



Appeal Decision

Inquiry held on 19, 20 and 21 January 2016

Site visits made on 18 and 22 January 2016

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 March 2016

Appeal Ref: APP/M1710/W/15/3129346

Land adjacent to Hatch House Farm, Headley Road, Lindford, Bordon, Hampshire, GU35 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lindford Land Limited against the decision of East Hampshire District Council.
 - The application Ref 54702, dated 31 July 2014, was refused by notice dated 19 January 2015.
 - The development proposed is redevelopment of the site to provide for 33 dwellings units (20 open market and 13 affordable) in a range of two-storey buildings with accommodation in the roofspace, comprising of detached, semi-detached and terraced houses and flatted blocks, together with garage and surface car parking, the provision of a new pedestrian and vehicular access point off Headley Road, the incorporation of private and communal amenity space, a pocket play park and planting and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third, fourth, fifth and sixth reasons for refusal relate to the absence of a legal agreement to secure necessary planning obligations. At the Inquiry a signed and dated Section 106 agreement was provided that makes provision for affordable housing, public open space, integrated transport measures and community facilities. The Council confirmed at the Inquiry that the Section 106 agreement overcomes these reasons for refusal. From the evidence before me, I consider that the requirement for these provisions meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). Further to this, evidence has been provided to demonstrate that the sought obligations comply with the five pooled contribution limit imposed by Regulation 123 of the CIL Regulations, where it is of relevance. As a result, I have not considered such matters further in my decision.
 3. Shortly after the Inquiry closed, the Council brought to my attention that the examining Inspector's Report into the Council's East Hampshire District Local Plan: Housing and Employment Allocations (the Site Allocations Plan) had been published (15 February 2016). Both parties were given the opportunity to provide comments on the implications of the report. In a similar manner, the
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Council provided a copy of an appeal decision (APP/M1710/W/15/3134150, dated 9 February 2016) and the appellant was given the opportunity to provide representations on the decision. I have taken the above documents into account in my decision and I do not consider that any parties have been prejudiced.

Main Issues

4. As a result of the evidence before me, having regard to the above preliminary matter and the discussions undertaken at the Inquiry, I consider that the main issues of the appeal are: whether the Council can demonstrate a five year housing land supply; the effect of the proposal on the character and appearance of the area; the effect of the proposal on the settlement gap; and whether the proposal constitutes sustainable development.

Reasons

Housing land supply

Context

5. The Government is seeking to significantly boost the supply of housing, as set out in Paragraph 47 of the Framework. Further to this, the Framework at Paragraphs 14 and 49 identifies that there is a presumption in favour of sustainable development. Policy CP2 of the East Hampshire District Local Plan: Joint Core Strategy (the JCS) sets out the spatial strategy for the District, which seeks to direct growth to the most sustainable and accessible locations. The supporting text sets out a development hierarchy and Lindford falls within Level 4, which is described as settlements with a settlement boundary that have a limited range of local services and may be appropriate for some further small scale local development.
6. Policy CP10 of the JCS provides more detail in relation to how and where residential development will be delivered over the plan period. The policy identifies four means in which it will deliver a minimum of 10,060 dwellings over the plan period. The most relevant of these to the proposal are criteria 2 and 4. Criterion 2 sets out that development will be provided within the defined settlement boundaries of towns and villages. Criterion 4 identifies that sites will be allocated at the most sustainable settlements to provide (amongst others) a minimum of 150 dwellings at 'other villages' outside of the National Park, which will be identified through the emerging Site Allocations Plan, the South Downs National Park Authority Local Plan or by Neighbourhood Plans. Policy CP10 of the JCS also goes on to set out that in addition to allocated sites, housing and other small scale development outside of settlement boundaries may be permitted where it: meets a community need and realises a local community aspiration; reinforces a settlement's role and function; cannot be accommodated in the built up area; and has been identified in an adopted Neighbourhood Plan or has clear community support as demonstrated through a process which has been agreed by the local authority in consultation with the Parish or Town Council.
7. The site is located outside of the settlement boundary of Lindford and is considered to be within the open countryside by Policy CP19 'Development in the Countryside' of the JCS. This identifies that there is a policy of general restraint of new development in such areas, unless there is a genuine and

