



**Malvern Hills
National
Landscape**

MALVERN HILLS NATIONAL LANDSCAPE

POSITION STATEMENT 2: HOUSING DEVELOPMENT IN THE MALVERN HILLS NATIONAL LANDSCAPE AND ITS SETTING

A quick note on terminology

On 22 November 2023, the Malvern Hills Area of Outstanding Natural Beauty (AONB), was re-branded as the Malvern Hills National Landscape. National Landscapes are designated AONBs. Consequently, the name Malvern Hills National Landscape is commonly used throughout this document. However, since ‘AONB’ remains the legal name for the designation, this term is also used in appropriate places, for example, when referring to the Malvern Hills AONB Management Plan, which is a statutory plan, or when directly quoting from older documents. The name used for the partnership associated with the designation is the Malvern Hills National Landscape Partnership.

This Position Statement was endorsed by the Malvern Hills AONB Joint Advisory Committee at its meeting on 10 November 2023.

1.0 CONTEXT

1.1 The Malvern Hills National Landscape is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation’s interest to safeguard it¹. The statutory purpose of its designation is to conserve and enhance the natural beauty of the area².

1.2 The Malvern Hills National Landscape is a living and working landscape, in which the social and economic well-being of local communities are important considerations. Maintaining vibrant and thriving local communities is essential to the long-term future of the Malvern Hills National Landscape. Providing housing that meets the needs of local communities within the Malvern Hills National Landscape plays a significant role in achieving these aspirations.

¹ Section 82 of the Countryside and Rights of Way Act (2000)

² Defra (2019) Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020

1.3 However, these aspirations (including housing provision) need to be delivered in a way that is compatible with, and positively contributes to the statutory purpose of designation.

1.4 The outstanding natural beauty of the Malvern Hills National Landscape (along with its relative proximity to several cities), makes it a very desirable place to live. This brings with it increased pressure to build more houses. It also potentially results in house prices that are higher than in surrounding areas. This contributes to the housing market within National Landscapes becoming increasingly unaffordable to people with a local connection.

1.5 This is particularly important given that many of the jobs that are essential to (i) conserving and enhancing the natural beauty the area (e.g. farming and forestry) and (ii) increasing the understanding and enjoyment of its special qualities (e.g. the tourism sector) are relatively and traditionally low paid. These workers, especially young people, are being priced out of the housing market in the landscapes and communities that depend on them.

1.6 As such, the provision of affordable housing that meets the needs of local communities, including the provision of housing that is affordable in perpetuity, should be a high priority in the Malvern Hills National Landscape.

1.7 For these reasons, this position statement advocates two over-arching principles for housing development within the Malvern Hills National Landscape and its setting:

- Housing development within the Malvern Hills National Landscape and, where relevant, in its setting, should be 'landscape-led.'
- Housing development within the Malvern Hills National Landscape should be prioritised for local need arising within the Malvern Hills National Landscape.

1.8 Key recommendations relating to the 'landscape-led' approach to housing are provided in the Malvern Hills National Landscape Partnership Landscape-Led Development Position Statement. As such, this position statement primarily focusses on housing need and affordable housing, although it also briefly addresses the location and design of housing developments.

1.9 With regards to good practice, this position statement has been modelled significantly on approaches adopted by several nationally designated Protected Landscapes, including the Cotswolds National Landscape's Housing Position Statement, the South Downs National Park Local Plan, West Oxfordshire Local Plans, Arnside & Silverdale AONB Development Plan, and the New Forest National Park Local Plan. The Appendices to this position statement provides relevant case studies of these.

2.0 PURPOSE OF THE POSITION STATEMENT

2.1 The primary purpose of the Malvern Hills National Landscape Partnership Position Statements is to expand on relevant policies within the current Malvern Hills AONB Management Plan. They provide further context, guidance, and recommendations in relation to specific policies and associated issues. They do not create new policies.

2.2 The recommendations within the Position Statements intend to help local authorities, particularly plan-making bodies, as well as other relevant stakeholders, including those involved in decision-making and developers to:

- have regard, and positively contribute to the purpose of the AONB designation;
- ensure that the purpose of AONB designation is not compromised by development, and that the outstanding natural beauty of the Malvern Hills National Landscape is conserved and enhanced;
- fulfil the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- take account of relevant case law;
- have regard to and be consistent with the AONB Management Plan and guidance published by the Partnership;
- emulate best practice in the Malvern Hills National Landscape and other protected landscapes;
- develop a consistent and coordinated approach to relevant issues across the whole of the Malvern Hills National Landscape and its setting³.

2.3 With regards to housing need and affordable housing, the most relevant policy within the Malvern Hills AONB Management Plan is Policy BDP3: “*Development in the AONB should be based on convincing evidence of local need. Priority should be given to the provision of affordable housing and enhancing local services.*”

3.0 STATUS OF THE POSITION STATEMENT

3.1 Position statements are supplementary to the Malvern Hills AONB Management Plan. It is worth noting that Policy BDP2 of the Malvern Hills AONB Management Plan 2019-2024 states that “*development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership*”. As such, for development proposals to be compatible with the AONB Management Plan, they should also be compatible with the relevant position statements.

³ Three local authority areas (Herefordshire Council, Malvern Hills District Council and Forest of Dean District Council) overlap with the Malvern Hills National Landscape, with each with local authority having its own development plan. One of these local authorities (Malvern Hills) produces its development plan jointly with Worcester City and Wychavon in the form of a single local plan for South Worcestershire Councils. It is also noted that Worcestershire County Council and Gloucestershire County Council are within the Malvern Hills National Landscape.

