



Appeal Decision

Inquiry opened on 6 September 2016

Site visit made on 9 September 2016

by David Prentis BA BPI MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/C1760/W/15/3139021

Fields Farm, Land to the east of Rownhams Lane, Rownhams, Hampshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rownhams Promotions Limited against the decision of Test Valley Borough Council.
 - The application Ref 15/00355/OUTS, dated 13 February 2015, was refused by notice dated 2 October 2015.
 - The development proposed is demolition of one dwelling and outbuilding and erection of up to 140 dwellings (Use Class C3) including access, associated landscaping, open space and management of the SINC.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the principle of the development, having regard to the location of the site outside the settlement boundary
 - the effect of the proposal on the character and appearance of the area

Preliminary matters

3. The Inquiry sat for 4 days from 6 to 9 September 2016. I carried out an accompanied site visit on 9 September 2016 as well as unaccompanied visits to the site and surrounding area before and during the course of the Inquiry.
4. The application was submitted in outline with access to be determined at this stage. In fact, the application plans only showed the access into the site from the public highway. Access within the site would therefore need to be determined at the reserved matters stage. Appearance, landscaping, layout and scale would be reserved matters. The application plans included a parameter plan, compliance with which could be secured by a condition. In addition, an illustrative masterplan was submitted.
5. A revised parameter plan and a revised access plan were submitted with the appeal¹. These revisions had been the subject of publicity and were not in

¹ Plans 3506 (CD53) and ITB11274-GA-001 Rev B (CD52)

themselves controversial. They would not alter the substance of the proposal, nor would they result in prejudice to any party. Accordingly, I have considered the appeal on this basis. I have also taken account of a revised illustrative masterplan and an additional arboricultural method statement².

6. The Council determined the application in October 2015 at a time when the development plan included the Test Valley Borough Local Plan (2006). At that time the Council accepted that it could not demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the National Planning Policy Framework (the Framework). In December 2015 the Council received the report of the Inspector who had conducted the examination of a revised local plan (IR). In January 2016 the Test Valley Borough Revised Local Plan (RLP) was adopted, covering the period 2011 – 2029, replacing the previous local plan. The Council then reassessed its decision in the light of the new policy context. Updated reasons for refusal, referring to the RLP, were submitted for the purposes of the appeal.
7. The relevant housing market area for this appeal is Southern Test Valley (STV)³. The Council's evidence is that its most recent assessment showed 7.68 years supply within STV. The appellant's written evidence suggested a lower figure. However, this point was not pursued at the Inquiry. In any event, the Council and the appellant agreed that the Council is able to demonstrate a 5 year supply as required by paragraph 47.
8. At the Inquiry there was discussion about whether the presumption in favour of sustainable development, which is referred to at various points in the Framework, exists in circumstances (such as these) where the 'decision-taking' section of paragraph 14 is not engaged. Various case law precedents were referred to⁴. However, given the way the arguments were put at this Inquiry, it is not necessary for me to conclude on the generality of that point. This is because the appellant's approach was to say that, if the proposal were found to be sustainable development (as defined in the Framework), that would be a material consideration to be balanced against any conflict with the development plan. The balance would be an ordinary balance – not the tilted balance that would apply if paragraph 14 were engaged. The Council had no difficulty with that approach and nor do I.
9. A s106 Agreement (the Agreement) between the Council, Hampshire County Council and the land owner was submitted at the Inquiry. The Agreement would make provision for financial contributions for: enabling affordable housing; primary education; off-site highways works; public art; public open space maintenance; mitigating effects on the Solent and Southampton Water Special Protection Area and the implementation of a travel plan.
10. Other obligations would relate to: a construction environmental management plan; submission and implementation of a travel plan; an ecological management plan for the appeal site, including the Rownhams Meadow Site of Importance for Nature Conservation (SINC); an ecological management plan for Lords Wood West (including granting public footpath rights and permissive footpath rights); delivery of 50% of the scheme as affordable housing; an

² Plans 4009a (CD51) and tf 1033/MS/301 (CD54)

³ The RLP explains at paragraph 5.6 that there are two housing market areas in the Borough

⁴ Wychavon District Council v Secretary of State and Crown House Developments Ltd [2016] EWHC 592; Suffolk Coastal v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East [2016] EWCA Civ 168; Cheshire East v Secretary of State [2016] EWHC 571

employment skills and training plan; delivery of open space and future arrangements for its management and establishing a management company for green spaces within the appeal site and for Lords Wood West.

