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## Appeal Decision

Inquiry held on 12-15 April 2016

Site visit made on 15 April 2016

**by Christina Downes BSc DipTP MRTPI**

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

**Decision date: 04 May 2016**

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**Appeal Ref: APP/M1710/W/15/3129981**

**Poultry Farm, Chitley Lane, Liphook, Hampshire**

- 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 Bloor Homes (Southern) against the decision of East Hampshire District Council.
  - The application Ref 22789/006, dated 16 May 2014, was refused by notice dated 15 January 2015.
  - The development proposed is change of use of agricultural land, demolition of existing buildings and the erection of 100 residential dwellings and associated public open space.
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### Decision

1. For the reasons given below, the appeal is dismissed.

### Procedural Matters

2. As a result of ongoing discussions with Hampshire County Council as Highway Authority, an amended Site Layout has been submitted. This plan included minor changes to parking arrangements, turning facilities and garage locations (Drawing No: SO810-SL-001H). There were no objections to these changes and I am satisfied that they would cause no prejudice to anyone's interest or materially alter the nature of the development. I shall therefore determine the appeal having regard to this plan. The other plans are as set out in Section 3.5 of the Statement of Common Ground.

### Reasons

3. There is no dispute that the appeal site adjoins, but lies outside, the settlement boundary of Liphook and is within an area designated in the development plan as countryside. Furthermore, there is no disagreement that the proposal would conflict with saved Policy H14 in the *East Hampshire District Local Plan: Second Review 2006* (LP) and Policy CP19 in the *East Hampshire District Local Plan: Joint Core Strategy 2014* (JCS). These policies restrict development in the countryside to that for which a rural location is necessary.
4. *The National Planning Policy Framework* (the Framework) does not change the statutory requirement to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. It establishes that housing applications should be determined in accordance with the presumption in favour of sustainable development. Paragraph 14 explains how the presumption in favour of sustainable development is applied. If

development plan policies are “out of date”, Paragraph 14 says that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 49 states that relevant policies for the supply of housing will not be considered up-to-date if the Council is unable to demonstrate a five-year supply of deliverable sites.

### ***Contribution to housing requirements***

#### *Planning policy context*

5. The Council’s housing land supply was recently considered at the examination of the *East Hampshire District Local Plan: Housing and Employment Allocations* (Allocations Plan), which was adopted on 7 April 2016. In finding the Allocations Plan sound, the LP Inspector was satisfied that the Council was able to demonstrate a five year supply of deliverable housing sites. The *Planning Practice Guidance* advises that the local plan process is a better arena for investigating this issue than an appeal because a wider picture can be considered rather than the evidence of a single Appellant contesting the Council’s position. From the available information it is difficult to determine the extent to which developers were invited to participate in the debate at the hearings sessions of the examination. On the other hand the Allocations Plan Inspector also had their written representations, which could reasonably have been expected to express perceived shortcomings in the Council’s housing land supply (HLS) position.
6. In the situation where a plan has been very recently adopted and the five-year HLS was found to be soundly based, I can appreciate that questioning of the position through the appeal process can be demoralising for the Council and confusing for the local community. The Framework and the Planning Practice Guidance generally endorse annual updates but circumstances can change and the decision maker has to address the evidence that has been given. In this case, it amounted to a very detailed critique of the Council’s HLS calculations and it would risk being unlawful not to give it proper consideration.

