sites for housing development

114. Our research shows broadly similar increases in permissions and scheme size on both greenfield and brownfield sites. However, there are some variations related to greenfield sites, especially within 500m of AONBs.
115. Of the 746 Ha of approved housing within AONBs across 2012-2017 some 293 Ha were greenfield sites and 408 Ha brownfield sites³⁴. There has been a significant increase in the area taken by housing development for both greenfield and brownfield sites; rising from 17 Ha 2012/13 to 144 Ha 2016/17 for greenfield sites and from 50 Ha to 195 Ha for brownfield sites. Mirroring this increase are the number of housing units approved; up from 1,255 units (2012/13) to 3,429 units (2016/17) on greenfield sites and 1,275 units (2012/13) to 2,600 units (2016/17) for brownfield sites. The total number of units approved on greenfield sites within AONBs in the past five years is 6,580 (42%) with a further 8,301 approved on brownfield land (54%). 604 units (4%) were also approved on a single mixed site.

116. Of the 361 Ha of approved housing within 500m of AONBs across 2012-2017 some 251 Ha were greenfield sites and 107 Ha brownfield sites. Housing approvals went up on greenfield sites within 500m of AONBs from 8 schemes granted in 2012/13 to 34 schemes granted in 2016/17. There has been a significant increase in area taken for housing development within 500m of AONBs for both greenfield and brownfield sites across 2012-2017; rising from 9 Ha 2012/13 to 153 Ha 2016/17 for greenfield sites and 10 Ha to 40 Ha for brownfield sites. Mirroring this increase are the number of housing units on sites; up from 628 units 2012/13 to 3,565 units 2016/17 for greenfield development and 931 units 2012/13 to 1,511 units 2016/17 for brownfield development.
117. A significantly greater number of housing schemes are awaiting decisions for greenfield sites compared to brownfield sites, especially within 500m of AONB. Some 23,070 units of greenfield housing schemes were pending at June 2017 compared to 8,949 units for brownfield sites. Of schemes pending decision 14,127 units were for greenfield sites within 500m of AONBs.
118. A related issue identified through the survey of AONB staff and CPRE Branches is the classification of brownfield sites within AONBs or land within their setting. Some respondents reported particular challenges when former Ministry of Defence land (such as airfields) are proposed for housing development. By their nature many of these sites are largely open and green and/or in isolated positions away from settlements with poor transport links. These sites therefore pose difficulties from a visual impact and sustainability perspective.

Other findings

119. The high turnover of LPA staff, together with the loss of long established local landscape expertise due to wider budget cuts within both Natural England and local government, was a matter of particular

concern from our survey responses. This raises questions about how well the AONB purpose is understood and whether the 'duty of regard' is being properly applied.

120. The role and capacity of Natural England as the statutory consultee for landscape and the effectiveness of working relationships with AONB teams was also raised as a matter of concern by survey respondents. 'Planning Protocols' between Natural England and AONB partnerships, which set out agreed ways of working, are in place, however respondents report difficulties in engaging Natural England in development cases raising significant landscape concerns. Due to capacity constraints Natural England appears to focus on large scale infrastructure projects, such as rail or energy schemes, rather than significant housing developments. In some cases, it seems AONB teams are effectively acting as 'agents' for Natural England on large scale housing development. It was suggested that this arrangement should be formalised in future and appropriately resourced.
121. There is also a concern that AONB Partnerships report that initiatives to secure developer contributions toward the mitigation of landscape 'harm' resulting from large scale housing schemes rarely provide adequate resources. Developers often present arguments relating to scheme 'viability' in order to avoid significant contributions.
122. As with the URS report³⁵ (2014) our research has found that for many AONBs outside the South East and South West, pressures relate mostly to large scale agriculture, energy and infrastructure developments rather than housing. In the Shropshire Hills AONB, for example, a recent priority has been to address a growth in proposals for large scale intensive chicken units.

34. NB all greenfield/ brownfield site areas presented are where site area is known. Not all site records included a Ha figure therefore numbers quoted will be under estimates

35. Housing development and AONBs' URS (2014) prepared for Natural England

Section 5

Conclusions and Recommendations

123. Our research presents clear evidence that the number of housing applications and approvals, as well as the scale of housing development being proposed and built in AONB designated areas, has significantly increased between 2012-2017. Before this period, housing pressures existed but the evidence indicates that they were relatively small scale.

124. The research also reveals a strong concentration of housing development in AONBs in the South East and South West regions. We identify 8 AONBs that between them account for more than three quarters (79%) of all housing approvals within AONBs over the past five years.

125. Our findings raise key questions:

- How significant is the increase in housing numbers and the size of housing units approved in AONBs?
- How do the housing numbers in AONBs compare with housing pressure in other, non designated, rural areas?
- What might be done to minimise the pressure on AONBs for inappropriately scaled and/or sited new housing development?

126. While we were unable to address these questions fully, there are some indicative responses. Our research suggests we are looking at a period of unprecedented growth in the number of new dwelling units approved in a number of AONBs (see Table 9).

127. Data comparisons are problematic as the figures available from the sources used in this research do not extend to housing developments below 10 units. As a result we can only present a partial picture of the impact of housing development on AONBs and more work is required to establish the true significance of the increase in housing.

128. The survey of AONB staff and CPRE branches indicated a range of possible drivers for the growing housing pressures in AONBs. These include:

- The national narrative around housing shortage coupled with growing political support for growth linked to housing supply
- The difficulties faced by LPAs in maintaining 5 year housing supply driving allocation and/or speculative development
- The attractiveness of AONB locations for housing development which can attract high returns
- A growing confidence among developers in securing permission from LPAs or at appeal
- Increasing concern among LPAs about refusing proposals for housing development on AONB grounds alone
- A reduced capacity of LPAs to deal effectively with impacts on AONB purpose.

129. These drivers inevitably affect AONBs differently depending a range of local variables including topography, settlement patterns, presence of market towns, local demographics, proximity to London, and pressure from retirees and second home owners. A fuller understanding as to why there has been such a step change in applications and approvals for housing in some AONBs requires further investigation.

We have identified a series of recommendations grouped around three themes that would address the key findings from our research:

- **measures to help AONBs respond to the national need for housing**
- **measures to achieve a better planning balance by strengthening the weight given to the AONB purpose**
- **measures to address capacity and support issues**

130. Although not part of the original research brief, consideration should also be given to the operation of the New Homes Bonus (NHB) in AONBs. There is evidence from elsewhere that, combined with public funding restrictions, the NHB is adding to pressure for new housing regardless of environmental considerations. We believe that one way to address this would be to limit the availability of NHB in AONB areas only to those schemes that are community-led. This would help reduce perverse incentives to allow housing development in inappropriate locations.

1) Responding to the national need for housing

131. The Government Housing White Paper, published earlier this year, sets out the intention to “*Get England building*”. This included reiterating a 2015 manifesto commitment to provide a million new homes by 2020. All political parties support the need for large scale house building programmes.
132. AONBs can not be immune to the housing and economic imperatives we currently face. The concentration of AONBs in the heavily populated South East and South West regions with numerous market towns in or adjacent to them, mean that demographic pressure and demand for more housing is intense.
133. AONB partnerships should give careful consideration to the current DCLG consultation proposals on assessing housing need. This is a rare opportunity to ensure that national policies to meet housing need fully address the challenge of delivering more housing within an overarching policy context where landscape protection is the priority.
134. Our research has found widespread support across many AONB teams for small scale, sensitive and high quality development within AONBs. For AONBs

outside of the housing pressure ‘hot spots’ there is clear understanding of local needs housing and the importance of finding appropriate sites to meet such needs.

135. However, there is a real need to develop a better understanding of the cumulative impact of small scale development across AONBs. This is often compounded by other larger scale developments such as agricultural development, energy projects or other infrastructure schemes. AONB teams should collaborate on collecting data on small scale housing and develop a standard approach to measuring cumulative impacts would be valuable.
136. If the purpose of AONBs is to remain relevant, then it is particularly important that it is reflected in decision making. Making the right choices about the scale and location of housing development within AONBs and their settings must draw on a deep understanding of landscape character and the special qualities of place. To deliver sustainable, high quality housing in our AONBs demands specific guidance as well as investment in landscape data and expertise.

Recommendations:

- AONB Partnerships to respond to the DCLG consultation “Planning for the Right Homes in the Right Places” to ensure AONB duties and obligations are embedded in any proposed changes, especially the new ‘statements of common ground’.
- Address the capacity issues of AONB teams and LPAs, recognising the importance of maintaining and enhancing landscape specialists to be actively involved in planning processes and ensure development proposals are not delayed due to issues of ‘harm’ to AONB purpose.

- Establish a register of small scale housing development, held by AONB Partnerships and aggregated annually.
- Monitor housing development in AONBs and report on findings.
- Develop a standard approach to assessing the cumulative impact of small scale developments in AONBs.
- Produce a guidance/good practice publication on the treatment of AONB designation in the planning process and feed learning into a Ministerial Statement.
- Provide support for Community Led Housing schemes in AONBs, possibly through a reformed New Homes Bonus.