11. I comment further on particular obligations in the relevant sections of this decision. At this stage it is sufficient to note that the Council submitted a statement of compliance with the Community Infrastructure Levy (CIL) Regulations. This set out details of how various sums had been calculated and how the obligations related to development plan policies and supplementary planning guidance. The obligations were not controversial and I see no reason to disagree with the Council's conclusions that they would be in accordance with regulation 122 and (where applicable) regulation 123 of the CIL Regulations. I have therefore taken them into account in my decision.

Reasons

The principle of the development

12. Policy COM2 of the RLP states that, within the boundaries of the settlements identified in the hierarchy (set out in Table 7), the principle of development will be permitted provided it is appropriate to the other policies of the plan. Outside the settlement boundaries development will only be permitted if it is 'appropriate' in the countryside (in accordance with various RLP policies) or if a countryside location is 'essential'. At the Inquiry there was no dispute that the appeal site is outside the settlement boundary of Nursling and Rownhams and that the proposal cannot be regarded as either appropriate or essential in the terms of Policy COM2. It follows that the proposal conflicts with Policy COM2.
13. The difference between the Council and the appellant related to the significance of this conflict and the weight to be attached to it. The appellant characterised the conflict as a minor or technical breach. It was argued that appeal site is not in a remote rural location. Rather, it adjoins the settlement of Nursling and Rownhams, which is identified as a key service centre in Table 7, and has good accessibility to a wide range of services and employment opportunities. However, Policy COM2 itself is not qualified by reference to accessibility or proximity to settlements. I agree that these are relevant matters to take into account under the heading of other material considerations, having first assessed the proposal against the development plan. However, to my mind they do not in themselves determine the extent and nature of any conflict with the policy.
14. The appellant also emphasised the relationship between Policy COM2 and Policy COM1 which sets out the housing requirements for the RLP. These are expressed as minimum requirements for the plan period. It follows that housing development above the minimum would not conflict with Policy COM1. The appellant went on to argue that, because such development would be likely to involve development outside settlement boundaries, less weight should be attached to any conflict with COM2 in this case. The appellant's planning witness did not consider that Policy COM2 is a countryside protection policy⁵.
15. In my view the appellant's approach to Policy COM2 fails to give sufficient weight to the development plan as a whole. The objectives of the RLP include conserving and enhancing the countryside and the landscape. This is reflected

⁵ Ms Gillings, in re-examination

in Policy E2 which seeks to protect, conserve and enhance the landscape of the Borough. The plan states that *'areas outside of the defined boundary are classed as countryside for the purpose of planning policy'*⁶. Read in context, it seems to me that Policy COM2 has two important functions. First, it seeks to direct development to the most sustainable locations. Second, it seeks to protect the countryside.

16. If further confirmation were needed it could be found in the IR. The Inspector noted that the general approach to settlement hierarchy and settlement boundaries is in line with Framework policy to focus development mainly in locations which are, or can be made, sustainable and to recognise the character and roles of different areas. He also noted that the essential character of the Borough includes two major centres, key service centres, rural villages and the countryside. He concluded that the RLP approach to settlement boundaries, whilst allowing some limited development opportunities in rural areas, allows for a range of policies aimed at protecting the character and appearance of the countryside⁷.
17. In conclusion, I consider that Policy COM2 forms an intrinsic part of the spatial strategy of the RLP. The appeal proposal would result in the introduction of up to 140 houses with associated infrastructure in a location which the RLP defines as countryside. This would clearly conflict with the policy itself and would undermine the spatial strategy. I do not agree that it can be characterised as a minor or technical breach. In my view it is a significant conflict with the development plan.

