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## Appeal Decision

Inquiry held on 9 – 11 and 30 September 2014, and 1 October 2014

Site visits made on 11, 28 and 29 September 2014

**by A U Ghafoor BSc (Hons) MA MRTPI**

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

**Decision date: 30 October 2014**

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**Appeal Ref: APP/Y9507/A/14/2218678**

**Land north of Sussex Road Petersfield Hampshire GU31 4JZ**

- 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 Mr and Mrs Appleton against the decision of South Downs National Park Authority.
  - The application Ref SDNP/13/03649/OUT, dated 1 August 2013, was refused by notice dated 15 November 2013.
  - The development proposed is 26 dwellings, open space, access and associated works.
  - The Inquiry sat for 5 days.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application is in outline with access to be considered now. Matters reserved for future consideration are appearance, landscaping, layout and scale. However, drawings showing the potential layout of the proposed development were submitted for consideration at application stage. These are for illustrative purposes. I will evaluate the planning merits on this basis.
3. An executed unilateral undertaking (UU), pursuant to section 106 of the Town and Country Planning Act 1990 as amended has been submitted for my consideration. The appellant unilaterally agrees to the provision of 10 affordable homes (AFH) and an offsite AFH financial contribution in the administrative area of the South Downs National Park Authority (I will refer to as '*the SDNPA*'). The UU also makes provision for the implementation of transport schemes or improvements, and onsite open space including a footpath. The UU satisfactorily addresses reason for refusal no. 2 because it secures contributions towards the improvement of local infrastructure. The nature and scale of the development requires these contributions towards local infrastructure. The UU is a material consideration.

### The site, proposed development and planning policies

4. In section 2 of the statement of common ground (SoCG), the description of the site and its surroundings is set out. Petersfield is defined as a market town because of the availability of the local amenities. The town has a population of about 15,000. It lies in the valley of the Western Rother, amid the chalk scarps and downs and the Wealden greensand ridges. The surrounding countryside is

widely accessible given the availability of various public footpaths that radiate into and out of the settlement.

5. Petersfield is located within the geographical boundary of the South Downs National Park (*'the SDNP'*). The SDNP came into being on 1 April 2011. Petersfield is situated within the administrative area of the East Hampshire District Council (*'the EHDC'*) part of the SDNP area.
6. The appeal site is situated outside of the settlement boundary of Petersfield as set out in the East Hampshire District Local Plan Second Review 2006 (*'the EHDCLP'*), and the East Hampshire District Local Plan Joint Core Strategy (*'the JCS'*) adopted 26 June 2014 by the SNDPA. I will return to the relevant Policies later.
7. The site fronts Sussex Road. It is 1.6 ha in size, there is a low flint wall located along its boundary with the highway and it gently slopes downwards from Sussex Road in a southerly direction. The western part of Sussex Road adjoins the Petersfield Conservation Area (*'the CA'*). The lower density residential area to the east of the site is locally designated as an Area of Special Housing Character (*'the ASHC'*). Heath Pond is situated to the northeast and its southern boundary adjoins rolling countryside. Public footpath no. 37 (FP37) is accessed from Sussex Road between existing dwellings and it runs deep into the countryside beyond and past the southern end of the site. The countryside surrounding the site is generally flat and characterised by landscape features such as trees and hedgerows.
8. The proposed development is for 26 dwellings with access and open space. Part of the flint wall along Sussex Road would be removed to create the access, but the protected trees which are located along this section of the boundary would be retained. The illustrative plans show how the residential development would be accommodated within the site and a play area would also be provided along with a wildlife pond and landscaping.
9. The SDNPA's decision notice to refuse outline planning permission referred to Policies GS3, C5 and HE1 of the EHDLP. These policies have been subsequently superseded by Policies CP19, CP20 and CP29 of the JCS. The appellant's planning agent also considers the following JCS Policies to be relevant. Policy CP1, presumption in favour of sustainable development, CP2 spatial strategy, CP10 spatial strategy for housing, CP11 housing tenure, type and mix, CP21 biodiversity, CP24 sustainable construction, CP25 flood risk, CP28 green infrastructure, CP30 historic environment and CP31 transport. I will return to the most relevant JCS Policies later.
10. The Petersfield Neighbourhood Plan (*'the PNP'*) has been through various public consultation exercises since September 2011. It has been modified and published on 8 July 2014 for public consultation. However, it is yet to be subjected to independent scrutiny by an examiner. The outcome of that process is unknown. There may well be additional modifications made to the PNP and it might change in the future. It will be made after a community referendum. In accordance with paragraph 216 of the National Planning Policy Framework, I attach limited weight to the PNP in the context of this appeal.
11. In addition, the appeal parties agree that guidance can also be found in the Planning Practice Guidance (*'the PPG'*) regarding development in National Parks,

DEFRA document titled: 'English National Parks and the Broads UK Government Vision and Circular 2010' March 2010 ('the Circular').

