



Kent Downs Area of Outstanding Natural Beauty

Setting Position Statement



An advice note produced by the Kent Downs AONB Joint Advisory Committee

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1. Introduction

In certain locations, the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB) has great value and was a principle reason for the Kent Downs AONB designation. Legislation and guidance as well as appeal decisions confirm that it is appropriate to consider setting in respect of AONBs.

The importance of the Kent Downs AONB setting has been recognised in the Kent Downs AONB Management Plan and its subsequent revisions. This position statement is produced as an advisory document, intended to provide further guidance on issues of setting for local planning authorities, land owners and other interested parties. It has been prepared in consultation with and approved by the Joint Advisory Committee for the Kent Downs AONB. The statement focuses on ensuring avoidance of harm and the conservation and enhancement of the setting of the AONB, through good design and the incorporation of appropriate mitigation measures.

2. The legislative/policy basis for considering questions of setting

National policy

AONBs are designated by the Government to ensure that the special qualities of our finest landscapes are conserved and enhanced. Section 82 of The Countryside and Rights of Way Act (CROW) 2000 confirms that the primary purpose of AONB designation is to conserve and enhance the natural beauty of the area.

Section 85 of the CROW Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to, or affecting land within these areas. This is known as the 'duty of regard'.

The National Planning Policy Framework (NPPF) paragraph 176 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. A recent Appeal decision has confirmed that where a proposal is outside of an AONB, the effect on views outside of the AONB, but gained from within the AONB would result in NPPF paragraph 176 being relevant.¹

Amendments to the NPPF in July 2021 included reference to setting now being incorporated into the NPPF for the first time:

¹ Appeal Ref: APP/G1630/W/20/3256319 Land off Ashmead Drive, Gotherington

'...while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Advice on how to approach development within an AONB setting is expanded on in the Planning Practice Guidance (PPG). This confirms that the Duty of Regard is relevant in considering proposals located outside of AONB boundaries, but which might have an impact on their setting or protection². The PPG also refers to guidance produced by Defra on the 'Duty of Regard'. Defra's guidance confirms that this can be relevant outside of the AONB boundary³ :

"Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas".

The PPG goes on to state that:

*Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*⁴

The views out from the chalk scarp of the Kent Downs over its setting was a key reason for the designation of the Kent Downs AONB back in 1968. This feature has remained critical to its value and to public enjoyment ever since and today is recognised as one of its special characteristics and qualities. Section 1.2. of the AONB Management Plan, on 'The special components, characteristics and qualities of the Kent Downs AONB' states:

"The Kent Downs dramatic and diverse topography is based on underlying geology. Key features comprise impressive south-facing steep slopes (scarps) of chalk and greensand....Breath-taking, long-distance panoramas are offered often across open countryside, estuaries and the sea from the scrap, cliffs and plateaux..."

By virtue of the tightly drawn boundaries of the AONB, these views are clearly to land beyond the designated area and views from the AONB over land lying outside of it are critical to the value of the AONB and are central to the reasons why people appreciate the AONB so much.

² [Planning Practice Guidance Paragraph 039 Reference ID 8-039-20190721, revised 21/07/2019](#)

³ [Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty \(AONBs\) and the Norfolk and Suffolk Broads. Defra \(2005\)](#)

⁴ [Planning Practice Guidance Paragraph: 042 Reference ID: 8-042-20190721, revised 21 07 2019](#)

Further detail on the legislative basis in respect of setting is provided in Appendix A, including specific reference to proposals for renewable energy.

The Kent Downs AONB Management Plan

The Countryside and Rights of Way Act 2000 also sets out a requirement for a Management Plan to be prepared and published for AONBs. The Kent Downs AONB Management Plan, third revision 2021 – 2026 sets out the policy for the conservation, enhancement and management of the AONB in a series of aims, actions and Principles. Compliance with the Management Plan assists in helping to demonstrate that public bodies have complied with their duty of regard. Setting is a recurrent theme in the Kent Downs AONB Management Plan 2021 – 2026 and is specifically referred to in principle SD8:

“Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.”