proven need for a countryside location. None of the reasons set out in the policy apply to the proposal. Further, the site is not allocated within the Site Allocations Plan or within a Neighbourhood Plan and there is no evidence of clear community support. Consequently, I consider that the proposal runs contrary to Policies CP10 and CP19 of the JCS. In terms of Policy CP2, the Council has not raised concern that the proposal does not have suitable access to local services and facilities and having regard to the particular wording of the policy, I am of the view that it cannot be considered that the proposal runs contrary to Policy CP2 of the JCS. Although, this does not affect my findings with regard to the more detailed housing distribution Policy CP10 or in relation to Policy CP19 of the JCS.

8. Notwithstanding the above, Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. I consider that Policies CP10 and CP19 of the JCS both relate to the supply of housing. The appellant has contested the Council's view that it can currently demonstrate a five year housing land supply and therefore asserts that its policies that relate to the supply of housing are out-of-date. It was evident from the discussions at the Inquiry, that there is disagreement on a number of the assumptions that the Council has used to calculate its housing land supply. Each of these are considered in turn below.

Buffer

9. The appellant is of the view that the Council has a record of persistent under delivery of housing. The Framework sets out at Paragraph 47 that local authorities should add a buffer of 5% to the land needed to meet housing requirements and that a 20% buffer should be applied where the local authority has a persistent record of under delivery. The Government's Planning Practice Guidance (the PPG) advises that the approach to identifying whether there has been persistent under delivery is a matter of judgement. The buffer is not additional to the housing requirement, but moves some of it forward to ensure choice and competition in the market for housing land.
10. As part of the evidence before me, I have completions dating back to 2003/04, which I consider to be a reasonable basis to consider the Council's previous performance. It is clear that against the housing requirement between 2003 and 2009 of 376 dwellings per annum (dpa), which is based on the appellant's view that the Hampshire County Structure Plan Review (1996-2011) is the most appropriate requirement, that the Council over delivered by some 567 dwellings. Should the Council's preferred requirement of 260 dpa from 2006/07 to 2008/09 as set by the South East Plan (Regional Spatial Strategy), be applied, the over delivery would be much greater.
11. In May 2009, the Structure Plan was superseded by the South East Plan, which as identified above, set out a development plan requirement of 260 dpa for the District. I acknowledge that this excluded Bordon and Whitehill and I note the appellant's view that between 2009/10 and 2010/11 that the requirement should be 444 dpa, which was a figure set out within the Council's evidence presented to the examination of the JCS. However, at the time it was nonetheless the development plan requirement. Against a requirement of 260 dpa for these two years the Council delivered a small surplus. Between

2003/04 and 2010/11 the Council therefore over delivered against the relevant development plan requirement at the time.

12. Since 2011/12, it is accepted that the Council has under delivered against the adopted JCS requirement of 592 dpa. Between 2011/12 and 2013/14 the under delivery was significant, although things did improve in 2014/15, where there was a relatively minor under delivery of 46 dwellings. There are therefore signs of improvement and I am mindful that the JCS was only adopted in 2014.
13. Bearing all of these matters in mind, I consider that despite the more recent record of under delivery, given the Council's oversupply in earlier years against the relevant development plan requirement that the Council does not have a history of persistent under delivery and a 5% buffer should be applied. This conclusion is shared by several of my colleagues in recent appeal decisions in the District¹.

Liverpool or Sedgefield?