2) Achieving a better planning balance

137. In line with earlier studies, our research suggests that the crux of the problem concerning housing development in AONBs is the so-called ‘planning balance’ and how this is addressed through the decision making process. In developing their Local Plans and managing development, LPAs are faced with a range of choices; meeting housing needs, securing economic development as well as protecting valued landscapes and green space. Our research suggests that within AONBs growing and often complex pressures are pushing LPAs toward prioritising housing development.
138. This could be characterised as a ‘tilting’ of the ‘planning balance’ in favour of increasing housing supply. Since 2015, the evidence shows that even if LPAs or Inspectors identify ‘harm’ to AONB designation, the planning balance invariably favours applications for housing development. We question whether a ‘tilting’ of the planning balance in favour of addressing housing shortage should apply in AONBs where the legal and policy framework clearly indicates that the priority should be attached to the protection of natural beauty.
139. A number of respondents report on the ‘practical ineffectiveness of the protective regime for AONBs’ in circumstances where individual LPAs are unable to meet their ‘objectively assessed’ housing needs (which can sometimes include the unmet housing needs of neighbouring LPAs).
140. As a result, it is more often the case that the ‘public interest’ in meeting housing targets is considered more important than the ‘public interest’ in conserving and enhancing AONBs. The primary statutory purpose of AONBs to ‘conserve and enhance’ special landscapes is effectively undermined by political and economic pressures to deliver a large number of new homes each year, coupled with inadequate national planning policy and guidance. This is primarily due to a lack of clarity over how to interpret and apply paragraphs 115 and 116 of the NPPF.
141. The lack of clarity and consistency over how AONB designation should be treated in the planning process has led to confusion, in some cases despondency, within many AONBs. Much of this hinges on how LPAs, Planning Inspectors and the Courts interpret national planning policy. Survey responses point to the unpredictability of appeal decisions and the perceived inconsistency in applying the ‘duty of regard’ in decision making. Inconsistent decisions by Inspectors are seen as a contributory factor in driving the confidence of developers in proposing schemes in AONBs and undermines the confidence of local communities in the designation. Providing training in appropriate treatment of the AONB purpose for Planning Inspectors, alongside improved national policies and guidance documents, would help address these concerns.
142. A complex set of drivers lies behind the growing housing pressure playing out from national to local. It is difficult for AONB Partnerships, other than Conservation Boards, to become and operate as statutory consultees on planning matters. However, it is also clear that improvements to the notification process and joint working in responding to development proposals would help hard pressed Natural England, AONB and LPA teams achieve better outcomes for AONB purpose.

143. Our research clearly identifies the value of AONB teams engaging with and supporting a range of stakeholders to better interpret and apply AONB purpose in the decision making process. This is true at the national level for policy makers through to PINs Inspectors, LPA officers and members down to Parish Councils and Neighbourhood Plan groups.

Recommendations:

- Address issues of interpretation and application arising from NPPF drafting through clarifications of NPPF paragraph 115 to achieve better alignment with AONB purpose and remove confusion between what is meant by scenic and natural beauty. Encourage LPAs to set a strong interpretation of these policies as found in National Parks.
- Provide further guidance on the treatment of AONB purpose in the planning process by collating good practice examples on the meaning and interpretation of terms such as; 'great weight' 'exceptional circumstances', 'public interest' and 'national considerations'.
- Issue a robust Ministerial Statement on AONBs to affirm policy support for the designation.
- Introduce a notification process requiring LPAs intending to grant permission for a residential development (of 50+ units) in an AONB to give notice to the Secretary of State for Communities and Local Government to enable him/her to consider whether the application should be 'called in'.
- Develop strong AONB specific policies in Local Plans that are then upheld in decision making. Make good practice examples available to LPAs.
- Investigate possibilities of AONB teams becoming 'agents' for Natural England leading on responses to large scale housing schemes in AONBs.
- Support the provision of training in interpretation and application of AONB purpose for all PINs Inspectors.
- Develop detailed practical guidance for LPAs on the consideration of planning

applications within or affecting AONBs; and on training of planning officers and councillors on that guidance.

- Promote awareness and understanding of AONB purpose to Parish Councils and Neighbourhood Planning groups through programmes of training.

3) Addressing capacity and support issues

144. In addition to growing pressures for housing in AONBs, we have also identified concern over the capacity of LPAs to process and assess planning applications effectively. The lack of a strategic approach and a reduced availability of technical landscape expertise mean that AONB units are facing considerable challenges in managing these pressures.
145. Moreover, if 'harm' to AONBs is seen as an acceptable 'price' for meeting housing needs, then LPAs and AONB teams should be exploring how to put in place mitigation strategies in order to minimise 'harm' and design appropriate compensatory measures. In particular, this could include establishing a landscape enhancement fund to support practical land management in areas of large housing developments.
146. This report highlights the importance of AONB Management Plans as a material consideration in decision making. Setting out 'statements of significance' to underpin 'natural beauty' and identifying the actions required to conserve and enhance the designation. Most AONB Management Plans will be subject to review processes in 2019. This presents an ideal opportunity to ensure the plans deal effectively with housing pressures and that in turn adopted AONB Management Plans inform and align with Local Plans.
147. We also need to emphasise the vital role of the AONB team and partnership in providing knowledge and specialist advice into the planning process. Capacities to assess development proposals and articulate the impacts on landscape are stretched by

the volume of development proposals coming forward in AONBs. This can only increase the importance of AONBs teams being resourced appropriately. In particular, they need the capacity to be involved in pre-application advice and supporting and advising on the development of neighbourhood plans so that they effectively address AONB purpose.

Recommendations:

- Address capacity issues within AONB teams and LPAs, recognising the importance of maintaining and enhancing landscape specialists to be actively involved in planning processes and ensure development proposals are not delayed due to issues of 'harm' to AONB purpose.
- Commission research on mitigation hierarchies aimed at providing compensation for 'harm' to AONB purpose resulting from increasing housing provision, such as establishing landscape enhancement funds.
- Ensure Neighbourhood Planning processes draw on advice from AONB teams and connect strongly to the special qualities of the AONB explained in AONB management plans.
- Use the opportunities arising from the 2019 round of AONB Management Plan reviews to better respond to housing pressures and support sensitive housing site selection.
- Offer support to local builders and architects through AONB Business membership schemes, business directories and design guidance references.

Appendices:

Appendix 1 - Analysis of data on housing applications and approvals 2012-2017

Appendix 2 - Summary of online survey responses

Appendix 3 - Case studies

Appendix 1

Analysis of data on housing applications and approvals over 10 Units 2012-2017 within AONBs and their setting

In this appendix we present our analysis of data on housing applications and approvals impacting on AONB designation.

As part of the commission CPRE provided a data set supplied by Glenigan of planning applications submitted to local planning authorities in England. Data sets covered housing developments over 10 units within AONB designated areas, within 500m of the AONB boundary and large proposals >500 Units within 2 Km of the AONB boundary.

We also had access to appeal decisions covering 2012-2017 for large schemes >10 Units from Compass online³⁶.

All data sets were analysed and key findings identified.

KEY FINDINGS

- 1) A growing number of planning applications for housing within AONB designated areas as well as in the setting of AONBs between 2012-2017
- 2) An increasing number of applications for housing units on sites of all sizes and a growing number of larger sites (>100 Units)
- 3) More approvals granted for a larger number of units on larger sites. A growing number of approvals for housing schemes on sites of all sizes with a step change upwards in approval for housing units over the two years since 2015
- 4) A greater proportion of greenfield sites approved within 500m of AONBs compared to brownfield site permissions
- 5) Significantly more greenfield sites awaiting decision within AONBs and within 500m compared to brownfield sites
- 6) Step change increases in private housing approvals in 2015/16 in same year that social housing approvals hit a five year low
- 7) The success rate for housing schemes within AONBs peaked in 2012-2014
- 8) A growing number of appeal cases for schemes >10 Units in each year between 2012-2017 both within AONBs and within 500m
- 9) Housing pressure on AONBs, as expressed by the number of applications, approvals and number of units is most keenly felt in South East and South West Regions with 8 AONBs accounting for 79% of all housing units approved within AONBs
- 10) 25% of approved schemes still in pre tendering process up to 4 years after decision date

Housing Applications

1) A growing number of planning applications for housing within AONB designated areas as well as in the setting of AONBs between 2012-2017

2) An increasing number of applications for housing units on sites of all sizes and a growing number of larger sites (>50 units)

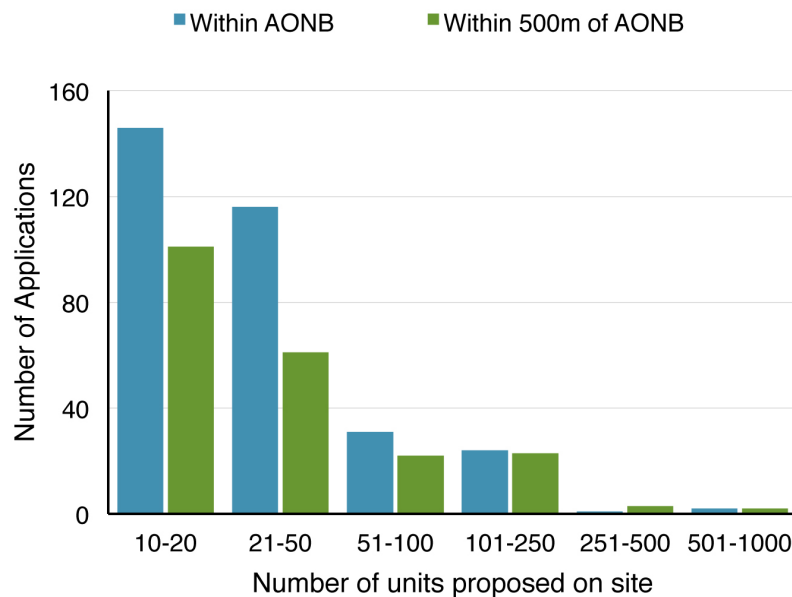
Considering all applications for large schemes (>10 units), both outline and full, submitted during the 2012-2017 period using the financial year of decision we can see:

- A growing number of applications for > 10 unit housing schemes within AONBs submitted from 2012-2017 – 80 applications in 2012/13 compared to 164 in 2016/17 (a 105% increase)
- A growing number of applications for > 10 unit housing schemes within 500m of AONB

boundary submitted 2012-2017 - 45 applications in 2012/13 compared to 105 in 2016/17 (a 133% increase)

- A significant increase in the number of housing units proposed in applications both within AONBs and within 500m from 2012-2017 – housing schemes for 4,140 units proposed in 2012/13 rising to 11,709 units in 2016/17

Graph 3: Unit size of housing applications 2012-2017 within AONBs and within 500m



To get an overview of the scale of the housing application pressure on AONB designated areas we combined figures for housing schemes over 10 units within AONBs with schemes within

500m and added large schemes over 500 unit within 2Km of the AONB boundary (see Table 6).

