



Appeal Decision

Inquiry held on 9, 10 & 11 June and 1 July 2015

Site visit made on 10 June 2015

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 03 September 2015

Appeal Ref: APP/M1710/W/14/3000999

**Land south of Blendworth Lane, Horndean, Waterlooville, Hampshire
PO8 0AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sunley Estates Limited and the Trustees of the Cadlington Trust against the decision of East Hampshire District Council.
 - The application Ref 52585, dated 1 May 2014, was refused by notice dated 4 November 2014.
 - The development proposed is residential development comprising 40 one, two, three, four and five bedroom homes (16 affordable homes, 24 market price homes), garages, parking spaces, access road, open space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In advance of the inquiry the appellants put forward two alternative schemes for consideration, one proposing 30 dwellings and the second 35 dwellings. At the inquiry the appellants confirmed that they would only like me to consider the 30 dwelling scheme as an alternative to the appeal proposal. The proposal for 30 dwellings would involve housing development on the western part of the appeal site only.
3. The appellants undertook consultation on the alternative schemes before the inquiry. There would have been the opportunity to discuss the merits of the schemes at the inquiry. The appellants argued that, although the changes were significant, consideration as part of the appeal process would not have prejudiced anyone involved with the appeal, having regard to the Wheatcroft principles¹.
4. However, the appeal process should not be used to evolve a scheme. What is considered by the Inspector should essentially be what has been considered by the local planning authority. The scheme for 30 dwellings involving only half the site is substantially different to the appeal proposal and has not been formally considered by East Hampshire District Council (EHDC) through a new planning application. For these reasons the appeal should be decided on the basis of the proposal as set out in the application.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

5. A completed legal agreement under Section 106 of the Planning Act (S106) between EHDC, Hampshire County Council (HCC) and the appellants was submitted to the inquiry². The S106 contains obligations relating to affordable housing provision; contributions to off-site education, community facilities, public open space and transport; and the management of on-site open space and a sustainable drainage system (SuDS).
6. A Statement of Common Ground (SOCG) between the appellants and EHDC records that the reasons for refusal relating to transport measures, education facilities, off-site open space and affordable housing would be satisfactorily addressed if a S106 includes appropriate clauses. That is the position that had been reached by the close of the inquiry so reasons for refusal 2-5 have been overcome.
7. After the close of the inquiry a proposal for 26 dwellings at Catherington within East Hampshire District was dismissed at appeal³. In addition the split site at Alton obtained planning permission on 23 July 2015. The main parties were given the opportunity to comment on these matters. I have taken their representations into account in this decision.

Main Issues

8. Having regard to the above the main issues are:
 - (1) the effect on the Blendworth Conservation Area and the setting of the listed building, Cadlington House;
 - (2) the effect on the local gap between Horndean and Blendworth; and,
 - (3) whether there is a five-year supply of deliverable housing sites.

Reasons

Heritage Assets

9. The appeal site comprises open fields divided centrally by a public footpath. The footpath appears to be well-used based on what I saw when I visited the site. The eastern portion of the site lies within the Blendworth Conservation Area and adjacent to Cadlington House, a Grade II listed building.

(i) The Blendworth Conservation Area

10. The Conservation Area centres on the linear village of Blendworth with its small scale vernacular dwellings and farm buildings but also includes the church and more prestigious properties of Cadlington House and Blendworth House at the southern and northern ends of the village. The village has open fields on all sides, including the appeal site, that together with the characteristics of the properties within it and the gaps between the buildings, give the settlement the character of an estate village with a distinctly rural feel and provide open settings for the larger houses at both ends. This is despite the relatively close proximity of the Horndean and Waterlooville urban area.
11. I note that the appeal site is not referred to in the Conservation Area Appraisal⁴ (CAA). Indeed there is limited reference to the landscape setting of the Conservation Area. However, the development of the eastern part of the site would erode part of the rural setting of the village and the open setting of

² See Document No 24

³ Appeal decision ref: APP/M1710/W/15/3004843 dated 11 August 2015

⁴ The Blendworth Conservation Area Study and Character Appraisal

Cadlington House and detract from the character and appearance of the Conservation Area.

12. I acknowledge the attempts to develop within a landscape setting, at a low density and with houses of high quality design and materials. However, the significant amount of suburban built development - eight large detached houses with associated garages - would result in a clear change in the character of the land and detract from the contribution that the site makes to the Conservation Area. The proposal could not be described as infill development in the terms set out in the CAA.
13. The change would be clearly seen from the central public footpath but also in glimpsed views from Blendworth Lane and from properties on the eastern edge of Horndean and within Cadlington House. There would also be the perception of Horndean spreading out to blur the distinction between the urban area and the separate rural settlement and their respective Conservation Areas.