## **Main Issues<sup>1</sup>**

12. Against all of that background information, these are:

- 1) Whether the proposed development would conserve or enhance the natural beauty of the SDNP and linked to that, its effect upon the cultural heritage of the SDNP;
- 2) The effect of the development upon the character and appearance of the locality including the adjacent Conservation Area ('the CA'), and
- 3) Whether or not the proposal can be regarded as major development and, if so, whether exceptional circumstances weigh in favour.

## **Reasons**

*First main issue - Whether the proposed development would conserve or enhance the natural beauty of the SDNP and linked to that, its effect upon the cultural heritage of the SDNP*

13. The statutory purposes of a National Park are: (1) to conserve and enhance natural beauty, wildlife and cultural heritage and (2) to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public<sup>2</sup>. The Circular confirms that National Park designation gives the highest status of protection in relation of landscape and scenic beauty along with the Broads and Areas of Outstanding Natural Beauty (AONB).
14. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 states that for decision-taking, this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted. Footnote 9 includes land designated as a National Park.
15. National Parks are recognised as landscapes of exceptional beauty, fashioned by nature and the communities which live in them. Great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks.
16. The aims and objectives of national planning policies in relation to National Park status have made their way into the JCS. Policy CP19, development in the countryside, states that the approach to sustainable development in the countryside is to operate a policy of general restraint in order to protect the

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<sup>1</sup> Inevitably, given the oral and written evidence presented, there is some degree of overlap between the main issues in this case. My reasoning will reflect this to some extent but I have tried, wherever possible, to deal with the issues discretely, before drawing all matters together in my overall conclusions.

<sup>2</sup> Section 5 (1) of the 1949 Act, section 11A (2) of the 1949 Act and section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising or performing any functions in relation to, or so as to affect, land in National Parks, relevant authorities shall have regard to their purposes. Further guidance on the application of the duty can be found in the PPG, paragraph 003 and reference ID: 8-003-20140306.

countryside for its own sake. Within the SDNP part of the EHDC area the pursuit of National Park purposes will be paramount. Policy CP20 states that new development will be required to conserve and enhance the natural beauty of the SDNP and its setting, and protect and enhance local distinctiveness. Criterion (b) of Policy CP29, design, seeks to ensure that new development takes particular account of the setting and context of the SDNP.

17. The thrust of the appellant's main argument in support of the proposal is that there is a pressing need for the release of this site for residential development now, given the call to boost the supply of housing and the shortage of AFH in Petersfield, but not at any cost. One of the core principles in the Framework is that planning should recognise the intrinsic character and beauty of the countryside. Given the site's location on land designated as being part of the SDNP, it is firstly necessary to evaluate the potential visual effect of this particular development.
18. As well as the extensive oral evidence on this particular issue, the evidence includes the Landscape and Visual Impact Assessments (LVIA), which accompanied the application and appeal, and the conflicting views and criticisms of the LVIA from the SDNPA's expert witness. Information on the landscape qualities of the SDNP can also be found in the South Downs Integrated Landscape Character Assessment. Particular details about the quality of the landscape can be found in the Landscape Capacity Study for Petersfield, the Town Design Statement (October 2010) and the PNP. In reaching my conclusions on this matter, I will take all of this evidence into account.
19. I undertook an extensive and comprehensive accompanied site visit of the site, the town and the surrounding area. With the agreement of the appeal parties, I made unaccompanied site visits to Butser Hill (abbreviated as 'BH') and the Queen Elizabeth Country Park ('the QECP'). The SDNPA's unchallenged assertion is that both of these are iconic landmarks.
20. BH and the QECP are located about 4km away from the site. I saw that the town is noticeable from BH and its semi-rural character is reinforced by the existence of trees and the surrounding countryside in the foreground. Although views are long-distant and likely to be limited on misty days, dramatic and far reaching panoramic views towards the site are available from this particular location. The settlement's linear pattern of built development is also discernable from this elevated position, given the layout and spacious setting of the properties to the east of the site, the compact developed parts of the town to its west and the undeveloped appearance of the site. When seen from BH, I find that the site forms a visual gap. Given the scale of the proposed development, this important visual gap would be lost. From this iconic landmark, the development would be seen as a visual intrusion.
21. The change to the undeveloped make up of the site would be even more profound when seen from FP37 which passers by its western and southern fringes. From various vantage points, the site is seen as an open piece of agricultural land irrespective of existing vegetation.
22. The proposal would result in development in depth given the location of the dwellings. The argument that more landscaping would soften the visual effect of the dwellings overlooks the fact that the site is an open field. I take the view that the development would fail to successfully integrate with its immediate environs, because of the built-form of the proposed buildings and driveways.