36. Compass <http://www.compasssearch.co.uk/compass/>

**Table 6: Housing applications impacting on AONBs 2012-2017
(incl within AONBs, within 500m and within 2 km for >500 unit proposals)**

Financial Year of decision	Number of applications	Total units	Total Approved	Total Refused	Total Withdrawn
2012/13	126	6,421	108	8	10
2013/14	159	8,392	126	25	8
2014/15	158	10,368	113	34	11
2015/16	224	19,780	148	50	26
2016/17	274	14,946	161	88	25
No decision	266	48,114	0	0	0
Totals	1,207	108,021	656	205	80

The data reveals a significant increase in the number and scale of housing schemes being proposed. There has been an increase in housing scheme applications from 106 schemes in 2012/13 to 278 schemes in 2016/17. A similar leap in the number of housing units being proposed from 6,421 units in 2012/13 to 14,796 units in 2016/17.

Unit size of applications also shows a strong upward trend. Whilst 10-20 Units per site remain the most common the number of schemes in all unit size classes has increased across 2012-2017. The data also shows a major step change occurring after 2015 where the size of housing scheme proposals, as represented by the number of proposed units, rises from 10,368 units in 2014/15 to 19,780 units in 2015/16. Over the three years 2012-2015 some 25,181 units were applied for in the following two years 2015-2017 this had gone up to 34,726 housing units.

In the period 2012-2017 the total number of housing units proposed in housing applications impacting on AONBs were;

- Within AONBs - 34,522 housing units
- Within 500m of AONB - 35,422 housing units
- Within 2km (>500 Units) - 37,987 housing units
- Total of housing proposed 108,021 housing units

Significantly decisions are pending on some 266 schemes with implications for a further 48,114 housing units which could further impact on AONB designation.

If all applications for housing schemes pending a decision were to be approved the overall total figure could be as high as 108,021 new housing units. A more realistic estimate of likely impact can be arrived at by using the 2016/17 success rate for housing applications of 64%. This then suggests a possible additional 30,793 housing units being approved, giving a potential cumulative outturn of 90,700 new housing units approved in AONBs since 2012/13.

Decisions are currently pending on 12,741 units within AONBs. Based on the 2016-17 approval rate (64%), this could mean another 8,154 units, which would result in a total of 23,639 new housing units being approved in AONBs since 2012-13.

Housing approvals and refusals

3) A growing number of approvals for housing schemes on sites of all sizes – a step change upwards in approval for housing units over the last two years

- An increase in the overall number of > 10 unit housing schemes approved within AONBs across 2012-2017 – rising from 70 approved schemes in 2012/13 to 91 in 2016/17 (a 30% increase)
- Overall some 15,485 housing units have been approved within AONBs between 2012-2017 on sites covering 435Ha. This compares with 11,879 housing units approved within 500m of an AONB between 2012-2017 on sites covering 212 Ha
- An increase in housing unit numbers approved within AONBs and within 500m across 2012-17 – from 4,140 units approved in 2012/13 to 11,709 approved in 2016/17 (183% increase)
- An increase in the area of sites (Ha) with housing approval within AONBs and within the setting (500m) across 2012-17 – rising from 41 Ha approved within AONBs 2012/13 to 211 Ha approved in 2016/17 and 12 Ha approved within 500m 2012/13 to 110 Ha 2016/17
- A significant number of applications for housing schemes within AONB and within 500m still pending a final decisions, especially within 500m – No decision on some 12,741 units within AONBs and 19,303 units within 500m.
- An increase in the number of 10-20 unit scheme applications within AONBs and within 500m across 2012-2017 – 46 schemes 2012/13 up to 74 schemes 2016/17 within AONBs and 12 schemes 2012/13 up to 46 schemes 2016/17 within 500m (an overall increase of 107%)
- An increase in the number of 21-100 unit scheme applications within AONBs and within 500m across 2012-2017 – 31 schemes 2012/13 up to 80 schemes 2016/17 within AONBs and 12 schemes 2012/13 up to 43 2016/17 within 500m (an overall increase of 186%)
- Increasing approvals for larger schemes within AONBs and within 500m of AONB boundary – approvals for > 100 unit schemes has grown from 5 schemes in 2012/13 to 20 schemes in 2016/17

The data also shows a growing number of schemes approved within AONBs up from 70 approvals in 2012/13 to 91 approvals in 2016/17. And a near doubling of the number of approvals for housing schemes within 500m of an AONB; 37 approvals in 2012/13 compared to 66 approvals in 2016/17.

The data points to a significant rise in the number of schemes granted permission as measured by the number of units, particularly over the past two years. The number of units approved on residential projects within AONBs has almost doubled since 2012/13. A total of 4,369 units were approved during 2016-17 compared to 2,396 units in 2012-13. Within AONBs approvals were granted for an average of 4,077 units per year (2015-2017) which compares with 2,440 units per year over the previous three years 2012-2015.

Increasing approval for larger housing schemes as measured by the number of housing units approved, both within AONBs and within 500m. Some 2,396 units were approved within AONBs in 2012-13 covering 41 Ha compared with 4,369 units covering 212 Ha in 2016/17. Within 500m of an AONB 1,327 units covering 12 Ha were approved in 2012/13 compared with 3,459 units covering 110 Ha approved in 2016/17.

Consideration of the category of housing approved within AONBs reveals that between 2012-2017 some 12,620 private housing units were approved compared to 2,094 social housing units. See table 7. Note the step change in private housing approvals after 2015, from 1,802 units to 3556 units and dip in social housing numbers to a five year low of 107 units in 2015/16.

Table 7: Category of housing approved 2012-2017 within AONBs

Housing category	2012/13	2013/14	2014/15	2015/16	2016/17	total
Private	1,921	1,995	1,802	3,556	3,346	12,620
Social	409	383	395	107	802	2,096
Other	66	0	360	122	221	709
Unrecorded						60

4) The number of housing scheme refusals increasing for smaller schemes (< 50 units) 2012-2017

- The number of >10 unit housing applications refused within AONBs and within 500m has grown during 2012-2017 especially for schemes < 50 units. Only 6 housing schemes were refused in 2012/13 within AONBs and within 500m compared to 72 schemes refused in 2016/17
- The overall number of withdrawals and refusals of housing schemes > 51 units within AONBs and within 500m is low. However, the number of withdrawals and refusals show signs of rising after 2015/16; 25 schemes withdrawn or refused between 2012-2015 compared to 35 schemes withdrawn or refused between 2015-2017

5) More applications approved but the success rate for housing schemes peaked in 2012-2014

- Over the period 2012-2017, within AONBs and within 500m some 638 planning decisions were approved out of 839 applications, an overall success rate of 76%. Meanwhile, the number of units where applications were refused or withdrawn has risen dramatically over recent years and the success rate of applications has declined
- As more applications have been made, the number approved has increased, notably over the two years 2015-2017 when decisions granted have averaged 149 per annum, compared to 113 per annum over the previous three years 2012-2015. The numbers refused and withdrawn have also increased over time

- The overall success rate of housing applications for > 10 units within AONBs has come down steadily from 93% in 2012/13 to 64% in 2016/17

Appeal cases for housing schemes >10 units

6) A growing number of appeal cases for schemes >10 units in each year both within AONBs and within 500m of AONBs

- There has been a three-fold increase in appeal cases within AONBs, with growing number of dismissals resulting in the number of allowed appeals remaining constant during 2012-2017
- The number of housing units approved at appeal has declined within AONBs from a peak in 2012-13
- A significant increase in the number of appeal cases within 500m with a 224% increase in housing units being taken to appeal
- A steady rise in the number of appeal cases dismissed for housing schemes > 10 units within AONBs with resultant decline in housing units allowed from the peak in 2012-13
- The success rate at appeals both within AONBs and within 500m has declined during 2012-2017. An increase in dismissals means success rates have dropped from 71% in 2012/13 to 24% in 2016/17 for appeals on housing schemes within AONBs and from 100% in 2012/13 to 44% in 2016/17 for appeals on housing schemes within 500m
- The number of appeal cases within AONBs and within 500m for housing schemes > 10 Units impacts on some AONBs more than others; 30 of the 71 appeals within an AONB are for schemes in just two AONBs; Cotswolds AONB with 18 cases and High Weald AONB with 12 cases

The data shows a growing number of appeals for housing schemes within AONBs and within 500m across 2012-2017. There were some 112 appeal cases for housing schemes totalling 5,952 units between 2012-2017 within or within 500m of AONB boundary. The number of appeal cases increased in each year from 8 appeals in 2012/13 to 38 appeals in 2016/17 involving a growing number of housing units; 1,162 units in 2012/13 rising to 2,047 units in 2016/17.