14. The level of shortfall to be included in the five year housing land supply calculation is generally agreed between the parties, however, the method of addressing it is in dispute. There are two ways in which the shortfall can be dealt with. The first is to address the shortfall over the entire plan period 'the Liverpool method' and the second is to address the shortfall over the next five years 'the Sedgefield method'.
15. The PPG at Paragraph: 035 (Reference ID: 3-035-20140306) sets out that '*Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible...*'. The Council has referred to the High Court judgement *Bloor Homes v Secretary of State for Communities and Local Government* (2014) (EWHC 754), which sets out that the PPG does not require the Sedgefield method and that in some circumstances the Liverpool method is appropriate. Although the PPG advice post-dates the Bloor Homes judgement and it could be argued that the PPG shows a preference for the Sedgefield method, it does not however demand it. Further, this part of the PPG is related to plan making. Consequently, there is no evidence before me to suggest that the Liverpool method should not be considered appropriate in certain circumstances.
16. The examining Inspector of the JCS applied the Liverpool method and the Council is of the view that this is the most appropriate method given the specific circumstances of the District. The main basis for this view is that there is a strategic allocation within the JCS at Whitehill and Bordon, which would be delivered towards the middle and end of the plan period. It is also worthy to note that the PPG was published after the JCS hearings, but importantly before the examining Inspector's JCS Report. The examining Inspector of the JCS would therefore have been aware of the PPG, when considering that the Liverpool method was appropriate.
17. Further to this and very recently, the examining Inspector for the Site Allocations Plan, dated 15 February 2016, states: '*The Council's Five Year Housing Land Supply calculation (1 April 2015) is based on 'Liverpool' methodology and a 5% buffer. These approaches were considered at the JCS*

¹ APP/M1710/W/15/3060919, dated 12 November 2015 & APP/M1710/W/14/3000999, dated 3 September 2015.

Examination. The reason for adopting the Liverpool methodology was because the strategic sites formed a substantial part of the housing land supply and were expected to deliver over the life of the JCS. That methodology is incorporated in the plan and is apparent in the trajectory set out at Appendix 2 of the JCS. The JCS was adopted less than 2 years ago; the strategic sites still form an important part of the housing strategy. Things have not changed. Therefore, notwithstanding the comments in certain appeal decisions, there is no reason at all to depart from the Liverpool methodology in the calculation of a 5 year supply of housing’.

18. The appellant has set out that the examining Inspector of the Site Allocation Plan is looking at matters from a plan making perspective rather than from a development control one. However, I do not consider that this diminishes the examining Inspector’s views in anyway. I agree that the strategic allocations form a critical part of the Council’s housing strategy and will be delivered towards the middle and end of the plan period. From the evidence that has been put before me, I concur that this position has not materially altered since the adoption of the JCS, which was based on the Liverpool method. It was accepted by the appellant at the Inquiry that the Council’s five year land supply and the assumptions behind it could have been examined in detail by the examining Inspector of the Site Allocation Plan, had he felt it necessary to review the situation.
19. As set out by the examining Inspector of the Site Allocations Plan, a number of appeal decisions², which I have been referred to, have taken the view that the shortfall should be addressed by the Sedgefield method. Unfortunately, I therefore have conflicting views before me on this matter. However, for the reasons I have given above, I am more persuaded by the view taken by the examining Inspector of the Site Allocations Plan. Further, the appropriateness of the Liverpool method was also supported by the Inspector of the appeal decision at 102 Downhouse Road, Catherington (APP/M1710/W/15/3004843, dated 15 September 2015).
20. In conclusion on this matter and for all of the above reasons, I consider that the Liverpool method is appropriate in this case, given the specific circumstances of the Council’s housing strategy and projections.

Disaggregation?

21. The Council is of the view that the housing supply calculations should be approached by separating the total requirement between East Hampshire District Council and the South Downs National Park Authority (SDNPA). The JCS plans for both of these areas and has one overall housing requirement. Although, I acknowledge that a memorandum of understating has been signed to support a disaggregated approach to calculating housing land supply.
22. Up until this time, I accept the appellant’s view that there has been no development plan support for a disaggregated approach, which has been supported by numerous appeal decisions. However, shortly after the Inquiry the examining Inspector’s report for the Site Allocations Plan was published. Commenting on this matter the examining Inspector states ‘*The Council has taken a disaggregated approach to the calculation of the 5 year housing land*

² APP/M1710/A/14/2226723, dated 29 June 2015; APP/M1710/W/14/3000999, dated 3 September 2015; and APP/M1710/W/15/3060919, dated 12 November 2015.

requirement: whilst the JCS housing requirement covers the whole District, the 5 year calculation now only applies to the part of the District outside the SDNP. There are sound reasons for this (see paragraph 8 of this report). Attempting to maintain a whole district approach towards the calculation would be inappropriate in a situation where decisions concerning the supply of housing in a large part of the District lie outside the Council's control'.