In addition, setting is relevant to principles SD1, SD2, SD3, SD7, SD9, SD10 and SD11 of the Management Plan which are reproduced in Appendix B.

3. High Court/Appeal decisions

There have been various High Court judgements and appeal decisions that confirm that setting of AONBs can be a relevant consideration. Details of these are included at Appendix C.

4. The setting of the Kent Downs AONB

The Kent Downs AONB comprises a dramatic and diverse landscape that is based on its underlying geology. Landscape features of particular note include south facing steep slopes of chalk and greensand; scalloped and hidden dry valleys, expansive open plateaux, broad steep-sided river valleys and the dramatic, iconic white cliffs and foreshore.

The upland nature of the scarp makes it a prominent feature in the wider landscape, particularly in views towards the scarp from the south. Long distance panoramas are offered across open countryside, particularly from the scarp, primarily in a southerly direction. The Kent Downs AONB was designated in part because of these views beyond it into its setting and these views have remained critical to its value and to public enjoyment ever since. The setting of the chalk

scarp has long been held to be integral to the experience of the AONB and a particularly important element of the AONB that merits protection.

The setting of the Kent Downs AONB does not have a geographical border. In most cases, the setting comprises land outside the AONB which is visible from the AONB and from which the AONB can be seen. The setting may be wider however, for example when affected by features such as noise and light. In some cases the setting area will be compact and close to the AONB boundary, perhaps because of natural or human made barriers or because of the nature of the proposed change. However, the setting area maybe substantial for example where there is a contrast in topography between higher and lower ground.

Locations where development and changes to the landscape where the setting of the Kent Downs AONB may be more keenly felt include views to and from the:

- Scarp of the Kent Downs to the Vale of Holmesdale - the valley that lies at the foot of the North Downs and incorporates the A20/M20, M26 and M25 corridors
- Views from the Lympne escarpment to the Romney Marsh
- Views from the Greensand Ridge, particularly those over the Weald of Kent and towards the North Downs;
- the highest and most open parts of the AONB to the Greater Thames Estuary, the Romney Marsh and Greater London;
- Dover White Cliffs, the English Channel and French coast;
- High Weald AONB; and
- Land which has landscape character linked to the Kent Downs such as dry valleys.

Setting can also affect views within the AONB, such as where other landscapes are visible constituting part of the view however it may be difficult to distinguish between differences in landscape character. Similarly, development in the setting could detract from associated views within the AONB, for example polytunnels could be visible from a distance within the AONB, affecting the integrity of internal views of the AONB landscape.

5. Development likely to affect the setting of the AONB

Scale, height, siting, use, materials and design are factors that will determine whether a development affects the natural beauty and special qualities of the AONB. Incompatibility with surroundings, movement, reflectivity and colour are also likely to affect impact. In most cases, the further away a development is from the AONB boundary, the more the impact is likely to be reduced, however a very large or high development may have an impact even if some considerable distance from the AONB boundary.

A development may avoid direct physical effects, but introduce other impacts, such as a greater level of traffic, noise and the characteristics of built development or be located outside of the AONB but increase urban fringe pressures on land in the AONB, potentially affecting land management and the Public Right of Way network.

Examples of adverse impacts on the setting of the Kent Downs AONB include:

- development which would have a significant impact on views in or out of the AONB;
- loss of tranquillity through the introduction or increase of lighting, noise, or traffic movement or other environmental impact including dust, vibration and reduction in air quality;
- introduction of abrupt change of landscape character;
- loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the AONB;
- development giving rise to significantly increased traffic flows to and from the AONB, resulting in erosion of the character of rural roads and lanes; and
- increased recreational pressure as a result of development in close proximity to the AONB.

It is not only built development or proposals requiring planning permission that can adversely impact on the setting of the AONB. Changes in land use and/or land management can also fail to conserve and enhance setting, especially where a change of use of land is of a significant enough scale to cause harm to landscape character. Harm can also occur due to loss of habitat and the resultant impact on biodiversity; the unique landscapes of the Kent Downs and its environs create and contain a rich and distinctive biodiversity which contributes greatly to the natural beauty. Impact would be more severe where habitats or species of importance to the AONB are affected. Farm diversification and development activities such as equine facilities, shooting and field sports, alternative crops and non-agricultural enterprises can also have detracting impacts on the characteristics and qualities of the Kent Downs, the harm from which can often be managed by appropriate design and mitigation.