Effect on the character and appearance of the area

18. The appeal site extends to around 8.2ha, lying between Rownhams Lane to the west and Lords Wood to the east. Rownhams Lane forms the edge of the built-up area of Rownhams. To the south is a bridleway, beyond which is grazing land. Further to the south is the built-up area of Southampton. To the north is agricultural land forming part of Parkers Farm.
19. The appeal site comprises two field parcels, separated by the house, outbuildings and curtilage of Fields Farm, together with the Rownhams Meadow SINC. Despite its name, the SINC is mainly wooded with some more open areas. Two further dwellings, White Cottage and Fields Cottage, are surrounded by the appeal site although not part of it. They are located between the eastern field and the SINC.
20. The site is not subject to any national or local landscape designations. The appellant and the Council both submitted landscape and visual impact assessments (LVIA). These identified relevant landscape character assessments at national, regional and local levels. At the local level, the Council's assessment⁸ identifies the site as being within the North Baddesley and Chilworth Woodland Mosaic character area. The key characteristics of this area include a framework of woodland cover with pockets of arable land together with areas of suburban residential development extending from Southampton and the M27 corridor. The appeal site, comprising agricultural fields bounded

⁶ Paragraph 5.46

⁷ IR paragraphs 54 and 62

⁸ Test Valley Community Landscape Project

by woodlands and hedgerow trees, appears to me to be characteristic of the wider landscape character area.

21. At the Inquiry the appellant's landscape witness described the appeal site as a '*peri-urban*' zone of transition between the urban area and the countryside. That is a term which, to my mind, aptly describes Rownhams Lane. The lane is subject to urban influences, such as the presence of housing, road infrastructure and traffic, as well as more rural influences. These include the trees on either side, which extend over the road to form a canopy, and views across the appeal site towards the skyline of Lords Wood. However, I do not agree that this characterisation applies to the appeal site. Whether experienced from within, or from nearby viewpoints, the site is emphatically rural in character. Rownhams Lane and the houses along it have only a limited influence on the rural feel. Whilst Fields Farm, White Cottage and Fields Cottage can be seen, (to a greater or lesser extent depending on the viewpoint), they are set amongst trees and it is the landscape which dominates.
22. The appeal scheme would bring about a complete change in the landscape character of the two fields through the introduction of roads and houses in a predominantly open and undeveloped area. Both the appellant's LVIA and that of the Council assess this as a moderate adverse effect on landscape character. I see no reason to disagree. The appellant considers that the effect would reduce to minor adverse by year 15, as new planting matures. Whilst I take account of the landscape and ecological buffer zones, and the other green spaces shown on the parameter plan, I agree with the Council that such buffer planting would not mitigate the loss of open landscape which is currently present. Consequently, I do not think that the impact on landscape character would be reduced significantly over time.
23. The parameter plan and illustrative masterplan show how green spaces within the site would be connected to existing areas of woodland. Existing trees and woodlands would be retained and the Agreement would secure the implementation of management plans for Lords Wood West and the Rownhams Meadows SINC. These aspects of the proposals would support some of the environmental opportunities identified in the landscape character assessments⁹. They would also contribute to creating an attractive environment for new residents and would assist in mitigating the ecological impacts of the scheme. That said, the proposals for green infrastructure have been factored in to the assessments made within the LVIA – so they do not reduce the landscape impact assessed in those documents.
24. The appellant argued that the Council's reasons for refusal refer to visual impacts rather than effects on landscape character. The Council did not agree but, in any event, little turns on the point. Policy E2 of the RLP seeks to ensure that development does not have a detrimental impact either on the appearance or on the landscape character of the area in which it is located. It is therefore necessary for me to reach a view on landscape character in order to apply the policies of the RLP.
25. Turning to the visual impact, the Council and the appellant agree that the visual envelope of the site is relatively localised due to the effects of landform, vegetation and built development. The main views of the site from the public

⁹ National Character Area profile: 128 South Hampshire Lowlands – statements of environmental opportunities