23. Paragraph 8 of the examining Inspector's report identifies that the SDNPA is now producing a Local Plan for the whole National Park which is programmed to be adopted in June 2017 and will then supersede the JCS for its area. This explains the difference between the plan periods covered by the JCS and the Site Allocations Plan on one hand and the SDNPA's proposed plan on the other, and also accounts for the fact that the Site Allocations Plan does not include the National Park Authority area and takes a disaggregated approach to the assessment of housing land supply.
24. Given the examining Inspector's view above, that the Site Allocations Plan now carries very significant weight and that there is no evidence before me to suggest that the Site Allocations Plan will not be adopted in line with the recommendations of the examining Inspector, I consider that there are now demonstrable reasons why a disaggregated approach should apply. In any event, I am mindful that this matter makes only a marginal difference in the overall housing land supply picture.

Conclusion for housing land supply

25. I have found that a 5% buffer should apply, that it is appropriate in this case for the Council's shortfall to be addressed by the Liverpool method and a disaggregated approach should apply. On this basis, the Council is of the view that it can demonstrate a housing land supply of 6.44 years (ID17). Using the same assumptions, the appellant accepts that the Council can demonstrate a housing land supply of 5.43 years (ID17). The difference is related to disputes on individual supply sites. Matters relating to the supply of sites are therefore not decisive and I have not considered them any further.
26. Given the above, the Council can suitably demonstrate a five year housing land supply and its policies that relate to the supply of housing are not out-of-date. As a result, the more onerous test set out in Paragraph 14 of the Framework that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, does not apply. The proposal runs contrary to Policies CP10 and CP19 of the JCS, namely due to its location outside of the settlement boundary. As a result, the proposal does also not accord with the plan-led approach advocated in Paragraph 17 of the Framework.
27. However, I must stress that the presence of a five year housing land supply should not act as a cap to the delivery of further sustainable development, particularly as the Council's requirement is a minimum. Therefore, I consider that whilst the proposal's conflict with Policies CP10 and CP19 of the JCS weigh against the proposal, it is not sufficient in its own right, to refuse the appeal. Further consideration is necessary to determine whether the proposal constitutes sustainable development, having regard to the benefits of the scheme.

Character and appearance

28. The appeal site is located along Headley Road and is currently an agricultural field. The site itself is open, but I observed that there are strong site boundaries, created by mature vegetation. There is open land to the east and south, which along with the appeal site, is designated as a settlement gap under Policy CP23 of the JCS. The built up area of Lindford lies immediately to the west of the appeal site on the opposite side of Headley Road. To the north is Hatch House Farm, which includes a Grade II listed building and its associated curtilage, with open agricultural land beyond, which also forms part of the designated settlement gap. A Public Right of Way (PROW) runs immediately adjacent to the eastern boundary of the site. The topography rises to the west and east of the appeal site, which limits the appeal site's visibility in the wider area. The landscape setting of the appeal site is therefore relatively contained. The site does not have any landscape designations.
29. The Statement of Common Ground (the SOCG) sets out that the Council is content that the layout and design of the dwellings themselves are suitable in terms of their local context and whilst acknowledging the concerns of several local residents in this regard, I agree with this view. This is because I observed that there are a variety of architectural styles, materials and dwelling layouts in the surrounding area. The Council's concern relates to the effect of the proposed development of the appeal site for housing on the landscape of the area.
30. The East Hampshire District Landscape Character Assessment (2006) identifies the site as falling within the 'Wealden Farmland and Heath Mosaic' landscape type and within landscape character area 8c, the 'Whitehill to Liphook Farmland and Heath Mosaic'. The parties generally agree that the appeal site is typical of the key characteristics of the landscape character area, which is set out as small to medium fields of pasture, paddock and rough grazing, with a Framework of ancient woodlands and wood pasture.
31. The Council is of the view that the landscape should be considered as 'valued' in terms of the Framework. There is no definition in the Framework that sets out what a valued landscape constitutes. However, I consider that to be of value, the landscape needs to be something more than ordinary. It was clear from the evidence given at the Inquiry by interested parties that the landscape is of local importance. However, given my observations on the site visit and the contained nature of the appeal site, I am not of the view that the appeal site forms part of a 'valued landscape' that would benefit from the specific protection of Paragraph 109 of the Framework.
32. The proposal would result in the urbanisation of a currently open field. Consequently, there will be a loss of openness that contributes to the rural setting of the settlement edge in this location. There would be a significant change to the site itself and to the immediate area, where numerous local viewpoints are gained. This in itself would result in some harm to the rural setting of Lindford in the vicinity of the appeal site, although it would be localised.
33. I observed that the existing settlement in this location is contained by Headley Road, which provides a strong settlement boundary. I acknowledge that such a feature is unusual for Lindford, where in most other parts the settlement boundary is defined by the back gardens of dwellings. Nonetheless, it is a