6. Cumulative impacts upon AONB setting

Cumulative impacts can also arise from multiple developments within the setting of the AONB. Each development may not be harmful in isolation, but taken in conjunction with others proposed, they may result in significant harm. Cumulative impact can occur as a result of increased traffic, noise, vibration, lighting as well as landscape and visual impacts.

Cumulative impacts are a particular concern in the views to and from the scarp of the North Downs to the Vale of Holmesdale. The juxtaposition of the dramatic landform with the transport corridor and the settlements around them on the lower ground mean it is a focus of attention for new development.

Environmental Impact Assessment (EIA) can be an effective tool in helping to assess cumulative impacts of development within the setting of the AONB. Where applicable, EIA should consider the in-combination impacts of:

- built and operational development;
- development under construction;
- application(s) permitted but which are not yet implemented;
- submitted applications not yet determined, and which, if permitted, would affect the proposed development; and
- development identified in the adopted and emerging development plan.

Many developments may not be subject to EIA but could still result in cumulative impacts. The AONB Unit will continue to monitor applications/permissions within the setting to the AONB and will support local authorities in understanding the potential cumulative impacts of development upon AONB setting, particularly where impacts may potentially spread across several local authority borders.

7. Conserving and enhancing the setting of the Kent Downs AONB

The best way to minimise adverse impacts on the setting of the AONB is through avoidance of harm in the first place by making sure that schemes conserve and enhance the setting of the AONB. Many issues can be resolved through careful design and incorporation of appropriate mitigation and/or management measures, such as:

- care over orientation, site layout, height, scale and massing of structures and buildings to minimise impact when viewed from the AONB;

- appropriate densities to allow for significant tree planting between buildings;
- consideration not just of the site but also the landscape, land uses and heritage assets around and beyond it;
- careful use of colours, materials and non-reflective surfaces;
- restraint and care over the installation and use of external lighting including street lighting, to prevent harm to the dark night skies of the AONB. Where essential, lighting should be well-directed and full cut off and of low level in form and lumen intensity;
- the grouping of new structures and buildings close to existing structures and buildings to avoid new expanses of development that are visible and out of context; and
- detailed mitigation and management measures, for example including native landscaping that is locally appropriate (where possible contributing to Biodiversity Action Plan targets) and noise reduction.

Further advice on design principles can be found in the Kent Downs AONB publication 'The Landscape Design Handbook' which can be downloaded at:

<http://www.kentdowns.org.uk/guidance-management-and-advice/landscape-design-handbook>

In addition, measures to consider impact on the setting of the AONB, such as through Landscape and Visual Impact Assessments should be utilised where appropriate.

The AONB Unit would welcome the opportunity to enter into any pre-application discussions/consultations to ensure full attention is given to these factors at the earliest opportunity.

8. Conclusions

- Where appropriate, local authorities should take into consideration the setting of the Kent Downs AONB when determining planning applications in accordance with their duties under Section 85 of the 2000 CROW Act.
- The AONB Unit will monitor and comment as appropriate on significant planning applications that impact on the setting of the AONB in accordance with the agreed planning protocol. Development likely to result in a negative impact on the setting of the AONB will not be supported, unless it can be satisfactorily be mitigated.

- The AONB Unit will support local authorities in both determining whether a proposal would impact upon the setting of the AONB and provide them with evidence, including, if necessary, representation at appeals.
- The AONB Unit will encourage landowners to adopt practices to ensure protection and enhancement of the setting of the Kent Downs AONB.
- The Kent Downs AONB Unit will positively support environmental enhancement schemes that improve the setting of the AONB where all other environmental matters have also been addressed.
- The AONB Unit will seek to ensure all Local Plans include reference to the importance of protection and enhancement of the setting of the Kent Downs AONB within relevant policies.

APPENDIX A

The legislative basis for considering questions of setting

Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of our finest landscapes are conserved and enhanced. In planning policy terms they have the same status as National Parks.