#### *Five-year HLS*

7. The Appellant disagreed with the Allocations Plan Inspector in relation to the use of the Liverpool approach for recovery of the shortfall and the use of disaggregated figures for the JCS area in assessing the housing requirement and supply. This was discussed at some length at the Inquiry but there is no need for me to reach a conclusion on these matters. This is because they are not critical to either party’s case on whether a five year HLS can be demonstrated.
8. As was made clear in the Gallagher High Court judgement<sup>1</sup>, the housing “requirement” will be the “policy on” figure and it is this on which housing supply should usually be assessed. This is different to the full objectively assessed housing need (FOAN), which does not generally take into account policy considerations. The JCS Inspector was clearly very concerned about the affordable housing need in the district, which justified setting a housing requirement in excess of demographic projections. However, he made clear that if all affordable housing needs were to be satisfied there would have to be

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<sup>1</sup> Gallagher Homes Limited, Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin).

unrealistic levels of growth, well in excess of forecast household and economic projections. It is unclear from his Report what the JCS Inspector considered the FOAN to be. However, his figure of 10,370 dwellings (610 dpa) appears to be a lower figure that he thought would be achievable. The 10,060 dwellings (592 dpa) that was being proposed in the submission version of the plan was not considered to be significantly different by the JCS Inspector on the basis that forecasting need is far from being an exact science. The JCS Inspector was satisfied that the evidence supported the lower figure as the minimum number of homes to be provided over the plan period.

9. Policy CP10 in the JCS is thus expressed in these terms. If this can be met then it represents the lowest quantum of housing that the district needs to provide to meet its "policy on" housing requirement. The Allocations Plan Inspector clearly took 10,060 dwellings as his requirement figure for the five-year HLS assessment. He reconciled the higher 10,370 dwelling figure as reflecting the desirability in the JCS for a modest degree of provision above the minimum. Indeed the JCS housing trajectory shows completions above the minimum at various points, especially during the latter part of the plan period and it was found sound on this basis. In all of the appeal decisions referred to by the parties relating to housing development in the district, 592 dpa was used as the requirement for the HLS assessment.
10. It should be made clear that the use of this minimum figure for the purposes of the HLS calculation does not preclude higher delivery or justify refusing to permit sustainable housing schemes. That is not how the development plan is expressed and indeed it is not what the Framework expects. However, for the purposes of the assessment of whether or not the Council can demonstrate a five-year supply, it is my opinion that it is reasonable to start with a requirement based on 592 dpa or 2,960 dwellings over the 5 years. To this will need to be added the backlog and the buffer. There is no dispute that a 5% buffer is appropriate in this district. On the Appellant's own assessment with a 592 dpa requirement, there would be a 5.06 year HLS.
11. There were also disagreements between the Council and the Appellant on deliverability of the housing supply. This was a matter addressed by the Inspector in the appeal decision for 40 dwellings at Blendworth Lane, Horndean. However this decision and its conclusions were specifically considered by the Allocations Plan Inspector at the examination in late 2015. His conclusions provide a more recent position and should only be set aside if there is a firm evidential basis for doing so.
12. Whitehill & Bordon is the Council's major strategic site and Policy CP10 anticipates that 2,725 of its 4,000 dwellings will be delivered over the plan period. However, the Appellant considered that the delivery programme, which indicates that 246 dwellings would be provided at Louisberg Barracks and 280 dwellings at Bordon Garrison over the next five years, is overly ambitious. Whilst the Council conceded that the delivery programme was challenging, it was confident that it could be achieved. This strategic site is an important constituent of the Council's housing supply and from what I heard there is the political will and community support for delivery to meet expectations.
13. The strategic site attracts Government funding through the national communities housing programme. Housing Zone status has also been awarded and this seeks to accelerate housing delivery. A Planning Officer has been

assigned solely to oversee the development management of Whitehill & Bordon. The Council's witness gives regular support to this officer and I consider that his detailed knowledge is important and provided well informed and up-to-date evidence. There was also recent information about progress on Louisberg Barracks and Bordon Garrison from the Agents acting on behalf of the developers. The Planning Practice Guidance indicates that the advice of such people will be important in assessing lead-in times and build-out rates.