The data shows a difference in the outcome of appeal cases between the periods 2012-2014 and 2014-2017. Between 2012/13 100% appeals within AONBs were successful but subsequently the success rate of appeals within AONBs declines to 35% in 2014/15 and 24% in 2016/17. The number of housing units approved at appeal within AONB was highest in 2012/13 (674 units). Indeed over 50% of the number of housing units approved at appeal during 2012-2017 occurred in the first two years.

Similar outcomes for appeal cases can be found for schemes within 500m of AONB boundaries. 100% of appeals were approved in the period 2012-2014 falling thereafter to a low of 35% approvals in 2016/17.

There is a distinct geographic concentration to housing appeal cases to a limited number of AONBs. Two AONBs account for 51 of the 112 appeal cases within and in the setting of AONBs between 2012-2017. Other AONBs with notable numbers of appeal cases are also found among the 8 AONBs under greatest housing pressures; Kent Downs (9 cases) Cornwall (7 cases).

Analysis of the reasons presented by Inspectors for allowing appeals identifies some common rationales, namely the:

- Need to address housing shortfalls
- Lack of a 5year housing supply and
- Need to address local housing affordability issues

In recent years 2015-2017 Inspectors are increasingly recognising 'harm' to the AONB but nevertheless on balance allowing the appeal.

The increases in the number of housing applications 2012-2017, described above, is of such a scale that despite success rates of appeal cases declining and refusals of housing schemes increasing many AONB areas are seeing unprecedented growth in housing unit approvals.

We have not been able to fully explore the reasons for declining success rates at appeal. It might be partly explained by more LPAs having adopted up to date local plans which have provided AONBs with some protection from speculative appeals. More work is required to better understand the relationship between; the status of local plans, five year housing supply and the scale of housing proposals within AONBs.

Greenfield and brownfield sites

7) Increases in approvals for both greenfield and brownfield sites within AONBs and within 500m

- Increases in permissions granted and unit size for both greenfield and brownfield sites in line with overall scaling up of housing approvals across 2012-2017
- Within AONBs there have been housing approvals covering 115 Ha of greenfield development and 275 Ha of brownfield development between 2012-2017. Within 500m of AONBs seeing greater greenfield site development 126 Ha compared 83 Ha on brownfield between 2012-2017. Site area within AONBs and within setting has increased by 813% for greenfield (15 Ha 2012/13 to 137 Ha 2016/17) and by 294% on brownfield sites (35 Ha to 138 Ha)
- Significantly more housing schemes for greenfield developments awaiting decisions compared to brownfield, especially within 500m of AONB – 8,943 units of greenfield housing sites pending within AONBs compared 3,773 units for brownfield sites, 14,127 units pending on greenfield sites within 500m of AONBs compared to 5176 units pending for brownfield sites

Of the 390 Ha of approved housing Within AONBs 2012-2017 some 115 Ha were greenfield sites and 275 Ha brownfield sites. Significant increase in site area taken by housing development for both greenfield and brownfield sites; rising from 15 Ha 2012/13 to 52 Ha 2016/17 for greenfield sites and from 25Ha to 114 Ha for brownfield sites . Mirroring this increase are the number of housing units approved within AONBs; up from 1,235 units (2012/13) to 1981 units (2016/17) on greenfield sites and 1,161 units (2012/13) to 1,784 units (2016/17) for brownfield sites.

Of the 212 Ha of approved housing within 500m of AONBs 2012-2017 some 126 Ha were greenfield sites and 83 Ha brownfield sites. Housing approvals went up on greenfield sites from 8 granted in 2012/13 to 34 granted in 2016/17.

Table 8: Housing unit approved on Green Belt land within AONBs and within 500m by financial year of decision

AONB	2012/13		2013/14		2014/15		2015/16		2016/17	
	GREEN BELT	AONB	GREEN BELT	AONB	GREEN BELT	AONB	GREEN BELT	AONB	GREEN BELT	AONB
CHILTERNES	0	478	53	116	209	185	113	296	408	277
COTSWOLDS	22	534	22	1,052	100	1,108	58	1,485	11	1,467
HIGH WEALD	0	393	123	743	0	1,246	0	938	26	1,507
KENT DOWNS	44	80	12	266	0	355	128	637	51	240
NIDDERDALE	0	30	0	0	0	13	25	0	0	88
SURREY HILLS	77	161	36	57	176	15	69	11	136	171

A related issue identified through the survey of AONB staff and CPRE Branches is the classification of brownfield sites within AONBs. Some respondents reported particular challenges when former Ministry of Defence land (such as airfields) are proposed for housing development. By their nature many of these sites are in isolated positions away from settlements and therefore pose difficulties from a visual impact and sustainability perspective.

Green Belt in AONBs

8) Housing applications falling within AONB and Green Belt affects 6 AONBs, predominantly around London

- A number of Areas of Outstanding Natural Beauty include Green Belt land. In a proportion of cases, the site of planning applications falls within both the Green Belt and an AONB. Six AONBs had applications for Green Belt sites. Green Belt sites only accounted for 8% of all planning applications within AONBs during 2012-2017 and 12% of approved schemes in the 6 AONBs with Green Belt developments.
- AONBs within commuting distance of London, notably the Surrey Hills and the Chilterns have the highest level of housing approvals for sites which also fall within the Green Belt. Within Chilterns AONB and its setting 773 units out of a total of 2,125 units approved between 2012-2017 were on Green Belt land and within Surrey Hills AONB and its setting 494 units out of total 908 units approved were on Green Belt land.
- Surrey Hills stands out as the AONB with the highest number of approvals for housing units in schemes on Green Belt land within the AONB and setting between 2012-2017, 493 units approved on Green Belt land compared to 415 units non Green Belt land. This partly reflects the nature of the AONB with a large proportion of Green Belt land overall (73% of Surrey lies in Green Belt) as well as LPAs with high overall approvals rates.

It is worth noting the difference in the magnitude of the housing units approved in Nidderdale AONB compared to other AONBs with Green Belt land. In Nidderdale AONB only 156 units were approved during 2012-2017, 25 on Green Belt land. This compares with Kent Downs AONB where schemes for 1,813 units were approved during 2012-2017, 235 units on Green Belt land. In terms of AONB area Nidderdale AONB covers 601 sq km and Kent Down AONB covers 879 sq km.

Housing distribution

9) Housing pressure on AONBs, as expressed by the number of applications, approvals and number of units in schemes is most keenly felt in South East and South West Regions – With 8 AONBs accounting for 74% of all housing applications and 79% of all approved housing units:

Housing pressures is most keenly felt in the South East and South West regions Of the 30,890 housing units proposed for development in English AONBs during 2012-2017 some 26,779 units were proposed in AONBs found in the south east and south west. The two regions face roughly similar numbers of housing unit proposals; 14,443 units in the south east and and 12,336 units in the south west.

Table 9: Housing pressure by selected AONB (number of housing schemes >10 units approved and number of units within AONBs and within 500m of AONB 2012-2017

AONB	Number of schemes approved within AONB	Number of Housing units approved within AONB	Number of schemes approved within 500m of AONB	Number of housing units approved within 500 of AONB
CHILTERNs	23	1,213	30	922
CORNWALL	35	998	6	154
COTSWOLDS	62	2,869	41	2,968
DORSET	31	1,217	10	567
HIGH WEALD	58	2,723	33	2,253
KENT DOWNS	22	1,266	18	547
NORTH WESSEX DOWNS	35	1,286	15	567
SOUTH DEVON	23	732	6	221
Grand Total	289	12,304	159	8,199

A focus on the 8 AONBs accounting for 74% of all housing applications and 79% of the approved housing units within AONBs 2012-2017

Of the 390 housing schemes applied for within AONBs during 2012-2017 the majority (289 or 74 %) fall within just 8 of the 34 AONBs - predominantly in southern England.

The AONBs seeing the most significant number of approved applications within AONBs for housing schemes are clustered in the south of the country and are led by the Cotswolds (with 62 schemes), followed by the High Weald (58), Cornwall (35), North Wessex Downs (35), Dorset (31), Chilterns (23), South Devon (23) and Kent Downs (22). The next in order of number of applications would be Norfolk Coast (15 Schemes) then Surrey Hills with 11 Schemes.

Looking at approved schemes within AONBs the same distinct concentration can be identified. Just 8 AONBs account for 12,304 approved units within AONBs between 2012-2017 compared to total units approved across all AONBs for the same period of 15,485. That is 79 % of all the approved housing units in AONBs.

The rate of approvals by LPAs in AONBs with significant pressure for housing development ranges from 96% in South Devon to 71% in the Kent Downs.

To provide some form of comparison with new home building we can look to government figures on rural housing stock. The rate of new house build completions in 2015/16 in predominantly rural areas grew at a faster rate, 8.6 per 1,000 households, than in predominantly urban areas, 6.2 per 1,000 households. Nearly 42,000 new houses were completed in predominantly rural areas in 2015/16.

10) A large number of approved sites within AONBs still in pre tendering process:

- 51 of 202 approved building projects not started on site between 2-4 years after date of permission.