Section 82 of The Countryside and Rights of Way Act 2000 confirms that the primary purpose of AONB designation is to conserve and enhance the natural beauty of the area.

Section 85 places a statutory duty on all relevant authorities requiring them to have regard to the statutory purpose of AONBs when coming to decisions or carrying out their activities relating to, or affecting land within these areas. Guidance on how the implication of this duty and how it may be discharged was issued by Defra in 2005⁵ :

"Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas".

Natural England's published spatial planning position considers the protection and enhancement of protected landscapes⁶ :

"Spatial planning policies and decisions should ensure the highest levels of protection and enhancement for England's protected landscapes, habitats, sites and species." The explanatory text states: "Natural England interprets the protection and enhancement of all sites, habitats and landscapes widely. This includes safeguarding their character, qualities and features, including where appropriate, their settings..."

The NPPF, as amended in July 2021 now specifically refers to setting in the context of AONBs, stating at paragraph 176:

".....The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively

⁵ Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads. Defra (2005)

⁶ Natural England's Spatial Planning Position (2009)

http://www.naturalengland.org.uk/Images/PlanningPosition_tcm6-16604.pdf

located and designed to avoid or minimise adverse impacts on the designated areas."

The Planning Practice Guidance, at paragraph 039 Reference ID: 8-039-20190721 confirms that the Duty of Regard applies to AONB setting:

"This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas."

The Planning Practice Guidance was revised in 2019, and now includes advice on how development within the setting of AONBs should be dealt with⁷:

"Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account."

Paragraph 174 of the National Planning Policy Framework (NPPF 2021) emphasises the importance of protecting and enhancing valued landscapes. A High court ruling (*Stroud DC v SSCLG and Gladman Ltd*)⁸ establishes that it is not only landscapes protected by legislation such as AONBs or those which are locally designated in a development plan that can be 'valued landscapes'. This is also confirmed in an appeal decision in 2018⁹. Other appeal decisions have also confirmed that land in the setting of an AONB can constitute a valued landscape¹⁰.

For plan making, paragraph 175 of the NPPF 2021 requires allocations to be made on land with the least environmental or amenity value, where consistent with other policies in the Framework.

Paragraphs 10 and 11 of the revised NPPF set out the presumption in favour of sustainable development and what this means for plan makers and decision takers. Paragraph 11 makes clear that this would normally mean approving development proposals that accord with the development plan or where the development plan is absent, silent or relevant policies are out of date granting permission except where:

⁷ Paragraph: 042 Reference ID: 8-042-20190721 Revision date 21 07 2019

⁸ Neutral Citation Number: [2015] EWHC 488 (Admin)

⁹ APP/X2410/W/17/3190236 Land at Melton Road, Rearsby, Leicestershire, LE7 4YR

¹⁰ APP/B1605/W/14/3001717],

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

or where

“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”.

Footnote 7 to paragraph 11 confirms that that this includes policies relating to AONBs.

Proposals for renewable and low carbon energy

Proposals of this type can raise particular issues for AONB setting. The Planning Practice Guidance for Renewable and low carbon energy states¹¹:

“Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration.”

The Overarching Energy National Planning Statement (NPS) EN-1 states:

“5.9.12. The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints...”

5.9.13. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.”

Footnote 54 of the revised NPPF states:

“Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing”.

Natural England has published Making Space for Renewable Energy: assessing on-shore wind energy development (NE254)¹². This includes the statement

¹¹[Paragraph 007 Reference ID:5-007-20140306](#)

¹² <http://publications.naturalengland.org.uk/publication/38006>

“Natural England regards the setting of protected landscapes as being potentially influential on the conservation of the special qualities of the National Park or AONB concerned.”

This guidance continues “Spatial plans should include policies that take into account the sensitivity of the setting of protected landscapes.”...“The potential for developments to dominate the setting of protected landscapes requires careful consideration.”

Appendix B

Kent Downs Management Plan 2021 - 2026

Setting is a recurrent theme in the Kent Downs AONB Management Plan 2021-26 and particularly relevant to the following principles:

SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

SD9 The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.