3.2 The AONB Management Plan is a material planning consideration in decision-making. However, it must be acknowledged that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight. As such, within this planning system, the hierarchy is as follows⁴:

Decision-making is taken in accordance with the adopted development plan unless material planning considerations indicate otherwise. The adopted development plan comprises the Local Planning Authority Development Plan, and any 'made' Neighbourhood Development Plan.
The Malvern Hills AONB Management Plan, like the National Planning Policy Framework, is a material planning consideration but does not form part of the adopted development plan. Malvern Hills National Landscape Position Statements and guidance documents supplement the AONB Management Plan.

4.0 ACHIEVING THE RIGHT BALANCE

4.1 The Malvern Hills National Landscape Partnership recognises that achieving the right balance, in terms of the quantum and type of housing that should be delivered in the Malvern Hills National Landscape and its setting, is a difficult challenge for local authorities, especially where a significant proportion of their area lies within a National Landscape.

4.2 Achieving the right balance is likely to become more challenging, given the pressure on local authorities to allocate and permit more and more homes, combined with a decrease in the number of suitable sites as more of these sites are developed over time.

4.3 We also recognise that there may be exceptional circumstances in which major housing developments are permitted in the Malvern Hills National Landscape, and/or its setting⁵, that have the potential to have significant adverse effects on the outstanding natural beauty of the AONB designation and/or meet needs arising elsewhere.

4.4 However, we hope this position statement will help to ensure that the right balance can be achieved across the Malvern Hills National Landscape, and its setting, with an appropriate quantum and type of housing being delivered in a way that is compatible with the purpose of AONB designation and meets the needs of local communities within the Malvern Hills National Landscape.

⁴ In England, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." The National Planning Policy Framework is itself a significant material consideration, although it is acknowledged regarding the presumption in favour of sustainable development under Paragraph 11, particularly in relation to plan-making and decision-making. On Wednesday 13 September 2023, the DEFRA Secretary of State tabled a [Written Ministerial Statement](#) setting out a package of measures to support nature recovery in Protected Landscapes. The package includes a commitment to new legislation through the Levelling Up and Regeneration Act (2023), which will enhance National Park and AONB Management Plans by placing a stronger requirement on partners to contribute to their delivery.

⁵ Refer to Paragraphs 182 and 183, and Footnote 64 of the National Planning Policy Framework (December 2023)

5.0 LOCAL NEED & AFFORDABLE HOUSING

5.1 Housing Need v Housing Requirements

5.1.1 The first step in the process of deciding how many homes need to be planned for in an area is to assess housing need. The revised NPPF, published on 20 December 2023, seeks to enable local authorities, working with their communities, to determine how many homes can actually be built, considering what should be protected in each area.

5.1.2 Although the revised NPPF continues to set an expectation that this assessment should follow the Government's 'standard method,' it also continues to allow for an alternative approach to be used in exceptional circumstances⁶ and further clarity on this has been introduced into the text (in paragraphs 61, 67 and footnote 7). The 19 December 2023 Government response to the Levelling Up and Regeneration Bill: reforms to national planning policy consultation⁷ explains that "*the standard method does not present a 'target' in plan-making, and instead it provides a starting point for determining the level of need for the area. It is only after consideration of this, alongside what constraints areas face and the land that is actually available for development, that the decision on how many homes should be planned for is made. We are now confirming that long standing position in the language of the Framework.*" They also provide information about the constraints that should be considered [when interpreting paragraphs 61 and 67] as set out in paragraph 11b and footnote 7 of the Framework such as areas at risk of flooding and Areas of Outstanding Natural Beauty.

5.1.3 The Secretary of State for Levelling Up, Housing and Communities further confirmed this position in his speech⁸, which dovetailed with the publication of the revised NPPF: "*it has always been the case that this number [need assessed by the standard method] was supposed to be advisory for local authorities'... 'those local authorities that have sought to vary the number in order to take account of the need to protect the Green Belt or other areas of environmental, heritage or aesthetic importance have found the Planning Inspectorate invincibly attached to the number first thought of, with only very few exceptions*". The revised NPPF "*now, more clearly, upholds the spirit of the original intention. Local authorities have the comfort of knowing that they need not re-draw the green belt or sacrifice protected landscapes to meet housing numbers.*"

⁶ See Paragraph 61 of the NPPF (December 2023)

⁷ <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/outcome/government-response-to-the-levelling-up-and-regeneration-bill-reforms-to-national-planning-policy-consultation>

⁸ <https://www.gov.uk/government/speeches/falling-back-in-love-with-the-future>

5.1.4 It is therefore important to note that ‘housing need,’ as calculated using the standard method, still remains an unconstrained assessment of the number of homes needed in an area⁹. In contrast, establishing the ‘housing requirement’ for an area requires consideration of ‘constraints’¹⁰, including the AONB designation.

5.1.5 As such, there is a clear distinction between ‘housing need’ and ‘housing requirement.’

5.1.6 National Landscapes still face a further challenge however as the standard method figure is calculated on the local authority area, rather than on the National Landscape area¹¹. Efforts in a local plan therefore to accommodate this district- or unitary-wide housing need figure potentially risk harming the outstanding natural beauty of the Malvern Hills National Landscape and its setting, undermining the AONB designation.

5.1.7 The requirement to take account of AONB designation in this process is an important factor in the Government’s assertion that planning policies relating to designated AONBs ‘*may mean that objectively assessed needs cannot be met in full through the plan making process.*’¹²

5.1.8 The recommendations outlined in the Malvern Hills National Landscape Landscape-led Development Position Statement are an important consideration in this process¹³.

5.1.9 Recommendations

- Housing need figures identified using the Government’s standard method should not be presented as a ‘target’ for housing provision. This can be tempered by a clear explanation if housing need cannot be met in full because of ‘constraints’ e.g. AONB designation.
- Recommendations outlined in the Malvern Hills National Landscape Landscape-led Development Position Statement should be an important consideration when assessing housing and economic land availability.