Appendix 2

Responses to survey sent to AONB staff and CPRE Branches

In this appendix we present our analysis of qualitative information gathered from AONBs and CPRE branches on housing pressures impacting on AONB designation.

An online survey was developed and invitation sent to 22 CPRE Branches and 34 AONB teams to complete the survey during July 2017. For the AONB teams we approached Lead Officers or where employed Planning specialists.

We received 40 completed online survey forms; 26 from AONB staff 14 from CPRE branches - Our analysis of survey responses found the following:

Perceptions of Housing Pressure

1) AONB staff (82% respondents) and CPRE Branches (84% respondents) reported growing pressure for housing development over the last 5 years within AONBs and (77% and 92% reported growing pressure within the setting of AONBs.

Local Plan and Policies

2) The lack of up to date Local Plan coverage across AONB designated areas is perceived as part of the issue leading to increased housing pressure: only 41 % of AONB staff/ CPRE branches report full coverage of up to date plans across AONBs.

Local Plan coverage is "A mixed bag at best"
AONB respondent

"Lack of 5 year housing supply is main issue as opposed to lack of up to date local plan policy. The lack of up -to date plan leads to reliance on NPPF for determination. The arguments then presented turn on paragraphs 49 and 14 of the NPPF".

AONB respondent

" Local Plans have slipped in and out of 5 yr housing supply - most AONB housing is allocated sites in Plans...but it is the fear/lack of 5 yr supply that drives allocation...In order to maintain an up to date LP have to allocate - inevitable in areas with AONBs that alloca-

tion has to go in AONBs question is where and what 'harm' is acceptable?? LPAs have two options - spread housing growth around settlements or concentrate in key sites."

AONB respondent

3) The failure by LPAs to meet 5 Year Housing Supply contributes to housing pressure - 33% AONB staff report LPAs meeting 5 Yr Housing supply, including buffer whilst 66% report LPAs failing to meet 5 Yr Housing Supply

4) Local Plans include allocation of housing within AONBs and within the setting of AONBs - 61-77 % of respondents report housing allocations in adopted Local plans within the AONB and within the setting of AONB. With 11-15% responds reporting no allocation in AONB or Setting.

5) Having AONB specific policies in adopted Local Plans help with AONB protection - 44-66% respondents report that there are specific AONB policies in Local Plans - 26 -55% report that some Local Plans covering the AONB have policies and 6% report no AONB policies in any relevant Local Plans.

6) Cumulative impact of housing developments are not being considered - 72% of respondents report that no Local Plans specifically define or consider cumulative impact with only 7% respondents reporting cumulative impact as being specifically defined or considered.

"As far as I am aware from recent local plan allocations and development management decisions in districts which include AONB cumulative impact of minor development is not specifically considered"

CPRE respondent

Neighbourhood Planning and Community Led Housing

7) 62% of respondents report that it is “too early” to say what impact Neighbourhood Plans are having on housing allocation in AONBs - Whilst 56-64 % respondents report no contribution to overall housing numbers in the AONB, 36-44% report some impact from Neighbourhood plans on housing numbers.

“Villages in the AONB that have taken very little development over the last 20 years are considering some quite significant allocations. Partly this is due to the incentive of CIL payments and a genuine wish to provide affordable housing, but mostly it is because the LPA’s lack of five year supply means that parishes are feeling threatened by speculative developments and want to try and take control of what development goes where”

AONB respondent

How well are AONB and CPRE voices heard?

8) 14-25% of respondents report that Community Led Housing schemes are taking place in AONBs but 50-69% report no such schemes are happening and 6% don’t know.

9) 18-22% Of AONB staff report that they are Always Listened to by their LPAs with a further 78-82% reporting they are Sometimes listened to.

10) 96% of CPRE branches report that they are ‘Sometimes listened’ to by LPAs with 7% reporting ‘Never listened’ to...

“In the case of officer level decisions it is my experience that there is a 50/50% chance of being listened to. This rises and dips when Planning Committee’s becomes involved depending on where we are in the political cycle.”

AONB respondent

“Listened to, but impact on actual decisions is questionable! “

AONB respondent

“Overall it is my impression that LPAs lack the will to refuse applications on AONB grounds alone due to the predominant risk aversion policy to costs at appeal”

CPRE respondent

Suggested drivers for the increasing scale of housing being proposed in AONBs

From the online survey responses and follow up interviews with AONB staff and CPRE branches the following drivers of housing pressure in AONBs were identified:

- Sea change in planning - Development Control has become Development Management an ‘enabling’ role for the LPAs. LPAs incentivised to build new homes with urban design training pushing design solutions as the way forward.
- It is national government that is pushing the growth agenda, especially housing but their ambitions are delivered through LPAs. The absence of national or regional plan means there is no strategic direction and little opportunity to plan growth around landscape constraint.

“The main driver is that developers feel they can get away with it and there is demand for expensive housing in desirable places.”

AONB respondent

- Key is the Planning Balance issue. How does the planning process evaluate ‘harm’ to AONB purpose and how is this given ‘great weight’ in decision making? Current process is unclear and lacks transparency. Can lead to to confusion especially at the community level.
- Recognise the ‘tilt’ in balance toward approving more and larger housing schemes in AONBs is working through the planning process. Citing the Hopkins case (since overturned by Supreme court but still impacting on decision process) as a landmark High Court judgement impacting on how LPAs and Inspectors treated AONB designation.
- Impact on AONB is a subjective balance at the end of the day. All AONBs are different. There is a need to consider the planning balance issues on a site by site basis.

- The driver is housing requirements in Local Plans and emerging Local Plans, which are based on simplistic quantitative approaches (more existing population means more growth).
OAN driving these pressures, with LPAs not challenging and PINs increasing housing numbers - e.g. Mid Sussex increased by 20% post examination and PINS ignored all representations concerning environmental constraints.
- **Hard pressed LPAs** are reluctant to use AONB as the sole reason for refusal in cases involving large housing development. Recognises that Development Managers often require an “overwhelming” case for refusal. LPAs/Inspectors find it difficult to object from a purely AONB perspective, often requiring other landscape/heritage factors in combination with AONB to justify objection.
- Some LPAs in Chilterns for example, have high proportions of AONB land so get use to treating AONB as ‘just countryside’. Consequently difficult to express a different approach to housing numbers depending on the presence or absence of AONB designation.
- LPAs operating in isolation trying to deliver housing numbers - no concessions to constraints so LPA with >50% land designated AONB having to respond the same as an LPA with no constraints therefore no wonder allocation of housing in AONB
- Housing pressures feel magnified in the South East due to economic vibrancy of region. Housing pressure emanating from the ‘gravity’ of London should not be a surprise or a wholly new phenomena. For example Sussex LPAs have only built half the objectively assessed housing need over the years due scale of constraints.
- **Lottery of PINS decisions** has been an issue in many AONBs. Respondents recognise that can get different perspectives on the relative merits of AONB designation from different Planning Inspectors.
- **Reliance on volume house builders** to deliver local housing needs often result in disputes around the need for market housing to cross subsidies affordable housing provision as well as questions of viability. The Housing White Paper identifies the loss of small to medium sized local builders more suited to small scale, local house building. AONBs such as High Weald have retained many small building firms, a model well suited to safeguarding local landscape character alongside local economy needs.
- **Question whether housing pressure is the problem or whether it is the effect of that pressure at this time.** The scale of growth coming through the planning system at a time when the capacities of the LPAs to deal with and process those applications effectively is at an all time low. Not therefore surprising seeing issue with achieving good design or appropriate landscape solutions.
- The challenge of LPA capacity is exacerbated by having the more sensitive sites coming forward as a result of having already developed the easy and obvious sites for housing.
- Respondents questioned the **role of Natural England in planning process.** Despite recent improvements questions remain as to the levels of landscape expertise available to Natural England and the organisations appetite to challenge large scale housing schemes. Some AONB staff feel they are effectively performing the role of Natural England at the local level.

“The need is for affordable housing and ‘Mega Houses’ not 5-bed millionaire pads catering for people moving out of London. e.g. recent development at Challock of large mansions with security lighting etc changing the character of the village.”

AONB respondent

Development on AONB in Wealden is no longer sacrosanct. ‘Exceptional circumstance’ of national lack of housing is now overriding NPPF protection.”