23. The greatest visual effect would, however, be from locations close to the site and within the site itself. The Sussex Road frontage is around 40 - 50m wide. The proposed development would replace the open site with development in depth. While Cul-de-sac housing layouts exist within Petersfield, the development would be out-of-keeping with the linear settlement pattern when seen from Sussex Road.
24. Currently from Sussex Road the view over the site is dominated by trees, hedgerows, BH and the QECP; all of these are important landscape features. The proposal would include open space, a new pedestrian route connecting FP37 with Sussex Road and Heath Pond but walkers would pass through a new housing estate. A wide access would be located between plots 1 and 2, but the development would substantially reduce views of BH from Sussex Road because of the nature and scale of the residential development.
25. The change which the development would bring about would be most noticeable within the site, especially for users of Sussex Road and FP37. There was considerable debate as to whether or not the site is a 'green finger' at the Inquiry<sup>3</sup>. The PNP proposes that the site is designated as open space although it has not been identified as such in the EHDCLP or JCS; the appellant has objected to this classification. Nevertheless in its undeveloped condition I find that the site plays an important role in defining the semi-rural character of the town and the linear settlement pattern in this part of Sussex Road. The appeal proposal would significantly erode that function, because it would introduce built development onto this currently open site.
26. Back in 2004, the EHDCLP Inspector considered whether or not the site should be allocated for development. Despite the hedge along the frontage, it was considered that there were good views across the site to the attractive countryside beyond it. Even at that time EHDC pursued the argument that the site forms a green finger which reaches almost into the heart of the town, and is one of a number that contributes much to the character of the town. That line of argument has been forcefully reiterated by the SDNPA. The Inspector also noted that the site provides a clear break between the large detached dwellings to the east and the mainly higher densities of the CA to the west<sup>4</sup>; that is consistent with my findings.
27. Clearly, things have moved on since 2004; various circumstances have changed including the national planning policy guidance and the National Park designation. Nonetheless, despite claims to the contrary from the appellant, the previous Local Plan Inspector's comments of the landscape and visual characteristics of the site are still relevant today. This is because the landscape surrounding the site has not dramatically changed. I consider that the EHDCLP Inspector's views and conclusions in this regard can therefore be given some weight.
28. There was some discussion about whether or not the development would harm an 'assart' field pattern. These are fields cut out of historic woodland or heathland. In this context I find the heritage assessment of July 2013, which was submitted with the application for outline planning permission, particularly useful. It sets out the morphology of the site and its surroundings. While the

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<sup>3</sup> The concept of green fingers and their contribution to the character of Petersfield are outlined in the PNP and the Town Design Statement October 2010 attached as appendix 1 to Mr Richard Dollamore's proof of evidence.

<sup>4</sup> Taken from paragraph 6.8 of Mr Enderby's proof of evidence.

field might have been part of an assart field pattern, its current boundaries probably date from the mid 19<sup>th</sup> Century because of its compact layout. During the 1940s, it was divided into six or seven fields and returned back into two fields in the 1990s.

29. Nevertheless, landscape character assessments refer to the site as being part of the historic assart field pattern even if the boundaries have changed in recent times. Given the amount of dwellings proposed, I find that the development would fail to respond to the cultural heritage of this part of the SDNP. This is because it would be located on land which is part of a historic network of assart fields.
30. Drawing all the above threads together, I find that by seeking to develop the site for residential purposes outside the settlement boundary, in the manner and scale proposed the appeal scheme would encroach into this part of the countryside. In my evaluation, this would visually harm the rural character and setting of this part of the town. The unacceptable visual intrusion resulting from the location of 26 dwellings and associated works would negate any potential benefit of providing open spaces, public footpath links with National Park information boards, and the removal of the onsite overhead electricity lines. Furthermore, by creating development in depth the development would be at odds with the generally linear form of the settlement in Sussex Road.
31. For all of the above reasons, I conclude that the proposal would fail to conserve the natural beauty of this part of the SDNP, to which great weight needs to be given and, accordingly, it would conflict with one of the statutory purposes of the National Park. The proposal would also be in conflict with JCS Policies CP19, CP20, CP28 and CP29.