⁹ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>. Paragraph 001.

¹⁰ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Including paragraphs 002, 010, 012, 013, 014, 015, 018, 021 and 025.

¹¹ Paragraphs 61 and 67 of National Planning Policy Framework (December 2023)

¹² <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/outcome/government-response-to-the-levelling-up-and-regeneration-bill-reforms-to-national-planning-policy-consultation> – Question 8 – Government response states that changes to the NPPF are designed to remove ambiguity from existing policy and clarify what is meant by exceptional circumstances, including a non-exhaustive list of examples, and how the outcomes of the standard method should be considered when establishing housing requirements. Supporting guidance to provide further clarity is expected in due course.

¹³ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041

- It should be recognised that national planning policies relating to AONBs and other relevant designations, may mean it is not possible to meet objectively assessed needs for development in full through the plan-making process.
- Consideration should be given to whether the constraints relating to the AONB designation merits exceptional circumstances which may justify an alternative approach to the standard method for assessing housing need.

5.2 Insufficient Sites/Broad Locations to Meet Needs

5.2.1 If objectively assessed needs cannot be met in full, factoring in constraints, Government guidance states that it will be important to establish how needs might be met in adjoining areas, although it is important to avoid hard development edges along the boundary of the Malvern Hills National Landscape. The guidance goes on to state that if, following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination¹⁴.

5.2.2 It is important that the setting of the AONB designation is also not adversely impacted and efforts to avoid development within the AONB does not inadvertently lead to hard development edges along the boundary of the AONB.

5.2.3 Recommendation

- If AONB-related designation constraints mean that objectively assessed needs cannot be met in full, local authorities should seek to identify how these needs may be met within other areas of the local authorities' control, or in partnership with neighbouring local authorities.

5.3 Accommodating Unmet Needs, arising elsewhere, within the Malvern Hills National Landscape

5.3.1 Relevant to the provision of housing, three local planning authority areas are within the Malvern Hills National Landscape – Herefordshire Council, Malvern Hills District Council, and the Forest of Dean District Council¹⁵ (Worcestershire County Council and Gloucestershire County Council also have areas falling within the Malvern Hills National Landscape but are not responsible for planning decisions relating to housing)¹⁶. As well as meeting their own housing needs, all three local authority areas are required (through

¹⁴ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>. Paragraph 025.

¹⁵ This is further complicated in the case of Malvern Hills District Council as its local plan is prepared jointly with Worcester City and Wychavon Councils and presented as a single plan for South Worcestershire – the South Worcestershire Development Plan (SWDP).

¹⁶ Gloucestershire and Worcestershire both are two-tier counties, with the relevant County Council responsible for planning applications related to mineral working and associated development, and the disposal of waste, whereas other planning applications are determined by the relevant District Council.

the duty to cooperate and statements of common ground) to accommodate unmet needs arising in adjoining local authority areas. If this situation arises, this could add pressure for more housing within the local authority area, including the Malvern Hills National Landscape.

5.3.2 Within the local authority areas that overlap the Malvern Hills National Landscape, there are locations where the AONB boundary designation provides a clear delineation between the built environments of settlements that are adjacent to the Malvern Hills National Landscape and relatively undeveloped land within the Malvern Hills National Landscape. There is often pressure to, in effect, extend the built environment of these settlements into the Malvern Hills National Landscape.

5.3.3 However, Government guidance makes it clear that due to their designation, AONBs *'are unlikely to be suitable areas for accommodating unmet needs arising from adjoining (non-designated) areas'*¹⁷.

5.3.4 The Malvern Hills National Landscape is unlikely to be a suitable area for accommodating unmet needs from adjoining local planning authority areas that do not overlap the AONB designation even if the overlapping local authorities have to accommodate this unmet need. The same principle should apply for unmet needs arising from developed areas that are adjacent to the Malvern Hills National Landscape, and which are in the same local planning authority area as the Malvern Hills National Landscape. It is unlikely that it would be appropriate to extend the built environment, of adjacent settlements into the Malvern Hills National Landscape.

5.3.5 Government guidance does not define 'unlikely' in this context. Thus, it may be appropriate to apply the requirements of paragraph 183 of the revised NPPF, relating to major development, in this regard.

5.3.6 Recommendations

- Where a local planning authority area, that is located within the Malvern Hills National Landscape, is required to accommodate unmet needs from neighbouring local authorities (including as part of a joint plan), this unmet need should not be factored into housing provision in the Malvern Hills National Landscape at either plan-making or decision-making stages.^{'*}
- Housing developments that would extend the built environment of settlements adjacent to the Malvern Hills National Landscape into the Malvern Hills National Landscape should not be allocated or permitted.^{'**'}

^{'**'} - Except in exceptional circumstances and where it can be demonstrated that it would be in the public interest to do so. It may be appropriate to apply the requirements under

¹⁷ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

paragraph 183 of the NPPF, relating to major development, in this regard, referring to the AONB designation.

5.4 Affordable Housing

5.4.1 As outlined above, Policy BDP3 of the Malvern Hills AONB Management Plan 2019-2024 states that ‘priority should be given to the provision of affordable housing’.

5.4.2 There are several reasons for prioritising the provision of affordable housing in the Malvern Hills National Landscape. For example, the outstanding natural beauty of the Malvern Hills National Landscape makes it a desirable place to live. As a result, housing may be more expensive and less affordable than in areas outside the AONB designation.

5.4.3 Government guidance recognises that National Parks, at least, ‘*are not suitable locations for unrestricted housing*’¹⁸. Similarly, the Government’s Planning White Paper (2020) states that ‘*the whole purpose of National Parks would be undermined by multiple large scale housing developments*’¹⁹. Instead, ‘*the expectation [in National Parks] is that new housing will be focussed on meeting affordable housing requirements, supporting local employment opportunities and key services*’²⁰.