CPRE respondent

- A clear point of difference across the AONBs responding to the survey was the AONB teams relationship with their LPA planning staff. Some AONB teams reported long standing relationships with their LPAs developed over many years. Key to good relationship seems to be the level of turnover of Development Control staff and the availability of landscape specialism especially over the longer term.
- **Skills and capacity issue.** A number of AONB teams report that LPA staff don't understand AONB and with high staff turnover it is difficult for AONB teams to constantly remind LPAs of their duty of regard.
- AONB looking for compensation/ mitigation for 'harm' caused by approved developments often lose out due developers who use 'viability arguments

Suggested responses to housing pressures to ensure AONB designation is safeguarded:

- **Stronger government commitment** to looking after our finest landscapes. A number of respondents called for a Ministerial Statement or some clear guidance setting out how government expects AONB designation to be treated in the planning process.
- In the absence of any government statement or guidance a national publication might be helpful to explain how the AONB designation should be considered and underline that planning decision within AONBs needs to be different to non designated countryside.
- Aligning AONB designation with other planning constraints and designations - For example The Town and Country Planning (Consultation) (England) Direction 2009 requiring local planning authorities give the Secretary of State 21 days notice if they intend to approve an application that is in the Green Belt. A requirement not extended to cover AONB designation.
- There was a strong call from respondents for **clarifications to NPPF or a Planning Guidance Note** on best practice in integrating AONB designation into the post- NPPF planning process.
- **Para 115 of NPPF was a particular focus for calls to clarify NPPF** with respect to AONB designation. Respondents consider that para 115 should be better aligned with the needs of AONB purpose. As currently drafted there is no clear read across from '*scenic beauty*' to '*natural beauty*' or to the purpose of AONBs to conserve and '**enhance**'. This omission can result in failure to respond to '*harm*' to AONBs with anything approaching reasonable mitigation.
- A number of respondents felt that Para 116 of NPPF is also poorly written and therefore add to confusion as to whether AONBs are exempt from what can be reasonably understood as a 'major development'. A re wording of paragraph 116 could address this confusion and place AONB protection on a stronger footing.
- Other respondents felt the problems for AONB designation generated by Para 116 of NPPF is down to how it is used in practice. AONB is often '*trumped*' by other needs, be that housing supply, economic growth or affordable housing.
- Government is clear that the planning balance is for LPAs to decide on a case by case basis so there is little that can be added that was not captured in the **National Trust report³⁷ in terms of recommendations** for better treatment of AONBs.
- The call for **greater consistency in PINs Inspector decisions relating to the treatment of AONB designation** in planning decisions could be addressed by offering bespoke training to PINs as part of Inspector training.
- Many respondents felt that continuing to ignore constraints on the planning process was nonsensical. In areas, such as the South East, where designations and constraints can cover large areas of LPAs, plans and policies should be explicit about how constraints will inevitably affect decision making and clarify how AONB exemption from the presumption in favour of sustainable developments will play out. AONB protection deserves to be more than a footnote to NPPF paragraph 14.

³⁷ AONBs and Development (2015) Report by Green Balance for National Trust

- **Bring AONB designation up to date.** AONB designation has a lot to offer communities in the 21st century. A few respondents expressed a need to ‘refresh’ AONB designation, to better articulate the value of the designation to modern society and bring in tranquillity/ breathing space benefits.
- Respondents identified a clear need for greater **strategic planning, especially in large, complex AONBs, to fully recognise and respond to AONB designation.** Since 2012, and despite the NPPF “duty to co-operate” many LPAs have tended to work in isolation to deliver local needs when AONB purpose demands cross boundary perspectives and co-operation. This is especially true in the larger AONBs with multiple LPA For example Cotswolds and Chilterns AONBs work across some 15 LPAs.
- Respondents were clear that AONB management is improved where **Local Plans contain specific AONB policies.** Policies that clearly link planning to the ‘duty of regard’ for AONBs and to actions set out in the statutory AONB Management Plans to conserve and enhance the special qualities of the area.

“In considering proposals for development within the AONB, the emphasis should be on small-scale proposals that are sustainably and appropriately located and designed to enhance the character of the AONB”

Canterbury Local Plan Policy

- Many respondent called for **AONB Management Plans to be more strongly integrated into the planning process with greater enforcement of plans.** Possible value in connecting AONB management plans to calls by CPRE for a more strategic approach to land. AONBs would appear to be ideal places to pilot integrated land use strategies.
- Evidence from responses appears to suggest that where AONB team input to

planning process early (via **pre application advice**) better outcomes are likely for AONB purpose. This is especially true for ensuring that the finer details of housing applications; site, layout, materials design, do not conflict with local landscape character.

- Providing **advice and training to Neighbourhood Plan groups** provides a good route into ensuring comparability and can be seen to strengthen links between special qualities of the AONB and high quality development, site layout, materials etc - see cases studies and Chilterns developing a tool kit for NPs as opportunity to forge better links with local communities, AONB purpose and site/material design choices
- A few respondents pointed to what they saw as **the inadequate AONB governance structure compared with National Parks.** With LPAs increasingly pressured to deliver housing and suffering from lack of money/ capacity issues it is difficult to see how there can be a core focus on landscape purpose.
- Improving transparency in the **calculation of OANs.** The Housing White Paper is clear that OAN calculations need thinking about, especially in areas of multiple designations and constraints.
- Respondents feel that AONBs have a real issue with measuring and evaluating the **cumulative impact of development likely to impact on the designation. A call for research and sharing of practice** – Chilterns AONB are developing guidance on cumulative impact to address issue of harm resulting from the cumulative impacts of housing, infrastructure, HS2, traffic etc

Appendix 3

Planning Case Studies

1) Pease Pottage Case Study - High Weald AONB

THE CASE:

The district of Mid Sussex covers the three towns of Haywards Heath, Burgess Hill and East Grinstead and 50% of its rural area is in the High Weald AONB. A further 10% of the administrative district is in the South Downs National Park, which is its own local planning authority.

In 2009 the South East Plan raised the housing target for Mid Sussex from 685 to 850 dwellings per year and since then Mid Sussex District Council (MSDC) has not been able to demonstrate a five year housing land supply. In common with many local planning authorities, MSDC then tried to get a Local Plan in place that would regain control over its housing supply, but was hampered by the delay in the revocation of the South East Plan, which finally happened in March 2013.

In the summer of 2013 MSDC submitted a Local Plan for examination proposing 530 dwellings a year. This included a large strategic allocation of 3,500 homes at Burgess Hill and a 'bottom up' strategy of delivery through neighbourhood plans for the remainder not already committed through planning permissions. All of the town and parish councils within the LPA area were engaged in neighbourhood planning (16 of these have now been made). The proposed target met the Objectively Assessed Housing Need for Mid Sussex (as calculated at the time) but did not contribute to neighbouring needs. Crawley is the main 'exporter' of housing need in the area as it is in the same Housing Market Area, but Brighton, Worthing and Lewes to the south are also net exporters of housing need and they objected to the Mid Sussex Local Plan.

In March 2015 MSDC agreed a Local Plan for pre-submission consultation which proposed 656 homes per year. A second pre-submission consultation was carried out in the autumn of 2015 which proposed increasing the overall number to 800 dwellings per year and adding in a further strategic site - 600 dwellings at

Pease Pottage, adjacent to Crawley but wholly within the High Weald AONB. The choice of this site was influenced by its size, its deliverability because it was already at pre-application stage and public support due to the inclusion of a site for a hospice and the lack of impact on existing residents.

A planning application for the development was submitted in the Autumn of 2015, but remained undetermined at the time the Local Plan was submitted for examination in the summer of 2016. Hearing sessions were due to commence on 29th November 2016, including discussion of the proposed allocation at Pease Pottage. However, on 24th November the planning application was considered by the District's Planning Committee and was approved.

The officer's report recommending approval of the application notes that *"It is proposed as part of the Submission Version District Plan that a proportion of the 600+ homes which are proposed through this planning application would contribute to meeting Crawley's unmet housing need."* However, Crawley Borough Council objected to the scheme, including arguing that this was not sustainable development but a site isolated from Crawley, and exceptional circumstances for allowing it in the AONB had not been provided.

The MSDC officer's report nonetheless argued that: while *"Crawley may not consider themselves to have a short term need for housing, their significant undersupply of housing suggests that the proposed development provides a benefit to the town and opportunity to meet some of the outstanding need which should not be dismissed"*.

The officer's report also argued that MSDC did not have a five-year housing land supply, and therefore the countryside protection policies in its adopted Local Plan from 2004 were out-of-date and not relevant. The report argued that "early delivery of this site is therefore a major benefit which outweighs the premature decision making".

LEARNING POINTS:

- In this case premature decision making by the LPA on the basis of early delivery of housing sites was considered to amount to an exceptional circumstance thereby justifying, on public interest grounds, overriding harm to AONB purposes. However, these circumstances are far from 'exceptional'. As demonstrated in this report, many local planning authorities are without a five year land supply and many AONBs abut urban areas that cannot meet their own housing needs.
- Cases such as Pease Pottage are a worrying precedent for statutory AONB designation appearing to undermine the planning weight behind AONB designation. 'Exceptional circumstances' must indeed be 'exceptional' and justified through a transparent process of assessment.
- The addition of 600 homes at Pease Pottage within the High Weald AONB should have been considered through the Local Plan process so that AONB considerations could have been fully identified and understood. To pre-empt this process by determining the planning application ahead of the Local Plan hearings denied the opportunity for participants (including Natural England and developers promoting other sites) to challenge MSDC's claim that the need for housing could not be met in other ways without encroaching on the AONB.
- The determination of this application only days before the site was due to be considered at the Local Plan examination meant that there was insufficient time to request that the Secretary of State call the application in for determination. This case demonstrates the need for large housing applications in AONBs which local planning authorities intend to approve to be subject to a notification period (similar to that currently required for out-of-town shopping centres) to allow the Secretary of State for Communities and Local Government the opportunity to decide whether the application should be called in for a decision in the national interest.

2) Farthingloe Case - Kent Downs AONB

A planning application to build 521 homes and a 90 unit apartment retirement village at Farthingloe, near Dover within Kent Downs AONB was submitted by developer China Gateway International in 2012.

Council planning officers made efforts to mitigate the harm while ensuring the scheme was still financially viable. They recommended a reduction in the number of homes to 375 and changes to the density and design to protect the most sensitive part of the landscape. This was ignored by both the developer, China Gateway, and the planning committee. The council's planning committee granted permission, contrary to planning officer recommendations.