14. At Louisberg Barracks there has been some slippage with the construction of the relief road since the Allocations Plan examination. However, I was told that the reserved matters application would be approved shortly under delegated authority and that many of the other conditions have been discharged. Some pre-commencement conditions remained but the Council did not envisage that they were particularly complex. It is expected that show homes would be open in the Autumn with completions of houses for sale from February 2017. The Agent expected delivery thereafter to be at a rate of 100 dpa. This is higher than that anticipated at the Allocations Plan examination but, in any event, the Council has not adopted such high build rates in its forecast of supply from this site. The main difference between the parties is the extent of delivery in 2017/18. Whilst I appreciate that the Appellant believes that only a small number of units will be built, it seems to me that the programme identified by the Council would be achievable on the basis of the evidence presented.
15. At Bordon Garrison there are a number of pre-commencement conditions and also details that have to be agreed before reserved matters can be submitted. On the latter matter, I was told that the Structuring Plan was ready for a decision and that there was a timetable for submission of the Design Codes and Phasing Plan. The reserved matters application is anticipated by June 2016 and I understand that there had already been a number of meetings with the developer. The Council recognises that the programme will be challenging and I consider that its anticipation of houses being delivered in 2016/17 is likely to be rather optimistic. Indeed, the latest information from the Agent is that first occupation is likely to be in June 2017. Nevertheless, the Council has generally taken a more cautious approach than the developer to the build rates over the five year period. I am satisfied, from the available information, that forecast delivery in the region of 280 dwellings by 2020 would not be unachievable.
16. It is acknowledged that there will be a large number of new dwellings being marketed simultaneously as the new town of Whitehill & Bordon progresses. However, this is to meet an identified housing requirement and there is no evidence to support the Appellant's contention that there could be market saturation resulting in delivery being scaled back. On the basis of the information I have been given I do not consider that the hurdles are insurmountable or that there is sufficient reason at the present time for diverging from the delivery anticipated by the Council and the Allocations Plan Inspector. On the basis of these two sites alone there would be a further 246 dwellings to be added into the Appellant's supply. Even on the scenario of a requirement of 610 dpa and all the Appellant's other assumptions, there would be a five-year HLS. There are several other disputed sites but, in view of this conclusion, it seems unnecessary to consider them further.
17. For all of the above reasons it is concluded that the Council is able to demonstrate that it has a supply of deliverable sites to meet its housing requirement over the next five years. This means that its housing supply

policies are not out-of-date and that the appeal proposal should be determined in accordance with those policies, unless material considerations indicate otherwise.

### *Affordable housing*

18. The high level of affordable housing need in East Hampshire District was identified in the 2013 Strategic Housing Market Assessment, which formed part of the evidence base to the JCS. Policy CP13 establishes a target of 40% on sites other than the Whitehill & Bordon strategic site, where there is a target of 35%. On the basis of 275 dpa, which the JCS Inspector considered to be an underestimate of affordable need in the district, the evidence shows that there has been a significant under provision over the plan period thus far. Policy CP13 is subject to considerations of viability and not all sites will be able to provide at the policy level, including the strategic site at Whitehill & Bordon. Furthermore, at the local level there have been no affordable homes delivered in Liphook over the last five years, despite there being a local need. Affordable homes will come forward through the allocated site at Loseley Farm but, even so, the contribution from the appeal proposal would be a significant benefit.