5.4.4 As such, it would be logical to apply the same principles, outlined above for National Parks, in AONBs as well, including the Malvern Hills National Landscape²¹.

5.4.5 The need to provide more affordable housing is also addressed in the proposals of the Government-commissioned Landscape Review Final Report (commonly referred to as the Glover Review/Report)²².

5.4.6 Recommendation

- Housing provision in the Malvern Hills National Landscape should be focused on – and prioritise – meeting affordable housing requirements.

5.5 Affordable in Perpetuity

¹⁸ Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Paragraph 78.

¹⁹ Ministry of Housing Communities and Local Government (2020) White Paper: Planning for the Future. Paragraph 2.25.

²⁰ Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Paragraph 78.

²¹ Paragraph 182 of the National Planning Policy Framework (December 2023)

²² Defra (2019) Landscapes Review Final Report) - Proposal 18: A new National Landscapes Housing Association to build affordable homes.

5.5.1 The term ‘affordable housing’ covers several types of affordable housing, some of which are intended to be affordable in the longer term (i.e. in perpetuity) and some of which are not²³.

5.5.2 The Government guidance for National Parks, referred to above, specifies that National Park Authorities should work to ‘ensure that ... affordable housing remains so in the longer term’²⁴. The Landscapes Review Final Report reiterates this point, stating that ‘National Parks, as planning authorities, should consider using their powers to set conditions on new housing to ensure it remains affordable’²⁵. This focus on housing that is affordable in perpetuity is reflected in many National Park Local Plans (see Appendix 2 for relevant case studies), with social rented housing being a particular priority. Community Land Trusts are also becoming increasingly common to identify and provide housing that is affordable in perpetuity²⁶.

5.5.3 As explained in the ‘Affordable Housing’ section, given the designation, AONBs have the same status of protection as National Parks, in terms of conserving and enhancing landscape and scenic beauty. It is logical to apply the same principles in AONBs.

5.5.4 If housing does not remain affordable in perpetuity, this will either lead to a reduction in the stock of affordable housing or will require the building of additional affordable housing to compensate for this reduction. As such, disproportionately more new housing would be required in a scenario where housing does not remain affordable in perpetuity. This would not be compatible with the requirement to limit the scale and extent of development in the Malvern Hills National Landscape.

5.5.5 The Malvern Hills National Landscape Partnership acknowledges that the Government sets certain requirements on the types of affordable housing that should be provided in new housing developments, not all of which are affordable in perpetuity. We also acknowledge that the type and tenure of new housing should reflect locally identified need. However, within these requirements, there remains scope to prioritise and set conditions for housing that is affordable in perpetuity.

5.5.6 Recommendation

- Within the context of Government requirements and locally identified need, priority should be given to the provision of housing that is affordable in perpetuity, including social rented housing.

²³ Annex 2: Glossary of the National Planning Policy Framework (2023) provides a helpful definition for affordable housing, to be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021.

²⁴ Defra (2010) English National Parks and the Broads – UK Government Vision and Circular 2010. Paragraph 79.

²⁵ Defra (2019) Landscapes Review Final Report. Supporting text for Proposal 18: A new National Landscapes Housing Association to build affordable homes.

²⁶ Paragraph 73 of the National Planning Policy Framework (December 2023)

5.6 Local Connection

5.6.1 In the Malvern Hills National Landscape, there are three ‘choice-based lettings’ (CBL) schemes that allow applicants to search, apply and bid for social rented properties in their own local authority area – Home Point in Herefordshire, Housing for You in the Malvern Hills and Homeseeker Plus in the Forest of Dean.

5.6.2 All three schemes operating within the Malvern Hills National Landscape include some condition for local connection (usually to the local authority area)²⁷. Additional local connection criteria may then also be applied for properties in rural villages where there can be shortages of housing sites with planning conditions. However, the approach is inconsistent between the schemes.

5.6.3 The Malvern Hills National Landscape Partnership supports the priority given to local connection in CBL schemes. This is because we consider that this approach:

- helps to limit the scale and extent of new housing (by limiting the demand for affordable housing, within the Malvern Hills National Landscape, from applicants that do not have a local connection); and
- is compatible with the duty to foster the social well-being of local communities within the Malvern Hills National Landscape.

5.6.4 It is worth noting that local connection (in terms of residence) is also, inherently, a feature of rural housing need surveys as the data in these surveys relates to households within a specific parish.

5.6.5 Recommendation

- The local connection requirement of Choice-Based Letting (CBL) schemes should be applied consistently across the Malvern Hills National Landscape.

5.7 Affordable Housing Provision

5.7.1 Another important consideration is the percentage of affordable housing that should be provided in housing developments.

5.7.2 In many protected landscapes nationally:

- market-led housing developments are required to provide 50% affordable housing;

²⁷ Section 199 of the Housing Act 1996 specifies that someone has a local connection with the district of a local authority housing authority if they have a connection with it: a) because they are, or in the past were, normally resident there, and that residence is or was of their own choice; b) because they are employed there, c) because of family associations, or d) because of special circumstances.

- for Rural Exception Sites (RES), there is an expectation that such sites will deliver 100% affordable housing (or, at least, a minimum of 75% affordable housing where 100% is not viable)²⁸;
- provision of affordable housing is sought for residential developments of 5 units or fewer²⁹.

5.7.3 Appendix 2 provides examples of ‘good practice’ case studies. In some protected landscapes, such as Arnside & Silverdale National Landscape, 50% affordable housing is required for developments of two or more dwellings³⁰.

