

**HOUSING POSITION STATEMENT– APPENDICES****APPENDIX 1. EXTRACTS FROM THE GOVERNMENT’S GUIDANCE ON HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT**

Reference (as of March 2023):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## APPENDIX 2. CASE STUDIES

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

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

As part of the evidence base for the West Oxfordshire Local Plan, West Oxfordshire District Council identified a '*broadly indicative minimum housing need*' for the Burford-Charlbury sub-area<sup>1</sup> for the 2015-31 plan period. However, the planning inspector, in his report on the examination of the Local Plan<sup>2</sup>, stated that:

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

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

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

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

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

<sup>2</sup> Planning Inspectorate (2018) *Report on the Examination of the West Oxfordshire Local Plan 2031*

<sup>3</sup> As above – paragraph 218.

<sup>4</sup> As above – paragraph 219.

<sup>5</sup> As above – paragraph 220.

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

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

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

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

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

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

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

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<sup>6</sup> West Oxfordshire District Council (2018) *West Oxfordshire Local Plan 2031* . Paragraph 5.39.

## CASE STUDY 2: SOUTH DOWNS LOCAL PLAN<sup>7</sup>

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

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

### Strategic Policy SD28: Affordable Homes

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

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

<sup>7</sup> South Downs National Park Authority (2019) *South Downs Local Plan 2014-2033*.

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

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

#### **Strategic Policy SD29: Rural Exception Sites**

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

### **CASE STUDY 3: ARNSIDE & SILVERDALE AONB DEVELOPMENT PLAN DOCUMENT<sup>8</sup>**

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

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

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

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

#### **AS03 – Housing Provision**

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

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

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

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





## **CASE STUDY 4: NEW FOREST NATIONAL PARK LOCAL PLAN<sup>9</sup>**

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

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

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

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

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

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

### **Policy SP28: Rural exception sites**

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

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

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

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<sup>9</sup> New Forest National Park Authority (2019) *New Forest National Park Local Plan 2016-2036* .

### **CASE STUDY 5. Bridport Cohousing Microgrid, Hazlemead, Dorset (Dorset AONB)**

Bridport Cohousing ([www.bridportcohousing.org.uk](http://www.bridportcohousing.org.uk)) is a community-based organisation in West Dorset that seeks to provide community-led housing that is sustainable. It is a registered Community Land Trust (CLT), and part of the wider CLT network in the UK that seeks sites for affordable housing that deliver local housing need, often with a local connection to the communities they work in.

Supported by a grant from Homes England and crowdfunding investors, Bridport Cohousing has worked with housing provider Bournemouth Churches Housing Association (BCHA), architects Barefoot Architects and developers CG Fry to create a community in the market town of Bridport, Hazlemead. This is the town's first cohousing neighbourhood with affordable and sustainable eco-homes and is thought to be the largest of its kind in the UK. Cohousing schemes allow for self-contained living, in Hazlemead's case in individual properties, but with community facilities. In the Hazlemead community there will be shared outside space for recreation and food growing as well as common facilities, including a playroom for children, shared office space, a space for shared meals and promoting a carsharing scheme and food cooperative.

Built on a seven-acre site in the Dorset AONB, Hazlemead will consist of 53 sustainable homes, of which 26 flats are houses for social rent and a further 27 shared ownership properties, which will be partly managed by BCHA. There are also six two-bedroom houses to rent for National Health Service (NHS) staff. The shared ownership schemes are available for purchase between 30 per cent to 75 per cent of market value and rent is paid on the remaining balance. The lowest capital share they can be purchased at is 30 per cent and the maximum 75 per cent, or later staircased to a maximum of 80 per cent of the value at a later date. Applications for social rent are available to those already registered on the Dorset Housing Register as looking for affordable housing properties.

As a CLT, the land is held in perpetuity for the benefit of the community. All properties remain as affordable housing and are unable to be sold on the open market. Bridport Cohousing will retain the freehold of the properties to ensure this. A local lettings scheme will ensure that housing is allocated fairly.

Applicants need to be a member of Bridport Cohousing and be committed to the community. In addition, potential members of the new community need to meet the following conditions:

- have lived in the area for at least two years, or
- have worked in the area for one year (with a permanent contract), or
- have a close relative that has lived in the area for more than five years
- Potential residents need to subscribe to cultural norms and practices set by the community<sup>10</sup>

The first residents moved in during the summer/autumn of 2022. The Hazlemead scheme embodies the coming together of various innovative strands, demonstrating the potential that good planning can provide in delivering local, sustainable development. As a community-led, inclusive, low-carbon, self-sufficient scheme within walking distance of a thriving market town and located within an AONB, Hazlemead shows how planning can deliver progressive ideals of sustainable localism. The scheme has also utilised public funding and private investment as well as crowdfunding for its common facilities through the ethical trading platform Ethex.