- feature of the immediate area that in my view significantly contributes to the character and appearance of the area. When travelling along Headley Road within the vicinity of the appeal site, one is aware that you are on the defined edge of the settlement, with built development on one side and open countryside on the other.
34. The proposal would result in significant built development extending over the visually strong settlement boundary formed by Headley Road and would in my view appear as an urban extension encroaching into the open countryside, although I accept that the harm in this regard is somewhat contained by the rising topography to the east. Nonetheless, this would be experienced from Headley Road and the small section of Mill Lane to the south of the appeal site.
35. At the Inquiry, the Council provided drawings that illustrate the ground levels within the site and those along Headley Road. It is evident that in many instances the ground floor levels of the proposed dwellings would be raised above the existing appeal site levels by up to 1 metre and above the level of Headley Road. The Council is of the view that this would add to the visibility of the proposal. Whilst I note such concerns, it was evident from my site visit that the dwellings on the western side of Headley Road, directly opposite the appeal site are situated on raised land and above the highway. Consequently, I am of the view that the raised floor levels would not appear unacceptably dominant when viewed from Headley Road. Although, this does not affect my other findings.
36. In terms of the PROW that runs along the eastern boundary of the appeal site, there would be evident views through the boundary vegetation of the proposed dwellings at close quarters. This would alter the existing character of the PROW, however, views are currently gained of the existing dwellings along Headley Road and consequently, I consider that any harm to its amenity value would be very minor.
37. To conclude on this matter, the proposal would result in the urbanisation of the currently open appeal site and would extend significant built development over Headley Road that would encroach into the open countryside. This would result in harm to the character and appearance of the immediate area around the appeal site and conflicts with Policy CP20 'Landscape' of the JCS. However, the area is well contained from the wider landscape and the identified harm is localised. Further, overtime the proposed additional planting and strengthening of the mature boundaries of the appeal site would soften the appearance of the proposal. Consequently, I consider that the identified harm carries a lower level of weight against the scheme.

Settlement gap

38. As set out above, the site forms part of a settlement gap allocated under Policy CP23 of the JCS between Lindford and Headley. Policy CP23 of the JCS seeks to protect against coalescence between settlements to retain their separate identities. The policy sets out that development will only be permitted in the gap where: a) it would not undermine the physical and/or visual separation of settlements; b) it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development; and c) it cannot be located elsewhere. The supporting text establishes that the designated gaps '*have not been defined for the express purpose of protecting the countryside or landscape, but rather as a planning tool designed to shape*

the patterns of towns and villages. A clear break between settlements helps to maintain a "sense of place" for residents of, and visitors to, the communities on either side of the gaps. When passing from place to place (by all forms of transport) these gaps give recognisable structure to a group of settlements, establishing in travellers' minds that they have left one settlement before they arrive somewhere else.'