- realm would be those from Rownhams Lane and the bridleway. The appellant assesses the effect on views from Rownhams Lane as minor adverse, on the basis that the new development would be set back behind the existing trees which would be supplemented by new planting. In my view this understates the likely effect. The scale of the new development would be readily apparent from views into the site at the proposed point of access. Moreover the existing trees do not provide a dense screen at eye level. Whilst some screening could be provided by new planting this would not compensate for the loss of the current open view towards the skyline of Lords Wood.
26. The appellant assesses the effect on views from the bridleway as negligible. However, assuming predominantly two storey development (as shown on the parameter plan), I consider that it is likely that the upper parts of the development would be visible from the bridleway, albeit partially screened by vegetation. The Council assesses this as a moderate adverse effect. Having regard to the generally rural nature of views from the bridleway, I share that assessment.
27. In June 2015 planning permission was granted on appeal for up to 320 dwellings and an extra care facility at Parkers Farm, which adjoins the appeal site to the north¹⁰. I note from the decision that the Inspector in that case did not identify significant harm in terms of visual impact¹¹. However, the viewpoints discussed in that appeal decision are not the same as those relevant to the current appeal so the Inspector's findings on that issue have no bearing on this case.
28. Once implemented, the Parkers Farm development would change the physical context for the appeal scheme. The respective landscape witnesses took this into account in different ways – one treating the development as part of the baseline and one carrying out a cumulative assessment. The appellant's LVIA states that the value attributed to the landscape at site level (and any ensuing susceptibility or sensitivity) will not change due to the building out of Parkers Farm¹². The Council's LVIA states that the loss of fields at Parkers Farm which are characteristic of this landscape character area will increase the significance and sensitivity of the appeal site. Consequently, neither approach suggests that the proposed Parkers Farm development is a reason to reduce the weight to be given to the effect of the appeal scheme on landscape character.
29. The proposed Parkers Farm development would not be readily apparent from the viewpoints for this appeal which are discussed above. My overall assessment is that the likely development of Parkers Farm is not a factor which reduces the weight to be attached to landscape and/or visual impacts in the current appeal.
30. To conclude on the second main issue, I consider that the proposal would be harmful to the character and appearance of the area. It would have a detrimental impact on the appearance and on the landscape character of the area and consequently would not accord with Policy E2 of the RLP.
31. The Council also considers that the proposal would be contrary to Policy E1. To my mind this policy is primarily concerned with securing high quality design

¹⁰ APP/C1760/A/14/2224913

¹¹ Effect on landscape character is not referred to in the decision

¹² LVIA, page 33, notes on landscape character

and maintaining local distinctiveness. In this case appearance, landscaping and layout would be reserved matters. The most that can be said at this outline stage is that the parameter plan and illustrative masterplan indicate to me that it would be possible to secure a scheme of appropriate design quality at reserved matters stage. Insofar as I have found that a loss of landscape character would arise, this could be said to be contrary to Policy E1(a). However, that is no more than a restatement of the harm I have identified in relation to Policy E2 – it is not a point which adds further weight to the case against the appeal.

Other material considerations

Location and accessibility

32. The appeal site adjoins the settlement of Nursling and Rownhams, which is identified as a key service centre in Table 7 of the RLP. The Council and the appellant agree that it has good accessibility to a wide range of services and employment opportunities. The transport statement of common ground notes that facilities within walking distance would include primary and secondary education, shops, employment opportunities and leisure facilities. Cycling would also be a realistic option for these facilities and to access Southampton City Centre. There are bus stops which are reasonably accessible to the site providing services to Southampton, Romsey and other destinations.
33. The proposed access arrangements would include a new footway on the eastern side of Rownhams Lane, linking to an existing footway to the north. There would also be uncontrolled pedestrian crossing points either side of the new access. The parameter plan shows indicative positions for pedestrian links to the Parkers Farm development and to Lords Wood, improving permeability in the locality.
34. A framework travel plan has been agreed between the appellant and the County Council, together with funding for its implementation, all of which would be secured by the Agreement. In addition, the Agreement would provide funding towards cycle lane improvements on highways within the locality, improvements to bus stop infrastructure and a proportionate contribution to a proposed roundabout scheme at the Bakers Drove/Redbridge Lane/A3057 junction.
35. I conclude that the appeal scheme would be well located in relation to local facilities and employment opportunities. It would accord with RLP Policy T1 which seeks to ensure that development is connected to pedestrian, cycle and public transport links to key destinations and that provision is made to support and promote the use of sustainable transport.