(ii) Cadlington House

14. Cadlington House was built in the early 19th century around the time that the connected Seymour and Knighton families formed a substantial estate from land and properties to the east of Horndean, including the appeal site. The house was altered and extended in the mid 19th century. At around the same time the existing driveway leading from Blendworth Lane to the front of the house, described as a processional carriage drive, was formed. These changes increased the status of the building. The grounds and estate of the house included enclosed gardens to the rear and outbuildings to the north.
15. The house passed through a number of families in the 20th century before being acquired by MENCAP in the 1970's. Some eight years ago, after a period of neglect when up for sale, the building was restored and divided into three separate dwellings. A horticultural centre which provides work experience for young men with learning difficulties, known as the New Blendworth Centre, operates from a triangle of land between the driveway and the village centre. Some poly-tunnels have been erected on the land to the front of the house beyond an avenue of trees and some nursery beds. A number of separate dwellings have recently been formed in and around the outbuildings to the north of the main house.
16. As the appeal site historically formed part of the large estate it has some 'park like' qualities reflecting the intention by the 19th century owners to have a parkland setting to Cadlington House and their other properties. That said the site does not have all the characteristics of designed and formally laid out parkland, being more akin to agricultural pasture.
17. However, as an open area with mature trees around its boundaries, the eastern portion of the site provides a foreground for the house from the footpath allowing views between the trees towards the building. The house would be more visible in the winter months when the trees would not be in leaf. Moreover, on approaching the house along the 'processional carriage drive' the open character of the appeal site contributes to the sense of arrival at a Georgian Mansion of some local significance.
18. In the above respects the eastern portion of the appeal site and, in particular that part closest to the driveway, contributes to the significance of the setting

of the designated heritage asset of Cadlington House. The fact that recent development at the New Blendworth Centre and in and around the outbuildings has altered the setting does not diminish the contribution of the appeal site to the setting. If anything it heightens the importance of maintaining a relatively open vista towards the house across the appeal site, together with views out across the fields from the driveway, around the main entrance and the principal rooms. These vistas appear to have been associated with the house since at least 1850 when the existing driveway was formed.

19. The proposal would maintain a significant landscaped margin on that part of the appeal site closest to the driveway. However, the views from the footpath towards the house would be blocked in parts by the new houses, even though an open vista would be retained where the route nears Blendworth Lane. Moreover, for those approaching along the driveway and looking out from the mansion, a housing development would diminish the experience of the open 'park like' setting of a building of some status and the historical associations between the house and its estate.

(iii) Conclusions on Heritage Assets

20. In conclusion the proposal would not preserve or enhance the character and appearance of the Blendworth Conservation Area and would detract from the setting of Cadlington House. There would be conflict with Policies HE4 and HE12 of the East Hampshire District Local Plan Second Review (EHDLP) and Policy CP30 of the East Hampshire District Local Plan: Joint Core Strategy (CS).
21. In terms of the National Planning Policy Framework (the Framework), that part of the Conservation Area affected contributes to the significance of the heritage asset as part of its overall rural character. Similarly the eastern half of the appeal site has significance as part of the open setting of the listed building. The development would lead to less than substantial harm to the significance of the heritage assets. Nevertheless special regard needs to be had to the desirability of preserving the setting of the listed building and special attention is to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Gap

22. Policy CP23 of the CS seeks to protect gaps between certain settlements within the District. The area between Horndean and Blendworth is identified as one such gap. However, the precise extent of the gap has not been defined as this will be identified in a future Local Plan. The Inset Map that accompanied the EHDLP showed the appeal site lying within the local gap but the Proposals Map was time limited to the plan period which ended in 2011.
23. The purpose of the policy is to help prevent coalescence and retain the separate identity of settlements. In my consideration of the Blendworth Conservation Area I referred to Cadlington House being at the southern end of the village. The appellants' heritage witness describes the building in similar terms. In this respect the appeal site forms an important tract of open land separating Horndean and Blendworth. This is particularly appreciated from the footpath that crosses the appeal site where the urban edge of Horndean around the Church Centre can be seen in one direction and Cadlington House in the other. It would be reasonable to infer that the 200m gap referred to in the

Background Paper on local gaps⁵ is that between the Church Centre and Cadlington House, in other words the appeal site.