CPRE Kent brought a claim for judicial review of the decision inter alia on grounds that the planning committee had not provided adequate reasons for its decision. The claim was dismissed at the High Court but allowed by the Court of Appeal R (CPRE Kent) v Dover District Council [2016] EWCA Civ 936.

In allowing CPRE's appeal Lord Justice Laws said: *"I consider that the Committee failed to give legally adequate reasons for their decision to grant planning permission. A statutory statement of reasons made under the EIA Regulations would have been required to grapple with the issue of harm much more closely than what the minutes disclose; and the strictures of NPPF paragraph 116 demand no less."*

He added: *"This is an unusual case. As I stated at the outset, the scale of the proposed development is unprecedented in an AONB. This judgment, if my Lord agrees with it, should not be read as imposing in general an onerous duty on local planning authorities to give reasons for the grant of permissions, far removed from the approach outlined by Lang J in Hawksworth. As Lord Brown said in South Bucks, "the degree of particularity required depend[s] entirely on the nature of the issues falling for decision".*

The Supreme Court heard the case in October 2017. The Court's focus in granting permission for the hearing concerned reasoning in planning decisions. As at the time of going to press judgment from the Court is awaited.

LEARNING POINTS:

- The Farthingloe proposals focus on the application of planning law and the responsibilities of local authorities when faced with complex planning applications and the NPPF policy safeguards that exist for AONBs.
- The case hinges on whether Dover DC gave good enough reasons for approving the scheme.
- In his judgment, Lord Justice Laws acknowledged that it was "an unusual case" and that: "the scale of the proposed development is unprecedented in an AONB". He also said: *"A local planning authority which is going to authorise a development which will inflict substantial harm on an AONB must surely give substantial reasons for doing so"*.
- Whatever the outcome at the Supreme Court this high profile case influenced future decision making in AONBs. Especially, how LPAs are expected to apply NPPF paras 115 and 116 and 'give great weight' to AONB purpose.
- The Farthingloe situation also shows how proposals can develop in a complex way such that earlier decisions in a local plan that the AONB was an unsuitable and unsustainable location for development could be ignored.
- The Farthingloe case demonstrates that achieving land use outcomes that reflect policy ambitions for the local community, for developers and for designated landscapes can be problematic. The right expertise and resources need to be available to support dialogue involving all parties as equal partners from the outset of any large housing schemes.

3) Handsmooth House, Ipsden Case Study - Chilterns AONB

THE CASE:

The Handsmooth House is located some 2.5km east of the small village of Ipsden within the Chilterns Area of Outstanding Natural Beauty. The site is located on high ground at the top of a valley.

The applicant set out a proposal to demolish all of the residential buildings and ancillary buildings on the site and all of the redundant agricultural buildings in the valley bottom. The planned development, designed by the renowned New York architect Richard Meier, is split into two futuristic wings connected by a transparent walkway. The new dwelling would be on three floors comprising basement, ground and first floors, and the guest dwelling would be on two floors. The dwellings would be finished in white exterior plaster and are flat roofed.

The agents submission read: "This planning application provides a unique opportunity to replace an existing undistinguished building complex with an outstanding contemporary country house, designed by a world leading architect, in a landscape setting that does it justice. It will provide a new benchmark within the district to which other future developments will aspire and to which the planning authority can draw attention when seeking to demonstrate examples of good design and landscape assimilation".

The LPA Landscape Officer commented: *"In terms of the visible mass of the built forms, combined with their prominent colour set within the muted and subtle countryside palette, I consider they would be noticeably more strident than the components they seek to replace. The buildings would be a distinctive focal point at the head of the valley and rather than rest comfortably within the landscape setting the development would assert its presence, creating a dominant feature"*.

AONB Board commented that *"The building is of a completely inappropriate design for this prominent site in the AONB. The design appears to be very similar to development by the same architect on a completely different*

site in China. Therefore, it's difficult to see how this house has been designed to suit this particular setting in the Chilterns"

The planning officer's recommendation for refusal read: *"The proposals are contrary to Policies G2, G6, C2, C9 and H12 of the South Oxfordshire Local Plan, advice set out in the South Oxfordshire Design Guide and the Chilterns Buildings Design Guide, and advice set out in PPS5 and PPS7. The proposed buildings are designed to stand out from rather than blend with the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB). The angular form, white finish and the extent of the glazing would result in buildings which appear as stark features in contrast to the rolling rural landscape of the AONB. Substantial remodelling of the land is involved to create a landscape to fit the proposed dwellings and ancillary buildings rather than working with the landscape and designing the houses to integrate within their context. As such, the proposed development and associated earth-works would fail to conserve and enhance the natural beauty, special landscape quality and distinctiveness of this part of the Chilterns Area of Outstanding Natural Beauty."*

At the Planning committee meeting Councillors approved the application against officer recommendation and despite some significant objections; Councillor Felix Bloomfield, the local authority's design champion, said: *'The proposal would not stand out visually more than what is already there. The proposed design is bold but I believe it would sit in harmony in this landscape.'* The planning committee chair said: *'This is something of which South Oxfordshire District Council will be extremely proud and we look forward to the days we see it built.'*

LEARNING POINTS:

- This case demonstrates an increasingly common planning challenge for AONB areas; the large scale refurbishment, replacement or extension of existing dwellings...the so called, 'mega- house'.
- By their very nature AONB landscape are desirable places for people looking to invest in property and land. This attractiveness is driving property development and the scaling up of existing properties for the high end market.
- Farmhouses and associated farm buildings have long been an accepted part of rural landscapes the emerging challenge for AONB landscapes are the cumulative impacts of large scale residential developments, especially when this involves visually prominent locations, often driven by a desire to own a 'view'.
- Often mega-house developments include a range of security and privacy measures, such as; high fencing, CCTV surveillance, warning signage and automatic gates. These urbanising elements can reduce public enjoyment and make the countryside much less welcoming.
- The case also highlights the challenge to AONBs of accommodating modern architectural design. Despite the landscape objections to Handsmooth House the completed building has been nominated for the RIBA Building of the Year Award 2017. A clear demonstration of division of opinion between architectural and landscape professions as well as the values accorded to public views (looking at) versus private views (looking from) developments.

4) Dorset AONB Case Study

Housing pressure in and around the Dorset AONB is by no means a new phenomenon but consideration of current Local Plan allocations suggests significant present pressure for large scale housing allocations with implications for AONB purpose.

Table 10: Recent and proposed Local Plan housing allocations within Dorset AONB and it's setting

LPA	Sites	Housing Units Proposed
West Dorset District Council	Woodbury Down Lyme Regis.	90 homes
West Dorset District Council	Broadwindsor Road Beaminster An EIA screening was recently issued for this allocation	120 homes
West Dorset District Council	Vearse Farm, Bridport	760 homes
West Dorset District Council	Poundbury, Dorchester. Latest phase (partially within AONB, partially within setting)	1200 units
Weymouth & Portland Borough Council	Littlemoor Urban extension Weymouth	500 homes
Weymouth & Portland Borough Council	Growth at Chickerell, Weymouth	Upto 350 homes
North Dorset District Council	Lower Bryanston Farm and Dorchester Hill Blandford St Mary's (partly in AONB and partly in setting)	100 homes
Purbeck District Council	Northbrook Road East and Northbrook Road West, Swanage	for approximately 180 homes
	Prospect Farm, Swanage	For approximately 20 homes
Purbeck District Council	Worgret Manor, Wareham Preferred option in partial review of Local Plan	500 homes
Purbeck District Council	Wool Proposed sites in partial review of Local Plan	1000 homes
Approximate total		4800 units

LEARNING POINTS:

- Dorset AONB provides an insight into the scale of housing development facing AONBs with some 4800 new housing units being allocated or actively considered within the AONB area and it's setting in recent years.
- This case study highlights that the impact of housing development on the Dorset AONB is inextricably linked to the strategic approach to housing provision adopted by the Local Planning Authority (LPAs) . Most LPAs have chosen to concentrate housing provision in their larger towns - the higher up the hierarchy of settlements the greater the number of housing units likely to be allocated. It would appear that the decision to allocate housing numbers to the larger towns is often taken despite the settlement's relationship with the AONB designation and in locations that are sensitive due to issues such as contrast with historic settlement pattern and comparatively prominent topography.
- Although the Dorset AONB partnership is working with LPAs to develop a strategy for delivering growth, there continues to be pressure to allocate large housing numbers within and close to the AONB. It is difficult to see how LPAs with large proportions of AONB area can achieve future housing growth requirements without having to allocate increasingly large schemes within or affecting AONBs. There would need to be a radical reduction in housing numbers coupled with a change to the current approach of concentrating housing sites in or near the large settlements and Market Towns.
- From an historical perspective it is possible to identify 'waves of housing growth' impacting on the larger towns in and around the Dorset AONB over the last 60 years. As a result, what might be considered the 'easy and obvious' development locations have long been identified and developed. This presents new and complex challenges for the larger settlements to find sustainable locations for ever increasing housing numbers without compromising the special qualities of landscape that underpin the AONB designation.

5) Land East Of Barns Lane Burford - Cotswolds AONB

THE CASE:

Outline planning application for up to 85 dwellings within Cotswolds AONB was submitted to West Oxfordshire District Council by Carterton Construction Ltd in 2017.

The land east of Barns Lane, Burford occupies a prominent position to the north of an existing housing development approved in 2011 as 3 exception sites totalling 15 affordable homes.