39. The appellant has set out that the gap is approximately 520 metres wide and this would be reduced to some 492 metres as a result of the proposal, a reduction of approximately 6.3%. I accept that in purely numerical terms this would not be a significant physical reduction. However, this ignores how the appeal site is viewed in the surrounding area and the nature of the contribution that it makes to the gap. During my site visit, I walked the gap in both directions to understand the contribution that each part of the gap plays in how the gap is experienced when travelling between Lindford and Headley. As one travels past the appeal site towards Headley along Mill Lane, the road goes through a cut, which has commonly been referred to as the 'tunnel' in the appeal evidence.
40. It is evident when exiting the 'tunnel' towards Headley that in most locations there is visible development and paraphernalia, associated with the large Mill Lane Farm Shop, residential dwellings and their curtilages and the playing field. Further, I understand that the field to the west of the existing playing field is allocated for recreational purposes. Whilst I have no information on the exact nature of the allocation, there could well be some associated built development and paraphernalia linked to any recreational use. In my view, the presence of these features, particularly the Farm Shop means that there is not a particularly strong settlement boundary or clear break on the western side of Headley. I also observed that there is mature vegetation along Mill Lane that restrict views into the wider gap.
41. In contrast and as set out above, there is a strong and defined settlement boundary on the Lindford side of the gap, which is formed by Headley Road. When travelling to the south along Headley Road adjacent to the appeal site, it is clear that you are travelling along the settlement boundary and with views of open countryside extending to your left, it is very clear at this point that you are leaving the settlement. This is in despite of the constrained views to the east.
42. When travelling from Headley towards Lindford and exiting the bottom of the 'tunnel', views are gained along the entire length of the appeal site and the adjoining field to the east. Given the nature of the rest of the gap, described above, I consider that the open nature of the appeal site, the opens views that can be gained and the strong adjoining settlement boundary created by Headley Road, all increase the importance of the appeal site to the gap, despite the fact that the parts of the gap each side of the 'tunnel' are not visible together.
43. I acknowledge that the 'tunnel' is a significant feature of the gap and due to its nature does give an impression that you are leaving one place and arriving at another. However, the settlement gap allocation is much greater in scale than the length of the 'tunnel' and in my view does not diminish the important contribution that the appeal site makes to the gap.

44. For all of the above reasons, I consider that the development of the appeal site would harm the visual separation and integrity of the gap, as well as its integrity, by removing one of the limited truly open sites within the gap and eroding the strong settlement boundary created by Headley Road, which creates a sense of place. The proposal therefore conflicts with criteria a) and b) of Policy CP23 of the JCS.
45. Turning to the final criterion of Policy CP23 of the JCS, it is unclear what the policy expressively means by 'cannot be located elsewhere' and this was debated heavily at the Inquiry. It was discussed whether this should be in relation to the District as a whole, within another Level 4 settlement, in line with the requirement of Policy CP10 of the JCS for a minimum of 150 dwellings to be delivered at 'other villages' outside of the National Park or finally within Lindford itself. The appellant has also set out that they consider that this part of the policy relates to the supply of housing and should be considered out-of-date. Although, given my findings in terms of housing land supply, this point is not of relevance.
46. I have determined that the Council can comfortably demonstrate a five year housing land supply, which I consider to be particularly relevant to this matter. It is therefore clear that housing could be located elsewhere in the District to sufficiently provide a five year supply of housing land without the proposal. In relation to another interpretation, the Council has provided details (ID5) that demonstrates that the minimum 150 dwellings sought by Policy CP10 of the JCS at 'other villages' outside of the National Park can be delivered by the sites allocated within other Level 4 settlements in the Site Allocation Plan and the emerging Bentley Neighbourhood Plan. Indeed, the identified allocations could provide up to 176 dwellings. Both of these documents are at an advanced stage and the appellant accepted at the Inquiry that the Site Allocations Plan attracts significant weight. Given that the examining Inspector's Report has now been published, I consider that the Site Allocations Plan now attracts very significant weight.
47. The final interpretation relates to whether housing could be located elsewhere in Lindford. The appellant's closing submissions (ID29) consider that this is easily satisfied, as the vast majority of the area surrounding Lindford is covered by the settlement gap policy, with only an area to the north around Oliver's Farm free from such constraint, but is within the floodplain. However, this approach ignores possibilities for new housing within the settlement boundary and I have not been provided with any substantive evidence that has considered this matter. Therefore, from the evidence that I have before me, I consider that the proposal conflicts with criterion c) of Policy CP23 of the JCS, in relation to all of the differing interpretations discussed at the Inquiry.
48. In conclusion on this main issue, I consider that the proposal would cause demonstrable harm to the settlement gap and conflicts with each of the criteria set out within Policy CP23 of the JCS. This weighs heavily against the proposal.