### ***The effect of the proposal on the spatial strategy for housing***

19. Policy CP2 in the JCS provides the overall spatial strategy and directs growth to the most sustainable and accessible locations. The supporting text explains that most development will be focused on or adjoining the most sustainable towns and villages. Policy CP10 establishes the spatial strategy for housing and the requirement of 10,060 dwellings over the plan period is expressed as a minimum. There is no cap or ceiling on housing numbers and the policy is constructed to permit more than the minimum number of dwellings, which is in accordance with the Framework's objective to boost significantly housing supply. In Liphook, which is designated as a Large Local Service Centre, a minimum of 175 dwellings is to be provided. The Allocations Plan has determined that this will be through a single greenfield site at Loseley Farm, which I understand has recently received planning permission.
20. The Appellant contended that in Four Marks and South Medstead planning permission has been granted for a great deal more housing than the minimum allocation of 175 dwellings. The circumstances pertaining to these permissions are not known. However, I note that in the Allocations Plan there are three sites which account for about 237 dwellings. This indicates that development is being enabled through the plan-led system beyond the minimum requirement.
21. With regards to Liphook, the Allocations Inspector did not consider it necessary or desirable to allocate further sites other than Loseley Farm. It is appreciated that the reason for this appears to be constraints such as the proximity to the Wealden Heaths Special Protection Area Phase II and the tight and congested road layout in the centre of the village. In the case of the present appeal these constraints could be overcome for the reasons given later in the decision. Nevertheless, when the Allocations Inspector considered the appeal site he did not believe that it offered obvious advantages over the site that the Council had selected. At present there is no Neighbourhood Plan for the village although one is to be prepared in due course. Policy CP10 would allow further housing to be allocated through that route or indeed through a review of the Allocations Plan. For these reasons, the appeal proposal would not accord with the first four provisions of Policy CP10. It is clear from reading the JCS

Inspector's Report that the requirement to look first at opportunities within settlement boundaries is directed to those allocating sites and does not endorse a sequential approach whereby greenfield sites cannot be released in advance of brownfield land. Indeed such an approach would fail to accord with Framework policy.

22. Policy CP10 also permits other circumstances where housing may be favourably considered outside settlements. Apart from rural exception sites and housing associated with rural activities it allows housing and other small scale development, subject to four criteria. The policy does not state whether the intention is for this provision to provide for smaller housing developments. I agree with the Council that it would be logical for the allocations to provide for the bulk of the requirement and for the last part of the policy to provide further flexibility for provision above the minimum that the community may wish to support. However, the wording of the policy does not actually say this so there is no reason in principle why it would not be applicable to a proposal for 100 houses.
23. The first three criteria would be met by the appeal scheme, taking account of the proposed provision of affordable housing, the economic benefits and the lack of alternative sites within the built up area. There is no requirement that these should be subject to community agreement. However, the fourth criterion requires that there is clear community support through a process agreed by the Council in consultation with the Parish Council. It is acknowledged that the Parish Council has not objected but there has been no process of consultation in the way that the policy requires. The Appellant complained that this was a provision that was impossible for it to meet. I appreciate that the planning application was submitted when the Council's Interim Housing Policy Statement was still in operation. However, this document was withdrawn in January 2015 and its provisions are not relevant now. The way that this criterion is worded may indicate that the intention is to encourage community-led schemes rather than developer-led proposals. Whatever the position it is quite clear that the Appellant has failed to demonstrate compliance with this part of Policy CP10 and this is not disputed.
24. I thus conclude that the spatial housing strategy does allow for housing over and above the minimum. However, the purpose of Policy CP10 goes well beyond housing numbers as it also sets out how the plan considers that sustainable housing development should be achieved. For the reasons given, the appeal proposal does not accord with this Framework-compliant and recently adopted policy. The conflict with Policy CP10 seems to me to be a matter of considerable importance.

### ***Effect on the character appearance of the area***

25. The Council has not objected to the appeal proposal on the basis of landscape or visual impact although it did refer to the harmful loss of a greenfield resource at the Inquiry. Whilst this is a field on the settlement edge it is currently used as a poultry farm. On the southern section there are two large poultry houses, feed silos and areas of hardstanding. There is also a vacant dwelling but this is excluded from the appeal site. The northern part is mainly open grassland, apart from a derelict poultry shed. The site slopes gently down in a northerly direction where it is bounded by the railway line, beyond which is an area of housing. There are open fields to the east and Chiltley Lane

adjoins to the south. The site is relatively well contained with mature boundary hedgerows and trees, several of which are protected by Tree Preservation Orders. The vegetation is particularly dense along the sunken Chiltley Lane allowing only limited glimpses into the appeal site.