Effect on nature conservation

36. There are a number of statutory sites for nature conservation in the zone of influence of the proposal. These include two international designations, the Solent and Southampton Water and the New Forest. Both are designated as Special Protection Areas (SPA), Special Areas for Conservation (SAC) and Ramsar sites.
37. The updated ecological assessment submitted with the appeal concluded that species associated with the Solent and Southampton Water SPA are unlikely to make use of the appeal site as habitat. However, development at the appeal

site could, in combination with other developments in the locality, contribute to a cumulative increase in recreational disturbance, thereby affecting birds within the SPA. The *Solent Disturbance and Mitigation Project – Interim Framework* identifies a package of management measures to be applied across the SPA with a view to reducing disturbance by influencing the behaviour of visitors. The Agreement would make provision for a proportionate contribution to the costs of these measures in accordance with the interim framework. Having regard to this mitigation, I do not consider that the appeal scheme is likely to have an adverse impact on the SPA, either alone or in combination with other developments. For the same reasons, it would not be likely to have an adverse impact on the other relevant nature conservation designations.

38. The site is within the impact zone for recreational pressure on the New Forest SPA defined in the Council's *New Forest SPA Mitigation - Interim Framework*. Therefore the proposed development has the potential to increase visitor pressure on the SPA. Mitigation is proposed in the form of a suitable alternative natural green space (SANGS). This would be designed to provide an alternative recreational facility for residents who might otherwise visit the New Forest. Part of Lords Wood (known as Lords Wood West), adjacent to the appeal site, would be designated for this purpose.
39. An ecological management plan for Lords Wood West has been prepared setting out measures designed to increase its suitability as a SANGS, encourage public access and protect and enhance its ecological integrity as a SINC. Implementation of the management plan would be secured by the Agreement. Lords Wood West is also intended to be a SANGS for a residential development at Fen Meadow. This would be secured by a s106 Agreement in relation to that development. The scale of the proposed SANGS would be more than sufficient for both developments. Having regard to this mitigation, I do not consider that the appeal scheme is likely to have an adverse impact on the New Forest SPA, either alone or in combination with other developments. For the same reasons, it would not be likely to have an adverse impact on the other nature conservation designations which apply to the New Forest.
40. Rownhams Meadow SINC extends to around 1.95ha and is designated for its grassland, woodland and notable species. The grassland is now limited to a small area and in the absence of sympathetic management this is likely to be lost by succession of the land to woodland. An ecological management plan for the appeal site, including the SINC, has been submitted. The implementation of the management plan would be secured by the Agreement.
41. The ecological reports submitted with the application and the appeal identified the presence of bats foraging across parts of the site. All UK bats are protected species. Although no hibernation or maternity roosts were identified, a day roost for a single pipistrelle was identified in the roof of Fields Farm. As this building would be demolished it is likely that a European Protected Species Mitigation (EPSM) licence would be required. Mitigation measures have been identified including working methods for demolition and compensatory habitat in the form of bat boxes. Whilst the EPSM licence would be a matter for Natural England to determine, on the evidence before me there is no obvious reason why it would not be granted. Other mitigation measures are proposed in the ecological management plan for the appeal site in relation to bats using the site for foraging.

42. The ecological surveys also identified the presence of dormouse along the northern boundary of the SINC. The scheme would entail removal of potential habitat, noise and disturbance during construction and potential for human disturbance and pet predation once the houses were occupied. It is likely that an EPSM licence would be required in respect of dormouse. Mitigation measures have been identified, through the creation of new habitat, provision of nesting boxes, sympathetic management and control of external lighting. On the evidence before me there is no obvious reason why a licence would not be granted.
43. Other impacts on species and habitats have been assessed in the various ecological reports submitted and appropriate mitigation measures have been identified. The Council has not raised any objection on nature conservation grounds, nor have objections been received from any nature conservation body.
44. In conclusion, subject to appropriate mitigation which could be secured through the Agreement and conditions, I consider that the proposals would accord with RLP Policy E5 which seeks to conserve and, where possible, enhance biodiversity.
45. In the main, I consider that the ecological measures proposed would mitigate potential harmful impacts of the scheme rather than offering positive benefits. Moreover, I note that the Lords Wood West SANGS is likely to be delivered in connection with the Fen Meadow development in any event. The appeal scheme would provide an alternative point of access to Lords Wood which would no doubt be used by the new residents. However, it seems likely that any residents of Fen Meadow (and any other residents of Rownhams using the SANGS) would be more likely to approach via the bridleway which offers an attractive scenic route. That said, I consider that the proposed management measures for the Rownhams Meadow SINC would represent a positive benefit because, in the absence of such management, the grassland element is likely to be lost.