*Second main issue - the effect of the development upon the character and appearance of the locality including the adjacent CA*

32. The site is located adjacent to the Petersfield CA opposite Heath Lodge which is a grade II\* listed building. I concur with the assessment of the appeal parties that, in principle, the residential development of this particular site would, at the very least, preserve the character and appearance of the CA, and it would not harm the setting of the listed building. Having said that, I am concerned about the potential impact of the development upon the locality.
33. Although the application is in outline and appearance and layout matters are reserved for future consideration, the indicative drawings show how the development would be laid out and the design and access statement illustrates how 26 dwellings would fit on the site. On this basis, and with the agreement of the appeal parties, it is reasonable to evaluate whether or not the proposed indicative layout would harm the character and appearance of the locality.
34. The developed area to the west of the site includes dwellings which possess uniform architectural styles as well as pockets of modern buildings. The houses to the east comprise large detached dwellings the rear gardens of which extend to the adjoining fields. These properties fall within the ASHC and are situated in large spacious plots overlooking Heath Pond. The ASHC is characterised by low-density development. In this street scene context, the site forms a wide visual break in what is otherwise a continuous line of buildings along the southern side of Sussex Road. Its undeveloped appearance separates linear development to the east and compact urbanisation to the west.

35. In contrast, I take the view that the appeal development would represent development in depth; the potential layout shows the modern housing estate would extend deep into the field. The grouping of the new houses around Cul-de-sacs would be at odds with the mainly linear settlement pattern. The location and configuration of the houses would have an undesirable urbanising effect upon this part of the countryside, due to the location and positioning of the site.
36. As I have said elsewhere, the development would be visible from FP37 at various times of the year. From this public vantage point, the estate would be seen as a physical extension of the settlement boundary due to the location of the dwellings. Landscaping would, to some extent, soften the visual impact and presence of 26 dwellings. However, it would not entirely remove the visually intrusive nature of the development given the scale of the estate.
37. Accordingly, the development would fail to comply with the main aims and objectives of JCS Policy CP29, because the indicative layout of the estate would not be representative of an exemplary standard and highly appealing in terms of visual appearance, because the development at depth would not respect the linear settlement pattern. The scheme would be at odds with advice found in paragraphs 56 and 58 of the Framework.
38. For all of the above reasons, I conclude that the development would have a harmful effect upon the character and appearance of the locality.

*Third main issue - whether or not the proposal can be regarded as major development and, if so, whether exceptional circumstances weigh in favour*

39. The SDNPA's reason for refusal alleges that the proposal would constitute a 'major development'. This is a very significant point in the context of this appeal for the following reasons. The Framework, paragraph 116, states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. The Framework does not provide a definition of what constitutes 'major development', but it is a question of fact to be determined by reference to the particular case being considered. The PPG advises that whether a proposed development in a National Park should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context (paragraph 005, reference ID: 8-005-20140306, revision date 6 March 2013).
40. The nub of the appellant's main argument is that, given the location of the site within a town the size of Petersfield, 26 dwellings would amount to 0.001% growth. The contention is that the proposal has been deemed not to amount to EIA development. There are no in principle objections based on the scale and nature of the development from statutory consultees<sup>5</sup>. In support of this proposition, reliance is placed upon an Inspector's decision at Burlands Field, Selborne Road, Selborne<sup>6</sup>.
41. It is reasonable to take, as a starting point, the definition set out in the Town and Country Planning (Development Management Procedure) (England) Order

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<sup>5</sup> For Environmental Impact Assessment screening purposes the Secretary of State's direction letter describes the proposal as being moderate in scale (dated 28 July 2014). I also note the absence of objections from Natural England though they advised EHDC to seek comments from the SDNP Authority on potential significant impacts on the purposes of the National Park designation and whether the proposal would accord with the aims and policies set out in the management plan.

<sup>6</sup> Appeal ref: APP/Y9507/A/13/2204544, dismissed on 13 March 2014. I will refer to this decision as 'Selborne'.

2010, but that is not the end of the matter. It is necessary to consider whether the development would have the potential to give rise to significant effects on the environment. The location of the development relative to the settlement would be an important consideration, but it is not the only factor.