24. The gap is less apparent from Blendworth Lane as it leaves Horndean because of the bank of trees along its southern side and the development around Blendworth Furnishings on the northern side but it can be perceived in narrow views down the footpath when it meets the lane. Moreover, on passing the same place travelling west, you get the impression that you are approaching the edge of Horndean, not that you are already within the settlement.
25. I note the appellants' analysis that the local gap is more likely to be defined as the area to the north of Cadlington House, where there is open land. This is a change from their position at the time of the application when it was acknowledged that the site 'is within the Horndean – Blendworth Local Gap'⁶. However, Cadlington House is effectively merged with the linear centre of the village by the development at the New Blendworth Centre, including the car park at the northern apex. Travelling in a north-east direction along Blendworth Lane past the New Blendworth Centre, the village cottages come into view. Moreover, when standing around the area referred to by the appellants, the feel is one of being in a village environment with cottages in close proximity. The existence of a Horndean roadside sign in Blendworth and the position of street lighting columns are not significant factors in determining the location of the gap.
26. Housing development on both parcels of land would effectively close the gap between the eastern edge of Horndean and the southern extremity of Blendworth at Cadlington House. This would be the perception of those using the footpath in particular. The sense of loss of the gap would be less for those travelling along Blendworth Lane because of the bank and trees but would still be apparent where the new access would be formed and looking south along the footpath. The lower number of houses on the eastern portion, the creation of a landscaped edge to the development on its northern side and the provision of open space along the footpath would not serve to maintain the gap as there would be housing development behind the buffer and either side of the footpath corridor.
27. Accordingly, taking into account the above characteristics, the appeal site contributes to the gap as open and undeveloped land. The proposal would have an adverse impact on the local gap between Horndean and Blendworth. The development would conflict with Policy CP23 of the CS as it would undermine the physical and visual separation of the settlements and compromise the integrity of the gap.

Five Year Supply of Housing

28. When the Council made the decision on the planning application in November 2014 it acknowledged that it did not have a five year supply of housing land and was operating an Interim Housing Policy Statement (IHPS). However, by the time of the inquiry the Council considered that it could demonstrate a five year supply as a significant number of new planning permissions had been granted and the IHPS had been withdrawn.

⁵ EHDC CS – Background Paper on Gaps between Settlements – September 2011

⁶ See appellants Planning Statement dated April 2014, in particular paragraph 8.36

29. The main parties produced a series of tables⁷ setting out their respective positions on the five year supply depending on the approach taken to disaggregation, the making up of the shortfall, the application of the buffer and the contribution expected from a number of sites. How these four factors are applied affects the five year supply calculation. The Council and appellants differ on the approach to each element. However, even taking the appellants' approach on disaggregation, the making up of the shortfall and the application of the buffer, the Council claim that with each scenario it can show a five year supply whereas the appellants suggest that in each case there would be less than five years supply. The differences stem from the anticipated contributions from a number of key sites. I will now deal with each of these four factors in turn.

(i) Disaggregation

30. The issue is whether the housing supply calculations should be approached separately by splitting the total between the EHDC and the South Downs National Park (SDNP) areas. The CS is a joint document for EHDC and the SDNP. There is no separate development plan for the SDNP. The housing requirement of 10,060 new dwellings for 2011 to 2028 set out in Policy CP2 of the CS is not disaggregated between the areas administered by EHDC and the SDNP authority. CP2 does identify four distinct areas, one of which is the SDNP, and Policy CP10 sets out a spatial strategy indicating the minimum number of dwellings that each sustainable settlement would be expected to provide. Housing provision within the SDNP is to be restricted to that needed to serve its communities. But there is no indication in the CS, including in the explanation to the housing requirement and its distribution, that the housing requirement and the approach to housing supply should be split.

31. I would expect that a housing requirement would not be disaggregated unless a development plan policy specifically put forward such an approach. No convincing reasons have been put before me as to why, in the absence of policy support, a disaggregated approach should be followed. I note that there are appeal decisions which support both approaches. However, a decision at the end of June 2015⁸ was based on the housing requirement and supply figures for the whole area. An earlier decision⁹ which appeared to rely on similar evidence, including the approach of the CS Examining Inspector, also rejected a disaggregated approach, as did the Inspector in the Catherington appeal. I note that the evidence in all three cases was tested at inquiries.