Social and economic benefits

46. At the Inquiry there was no dispute that the site would be likely to contribute to the supply of housing and that this should be regarded as a social benefit, notwithstanding the availability of more than 5 years supply in STV. Nor was there any dispute that new housing would bring economic benefits including construction jobs and spending by new residents in the local economy. The difference between the Council and the appellant related to the weight to be attached to these benefits, having regard to the general need for housing and the specific need for affordable housing.
47. With regard to the general need for housing, the appellant drew attention to demographic and employment data published after the adoption of the RLP in January 2016. Policy COM1 of the RLP establishes a Borough-wide minimum housing requirement of 588 dwellings per annum (dpa) over the plan period, starting from a base date of 2011. The objectively assessed need (OAN) reflected in this requirement included a demographically derived figure of 418dpa. However, the demographic element was only part of the assessment.

As the IR makes clear, the evidence base supported the use of an economic scenario and this resulted in a significantly higher figure for the OAN¹³.

48. The Government published 2014 based Household Projections in July 2016. The comparable demographically derived figure for Test Valley would be 437dpa. It is to be expected that household projections will change over time. The Government's projections are generally updated every two years and there is no suggestion in the Framework or in Planning Practice Guidance (the Guidance) that otherwise up-to-date local plans should be rendered out-of-date every time new projections are issued. In this case it is pertinent to note that the RLP was adopted as recently as January 2016. Moreover, the difference between the two demographically derived figures is small (less than 5%) and the actual OAN reflected in the RLP is considerably higher than either of the demographically derived figures.
49. The appellant also argued, by reference to the Business Register and Employment Survey (BRES), that actual growth in employment over the early years of the RLP period has outstripped the estimates on which the plan was based. I do not consider that the BRES data can be compared with the economic projections contained in the Council's Strategic Housing Market Assessment (SHMA) on a strict like-for-like basis. In any event, the more important point is that the appellant's analysis is based on a short time series of just 3 year on year comparisons. The data shows that the figures are highly variable from one year to the next – dropping between 2011 and 2012 and rising markedly between 2013 and 2014. This may well reflect the relocations of some individual large scale employers¹⁴. I therefore attach only limited weight to this data.
50. In December 2015 the Inspector who examined the RLP found that a figure of 588dpa would *'fully meet household and population projections, allowing for migration and demographic change, and provide for economic growth'*¹⁵. Having regard to all the evidence before the Inquiry, I do not think that there has been any significant change in circumstances since that conclusion was reached. The Council's most recent assessment showed in excess of 7 years supply within STV¹⁶. Whilst additional housing is to be regarded as a benefit, the weight to be attached to that benefit is tempered by the fact that the Council can demonstrate a housing land supply which is comfortably above its recently adopted housing requirement.
51. The Agreement would provide for 50% of the dwellings within the appeal scheme to be affordable housing. This exceeds the figure of 40% which would be required by RLP Policy COM7. The appellant argued that particular weight should be attached to this factor because the RLP is unlikely to deliver the OAN for affordable housing. The SHMA identified an OAN for affordable housing of 292dpa¹⁷. The Council's corporate target for the delivery of affordable housing is 200dpa. This is a matter which was explored during the examination of the RLP, with the Inspector concluding that:

¹³ IR, paragraphs 30 and 31

¹⁴ The Inquiry was informed that the Ordnance Survey had recently relocated its head office into the Borough

¹⁵ IR, paragraph 35

¹⁶ As noted above, the appellant's criticisms of this figure were not pursued at the Inquiry

¹⁷ This assumes that the backlog is addressed across the plan period – the figure would be higher if the backlog were cleared sooner

*'The Council, for viability and sustainability reasons, is not able to meet the full affordable OAN, although the approach goes a long way towards that goal. An increased target would lead to the Plan becoming potentially undeliverable and unsound.'*¹⁸