5.7.4 The Malvern Hills National Landscape Partnership supports these measures for several reasons. For example, having a high percentage of affordable housing will reduce the total number of houses that need to be built to meet locally identified affordable housing need³¹. This, in turn, would help to ensure that the scale and extent of development in AONB is limited, as required in paragraph 182 of the revised NPPF (2023). The higher price tag associated with housing in protected landscapes is another factor in justifying a higher percentage of affordable housing in these areas.

5.7.5 It is also worth noting that the Landscapes Review Final Report recommends that *‘local planning authorities in AONBs should also make use of the provision that allows them to demand on-site affordable housing contributions on all sites, including developments of five homes or fewer’*³².

5.7.6 We acknowledge that the viability of such options would need to be tested in viability assessments.

5.7.7 Recommendations

- At plan-making stage, consideration should be given to setting policies for affordable housing provision in the Malvern Hills National Landscape that requires:
 - at least 50% affordable housing in market housing developments;
 - on-site affordable housing provision for housing developments of two dwellings and above (rather than the 5+ that is currently the general expectation) and

²⁸ The Partnership is aware of RES permitted for development in the Malvern Hills National Landscape with the percentage of affordable housing as low as 50%. We consider this to be closer to the level that should be provided in market housing schemes. This level in a RES undermines the purpose of allowing such development, on sites where housing would not normally be permitted, which is to meet locally identified affordable housing needs. It also allows for excessive levels of market housing on such sites, which would not be appropriate in a protected landscape.

²⁹ This makes use of the provision in paragraph 65 of the NPPF (December 2023), which allows for affordable housing to be required in residential developments of 5 units or fewer in designated rural areas, which by definition includes designated Areas of Outstanding Natural Beauty.

³⁰ Lancaster City Council and South Lakeland District Council (2019) Arnside & Silverdale National Landscape Development Plan Document. Adopted Version 29 March 2019. Policy AS03 – Housing Provision.

³¹ For example, the affordable housing need identified in rural housing need surveys.

³² Defra (2019) Landscapes Review Final Report. Proposal 18: A New National Landscapes Housing Association to build affordable homes.

- 100% affordable housing on Rural Exception Sites, with a lower percentage only being permitted in exceptional circumstances and the absolute minimum being 75%.

5.8 Evidence of Local Need Arising Within the Malvern Hills National Landscape

5.8.1 As outlined earlier, we acknowledge that the Government’s standard method is the starting point for calculating housing need in a local authority area. This housing need figure is then ‘filtered’ through the assessment of housing and economic land availability. This assessment, which takes account of relevant constraints, including AONB designation, leads to a housing requirement figure. This housing requirement figure, together with the settlement hierarchy, then forms the basis of the spatial strategy for housing provision, as set out in the Local Plan. These spatial strategies sometimes identify the housing requirement for specific sub-areas or even individual settlements, which subsequently informs the development of Neighbourhood Development Plans (NDPs).

5.8.2 Within this process, we encourage local authorities and other stakeholders to have regard to Policy BDP3 of the Malvern Hills AONB Management Plan 2019-2024, at both the plan-making stage and the development management stage. Policy BDP3 states that “*Development in the AONB should be based on convincing evidence of local need*”. Given that Policy BDP3 also prioritises affordable housing – “*Priority should be given to the provision of affordable housing...*”, a key consideration, in this context, is whether there is robust evidence of local affordable housing need arising from within the Malvern Hills National Landscape.

5.8.3 Within this context, we consider that robust evidence of local affordable housing need arising from within the Malvern Hills National Landscape includes:

- an up to date (rural) housing needs survey for the parish where housing is being considered³³;
- validated choice-based lettings system data where there is a local connection to – and preference for – the relevant parish / settlement (albeit with the caveats outlined later in this position statement);
- housing allocations, that address affordable housing need, in the relevant NDP.

5.8.4 Where evidence of need arising within the wider Malvern Hills National Landscape is being considered (i.e. beyond the level of the individual settlement/parish), this should be limited to the section of the Malvern Hills National Landscape that lies within the

³³ Ideally, where a parish overlaps with the boundary of the Malvern Hills National Landscape, there should be some consideration of the extent to which the identified need arises within, or outside, the AONB designation (at least when the data is being applied to a particular housing proposal). See also the guidance and recommendations in this position statement relating to needs arising in adjacent, non-designated areas.

relevant local authority area. In other words, it should not include evidence of need arising within the Malvern Hills National Landscape in other local authority areas³⁴.

5.8.5 Recommendations

- At the plan-making stage, plan-making bodies should have regard to robust evidence of affordable housing need arising within the Malvern Hills National Landscape (as defined above) when assessing potential housing allocations.
- At the development management stage, housing development proposals:
 - within the settlement boundary, should have regard to robust evidence of affordable housing need arising within the Malvern Hills National Landscape (as defined above) and
 - outside the settlement boundary, or equivalent, should be based on robust evidence of affordable housing need arising within the Malvern Hills National Landscape (as defined above).

5.9 Rural Housing Need Surveys

5.9.1 As outlined above, rural housing need surveys (HNS) form an important part of the evidence base for potential housing developments. However, little weight is given to such surveys if they are out-of-date (i.e. more than five years old). Without this evidence base, more weight is likely to be given to the district-wide housing requirement figure (or even the housing need figure), which could potentially result in a larger number of houses being built.

5.9.2 Given that the provision of affordable housing that meets local needs is a key priority in the Malvern Hills National Landscape, it may be appropriate to prioritise HNS.

5.9.3 Recommendations

- Housing need surveys should be kept up-to-date, particularly for parishes within the Malvern Hills National Landscape where housing is likely to be allocated (for example, settlements higher up the settlement hierarchy) and/or, where there is strong developer interest in new residential development.
- Housing need surveys should be carried out on a five-year rolling programme.