32. For these reasons an aggregated approach to housing supply should be followed.

(ii) The Shortfall

33. There has been a shortfall in the delivery of dwellings against the CS housing requirement since the start of the plan period in 2011. Taking into account an annual minimum requirement of 592 dwellings, the shortfall in the four years up to 31 March 2015 is some 779 dwellings. Although the appellants include the figures in their tables, they query whether the completions for 2014/15 can be relied upon as they have not been verified. But as the Council explained

⁷ See Document No 17

⁸ See Document No 18

⁹ Appeal Decision Ref: APP/Y9507/A/14/2220580 dated 17 March 2015

that the monitoring of completions by HCC is robust I consider that the most up to date data can be relied upon.

34. There are two recognised approaches to making up the shortfall, known as the 'Sedgefield' and 'Liverpool' methods. Sedgefield adds the housing shortfall to the next five year period. Liverpool spreads the shortfall over the whole of the plan period.
35. The Council considers that the Liverpool method is more appropriate primarily because about 25% of the housing requirement will be met by a strategic allocation at Whitehill and Bordon. Most of the 2,725 dwellings to be delivered up to 2028 will come during the middle and later parts of the plan period. The Council also points to the housing trajectory within the CS which reflects the delivery anticipated by the strategic site together with the time it will take other sites, including proposed allocations, to come on stream. The use of the Liverpool approach in certain circumstances is supported by the Bloor Homes High Court judgement and the findings of Inspectors' in Rother, Hinckley and Bosworth, Blaby and in the Catherington appeal. In the Leicestershire cases the Inspectors had regard to strategic housing sites identified in the Local Plans that would come forward later in the plan periods in supporting the Liverpool approach.
36. The appellants' position is that the shortfall should be made up as early as possible to boost the supply of housing. They point to Paragraph 035 of the Government's Planning Practice Guidance (PPG) which states that local planning authorities should aim to deal with undersupply within the first five years of the plan period wherever possible. This guidance post dates the Bloor Homes judgment.
37. The section of the PPG referred to above primarily relates to plan making, not decision taking. There is no prescribed method of making up the shortfall within Government policy. However, where a housing requirement does not rely heavily on a strategic site or sites which may have a relatively long lead in time due to upfront infrastructure requirements, there is unlikely to be a justification for departing from the Sedgefield method. This is the approach generally preferred by Inspectors in appeal decisions in support of the Government's objective to significantly boost the supply of housing. However, in circumstances where there is heavy reliance on housing delivery from a strategic site and that site is to come forward in the later years of the plan period, this ought to be taken into account in considering how housing completions are faring against the strategy of the plan. To do otherwise would be likely to distort the way that housing is delivered against the plan's objectives.
38. In this case the strategic allocation at Whitehill and Bordon is nowhere near as significant as the sustainable urban extensions that applied in the Hinckley and Bosworth and Blaby cases where the Liverpool approach had been endorsed by Local Plan Inspectors. It has been earmarked for development for some time. Moreover, applying the Sedgefield method would still show a five year supply based on the Council's tables. On this basis and notwithstanding the Plan's trajectory and the conclusions of the Catherington Inspector, my planning judgement is that the shortfall should be made up in the next five years of the plan period. Otherwise housing needs that ought to have been provided for in

the early years of the plan, including acute affordable housing needs, would be less likely to be met when they should be.

(iii) The Buffer

39. The Framework states that local planning authorities should add a buffer of 5% to the land needed to meet the five year housing requirement. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply. The 5% or 20% buffer is not additional to the housing requirement but moves some of it forward from later in the plan period to ensure choice and competition in the market for land.
40. As implied in paragraph 33 above the delivery of housing has not met the requirement in the first four years of the CS, albeit that the gap between the requirement and completions narrowed considerably in 2014/15 so that the deficit was only 42 dwellings. Although the CS was not adopted until 2014, the housing requirement applied from the base date of the plan and should be applied retrospectively back to 2011. Before 2011 the lower requirement was derived from the South East Plan (RSS). The Council met the 260 dwelling requirement for each year between 2006/07 to 2010/11, a period of five years. In 2007/08 and 2008/09 the provision was more than double the RSS requirement.
41. However, the RSS requirement was constrained and did not take into account objectively assessed needs (OAN) or later population projections both of which have shown a greater housing requirement. That said it was the development plan requirement at the time.
42. The PPG advises that the approach to identifying whether there has been a persistent under delivery of housing involves questions of judgement. The judgement is likely to be more robust if a longer term view is taken, since it is likely to take into account peaks and troughs of the housing market cycle. The pattern of housing completions in the last nine years to an extent mirrors buoyant and then recessionary periods which have affected house building in all parts of the country, even where there has been no significant signs of market failure such as this part of Hampshire. In this respect provision in the last nine years reflects the market cycle. Achieving the requirement in the first five years of that period does not, to my mind, show a persistent under delivery of housing even if the requirement was policy constrained rather than the full OAN. I note that my reasoning here is consistent with the Catherington Inspector.
43. For these reasons I conclude, that on balance, a 5% buffer should be applied. This conclusion differs from the Inspector in the appeal decision at Medstead¹⁰ but I have based my judgement on information about completions from a longer period and against the development plan in place at the time.