52. The IR explicitly considered the option of increasing the general housing requirement to 834dpa in order to achieve the OAN for affordable housing. This option was not favoured. The appellant argues that the specific concerns referred to in the IR, (lack of market demand and potential addition to out-commuting), would not arise in this case. However, it seems to me that the Council, through the RLP, has sought to strike an appropriate balance between meeting the OAN for affordable housing and other legitimate planning considerations.
53. The RLP Inspector has concluded that the Council's approach is supported by the evidence base and is therefore sound. The appellant's argument, if accepted here, could well be repeated on other proposed greenfield housing sites. That would tend to undermine the RLP by striking a different balance between competing planning objectives.
54. The appellant submitted evidence regarding house prices and rental values in Nursling and Rownhams which are relatively high compared with other parts of South Hampshire. Whilst I note that evidence, I see no reason to think that the relative position of Nursling and Rownhams has changed in a significant way since the RLP was adopted. The Council and the appellant differed over the best way of assessing affordable housing needs. The Council favoured the use of census-based data whereas the appellant advocated the use of data from the Housing Register. Each approach has pros and cons, as discussed at the Inquiry. However, the Council's approach is as used in the SHMA which has been considered by the RLP Inspector. He commented that *'the Council has demonstrated a clear understanding of the housing needs of the area, as set out in the SHMA'*¹⁹. I attach significant weight to the RLP Inspector's conclusions on this point.
55. Two further points appear to me to be pertinent. First, although the Council's affordable housing target of 200dpa is below the OAN, actual delivery over the last 5 years has been rather higher at around 250dpa. That is still below the OAN but is nevertheless a very substantial contribution towards meeting the identified need. Second, the appeal site is not well located to meet the bulk of the current need for affordable housing. The appellant's figures show that the greater part of the need is in North Test Valley²⁰. The appeal site is at the southern extremity of the Borough.
56. Mindful of the overall need for affordable housing, I consider that the delivery of up to 70 of the units as affordable housing would be a social benefit. However, for all of the above reasons, it is a benefit to which I attach only moderate weight.

Parkers Farm

57. As noted above, planning permission has been granted on appeal for housing development at Parkers Farm, to the north of the appeal site. I have

¹⁸ IR, paragraph 39

¹⁹ IR, paragraph 42

²⁰ Table 4.11 of Mr Laming's proof of evidence

commented above on that decision insofar as it is relevant to consideration of landscape and visual matters. The Inspector in that case found that the proposal before him would amount to sustainable development. Nevertheless, it is important to note that the decision was taken before the adoption of the RLP. At that time the Council was not able to demonstrate a 5 year supply of housing sites so relevant policies for the supply of housing were deemed to be out-of-date. Consequently, the policy context for the decision was quite different to the current situation. Whilst the development of Parkers Farm is a material consideration for the current appeal, in that it is likely to change the physical context of the site, it does not set any kind of a precedent.

Review of the local plan

58. The Council's Local Development Scheme states that public consultation on a review of the RLP (Preferred Approach document) is expected to take place in the first quarter of 2018. The appellant was critical of this timetable, highlighting that this would be a later date than that envisaged at the time of the examination of the RLP. However, I see nothing in the IR which suggests that the Inspector's findings of soundness in relation to housing delivery were contingent on an early review. There is a recently adopted local plan in place which is up-to-date. In my view the timing of any review has no material bearing on the merits of this appeal.

Other matters raised by local residents

59. Many of the points raised in representations from local residents have been covered above. Further matters raised include loss of agricultural land, impacts on the living conditions of neighbouring residents due to overlooking and noise, impacts on protected trees, effects on traffic congestion and highway safety, flood risk and lack of school places. Human rights issues were also raised.
60. Only a small part of the site is within the best and most versatile agricultural land classification. The Council has not raised any objection on these grounds and I share that view. As the application is in outline, the detailed relationship of the proposed roads and houses to existing dwellings and protected trees is a matter which would be determined at reserved matters stage. On the basis of the parameter plan and the illustrative masterplan I consider that these matters could be satisfactorily resolved.
61. The site access arrangements are to be determined now. The junction design accords with guidance in Manual for Streets and I saw that there would be adequate visibility splays. The design includes uncontrolled tactile crossing points and the provision of footways. The Council and the highway authority are satisfied that the access proposals would not give rise to any safety concerns. Traffic assessments were submitted with the application based on trip rates which had been agreed with the highway authority. The operation of various junctions within the locality has been modelled and found to be satisfactory. The Bakers Drove/Redbridge Lane/A3057 junction is the subject of a new roundabout scheme which is being promoted by the highway authority. The appeal scheme would increase the traffic passing through this junction and the Agreement would secure a proportionate contribution to the costs of this junction improvement.
62. The site itself is not at high risk of flooding. The scheme would include attenuation of surface water run-off to ensure that the risk of flooding

elsewhere would not be increased. These matters could be covered by conditions. The Agreement would make provision for an appropriate contribution to additional primary school places. Although the question of human rights has been raised, there is no reason to think that any of the impacts arising from the scheme would be such as to amount to an interference with the human rights of existing residents.