26. The land is outside, but close to, the boundary with the South Downs National Park. However, I am satisfied that due to the intervening distances, landform and vegetative cover, there would be no adverse impacts on the natural beauty of that designated landscape or its setting. Although there are many local objections to the loss of this greenfield site, I do not consider that it falls within the scope of a valued landscape within the terms of Paragraph 109 of the Framework. At present its open rural character is diminished by the development associated with the existing use. There are views into and across the site, but generally public viewpoints are restricted. There would therefore be a degree of visual and landscape harm and conflict with Policy CP19 in the JCS. However, the actual harm that would ensue would be limited and localised.
27. The new road access to the appeal development would be through the Berg Estate. This is a low density residential area that has been designated as an Area of Special Character under saved Policy H9 of the LP. Detached houses stand well back from the meandering estate roads within an open and verdant setting of mature specimen trees, hedges, lawned frontages and shrubbery. Saved Policy H9 includes controls on new development that aim to maintain the special character of places such as this. However, the policy provisions only apply to the estate itself and it would not be correct to apply its principles to the appeal scheme. This would have an altogether different character with a higher density and more enclosed pattern of built development. Public views from the Berg Estate would be limited to the area around the new access at the eastern end of Willow Gardens. There would be additional traffic movements along the estate roads but these would not be sufficient to have a significant impact on the Area of Special Character or conflict with saved Policy H9.

### ***Whether the location would be accessible***

28. Liphook is recognised as being a sustainable settlement and is defined as a Large Local Service Centre in the JCS. Not all residents are able to access all village facilities on foot. In the case of the appeal site the main advantage is that the station, some local shops, the doctors' surgery and dental practice would be within a relatively easy walk for most people. I undertook this journey myself and found that it took around 12-14 minutes along a pleasant route through the Berg Estate. Once on Midhurst Road there is a footway and a pedestrian bridge crossing the railway. A contribution would be made for improvements to the station access, which could include a new zebra crossing north of the railway bridge or a ramp from the bridge onto the southbound platform station. There are also cycle racks at the station and a cycle trip would take around 5 minutes from the appeal site.
29. Although it would be possible to walk to the primary school this is north of The Square and it seems unlikely to be a popular modal choice. This is therefore likely to be a car-based journey although it may be combined by some people with another trip, for example to work. Bohunt secondary school is slightly closer and older children may be more inclined to walk or cycle.

30. There are no buses presently running through the Berg Estate. The 250 service currently stops at Gunns Farm on the western side of Midhurst Road and travels north to the station, stopping also at the Sainsbury's superstore and the village centre. However, it only runs three times a day during the morning and on three days a week. As part of the appeal proposal this service would be extended to run on five days a week with an extra early afternoon service. The route would be extended into the Berg Estate with a bus stop in the vicinity of Shepherds Way. Whilst the existing bus stop would be relocated from Gunns Farm to Midhurst Road I do not consider that this is likely to cause major inconvenience to existing residents. The bus would therefore not only serve new occupiers but also those living on the Berg Estate. Whilst it would remain a restricted service it would provide an alternative travel choice for some people. The introduction of a Travel Plan would also have some potential to encourage modal shift away from the private car although due to the location of the site this is likely to be limited.
31. There is no doubt that many trips would be undertaken by car. Nevertheless, there are opportunities for some day-to-day journeys to be undertaken by alternative modes. To my mind this is little different to many residential areas in Liphook, including the allocated site at Loseley Farm. In the circumstances I conclude that the appeal site is within a reasonably accessible location.