Sustainable development?

49. The Framework identifies that there are three strands to sustainable development: social, economic and environmental. The proposal would result in social benefits through the provision of 33 dwellings, of which 13 would be affordable units. I acknowledge that there is a demonstrable need for affordable housing in the local area and in the District as a whole. However,

the Council's housing land supply does include the provision of affordable housing to meet the identified needs of the District. Further, a significant level of the affordable housing would be delivered at the Whitehill Bordon allocation, which is located a short distance (approximately 2 km) from the appeal site. I agree with the Council that this reduces the weight that can be afforded to this benefit of the scheme. There will be some economic benefits associated with the construction of the dwellings and from the future spending of future occupants, these would include the payment of the new homes bonus to the Council and the payment of Council Tax. Although, these economic benefits would be fairly modest. Given this and my findings in terms of housing land supply, I consider that the social and economic benefits carry a moderate level of weight in favour of the scheme.

50. The appellant has set out a number of other benefits, however, it is clear that these largely relate to mitigation measures, which are delivered by the Section 106 agreement or could be secured through planning conditions, to make the development acceptable in planning terms. Consequently, with the exception of ecology, where I consider that there will be some minor enhancement, such provisions should not be regarded as benefits.
51. In terms of the environmental role, whilst there will be some minor ecological enhancements, I have found that the proposal will cause harm to the character and appearance of the area, which carries minor weight against the proposal. Of much more significance, however, is the identified harm that would be caused to the local gap and the subsequent development plan conflict. In addition, the proposal does not comply with the Council's spatial strategy for new housing and conflicts with Policies CP10 and CP19 of the JCS, which relate to the distribution of housing and countryside protection. As a result, the proposal does also not accord with the plan-led approach advocated in Paragraph 17 of the Framework.
52. There have been significant concerns raised with regard to drainage and flood risk by interested parties. At the time of determining the planning application the Council considered that it did not have sufficient information on the matter and included a reason for refusal to that effect. However, since this time, the appellant has produced additional evidence and a SOCG on drainage matters has been agreed. This sets out that after significant discussions, the Council accept that a suitable drainage strategy can be achieved for the site. Whilst I observed standing water on the appeal site and acknowledge the many photographs provided, as well as the personal views of those who gave evidence at the Inquiry, I have not been provided with any technical evidence to support the concerns of interested parties. Consequently, I agree with the appellant and the Council that a suitable drainage scheme can be delivered and the proposal would not result in any increased flood risk, both to the appeal site and to the surrounding area.
53. I acknowledge that the proposal is considered to be acceptable in all other regards. However, the acceptability of the proposal in terms of matters such as highways, drainage and flood risk, ecology (including the Special Protection Area), protected trees, heritage, living conditions, housing mix, contamination and suitable access to local services and facilities, etc, are in my view matters of neutral weight.

54. On balance, I consider that the benefits of the scheme individually or in combination are not sufficient to outweigh the totality of the identified environmental harm and the associated development plan conflict. As a result, I conclude that the proposal does not represent sustainable development and does not comply with the development plan when considered as a whole. The proposal therefore runs contrary to the Framework, when read as a whole and also Policy CP1 of the JCS that relates to the presumption in favour of sustainable development.