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<sup>10</sup> Further information available here: See: <https://bridportcohousing.org.uk/neighbourhood-policies/><https://bridportcohousing.org.uk/neighbourhood-policies/>

Investors in the common facilities also were offered a four per cent return and membership to the CLT. These benefits - financial and decision-making – acting as important incentives for community-based innovation. The scheme also brought together community, public, private and housing providers in a hybrid form of multi-stakeholder rural planning.

The scheme used a value-orientated approach and the values of Bridport Co-housing were reflected in the choice of delivery partners. BCHA, for example, stimulates sustainable housing and health and well-being outcomes through its affordable housing strategy, and its agile processes reflect the community's own principles and collaborative methods.

In addition, this scheme has been developed with the support of public funding. Innovation in sustainable or community-led housing often requires the backing of government to leverage the investment required to get such schemes off the ground and to facilitate some of the more transformational potential of rural planning.

However, there are still properties available, indicating that community housing schemes are not yet 'mainstream' which may pose a challenge for their scalability and take-up. This may, in part, be because the group has staggered the release of plots as they are developed.

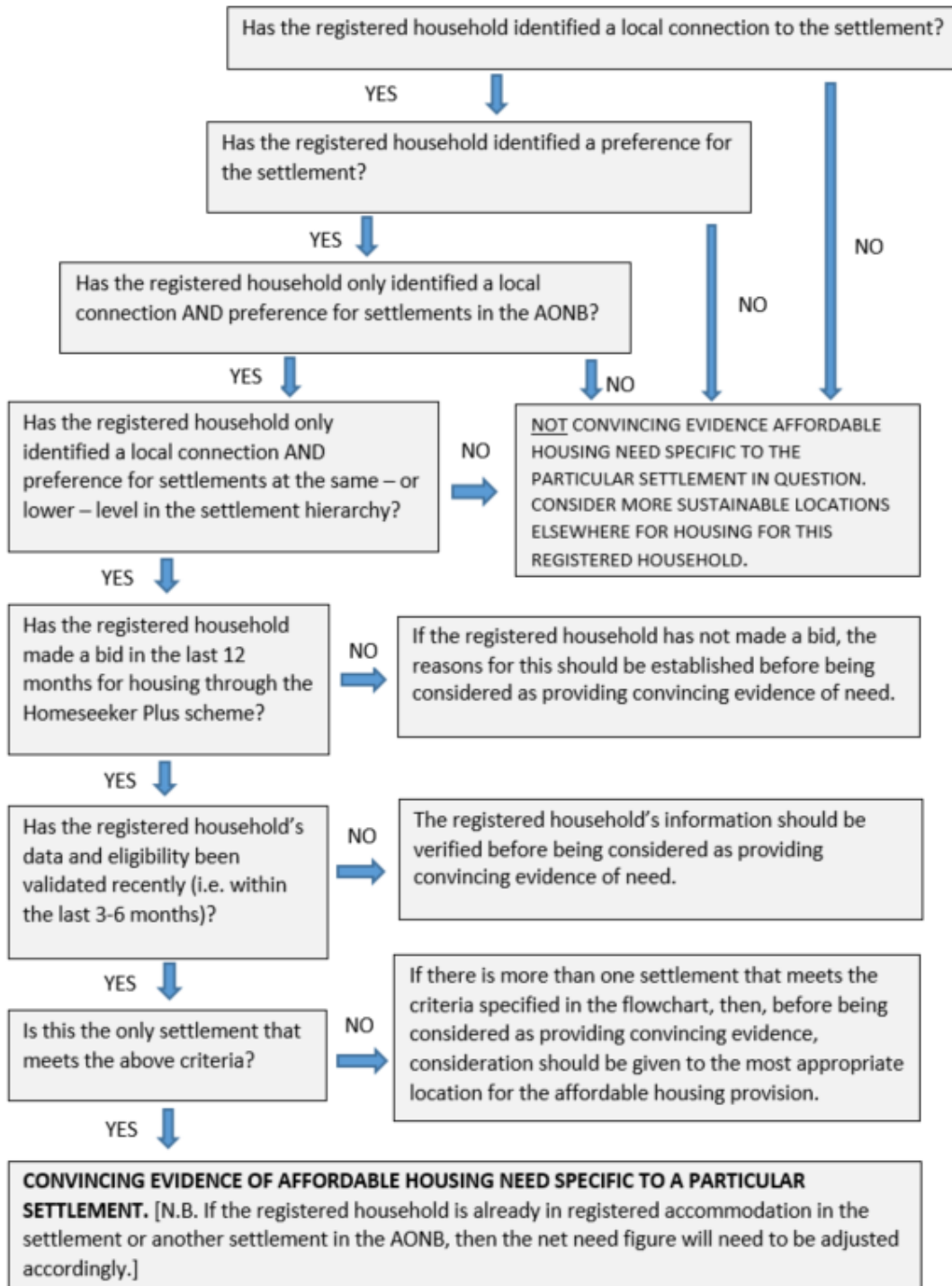
The stringent ground rules of the community also certainly are not for everyone and attract an alternative mindset (though the community does recognise the rules can be changed to accommodate changing needs). The types of people likely to live in a cohousing scheme may not be typical of UK residents. There are challenges therefore for planning deliver some of the innovative elements of this scheme at scale. However, schemes such as these do illustrate how to deliver rural character bundled in microsites and integrated wider community service infrastructure.