Burford falls within the Broad Floodplain Character Type³⁸, a sensitive landscape of, “Wide views from the upper valley slopes and over the long stretches of the valley are possible, thus increasing the sensitivity of the valleys to large scale built development that might interrupt views or impact on their rural character.” Furthermore “The gently sloping valley sides have limited development capacity as they form an agricultural backdrop to views from the valley floor”. With respect to new development the Guidelines advise that developments e.g. extensions to settlements which will intrude negatively into the landscape and cannot be successfully mitigated should be avoided”.

Pertinent to this case is the fact the West Oxford District Council Local Plan is currently under review and has included a new site for 85 dwellings in the Burford-Charlbury Sub-Area adjacent to the 3 approved exception sites.

The Cotswolds Conservation Board objected to both the inclusion of the site East of Burford in the Local Plan and the proposal for 85 dwellings within the AONB. The Board pointed out that as West Oxfordshire District Council had refused a larger development outside the AONB, south of the A40 there were clearly other sites available for development in Burford. In light of available alternatives the Cotswolds Conservation Board concluded that the inclusion of the site East of Burford in the Local Plan did not conform with Paragraph 116 of the NPPF; the 3rd bullet of which requires “.the cost of, and scope for,

developing elsewhere outside the designated area.” and should therefore be removed from the plan.

A further concern with the East of Burford case for the Cotswolds Conservation Board is the proposed new access road from the northern end of the site. This new access has the potential to open up the rest of the field to development in the future, creating further incursion into the AONB in a prominent location.

LEARNING POINTS:

- 2011 permissions for housing developments on exception sites appears to have attracted additional development proposals made worse by the allocation of the site in the reviewed Local Plan.
- Exemption sites should not be a mechanism for opening up new areas for large scale housing development, especially in AONB landscapes where large scale housing development require rigorous assessments.
- This case demonstrates how the pressures on LPAs to allocate housing sites can lead to failings in the interpretation and application of AONB purpose, in particular, the weight given to the AONB and the exceptional circumstances test.
- The Cotswolds Conservation Board along with the majority of AONB Partnerships understand the requirement to meet housing needs. However, LPAs are also required in law to ‘conserve and enhance the natural beauty of an AONB. In the view of the Cotswolds Conservation Board the modifications to housing allocations in West Oxfordshire District Councils Local Plan did not afford the AONB a suitable level of protection.

38. as described in the Cotswolds AONB Landscape Strategy and Guidelines (2016) <http://www.cotswoldsaonb.org.uk/planning-management-advice/landscapestrategy/>

6) Neighbourhood Plans - South Devon AONB

THE CASE:

South Hams District Council and Plymouth City Council are at the consultation stage with a joint plan setting out where potential development could take place and how the area will change through to 2034. The joint plan actively looks to Neighbourhood Plans to identify a proportion of the LPAs housing allocation target.

Many of the emerging Neighbourhood Plan groups emerging in South Devon AONB are directly responding to the growing pressures for housing allocations and the increase in speculative applications driven by lack of an up to date five year housing supply. An attempt by local communities to protect their local environment and exert some influence over housing site selection.

The South Devon AONB team actively supports Neighbourhood Plan Groups. Support and contact with NP groups grew out of consultation events undertaken as part of the development of the South Devon AONB Planning Guidance .

Brixton Neighbourhood Plan

A parish sitting astride the AONB boundary with important implication for the setting of the AONB. the Parish has come under housing pressure and the Neighbourhood Plan Group is seeking to apply a degree of control.

The Neighbourhood Plan Group has worked closely with the AONB team to access data and evidence. Well attended community consultation events have made use of the recent AONB Planning Guidance and have drawn on AONB mapping to provide new information explaining the special qualities of the parish. The next stage is to use the special qualities to guide housing site selection.

South Milton Neighbourhood Plan

Well attended public meetings and responses to questionnaires highlighted the importance the local community places on the environmental qualities of the Parish - quiet, undeveloped coastline, rural character and views.

The Neighbourhood Plan Group adopted the AONB vision as it clearly fitted their own ambitions for their community and have fully recognised the importance and sensitivity of the coastal fringe. The group gathered evidence to challenge the District Councils original housing allocations for the parish, succeeding in reducing the fifteen year target from 39 new homes to 15; roughly 1 per year.

The Neighbourhood Plan will go to referendum in early 2018 and includes land allocation for a housing site for about 18 homes which received overwhelming support from parishioners. The site is tucked away in a natural hollow surrounded by a green buffer, far from the sensitive coastal fringe and on a brownfield site with good access to the main road. The intention is that the development provides the required housing for the next 15 years, split between 33% affordable, 33% self build and 33% open market housing, as well as significant community benefits. The Neighbourhood Plan Group is proposing to use the 'St Ives clause' to ensure that new homes are lived in and contribute to the vibrancy of the community.

LEARNING POINTS:

- The Neighbourhood Planning process offers local communities a voice in the planning process. Facilitating local discussions and ensuring that local knowledge and evidence are factored in to decision making on housing allocation can greatly improve outcomes in AONBs.
- With the right support from AONB teams neighbourhood planning offers an opportunity to strengthen connections between AONB management plans and local communities encouraging finer grained articulation of the special qualities of the AONB as well as re enforcing the importance of place and place making.
- The amount of time and resource required from Neighbourhood Plan Groups to undertake the necessary levels of local consultation should not be under estimated. The South Milton Group are reaching their 55th meeting and have been working on their Neighbourhood Plan for three years.

- It is currently rare to find examples of mitigation/ compensation schemes being put in place in recognition of ‘harm’ to AONB purpose brought about through housing development. Increasingly, large infrastructure development are leading to compensation packages targeted at landscape enhancement but more work is required to establish similar enhancement mechanisms for housing schemes. Perhaps the Neighbourhood Planning process could offer a way forward for defining and addressing local landscape mitigation packages resulting from large scale housing development?

7) Community Led Housing - Cornwall AONB

THE CASE

Cornwall is a county of 3,562 km² (1,375 sq mi). The Cornwall AONB is unique in that it is made up of 12 separate geographical areas but is still one single designation. It covers approximately 27 percent of Cornwall - an area of 958 sq. km (370 sq. miles) and is the ninth largest in the country.

Over the last 20 years, Cornwall has faced significant development pressures, and the AONBs have played a particular role. The level of second home ownership, for holiday use and as buy-to-let, is considerably higher than the national average in Cornwall’s AONBs. In fact, Cornwall has the highest number of properties with no usual resident.

This has made housing increasingly unaffordable for local people in the AONBs, who are effectively displaced into the larger urban areas. However, in order to meet the need for affordable housing, Cornwall County Council has accepted evidence that 47,000 new houses will be required in the period up to 2030, in order to support in-migration as well as create affordable housing. This is a figure that is disputed by Cornwall CPRE, which argues that relying on major developments to supply affordable housing is a very inefficient way of meeting these targets. It also questions the validity of the forecast of net inward migration. However, the data reviewed for this report shows that this development pressure has continued.

Table 11: Housing schemes within Cornwall AONB 2012-2017

Number of scheme applications	Number of Schemes approved	Proportion Granted	Housing units approved within AONB	Housing units approved within setting
44	34	77%	1264	387

There is a particular concern that developers will seek to locate developments in the AONBs, given the high demand for second homes and buy-to-let properties in these areas. The Cornwall AONB Management Plan proposes that:

Major development will be refused in the Cornwall AONB unless it can be demonstrated that there are exceptional circumstances for the development; that the development is in the public interest and that the purposes of the AONB designation are afforded the highest status of protection with regard to landscape character and scenic beauty.

However, given the scale of the target for new house building in Cornwall, there will be pressure on AONBs to allow some level of development. This case study seeks to demonstrate that there is a role for house-building in the Cornwall AONBs, but it needs to be small-scale, linked to local housing need and 100% affordable. This is being achieved through the work of Cornwall Community Land Trust, which to date has completed 16 developments.

CLT projects include one at Rock, in the setting of the AONB, where 12 properties were developed in 2011 through a “self-finish” process. Other CLT’s completed in Cornwall AONBs include 6 properties at St. Just in Roseland, 8 houses at Pendeen, 2 houses at Nancledra (though a subsequent application to build further houses was refused due to the impact on the AONB), and 3 houses at Lizard. Many of the developments are on rural exception sites.

LEARNING POINTS

- **Community support:** Housing that is community-led (including community land trusts, community self-build and affordable co-housing) has been shown to secure greater levels of local support, at the planning stage but also with landowners more likely to bring forward appropriate sites and volunteers helping to develop the projects. They are led by local people and include allocations policies that ensure all homes go to people with a local connection.
- **Sensitive design:** Communities lead on site selection and design, so landscape considerations are taken very seriously. These communities are fully aware of the sensitivities of building houses in AONB areas. The majority of community led schemes are on exception sites – on the edge of settlements and not in open countryside.
- **Support for wider AONB objectives:** Development of small affordable housing developments can link with other AONB priorities – by providing accommodation for working households with a local connection, community-led housing projects can lead to more balanced communities, so keeping local businesses and local services viable.
- **Funding:** there is a wide range of pre-development and development funding available so there is not a need to cross-subsidise with market housing, thus keeping the scale of developments smaller. In December 2016, the government announced the Community Housing Fund, with a particular aim of helping address the impact of second homes in communities. Cornwall Council was allocated £5,117,980 of this fund, which will help Cornwall Community Land Trust support more communities to develop affordable housing.