#### **Other matters**

32. Two Planning Obligations by Unilateral Undertaking were submitted and I am satisfied that they are fit for purpose. These contain covenants relating to the highway improvement works, the extension of the bus service, the management and maintenance of the Strategic Area of Green Space (SANG), the management and maintenance of the open space on the site and the Travel Plan. These obligations were discussed in detail at the Inquiry and I am satisfied that they are necessary and fairly related to the development and thus meet the requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. Furthermore, the Council confirmed that there were less than 5 other obligations relating to each of the covenanted items and so Regulation 123 is also complied with. Other than in relation to the SANG, which I consider below, the obligations can be taken into account in this decision.
33. There was local objection on highway matters. However, Hampshire County Council has not maintained its concerns on highway grounds. It is satisfied that the appeal development would not be harmful to the safety of the highway network. It is appreciated that the centre of Liphook becomes congested, especially at peak times. However, the appeal proposal would make a site specific contribution to improvements at The Square which would increase the capacity of the mini-roundabouts. This would mean that existing congestion would not materially deteriorate as a result of the appeal scheme. In any event, the Framework makes clear that development should only be prevented on transport grounds where the residual cumulative impacts would be severe. There is no evidence that this would be the case here.
34. The appeal site is within 5 km of the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation. These sites are of international importance for nature conservation and their special interest features could be significantly harmed through additional



recreational pressure from a new population at the appeal site either alone, or in combination with other plans and projects. This would be contrary to the Habitats Regulations and Policy CP22 in the JCS. In order to provide the necessary mitigation it is proposed to make a financial contribution towards the cost of managing and maintaining the SANG at Radford Park. It is understood that a contribution of £43,860 has been agreed with the Parish Council in order to carry out improvement projects to make the park more accessible to new residents and the recreational experience more enjoyable.

35. Natural England has relied on the Appellant's own screening of likely significant effects on the international sites. It has withdrawn its objection, subject to an appropriately worded Grampian condition to ensure that the chosen avoidance and mitigation strategy is secured. There is no specific funding provision in the Council's CIL charging regime towards provision or improvements of SANGs, although I note that the Infrastructure Delivery Plan refers to capital projects to enhance the access and amenity value of Radford Park through CIL. Nevertheless, the Appellant has chosen to provide mitigation through a series of staged payments secured through the Unilateral Undertaking. A separate Deed with the Council would ensure that the payments would be used for the management and maintenance of the SANG before the requisite number of dwellings were occupied. However, it is very unclear what the money would be used for in order to ensure that additional recreational pressure on the protected sites by new occupiers is avoided. This is a matter that may be capable of resolution but, in view of my conclusion on the other issues, it is unnecessary to reach a firm conclusion for the purposes of determining the appeal.

### ***The planning balance and conclusions on sustainable development***

36. The Framework establishes that sustainable development is a golden thread running through both plan-making and decision-taking. Paragraph 14 sets out the presumption in its favour and what this means. A proposal that accords with an up-to-date development plan should be approved without delay. The converse of that is that development that does not so accord should be refused, unless material considerations indicate otherwise. I therefore turn to consider the benefits of the scheme in order to determine whether it would be sustainable development to which the presumption can be applied.
37. Paragraph 7 of the Framework explains that sustainable development has an economic, social and environmental dimension and that the roles that the planning system performs in each one are mutually dependent. The proposal would deliver 60 market dwellings and this would be a benefit of the scheme. However, the spatial housing strategy allows for delivery above the minimum level in a plan-led way. It has recently been found to be a soundly based and Framework-compliant approach. The Framework is clear that the economic role of the planning system requires not only that sufficient land is available in the right places but also at the right time to support growth. Whilst I have concluded that the site is accessible, it seems to me that the conflict with Policy CP10 diminishes the weight to be given to the provision of the 60 market homes on this particular site at this particular time. On the other hand, the provision of 40 affordable homes, for which the need is unequivocal, would be a matter of significant weight for the reasons given in the first issue.