SD10 Positive measures to mitigate the negative impact of existing infrastructure and growth on the natural beauty and amenity of the Kent Downs AONB will be pursued.

SD11 Major development should avoid the Kent Downs AONB in line with NPPF guidance. Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape will be

identified, pursued, implemented and maintained. The removal or mitigation of identified landscape detractors will be pursued.

The Management Plan can be downloaded from the Kent Downs AONB website:

<https://explore-kent-bucket.s3.eu-west-1.amazonaws.com/uploads/sites/7/2021/11/16141210/The-Kent-Downs-AONB-Management-Plan-2021-2026-Adopted.pdf>

APPENDIX C –

High Court/Appeal Decisions

The potential for development to impact on the setting of the Kent Downs AONB has been affirmed by the High Court, Planning Inspectorate and the Secretary of State in a number of appeal decisions.

Stroud District Council v Secretary of State for Communities and Local Government, February 2015

A High Court judgement in February 2015 (Stroud District Council v Secretary of State for Communities and Local Government, February 2015)¹³ has confirmed that the landscape and scenic beauty of an AONB can be affected by views out from the designated area. The judgement concludes that paragraph 115 of the NPPF can cover the impact of land viewed in conjunction with the AONB from the AONB:

Para 115 NPPF

'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and the Broads'

The effect of this judgement is to extend the meaning of the word 'in' to include land outside of designated areas but which can be seen in views from within it.

The 'Kent International Gateway' (APP/U2235/A/09/2096565)

Following a Public Inquiry, the Secretary of State refused a road-rail freight interchange in 2010 in the immediate setting of the Kent Downs scarp at Bearsted. Here, a key reason for the appeal dismissal was substantial harm to the AONB setting:

"The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR18.29–18.52, regarding the impact of the proposed development on the countryside, Special Landscape Area and the AONB. He agrees that the majority of the appeal site is attractive open countryside and that, whilst the noise of the M20/HS1 is a negative feature of the area, the site nonetheless has a strongly rural character and atmosphere (IR18.31). He further agrees that, overall, the proposal would cause substantial harm to the open countryside

¹³ EWHC 488 Stroud District Council v Secretary of State for Communities and Local Government, February 2015 (CO/4082/2014)

character and appearance of the site and would be in conflict with relevant development plan policies (IR18.34). The Secretary of State agrees with the Inspector's conclusion that the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB (IR18.45). Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees that substantial weight should be given to these matters in the determination of the appeal (IR18.52)."

Waterside Park, Ashford Road, Hollingbourne (APP/U2235/A/14/2224036 & 2229271)

Two appeals for industrial estates on the same site on an agricultural field, located close to junction 8 of the M20 were both dismissed following a Public Inquiry in 2015. The Inspector considered harm would arise both in terms of views northwards towards the AONB and in respect of views southwards from the AONB.

In views from the south towards the AONB, she considered that the scale of the development would appear significant, dominating the foreground such that views to the AONB would be interrupted. She concluded that "*this would have a detrimental impact on the setting of the AONB, that, in my view, would be 'moderate adverse' "*.

In terms of the visual impact of the developments, it was considered that the rural character of the site would be lost and that the sensitivity of receptors, particularly walkers using public rights of way within the AONB, would be high and that this harm was a significant factor weighing against the proposals.

The Inspector advised that:

"considerable environmental harm would result from the loss of this area of countryside to development through the combined impact on the landscape setting of the AONB and the heritage assets. The developments would fail to protect the setting of the AONB and therefore also conflict with the aims of Section 85 of the Countryside and rights of Way Act 2000."

The conclusion was reached that the environmental harm would be greater than the identified economic advantages and that the adverse impacts would significantly and demonstrably outweigh the benefits.

**Land south of Court Lodge Road, Harrietsham
(APP/U2235/W/15/3119223)**

Here, an appeal for a residential development of 40 dwellings on a site on the edge of Harrietsham, comprising an agricultural field abutting the Kent Downs AONB to the north and west was dismissed.