Other matters

55. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

56. The appellant has placed significant weight on the findings of the Council's Planning Officer Report (POR) and its recommendation for approval. However, whilst I fully accept that it was comprehensive, I am mindful that the POR is based on the opinion of the case officer and was not one which the Planning Committee members shared. Further, it is evident that the POR was prepared at a time when the Council accepted that it did not have a five year housing land supply. I accept that this would not affect the views expressed in the POR in terms of the character and appearance of the area or the settlement gap, but for all of the reasons given above and on the evidence before me, I have come to a different conclusion.

Overall Conclusion

57. For the reasons set out above and having regard to all other matters raised, the proposal does not represent sustainable development and does not comply with the development plan when considered as a whole. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tim Leader of Counsel

Instructed by Nick Leach of
East Hampshire District Council

He called:

Jon Etchells

Jon Etchells Consulting (Landscape)

Simon Wood

Urban Vision Partnership Ltd (Planning)

Ian Mawer

East Hampshire District Council (Housing
Land Supply)

FOR THE APPELLANT:

Sascha White QC

Instructed by Neame Sutton Ltd

He called:

Duncan McInerney

EDP (Landscape)

David Neame

Neame Sutton Ltd (Planning & Housing Land
Supply)

INTERESTED PERSONS

Andrew Morris

Bewley Homes (In support of the appellant)

Mike Shepherd

Sentinel Housing (In support of the
appellant)

John Burton

Headley Parish Council

Ann Hurst

Local Resident

Anthony Williams

District Councillor (Headley and Headley
Down)

Yvonne Parker Smith

District Councillor (Lindford)

Andrew Luff

Local Resident

Leonard Ornsby

Local Resident

Kay Hawkes

Local Resident

Richard Ellis

Local Resident

Phil Barr

Local Resident

Kenneth Barnes

Local Resident

Margaret Dickson

Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Signed and dated Section 106 Agreement, submitted by the appellant.
2. Guidelines for Landscape and Visual Impact Assessment (Third edition), submitted by the appellant.
3. EHDC comments on the disputed sites detailed in Appendix 6 and 7 of the appellants Housing Land Supply Technical Paper, submitted by the Council.
4. Summary of recent Appeal Decisions in relation to five year housing land supply, submitted by the Council.
5. Housing Allocations and Commitments in the villages North of the SDNP, submitted by the Council.
6. Two plans showing site levels, submitted by the Council.
7. The East Hampshire District Local Plan: Joint Core Strategy (June 2014), submitted by the Council.
8. Opening submissions of the appellant.
9. Opening submission of the Council.
10. Footpath User Survey by EDP, submitted by the appellant.
11. Proposed Submission East Hampshire District Local Plan: Housing and Employment Allocation (April 2015), submitted by the Council.
12. Submissions of Councillor Anthony Williams.
13. Photos of appeal site, provided by Councillor Yvonne Parker Smith, on behalf of a local resident.
14. CIL Compliance Statement, submitted by the Council.
15. Suggested List of Planning Conditions, submitted by the Council.
16. Full copy of Guidelines for Landscape and Visual Impact Assessment (Third edition), submitted by the appellant.
17. Updated Statement of Common Ground on Housing Land Supply, submitted by the appellant.
18. Lindford Proposals Map, submitted by the appellant.
19. Appeal Decision – APP/M1710/W/15/3012061, dated 1 October 2015, submitted by the Council.
20. Appeal Decision – APP/M1710/W/15/3004760, dated 20 October 2015, submitted by the Council.
21. Appeal Decision – APP/M1710/A/14/221671, dated 19 June 2015, submitted by the appellant.
22. Taylor Wimpey Annual Report and Accounts 2014, submitted by the appellant.
23. Two emails from Ed Mackenzie Smith, submitted by the appellant.
24. Submissions of local resident Richard Ellis.

25. Submissions and photos of local resident Phil Barr.
26. Taylor Wimpey `Half Year Results for the Period ended June 2015), submitted by the Council.
27. Lindford Parish Council website page, submitted by the Council.
28. Closing Statement for the Council.
29. Closing Statement for the appellant.

Richborough Estates