38. The construction phase would create jobs and thereafter the new residents would contribute to growth through indirect job creation and an injection of money into the local economy. This could be said of any housing development but nonetheless it would result in some benefit. Although there would be Council Tax revenues, there would also be a new population to serve so this would not be a specific economic advantage. The Council would receive the New Homes Bonus but, in the absence of any evidence about what this would be spent on, it is difficult to see it as an advantage of this particular proposal.
39. The provision of public open space would be required in order to meet the needs of the new residents under Policy CP18 of the JCS. It is though noted that there would be provision of about 0.4 ha above the policy requirement. The extent to which this would benefit existing residents of the Berg Estate would be tempered by its location at the far end of this development and also the fact that the existing houses already derive amenity value from generous sized gardens. The advantage would thus be of limited weight. There would be bird and bat boxes and additional planting and these features would provide some ecological enhancement. However, this would be relatively small-scale and the additional tree planting would be required as mitigation.
40. The site-specific transport measures would largely be provided to ameliorate adverse impacts and improve accessibility. The enhanced bus service would provide some wider benefit to the existing residents of the Berg Estate. It would though remain infrequent and, taking account of the timings, could not be used for school journeys or by most commuters travelling to and from the station. The advantage would thus be of limited weight. There would be payments under the Community Infrastructure Levy but it seems to me that these also would be intended to provide mitigation, albeit in a general rather than a site-specific way.
41. There is clearly some heavy lorry and other traffic associated with the existing poultry farm that travels along Chiltley Lane. The extent to which this causes nuisance to local residents or danger to those using the lane for recreation purposes is unclear. It appears that the owner is very conscious of being a considerate neighbour and it is acknowledged that another operator may not be so benevolent. The closure of the vehicular access onto Chiltley Lane and the ceasing of heavy vehicle movement would provide some local improvement. However, this has to be set against the additional traffic running through the Berg Estate, which would include development traffic as well as larger delivery and service vehicles.
42. The scheme would thus deliver benefits, the most important of which would be the affordable housing. However, on the other side of the equation is the conflict with the development plan. The appeal proposal would be on a greenfield site within the countryside and outside the settlement boundary of Liphook. It would be contrary to Policy H14 in the LP and Policy CP19 in the JCS in this respect. Although the actual harm that would ensue would be relatively small, there would nonetheless be some adverse visual and landscape impact on the rural area. Furthermore, even though I do not believe that there would be direct conflict with Policy CP2, the proposal would not accord with the spatial strategy for housing in Policy CP10. The site is not allocated for development at Liphook in the very recently adopted Allocations Plan and would not comply with any of the other provisions concerning where housing should be located in order to achieve a sustainable pattern of housing

development through a plan-led approach. In view of my conclusions on housing land supply, the housing policies are up-to-date and the conflict with them is a matter of very substantial weight. Bearing all those points in mind, I do not consider that the economic, social and environmental gains, when considered together, would be sufficient to achieve a sustainable form of development.

43. I turn briefly to comment on the appeal decision relating to 33 dwellings on land adjacent to Hatch House Farm, Headley Road, Lindford. This decision post-dated the Allocations Inspector's Report although it preceded the Plan's adoption. The Inspector agreed with the Council that it has a five year HLS and found the scheme contrary to Policies CP10 and CP19. He commented that whilst the conflict with these policies weighed against the proposal this was not sufficient in itself to refuse permission and that further consideration of the benefits was necessary to determine whether the proposal was sustainable development. I agree with that approach and have followed it here. However, there may be cases where conflict with up-to-date development plan policy is sufficient in itself to refuse permission. This will depend on the nature of the policies and the extent of the material considerations that indicate that the decision should be made otherwise than in accordance with those policies.
44. One of the core planning principles in Paragraph 17 of the Framework is that planning should genuinely be plan-led so that local people are empowered to shape their surroundings through a system of local and neighbourhood plans. For the reasons I have given the material considerations are not of sufficient weight to indicate that a decision should be made other than in accordance with the development plan in this case and the appeal does not succeed.