5.10 Choice Based Letting Systems

³⁴ It also makes sense for the evidence of need not to extend beyond the relevant authority area, given that evidence of housing need is normally based on data specific to the individual local authority and the different approaches to housing need analysis and CBL Schemes between the authorities. This issue is particularly relevant in the absence of a spatial housing strategy for the Malvern Hills National Landscape, as a whole. Please also refer to the guidance and recommendations in this position statement relating to unmet needs arising in other local authority areas.

5.10.1 As outlined above, data from the three choice-based lettings systems (CBL) – Home Point, Housing for You and Homeseeker Plus – used by the three local authorities form an important part of the evidence base for potential housing developments. However, there are acknowledged limitations in these systems regarding the data held, and this enables – albeit inadvertently - potential misinterpretation to present inflated affordable housing need figures. For example, some may not capture a Homeseekers' preference to remain or live in a particular parish. i.e. the registrant has noted simply that they live in the parish and wish to move. It may fail to identify applicants who may have already moved or who no longer have a housing need.

5.10.2 CBL system data should therefore not be used explicitly as a measure of affordable housing need. It may be more appropriate to cross-reference this data first with other evidence of affordable housing need, such as housing needs survey data.

5.10.3 The flowchart in Appendix 3, provides an illustration of the type of analysis that should be applied to data extracted from a CBL scheme register for it to provide effective evidence reports for use in decision making.

5.10.4 Recommendation

- Data from choice-based lettings systems should not be used explicitly as a measure of affordable housing need unless the data has been verified and there is a clear local connection to – and preference for – the settlement in question.

5.11 Second Homes

5.11.1 Second home ownership and buy to let can remove housing from the market that could otherwise be made available to first-time homeowners, and the resulting increased demand within a reduced pool of housing stock can inflate house prices, worsening affordability. This issue can be particularly challenging in protected landscapes, such as the Malvern Hills National Landscape, whose outstanding natural beauty makes them very desirable places to visit and holiday in. This issue is recognised as being sufficiently significant in some protected landscape areas that it is explicitly addressed in Local Plan policies. For example, Policy HC-S4 of the Exmoor National Park Local Plan requires new market housing to be 'principal residence' housing³⁵.

5.11.2 Recommendation

- When plan-making bodies are reviewing their development plans, they should consider setting policies that ensure that new, and change of use to, market housing

³⁵https://www.exmoor-nationalpark.gov.uk/_data/assets/pdf_file/0027/257751/Part-6-Achieving-a-Thriving-Community.pdf. Page 153.

in the Malvern Hills National Landscape is used as a 'principal residence' rather than as a second home or holiday home/let.

6.0 LOCATION & DESIGN

6.1 Context

6.1.1 The Government's planning practice guidance states that '*all development in ... AONBs will need to be located and designed in a way that reflects their status as landscapes of the highest quality*'³⁶. This guidance also states that poorly located or designed development in the setting of AONBs 'can do significant harm' to the landscape and scenic beauty of AONB designation. It adds that '*development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account*'³⁷. *The latest NPPF also introduces a new emphasis on beauty and placemaking: "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking)."38*

6.2 Location

6.2.1 As outlined in the Malvern Hills National Landscape Landscape-led Development Position Statement, proposals should be genuinely landscape-led throughout all stages of the planning process.

6.2.2 Another key consideration is locating new housing development close to essential services and facilities, to reduce/minimise reliance on car use to access these services and facilities. In other words, focussing housing development on settlements higher up the 'settlement hierarchy.' The need to protect and conserve the significance of heritage assets and their setting, as well as historic landscape characterisation and relevant evidence-based documents should also be considered.

6.2.3 A checklist of key principles and matters for consideration to encourage good development within the Malvern Hills National Landscape and its setting, which includes those relevant for location and siting, can be found in the draft Malvern Hills National Landscape Guidance on the Key Principles of Good Development.

6.2.4 Recommendations

- New residential development should not be located in areas where there is potential for unacceptable harm to the Malvern Hills National Landscape or its setting.

³⁶ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

³⁷ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042.

³⁸ National Planning Policy Framework (2023) Paragraph 20.

Decision-making at plan making or development management stages should always follow the principles of landscape led development.

- New residential development should be focussed on areas with a good level of services and facilities; and have a good level of opportunities to access them through a range of active travel modes, reducing car use dependency.

6.3 Design

6.3.1 The value of the Malvern Hills National Landscape relies in part on the standard and character of the buildings within it. It is therefore the responsibility of all potential developers to ensure that each development adds value to the Malvern Hills National Landscape through good design. Several special features and qualities³⁹ of the Malvern Hills National Landscape relate directly to the design of housing, including:

- distinctive ‘villagescapes,’ including conservation areas, listed buildings and local features, that define a ‘spirit of place’ in the settlements;
- rural character and scale of settlements contribute to local distinctiveness, landscape character and sense of tranquillity;
- high-quality built environment characterised by numerous distinctive features, such as settlement patterns, landmark buildings, garden layouts, boundary elements and planting traditions;
- there is no single building style, type of material or pattern of development in the Malvern Hills National Landscape. There are a range of styles that give character and distinctiveness to different parts of the area. Lack of attention to details can harm the special qualities of the Malvern Hills National Landscape and diminish the distinctiveness of its built heritage;
- the use of locally distinctive building materials and colour palette;
- listed buildings, including Eastnor Castle, Bromesberrow Place and Little Malvern Priory, as well as listed headstones and chest tombs; and gas lamps;
- conservation areas – including Malvern Wells, Eastnor, Colwall and part of Cradley;
- Victorian villas of Malvern (Malvern stone and render) and
- half-timbered buildings, especially in the west of the Malvern Hills National Landscape.