63. I conclude that the matters discussed in this part of my decision do not add significant weight to the case either for or against the appeal.

Conclusions

64. In conclusion, the appeal scheme would result in the introduction of up to 140 houses with associated infrastructure in a location which the RLP defines as countryside. This would conflict with Policy COM2 which forms an intrinsic part of the spatial strategy of the RLP. In addition, the proposal would have a detrimental impact on the appearance and on the landscape character of the area and consequently would not accord with Policy E2 of the RLP. These conflicts are of such importance that the scheme should be regarded as being in conflict with the development plan as a whole, notwithstanding its compliance with other policies of the plan²¹.
65. The Framework indicates that the policies in paragraphs 18 to 219, taken as a whole, constitute what sustainable development means in practice. The appeal scheme would contribute to the social role of sustainable development through the provision of housing, including affordable housing. There would also be some economic benefits and an environmental benefit associated with management of the Rownhams Meadow SINC. Moreover, the site is well located in relation to local facilities and employment opportunities.
66. On the other hand there would be environmental harm through the loss of landscape character and visual impacts. Moreover, there would be harm to the spatial strategy of the plan. The Framework makes clear that local plans are the key to delivering sustainable development that reflects the vision and aspirations of the local community²². The RLP states that a key role of the plan is to determine the most sustainable locations for new development. It follows that locations which have not been allocated for development, even if they perform well in terms of access to facilities, will generally be less sustainable than those which have been allocated. My overall assessment is that this proposal, which is so clearly in conflict with a recently adopted local plan, cannot be regarded as sustainable development as that term is used in the Framework.
67. I turn to the balance set out in s38(6) of the Planning and Compulsory Purchase Act 2004. The appeal scheme is in conflict with the RLP. The considerations weighing in its favour are that it would deliver housing, including affordable housing. The weight that I attach to that benefit is tempered for the reasons given above. I also attach weight to the management proposals for Rownhams Meadow SINC. However, these considerations are not sufficient to indicate that the appeal should be determined other than in accordance with the development plan.

²¹ Other than Policies COM2, E1 and E2, I have not identified conflict with the policies identified in paragraph 5.2 of the statement of common ground as being relevant to the determination of the appeal

²² Paragraph 150

68. The appeal should therefore be dismissed.

David Prentis

Inspector

Richborough Estates

APPEARANCES

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INTERESTED PERSONS:

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Local resident

Anthony Seaton

Local resident

Richborough Estates

DOCUMENTS SUBMITTED AT THE INQUIRY

LPA1	<i>Documents submitted by the Council</i> CIL Compliance Statement
LPA2	Corrections to LVIA
LPA3	Opening submissions
LPA4	Lords Wood Greenway – information from Southampton City Council
LPA5	Ministerial Statement on Exiting the European Union
LPA6	Appeal decision at Nightingale Road, Guildford
LPA7	Appeal decision at Spoil Lane, Tongham, Guildford
LPA8	Email from Mr Hawkins (DCLG) of 8 September 2016
LPA9	Email from Jane Windebank of 9 September 2016
LPA10	Closing submissions
	<i>Documents submitted by the appellant</i>
APP1	Corrections to transport statement of common ground
APP2	Migration statistics – Quarterly Report
APP3	Business Register and Employment Survey data
APP4	Resolution Foundation Briefing
APP5	Opening submissions
APP6	Southampton City Local Plan map extract
APP7	Composite list of suggested conditions
APP8	Ecosa Technical Note
APP9	Correction to Mr Bibby’s Rebuttal Table 1
APP10	Green Infrastructure Guidance – Natural England
APP11	Closing submissions
	<i>Other documents</i> Statement of Anthony Seaton
	S106 Agreement dated 9 September 2016 – 2 counterpart documents, one signed by Hampshire County Council and Test Valley Borough Council and one signed by Test Valley Borough Council and Timothy Jobling and Richard Michael Moyse