42. In the current case, the development would be located on the edge of the settlement of Petersfield on land designated within the SDNP. Although the town has a population of around 15,000, the development would, potentially, have significant visual effects upon the natural beauty of the wider landscape, especially when viewed from Sussex Road. I take the view that the proposal would amount to a significant development in the context of Petersfield and the SDNP. Therefore, the scheme constitutes major development for the purposes of paragraph 116 of the Framework.
43. Consideration of such major development applications should include an assessment of the following: the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
44. The appellant advances the following arguments, underlined and evaluated, as considerations which go in favour of a grant of outline planning permission:
45. EHDC cannot demonstrate a 5-years supply of housing land (abbreviated as 'HLS'): This is one of the main arguments advanced by the appellant. It is predicated on the basis that the EHDC area as a whole cannot show a 5-years' worth of HLS. However, the SDNPA argues that its housing requirement must be separated for that part of the EHDC area which falls within the National Park. Whether or not the housing requirement should be aggregated or disaggregated in this manner was a matter of much debate at the Inquiry.
46. The Framework, paragraph 47, sets out the Government's objectives to boost significantly the supply of housing. It requires local planning authorities (LPA's) to use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. In addition, LPA's should identify and update annually a supply of specific deliverable sites sufficient to provide 5-years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
47. JCS Policy CP10 makes provision for a minimum increase of 10,060 dwellings in the period 2011 to 2028 for the whole of the JCS plan area. Among other things, it requires a minimum of 700 dwellings at Alton, Horndean and Petersfield.
48. There is broad agreement that as of 1 April 2014 the 5-year HLS figure for the EHDC area (excluding SDNP part of the EHDC area) is 4.7 years<sup>7</sup>. That is established by the recent annual monitoring report (AMR). The housing

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<sup>7</sup> This is based upon the 'Liverpool' method of dealing with the backlog over the plan period with the application of a 5% buffer. The method preferred by the appellant is 'Sedgefield' plus 20% because of the need to boost housing supply and to address any delivery of housing backlog within 5 years. The notes are taken from the EHDC 5-year HLS as of 1 April 2014 – document 14.



requirement for the SDNPA part of EHDC area has been arrived at by disaggregating the district-wide figure. This approach has been drawn on information on housing need contained in the Strategic Housing Market Assessment updated 2013 (SHMA), commissioned jointly by the EHDC and the SDNPA. On the basis of the SHMA assessments, the LPA's have adopted an annual requirement of 592 dwellings per annum (dpa). This breaks down to 8,366 dwellings or 492 dpa in the EHDC area and 1,694 dwellings or 100 dpa plus 5% for the SDNPA. This 70/30 split has been based upon population.

49. At the time of the Inquiry, the SDNPA's position was that they can show a 6.3 years' worth of HLS. Completions amount to 171, or 57 annual (2011 to 2014). The residual requirement (2014 to 2028) is 1,523 or 109 annual. The requirement for 5 years is 544 or 109 annual and a 5% buffer would increase that to 114 annual, or 571.
50. To address the housing requirement the SDNPA propose the following sites on the supply side. Large site planning permissions, where 10 or more dwellings are proposed, small site planning permissions discounted by 10%, windfalls, reserve sites and other PNP sites. These, in combination, would provide a total supply of 724, which represents an over provision against the total requirement of 153<sup>8</sup>. The housing requirement can be achieved because EHDC has agreed to accommodate some of the need arising within the National Park, which accords with the spirit to co-operate and is fully justified.
51. The overall housing market area considered for the housing figure was the whole EHDC area and the AMR is prepared on this basis and covers sites inside and outside of the SDNP. However, there are significant environmental constraints imposed by National Park status which cannot be simply overlooked. The SDNPA is yet to adopt its own local plan (some time in mid 2017) but it has recently adopted the JCS. Having regard to these circumstances, I take the view that the approach adopted by both LPA's is a pragmatic way of securing an appropriate level of housing provision in the overall EHDC area including the SDNP.
52. The appellant cites appeal decisions in support of an aggregated approach<sup>9</sup>. The decision (Ref: Y9507/A/13/2190512, dismissed 22 July 2013) at Liss recognises the absence of EHDC 5-year HLS. However, I consider that it has limited relevance to this appeal. Firstly, on the information before me, there does not seem to be much debate about the merits or otherwise of an aggregated approach. There is discussion about the emerging JCS and the suspension of the examination process to consider housing requirements. Secondly, this appeal site can be distinguished upon its individual facts. For example, the Liss site was one out of a dozen reserve housing sites suitable to accommodate up to 25 dwellings. The appeal site is not allocated in the emerging PNP for its release for housing now.
53. The decision (Ref: M1710/A/13/2184270) at Clanfield identifies the lack of a 5-year HLS, but there is no specific discussion about the merits or otherwise of an aggregated approach. There is, however, discussion about the JCS examinations, which, at the time, were suspended given the examining-Inspector's concerns about objectively assessed needs for housing. This decision

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<sup>8</sup> Revised Table 1 - document 13. It includes the PNP sites and a 5% buffer. The figures were slightly adjusted at the Inquiry. Row D on Table 1 should read 545 and E 572.