Having evidenced the principles of co-housing in the town, the made Bridport Neighbourhood Plan also proposes co-housing as a means to support future development that can meet the needs of older people through 'Senior Co-housing', multi-generational schemes and other 'Community led housing' projects. This is not a policy in the Plan per se but an action point for further exploration. But it nonetheless indicates how the principles of such schemes can be formalised into local strategies for development alternatives through statutory documents such as Neighbourhood Plans.

### **APPENDIX 3. FLOWCHART ILLUSTRATING THE EXTENT TO WHICH CHOICE-BASED LETTINGS DATA CAN EQUATE TO CONVINCING EVIDENCE OF HOUSING NEED WITHIN A SPECIFIC SETTLEMENT<sup>11</sup>**

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<sup>11</sup> This flowchart was developed by the Cotswolds National Landscape Board following the Board's involvement in the Stonesfield planning appeal in West Oxfordshire (APP/D3125/W/18/3209551). It illustrates some of the issues associated with the scope to which choice based lettings systems can provide evidence of affordable housing need using *Homeseecker Plus* as an example scheme. Similar flowcharts for *Home Point* and *Housing for You* could differ slightly from this due to differences in operation between the Schemes, but the same principles would apply.



## APPENDIX 4: SAMPLE EXTRACT FROM THE DRAFT MALVERN HILLS AONB GUIDANCE ON THE KEY PRINCIPLES OF GOOD DEVELOPMENT<sup>12</sup>

### Layout and design approach

**Relevant AONB guidance:** *Guidance on building design; Guidance on how development can respect landscape in views; Guidance on the selection and use of colour in development; Guidance on lighting; Guidance on highway design.*

- The layout and design of new development should be informed by and respond to the inherent character and nature of the receiving landscape / settlement, which provides the cues and clues for designs. Valuable / important landscape elements, features, qualities and / or characteristics should be retained, protected and enhanced.
- New built form / associated development should follow the scale and massing of locally occurring forms and patterns within the settlement / landscape. For example, in principle, large buildings requiring flat platforms are better situated on flat land with large, regular enclosure patterns, whereas developments which sit lightly on the land may be more suited to sloping / undulating areas.
- The layout and design of new built form should be informed by a study of existing locally-characteristic buildings and arrangements. Where a local vernacular building style exists, the appearance of new development may be more in keeping with its surrounds if existing styles are acknowledged in the design, especially in terms of scale, pattern, rhythm, and texture. This does not imply the need for replication however, rather for re-interpretation into the new form. Decorative details with no reference to locally distinctive buildings should be avoided.
- All development should be sustainable, exhibiting confidence in the future and reflecting people's needs and aspirations.
- Contemporary buildings may be welcome so long as they are fully justified in terms of how the design has been informed by and has responded to the inherent strengths and special qualities which characterise the locality: topography, geology, history, architectural vernacular, views and so on.
- Ubiquity and pastiche should be avoided: development should reflect local distinctiveness and sense of place.
- The density of development, including scale and form of plots, boundaries, and spaces between buildings and roads, should be locally-characteristic. Note that sometimes tight clusters of buildings in an open, green and multi-functional landscape are preferable to low-density developments with large private gardens and limited Public Open Space.

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<sup>12</sup> This document, currently in production, will provide a checklist of key principles and matters for consideration to encourage good development within the Malvern Hills AONB and its setting. The purpose of the document is to provide decision-makers and others involved in planning new development with a quick-reference guide to some of the key principles set out in the AONB's various guidance documents and other publications (available on the Partnership's website).