(iv) Contribution from Sites

44. Applying a non-disaggregated approach, the Sedgefield method and the 5% buffer to the requirement leads to the Council claiming a 5.78 years supply (some 611 dwellings above an exact five year supply) whereas the appellants'

¹⁰ See Document No 18

case is that there is a 3.98 years supply¹¹. By way of comparison applying a 20% buffer would, based on the Council's figures, produce a 5.05 year supply with an 'over-supply' of only some 51 dwellings. The contribution from a number of key sites is, therefore, critical as to whether there is a five year housing supply.

45. The Council has taken its information on contributions from phasing schedules provided by HCC. These figures are corroborated by site specific information from agents/developers for some sites. The appellants have analysed a number of sites and questioned their delivery based on documentary evidence and local knowledge as part of their evidence gathering for this appeal.
46. In essence what each site will deliver is down to informed judgements. It is not an exact science. The Council's structured approach to gathering information is reasonable in the circumstances. The Council cannot be expected to carry out a detailed review of each site for every appeal. SHLAA sites and housing for the elderly have not been included in the supply so this makes the figures more robust. However, the appellants' more detailed evidence does point to potential delays in delivery on a number of sites.
47. I will focus on the differences in projected housing delivery from three sites – land to the east of Horndean, the strategic site at Whitehill and Bordon and the split site of Selborne Road and Treloar Hospital in Aiton – as the vast majority of the proposed dwellings did not have planning permission by the close of the inquiry.
48. With regard to land to the east of Horndean there was a resolution to grant outline planning permission in April 2015 for a maximum of 700 dwellings and supporting uses with all matters reserved. The resolution is subject to a S106 obligation being entered into within a certain time period and some 35 conditions. Although the site is being put forward as part of the emerging Allocations Local Plan¹², there are a number of issues around geology, ground water and protected species that need to be resolved through the discharge of conditions. The site is in multiple ownerships. The Council suggest that some 155 dwellings should be delivered in 2019/20 whereas the appellants consider that it is unlikely that any will come forward during the relevant five year period.
49. So far as Whitehill and Bordon are concerned, the Louisburg Barracks site requires substantial highway works and Suitable Alternative Natural Greenspace (SANG) to bring it forward. The appellants say that 150 dwellings being delivered by 2019/20 is realistic compared to the Council's estimate of 267 dwellings. For Bordon Garrison there was a resolution to grant planning permission in April 2015 for a very large scheme of around 2400 units but subject to a S106 being drawn up over a 6 month period and some 48 separate planning conditions. The permission will require 53 ha of SANG to be provided before any dwelling is occupied and extensive highway improvements. The Council's suggest that over 300 dwellings will be delivered in the next five years whereas the appellants doubt whether the site will contribute at all during the period.

¹¹ Tables F1 and F2 of Document No 17

¹² Draft East Hampshire District Local Plan: Housing and Employment Allocations December 2014

50. The split site of Selborne Road and Treloar Hospital in Alton has obtained planning permission since the inquiry for 530 dwellings but is dependent on major highway works, including the demolition and reconstruction of a railway bridge. The works to the railway bridge can only be carried out during a three month window at the start of the calendar year so as not to affect the tourist attraction of the Mid-Hants Railway. No developer is in place. There are developer and highway agreements to be completed. There are a significant number of other dwellings planned for Alton. The appellants' dispute that the Council's estimate of 226 dwellings from the two parcels will come forward, suggesting that only some 120 dwellings are likely to be delivered. This projection was on the basis of planning permission being granted in July 2015 which came to fruition.
51. Having regard to the deliverability criteria set out in Footnote 11 to the Framework these three sites are unlikely to provide the number of completed dwellings anticipated by the Council in the next five years. In particular the majority of the homes do not yet have planning permission. Applying the appellants' more pessimistic forecast for these sites removes some 678 dwellings from the supply.
52. There are a number of other sites where there are differences between the Council and the appellants as to delivery in the five year period. Even assuming that all these deliver as predicted by the Council, there would not be a five year supply if the 678 dwellings are taken off the supply (paragraph 44 refers). On this basis I see no need to analyse the contributions from these other sites which are generally of smaller scale.