*Christina Downes*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Timothy Leader	Of Counsel, instructed by the Solicitor to the Council
<i>He called:</i>	
Mr I Mawer BA(Hons) MSc	Principal Planning Officer with East Hampshire District Council
Mr S Wood BA(Hons) BTP MRTPI	Regional Planning and Building Control Manager at Urban Vision Partnership Ltd acting as Consultant to the Council

### FOR THE APPELLANT:

Mr Rupert Warren	Of Queen's Counsel, instructed by Turley
<i>He called:</i>	
Mr A Lewis CMILT FIHE IEng	Associate Director of WSP/ Parsons Brinckerhoff
Mr S Packer BA(Hons) DipTP MRTPI	Director of Turley
Mrs G Ellis MSc BSc(Hons) MRTPI	Associate Director of Turley
*Mr J Zanre	Strategic Land and Planning Director of Bloor Homes Ltd

\*Spoke only at the Planning Obligations session

### FOR THE RULE 6 PARTY:

Mr A Halliday	Chiltley Farm Action Group
Mr A Cameron	Chiltley Farm Action Group
Mr J Robson	Chiltley Farm Action Group

### INTERESTED PERSONS:

Mr R Eyre	Local resident
Mr G Taylor	Local resident

## **DOCUMENTS RECEIVED AT THE INQUIRY**

- 1 Statement of Common Ground on planning matters between the Appellant and East Hampshire District Council
- 2 Minutes of Planning Committee Meeting of 31/3/16 , including consideration of Phase 1 of Lowsley Farm application
- 3 Housing land supply table submitted by Mr Leader
- 4 Draft list of conditions
- 5 Emails concerning housing delivery at Whitehill & Bordon submitted by Mr Leader
- 6 Extract from the Planning Practice Guidance on housing and economic land availability assessment
- 7 Local Interim Planning Statement (LIPS) for Liphook (August 2014); Letter from Turley about the Liphook consultation event on 17 June 2014; Minutes of Bramshott & Liphook Parish Council meeting on 14 July 2014 concerning the consultation event
- 8 The Liphook Parish Plan
- 9 East Hampshire District Local Plan: Joint Core Strategy (adopted June 2014)
- 10 East Hampshire District Local Plan: Housing and Employment Allocations (submission document with modifications)
- 11 East Hampshire District CIL Charging Schedule
- 12 East Hampshire District Regulation 123 List
- 13 East Hampshire District Infrastructure Delivery Plan
- 14 East Hampshire District Local Plan: Second Review saved policies
- 15 Statement of Common Ground on highway matters between the Appellant and Hampshire County Council
- 16 High Court judgement relating to an appeal for 32 dwellings at Walcot Meadow, Walcot Lane, Drakes Broughton, Worcs.
- 17 Background documents to the Housing and Employment Allocations Plan Examination
- 18 Note on Chiltley poultry farm operations submitted by Mr Warren
- 19 Letter from the Chiltley Farm Action Group to the Parish Council concerning the consideration of the appeal planning application at its meeting of 14 July 2014 submitted by Mr Cameron

- 20 Interim Housing Policy Statement
- 21 High Court judgement *Gallagher Homes Limited, Lioncourt Homes Ltd v Solihull Metropolitan Borough Council* (30 April 2014)
- 22 Addendum to Supplementary Proof of Mr Packer to reflect changes agreed in evidence
- 23 Chief Planner's clarification on affordable housing appeal deadline arrangements
- 24 Planning Obligation by Unilateral Undertaking to East Hampshire District Council (26 April 2016)
- 25 Planning Obligation by Unilateral Undertaking to Hampshire County Council (26 April 2016)
- 26 Deed between the Appellant and the Council in respect of the SANG contribution (27 April 2016)
- 27 Additional information provided by the Council on Radford Park following the close of the Inquiry

**PLANS**

- A Application plans
- B Plans submitted with the appeal