<sup>9</sup> In closing and for consistency in decision-making, Counsel for the appellant referred to the case of *North Wiltshire DC v SSE and Clover* [1993] 65 P.&C.R. 137, which I have taken into account.

predates the adoption of the JCS and so the local planning policy landscape has moved on since 25 January 2013.

54. The appellant complains that JCS Policy CP10 does not clearly refer to a disaggregated approach<sup>10</sup>. From its wording, I find that the disaggregated approach has made its way into the main thrust of the Policy. The aims and objectives of the JCS is to guide development within the whole of the EHDC area including the SDNP – that is clear from the JCS. The Policy states that sites will be identified through the Local Plan allocations, SDNP Local Plan or Neighbourhood Plans and policy boundaries adjusted accordingly. Housing sites are proposed within the PNP as well as reserve sites from the EHDCLP.
55. JCS Policy CP10 also states that within the SDNP any housing provision should meet the needs of local communities in the National Park. To my mind, that is recognition of the Government's advice that designated National Parks are not suitable locations for unrestricted housing; there are no general housing targets for these sensitive areas. That is clear in the supporting text to the Policy. The expectation is that new housing will be focused on meeting AFH requirements, supporting local employment opportunities and key services<sup>11</sup>. In addition to all of that, from Policy CP2 it is possible to identify the spatial strategy for the JCS area. It clearly identifies Petersfield as being wholly within the SDNP. I am not persuaded with the appellant's argument that the JCS fails to identify which geographical parts of the plan area fall within the SDNP.
56. The appellant argues that the EHDC has a record of persistent under delivery of housing, which has been recognised in the Clanfield decision. I also note that the EHDC parts of the area now within the SDNP were located in the AONB. The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision-maker in order to determine whether or not a particular degree of under delivery of housing triggers the 20% buffer. The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test. It is legitimate to consider a range of issues.
57. The SDNPA has been in existence for about 3 years. In this particular case, the JCS was adopted by the SDNPA in June 2014. The scale of the catch-up is not significant, some 130 units, and the SDNPA is operating with its own housing requirement against significant environmental constraints. It must meet the statutory purposes of the National Park status and operate within a defined national planning policy framework.
58. I consider that it is inappropriate to apply the 20% buffer to this particular circumstance. This is because a longer period would be required to establish a persistent record of under delivery. Additionally, JCS Policy CP10 allocates a strategic housing site for the provision of 2,725 new dwellings at Whitehill & Bordon over the Plan period, and 4,000 dwellings beyond the Plan period (JCS Policy CP2 describes it as a 'new Eco town'; Whitehill & Bordon lies to the north and on the edge of the SDNP). So, to my mind there are good planning reasons to take a longer term approach to addressing under-supply and the backlog. Therefore, I find the SDNPA's adoption of the 'Liverpool' plus 5% approach reasonable on the particular facts of this case. Even if I am to take the

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<sup>10</sup> The case of *TESCO v Dundee City Council* [2012] UKSC 13 is cited in closing submissions for the appellant.

<sup>11</sup> Taken from paragraph 78 of the Circular.

'Sedgefield' plus 5% approach, on the SDNP Authority's own figures it can marginally show a 5-year HLS.

59. In contrast, the submission on behalf of the appellant is that the SDNPA can only identify a 4.6 years' worth of HLS, or even less if the backlog was cleared within the next 5 years with a 5 or 20% buffer. This is because the PNP selected sites are considered not to be deliverable.

60. At the Inquiry, there was considerable discussion on this aspect of the HLS. Essentially, deliverable sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular development of the site is viable. At this stage I should say that planning permission or allocation in a development plan is not a prerequisite for a site being considered 'deliverable' in terms of the 5-year HLS. The disputed sites are the following:

(1) Land south of Durford Road: The site is identified in the emerging PNP to meet the needs of an ageing population. At an approximate density of 15 dwellings per hectare, the PNP assessment is for 48 dwellings though the appellant points out that the SDNPA questioned the location of the site relative to the town centre. Nonetheless, at the time of the Inquiry, a planning application had been submitted for a residential care facility, which is likely to include a mix of residential types including flats. The developer states that some 97 units are capable of being applied to the 5-year HLS given the size of the site. That is the number estimated to be built out with only half of the second phase coming forward.

The site would be occupied by uses falling within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended and the appellant queries whether or not these can be taken into account for the HLS calculation. Attention is drawn to PPG ID 03-037 and appeal decisions in the administrative boundary of Cheshire East Council<sup>12</sup>, but these decisions relate to sites which are differently located.