6.3.2 These special qualities are reflected in the following policies from the Malvern Hills AONB Management Plan 2019-2024:

- LWP4: *Support the provision of a variety of housing that is appropriate to the character of the area and meets local community needs.*

³⁹ See Introduction and Chapter 7 of the Malvern Hills AONB Management Plan 2019-2024 for more information on relevant special features and ‘special qualities’, and the guidance documents on Building Design and on Selection and Use of Colour in Development.

- BDP2: *Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership*

6.3.3 To sustain natural beauty it is important to ensure that future development is locally characteristic and distinctive, in terms of its design, siting and the materials used. There are many different styles of building that give character and distinctiveness to different parts of the area. Lack of attention to issues such as local design, layout, scale, and materials can harm the special qualities of the Malvern Hills National Landscape and diminish the distinctiveness of the built environment. The loss of specimen trees, stone walls, hedgerows and other landscape elements associated with development can also degrade local character and distinctiveness. The Malvern Hills National Landscape Partnership has produced guidance on building design to show how new development can make a positive contribution to the natural beauty of the AONB designation⁴⁰.

6.3.4 In addition, the *Landscape Strategy and Guidelines*⁴¹ and *Guidance on how development can respect Landscape in Views*⁴² provide guidance on the potential landscape implications of housing developments and how potential adverse impacts can potentially be avoided and / or minimised.

6.3.5 A key reference point for the design of new residential development are design guides and guidance. There is not, currently, one over-arching design guide for the whole of the Malvern Hills National Landscape, although there is Guidance on Building Design. However, the advancement of design codes should build a design vision, such as a masterplan or other design and development framework for a site or area, including emerging Local Plan/NDP policies.

6.3.6 An increasingly important consideration will be the extent to which new residential development incorporates energy conservation and renewable energy measures. This should be done in a way that is compatible with the purpose of conserving and enhancing the natural beauty of the Malvern Hills National Landscape and the AONB designation.

6.3.7 Where new residential development is proposed in ‘open countryside locations’ - for instance, barn conversions or individual housing on greenfield sites requiring outstanding design standards - design, materials and location should be given careful consideration as they, individually and cumulatively, affect local distinctiveness, special qualities, features of the landscape and visual effects, as well as effects on wildlife, which undermines tranquillity, and all of which underpin the AONB designation.

6.3.8 Recommendations

⁴⁰ <https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>

⁴¹ <https://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/01/MalvernLandStratGuideLoResFinal.pdf>

⁴² <https://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/01/64339-MHAONB-Guidance-on-Respecting-Landscape-in-Views-v09.pdf>

- New residential development in the Malvern Hills National Landscape should:
 - respect locally distinctive characteristics of the existing settlement;
 - respect the relevant Features and ‘Special Qualities’³⁸ of the Malvern Hills National Landscape;
 - be consistent with relevant policies of the Malvern Hills AONB Management Plan;
 - be consistent with Malvern Hills National Landscape Position Statements and Guidance Documents³⁹;
 - consider opportunities for people to travel and access services by a range of transport modes, reducing car use dependency;
 - consider the significance of the historic environment, heritage assets, both designated and non-designated, and their setting;
 - account for emerging design codes and guidance;
 - protect Grade 1 and 2 agricultural land; and
 - where new residential development is proposed in ‘open countryside locations’ for instance, barn conversions or individual housing on greenfield sites requiring outstanding design standards, consider design, materials and location, as they individually and cumulatively affect local distinctiveness, special qualities, features of the landscape and visual effects, as well as effects on wildlife, which undermines tranquillity, and all of which underpin the AONB designation.
- All open market and affordable housing should positively contribute to a sense of place through character and high-quality design.
- The use of Community Infrastructure Levy (CIL), where adopted, should be derived from new housing developments, for enhancing the natural environment within the Malvern Hills AONB.
- The requirement for all landscape assessments – whether undertaken in support of a specific planning application or an allocation at the plan making stage – should be based on evidence on landscape and visual matters. In practice, judgements should be supported by clear reasoning, which is linked to evidence, to inform design.

7.0 SUPPORTING INFORMATION

7.1 In addition to the ‘footnotes’ provided throughout, this Position Statement is supported by several appendices (separate document), which provide:

- Extracts from the Government’s guidance on ‘Housing and Economic Land Availability Assessment’ (Appendix 1).
- Case studies of good practice (Appendix 2).

- A flowchart illustrating the extent to which CBL data equates to convincing evidence of need within a specific settlement (Appendix 3).
- A sample extract from the draft Malvern Hills AONB Guidance on the Key Principles of Good Development (Appendix 4).

APPENDIX 1. EXTRACTS FROM THE GOVERNMENT'S GUIDANCE ON HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

Reference (as of December 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**
- **Case Study 2: South Downs Local Plan**
- **Case Study 3: Arnside & Silverdale AONB Development Plan Document**
- **Case Study 4: New Forest National Park Local Plan**
- **Case Study 5: Bridport Cohousing Microgrid, Hazlemead, Dorset (Dorset AONB)**

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-area⁴³ for the 2015-31 plan period. However, the planning inspector, in his report on the examination of the Local Plan⁴⁴, 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 Plan⁴⁵.*
- *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-area⁴⁶.*

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*'⁴⁷.

⁴³ This sub-area broadly matched the section of West Oxfordshire District that lies within the Cotswolds National Landscape.

⁴⁴ Planning Inspectorate (2018) Report on the Examination of the West Oxfordshire Local Plan 2031.

⁴⁵ As above – Paragraph 218.

⁴⁶ As above – Paragraph 219

⁴⁷ As above – Paragraph 220.

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 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 and;
- (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 site⁴⁸. (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.

CASE STUDY 2: SOUTH DOWNS LOCAL PLAN⁴⁹

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.

⁴⁸ West Oxfordshire District Council (2018) West Oxfordshire Local Plan 2031. Paragraph 5.39.