In considering the appeal, the Inspector noted that although the site was not in the AONB, the National Planning Practice Guidance sets out that the duty to have regard to the purposes of the AONB is relevant in considering proposals that are situated outside an AONB but which might impact on its setting. He felt that the proposal would have a significant and negative effect on landscape quality and that this would not be outweighed by the prospect of additional landscaping within the site. Furthermore, while not located within the AONB, he considered that the site formed part of the immediate setting of it and its openness and appearance gave a clear visual association with land within the AONB. The loss of character and openness as a result of the development would have a clear and negative effect on the setting of the AONB.

In dismissing the appeal, the Inspector concluded that, notwithstanding an undersupply of housing,

"the unacceptable effects of the proposal on the landscape character of the area, including its SLA categorisation and its position at the edge of the AONB, significantly and demonstrably outweigh the benefits that would arise from the proposal".

**Land to the south of Thorncliffe Road, Leek (APP/
B3438/W/19/3222819)**

This appeal involved an application impacting on the Peak District National Park. It relates to an outline proposal for 154 dwellings. Although the site was located some 2km from the National Park boundary, the Inspector found that the appeal site contributed to its setting due to inter-visibility between the site and the National Park. The Inspector concluded, at paragraph 17 that

"The PPG advises that poorly located development within the setting of a NP can do significant harm, especially where long views to or from the designated landscape are identified as important or where the landscape character of land within and adjoining the designated area is complementary. The proposed development would create an unsympathetic, strongly urbanising presence within the views and setting identified above. As a result it would cause harm to the setting of the PDNP and fail to conserve its landscape and scenic beauty, contrary to Policy DC3 of the CS and paragraph 172 of the Framework".

The decision is set against a background of there being a significant shortfall in the 5 year housing supply.

Land at Dymock Road, Ledbury (APP/W1850/W/19/3225309)

This appeal was made against the non-determination of outline planning permission for a residential development of 420 dwellings and had the potential to impact on the Malvern Hills AONB.

In assessing landscape impacts, the Inspector considered that the quantum of proposed development would extend the settlement of Ledbury to a significant degree 'creating a large suburban mass of built form that would replace the current open setting of the AONB to a considerably harmful degree' and that even in the long term and with a careful choice of material palette, the housing would be visible in the landscape from important viewpoints within the AONB. This was despite the viewpoints being located some 7 to 8 km from the appeal site.

The Inspector concluded that the proposal would be 'considerably harmful to the character and appearance of the area and the landscape setting of Ledbury and the AONB' and that the proposal would be contrary to policy 170 of the revised NPPF.

Inlands Farm, The Marsh, Wanborough, Swindon SN4 0AS (APP/U3935/W/21/3269667)

This appeal was against the refusal of an application for a Science Park comprising light industrial and research buildings in the immediate setting of the North Wessex Downs AONB.

In considering the primary legislation relating to AONBs, the Inspector commented that "*It is agreed that in so far as s.85 of the Countryside and Rights of Way Act 2000 is concerned, the purpose of that provision is to conserve and enhance the natural beauty of the AONB itself. Land within the setting of an AONB is not protected as such, but development in the setting of an AONB that might undermine the purpose of conserving and enhancing the natural beauty of the AONB itself, is protected against.*"

Assessing the impacts of the development, it was concluded that "*the scheme would bring a hard edge to the northern boundary of the AONB and remove the sense of transition between the downs to the south, and the flatter land to the north. In simple terms, it would bring development right up to the edge of the AONB. For all those reasons, the landscape and visual impact of the scheme would be significantly detrimental, in my view, and there would be a great deal of harm caused by it to the setting of the AONB, thereby undermining the purpose of conserving and enhancing the natural beauty of the AONB itself.*"

There would be conflict with LP Policies NC3 and EN5c and the intentions behind s.85 of the Countryside and Rights of Way Act 2000".

While the economic benefits associated with the development were acknowledged at both local and national level, the Inspector concluded that *"the environmental costs of the proposal, in relation to the character and appearance of the area, and the setting of the AONB, and the setting and thereby the significance of designated and non-designated heritage assets, are simply too great to allow them to be outweighed by the economic and other benefits prayed in aid of the proposals, even if those benefits are taken at their absolute highest"*.

The appeal was dismissed.