In this case, however, JCS Policy CP12, housing and extra care provision for the elderly, states that EHDC and SDNPA will, through the allocation of sufficient sites and/or the grant of planning permission, provide for housing and extra care accommodation to meet the needs of the ageing population within the District provided that the proposed sites and development are in locations to suit the needs of the elderly. The supporting paragraphs set out the justification for the Policy and 6.26 makes clear that, within the SDNP, housing provision will be restricted to the tenure, type and mix needed to serve local communities in the National Park.

While the terminology utilised might not be exactly reflective of the PPG guidance, the Policy and the supporting text sets out a reasonable approach on housing provided for older people.

(2) Land west of the Causeway: There are no significant constraints on this particular site including flooding and tree preservation orders, which can be addressed via a suitable planning application. The assessment is

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<sup>12</sup> Appeal refs: APP/R0660/A/13/2203282, allowed 29 July 2014, and same prefix ending with 2204971 allowed 4 August 2014 – Documents 15.

for 64 dwellings and there is no information to suggest that these units would not be delivered within the next 5 years.

(3) Dragon Street: There is no documentary information to suggest that the landowner and/or promoter of this site has sought to remove it from the emerging PNP housing sites. The site is identified in the JCS as a large urban potential for 30 units. There is no firm evidence before me to suggest that this site should not be considered deliverable on the basis that it is unviable.

(4) Larcombe Road and Penns Field: These are two reserved housing sites. Paragraph 6.9 of the JCS clearly explains the justification for carrying these sites forward from the EHDCLP. Larcombe Road has the potential for 61 dwellings and pre-application discussion has taken place. A current application for Penns Field is due for determination. I note concerns about 'reserved' sites, but deliverable sites could include those that are allocated for housing in the development plan.

61. The appellant maintains that the PNP housing sites should not be included in the HLS calculations as the selection process was unfair or opaque. However, the draft PNP is accompanied by a document titled: '*Forming the Plan*' version 1.1 issued 8 July 2014. That sets out, in some detail, the site selection process. Community involvement seemed to be at the heart of the plan formation and all sites were considered and appraised having taken account of land-use constraints. I find the evidence presented shows a reasonable prospect that the sites will come forward within the next 5 years.
62. Drawing all of the above threads together, the quantum of the evidence presented shows that the SDNPA's approach to the housing requirement can show 5-years' worth of deliverable housing sites.
63. Affordable housing (AFH) need: There is considerable evidence highlighting the urgent need for the delivery of AFH, but it does not automatically follow that the proposal would be justified just because it would deliver 10 AFH. Amongst other things, JCS Policy CP14 states AFH for rural communities outside settlement boundaries and within the SDNP will only be permitted where there is no conflict with the National Park purposes. Given the location of the site combined with the scale of the development, I have found that the proposal would fail to conserve or enhance the natural beauty of this part of the SDNP. The development would fail to comply with the main aims and objectives of JCS Policy CP14.

Additionally, the information presented does not show that the need for AFH cannot be met elsewhere outside the designated area. It does not show that the need for AFH in the town cannot be met in some other way, for instance, on sites within the settlement boundary of Petersfield.

For consistency's sake I turn to another appeal decision at Hill Farm Road West Tisted but the facts appear to be materially different from this case<sup>13</sup>. The Tisted scheme involved the provision of eight new AFH in a mix of 1, 2 and 3 bedrooms. In comparison, the scheme before me would result in development outside the settlement boundary comprising 26 dwellings of which only 10 would be AFH (7

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<sup>13</sup> Appeal ref: APP/Y9507/A/13/2199593, allowed 20 November 2013, attached as appendix N to Mr Cleary's proof of evidence.

dwellings for affordable rent 4 x 1-bedroom and 3 x 2-bedrooms, 3 dwellings shared ownership 2 x 2-bedrooms and 1 x 3 bedrooms).

64. Planning benefits – transport: The application for outline planning permission included a transport assessment of July 2013. The site is situated within walking distance of the town centre where there are various amenities to serve the population. It is within 400m of bus services connecting surrounding urban conurbations such as Portsmouth. There is a railway station in the town (1.2 km west of the site).

The location of the proposed access would be acceptable on highway safety grounds, and there would be good visibility in both directions for drivers and pedestrians and cyclists. A priority junction onto Sussex Road would be included. The nature of the development would generate about 16 additional peak hour traffic movements onto the local highway network, which is capable of absorbing the increase.