⁴⁹ South Downs National Park Authority (2019) South Downs Local Plan 2014-2033.

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:

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

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 DOCUMENT⁵⁰

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

⁵⁰ 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.

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.

CASE STUDY 4: NEW FOREST NATIONAL PARK LOCAL PLAN⁵¹

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:

⁵¹ New Forest National Park Authority (2019) New Forest National Park Local Plan 2016-2036.

- 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.

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

Bridport Cohousing (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 community⁵²

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. 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.

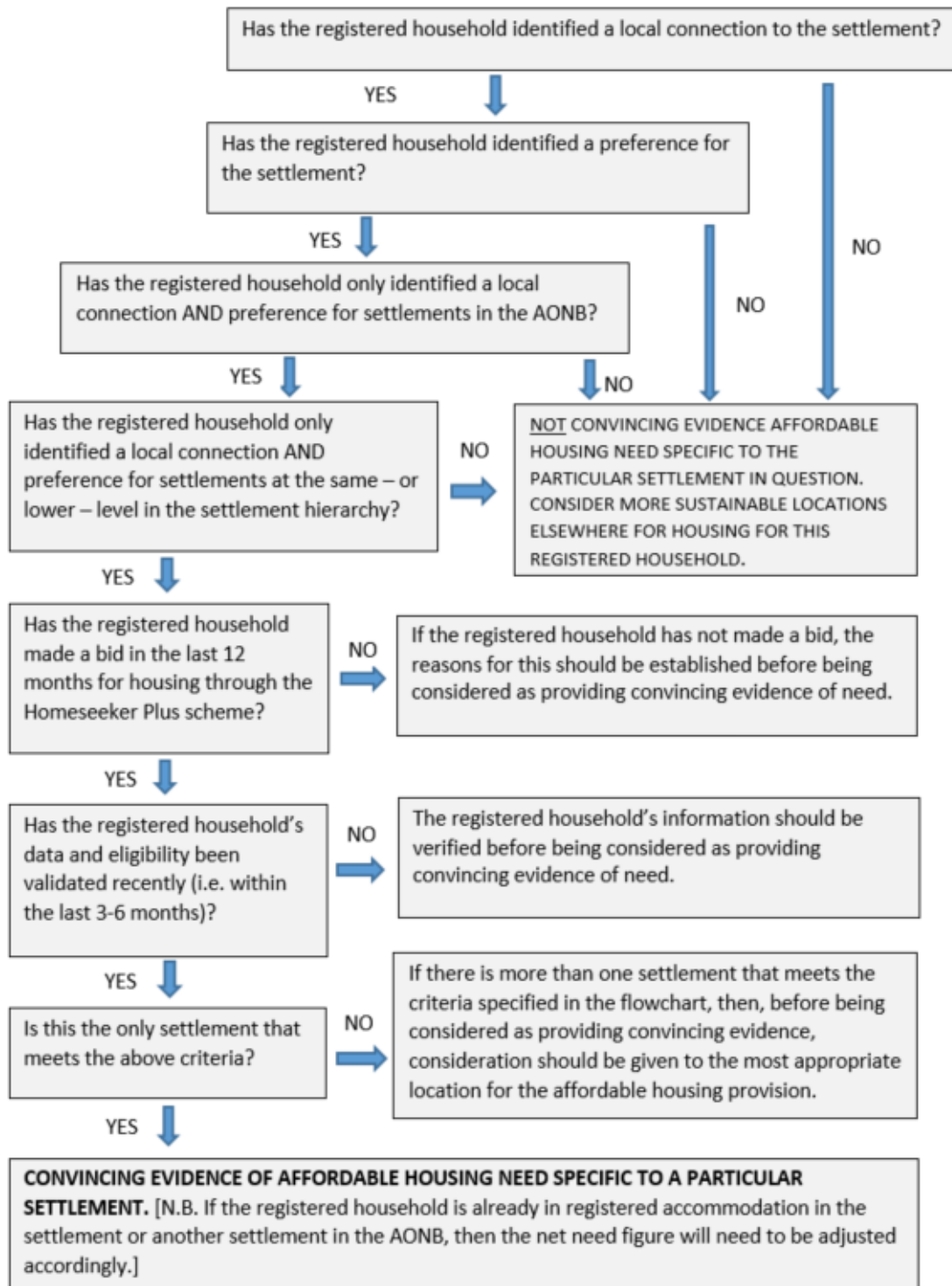
The stringent ground rules of the community also certainly are not for everyone and attract an alternative mindset (though the community does recognise the rules can be changed to accommodate changing needs). The types of people likely to live in a cohousing scheme may not be typical of UK residents. 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.

⁵² Further information available here: See: <https://bridportcohousing.org.uk/neighbourhood-policies>

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 SETTLEMENT⁵³

⁵³ 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](https://www.cotswolds-nl.com/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 Homeseeker 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 NATIONAL LANDSCAPE GUIDANCE ON THE KEY PRINCIPLES OF GOOD DEVELOPMENT⁵⁴

Layout and design approach

Relevant 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

⁵⁴ 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).

preferable to low-density developments with large private gardens and limited Public Open Space.

V1 – Original Position Statement produced for Malvern Hills AONB JAC meeting of 10 November 2023 (SH/JB/PE)

V2 – Changes made to incorporate the ‘National Landscapes’ re-brand and minor amendments following Malvern Hills AONB JAC meeting of 10 November 2023, in which the JAC resolved to endorse the position statement – updated 6/12/23 (JB/PE)

V3 – Changes made to incorporate the revised National Planning Policy Framework and Levelling Up and Regeneration Act – updated 10/1/24 (JB/SH)

V4 – Grammar/minor changes – updated 2/2/24 (PE/JB)