65. Flooding: The flood risk assessment (July 2013) confirms the site is located within flood zone 1: annual probability of flooding is less than 1 in 1000 years. The South Stream, a tributary of the River Rother, flows within about 100m of the western and southern boundaries of the site. Additionally, there are some land drains and ditches in the vicinity discharging into the South Stream. Residential development is more vulnerable but suitable development within flood zone 1. Subject to suitable sustainable urban drainage systems, the mitigation measures would address any concern from surface water runoff.
66. Ecology: The reports of July 2013 confirm that, subject to suitable mitigation measures, the development would not harm protected species such as bats. A phase II reptile and bat survey recommends the maintenance and enhancement of foraging habitat and connectivity. It also recommends a translocation effort for reptiles, and long-term management of the reptile habitat on the site.
67. Protected trees would be retained: A tree management plan has been explained in a report dated 30 July 2013. The development would not harm the health, wellbeing and amenity value of the trees on the site given the proposed location of the access and dwellings.
68. Economic and social benefits of the proposal: The development would not increase pressure upon the local infrastructure given the accessibility of the site to local amenities.

Construction-related spend would be in the range of £3.45 to £3.68 million. The majority spend would be on local professionals, tradesman and other related industries.

The average spend per household in the United Kingdom is around £25,150; the scheme would generate a gross spend of around £650,000 per annum. To convert this spend to gross added value and induced multiplier, the assertion is that a multiplier of 1.5 would seem appropriate based on national benchmarks, and so the total spend power would be in the region of £1 million.

The evidence presented, however, does not sufficiently show that refusal of outline planning permission for this particular development would have a detrimental effect upon the local economy.

69. Social and environmental benefits: The development would meet the needs of present and future generations and to support strong, vibrant and healthy communities. Other environmental and social benefits include improvements to recreational facilities in the vicinity of the site including links to FP37, The Causeway Farm recreational site allocated under the EHDCLP Policy R4.
70. Other considerations: Given the location of existing houses along Sussex Road, the development would not harm nearby residents' living conditions because of the potential layout of the new houses.

*Overall balancing exercise*

71. The proposed development would provide AFH in Petersfield. The scheme would not increase the risk to highway safety or flooding elsewhere. The proposal would have ecological, environmental, identified and quantified economic and social benefits. The site is located within a sustainable area given the availability of local amenities in the town. Furthermore, there are no objections to the development in terms of effect upon residential amenities though matters of detailed design and layout are reserved for future consideration. All of these matters can be secured through the executed UU. These factors weigh in favour of the scheme.
72. The proposed development would, however, have a materially harmful effect upon: (1) the natural beauty of this part of the SDNP and (2) the character and appearance of the locality. The development would fail to comply with JCS Policies CP19, CP20, CP28 and CP29.
73. On balance, I consider it to be of greater weight that the grant of outline planning permission for this scheme would materially harm the visual and landscape character of the SDNP, because of the site's location. It would fail to represent high standard of urban design given the potential layout and scale of the development. The suggested conditions and the UU would not overcome these strong planning objections.
74. I find that the considerations advanced in support of the development, whether taken individually or cumulatively, would not amount to exceptional circumstances, or demonstrate that it is in the public interest to grant planning permission for this particular development.

**Overall conclusion**

75. Therefore, for the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

*A U Ghafoor*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mathew Reed	Of Counsel
He called	
Kathryn Bailey MRTPI CMLI	Landscape Officer
Richard Dollamore BA (Hons) MA (Hons)	Design Officer
Kieran Howarth BA (Hons) DipTP	Director, Kieran Howarth Planning

### FOR THE APPELLANT:

Gary Grant	Of Counsel
He called	
Chris Enderby Dip LA CMLI	Enderby Associates
James Cleary MA DipUD MRTPI	Pro Vision Planning & Design

### INTERESTED PERSONS:

A D Blower	Local resident
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## **ALL DOCUMENTS HANDED IN AT THE INQUIRY**

- 1 Written representations by local resident
- 2 Thames Valley Archaeology representations
- 3 Landscape maps
- 4 Statement of common ground
- 5 The Petersfield Neighbourhood Plan
- 6 EHDC and SDNP Joint Core Strategy 2014
- 7 EHDC AMR December 2013
- 8 Letter dated 10 April 2014
- 9 Planning application – Land east of Harrier Way
- 10 Email dated 24/09/2014
- 11 Appellant's figures HLS position
- 12 Draft UU
- 13 SDNP Authority HLS figures and revised Table 1
- 14 EHDC HLS 01/04/2014
- 11 Appeal decisions – Cheshire East Council area
- 15 Plans list