(v) Conclusions on housing land supply

53. The Council has made strenuous efforts to boost housing supply by bringing forward a number of sites. However, some of these larger sites have complex infrastructure requirements and in the case of Horndean and the very large scheme at Bordon Garrison have not obtained planning permission. The Horndean site is not allocated in a development plan. Applying a 'worst case scenario' based on the more cautious estimates of delivery provided by the appellants derived from a detailed consideration of the constraints, I conclude that it is unlikely that there is a five year supply of housing land. This is on the basis of applying the Sedgfield approach and a 5% buffer to the requirement for the District as a whole. That said the supply is fluid and appears to be only marginally below five years and circumstances are likely to change fairly soon as information about how sites are progressing becomes available.

Other Issues

54. The proposal would boost the supply of homes by providing market housing and much needed affordable housing in a relatively short time period, estimated by the appellants to be within two years. The 16 affordable units (40%) would be in accordance with Policies CP11 and CP13 of the CS. The overall CS housing requirement was increased by the Examining Inspector above demographic projections due to the urgent need for more affordable dwellings. The need for affordable housing is made more acute due to a shortfall in provision against the targets in the CS in the early years of the plan. I note the intention to provide two units for injured service personnel which is commendable. The provision of new homes, particularly affordable

units, is a considerable benefit which flows from the scheme given the shortfalls in supply.

55. The appeal site itself is a short walk from the centre of Horndean with its shops and other facilities. Although there is no railway station, a bus route passes north and south through the village centre. Horndean is identified in the CS as a 'Large Local Service Centre'. Policy CP10 of the CS indicates that the allocation of sites through a Local Plan will provide a minimum of 700 dwellings at Horndean. Therefore, Horndean is clearly considered to be a sustainable location for development.
56. Care has been taken in creating a high quality scheme through the use of the landscape setting enhanced by further comprehensive planting; the disposition and treatment of open spaces; the scale and vernacular design and materials of the buildings; and the commitment to a high level of sustainable construction.
57. Blendworth Lane is about 5.5m wide along the site frontage. The road would be narrowed as part of the appeal proposals with a give way arrangement providing priority to those leaving Horndean and a footway linking the existing pavement to the west of the Church Centre entrance with the development. There is no substantive evidence before me that the wider highway network, including the mini-roundabout junction with Havant Road, would be unable to accommodate the transport movements from the development. The proposal would provide a safe and suitable access to the site for all people.
58. The site is in Flood Risk Zone 1 and therefore housing development is acceptable in flood risk terms. Ground conditions suggest that soakaways would be suitable for surface water drainage.
59. The proposed layout would provide good separation between proposed and existing dwellings including those near the western boundary. Suitable boundary treatments could be provided.
60. The application was accompanied by an Extended Phase 1 Habitat Survey Report and bat and dormouse assessments. Dormice are unlikely to be present but an activity survey revealed that four bat species use the site. These documents indicate that, subject to suitable mitigation, the bats and other protected species would not be adversely affected by the development. The mitigation, such as the retention of vegetation, additional planting including buffers, sensitive lighting and the provision of bird boxes and bat roosts, could be secured by condition.

Obligations

61. The S106 obligations relating to education, community facilities, public open space, SuDS and transport would offset the impact of the development on services and infrastructure in the area. As such they would be a neutral consideration in the planning balance. As I am dismissing the appeal for other reasons I do not need to consider whether each of these obligations meets the tests within paragraph 204 of the Framework and Community Infrastructure Levy Regulation 122.
62. The S106 also gives effect to the provision of affordable housing, a benefit of the scheme. I am satisfied that the affordable housing provisions of the S106 are necessary to make the development acceptable in planning terms; directly

related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, the affordable housing obligations meet the legal and policy tests and I have taken them into account in my decision.

Conclusions

63. I attach considerable weight to the benefits arising from the provision of new homes including affordable dwellings. As well as the contribution to the social dimension of sustainable development, new houses would bring economic advantages in terms of construction jobs and spin offs, increased local spend and the New Homes Bonus.
64. The development would be in a relatively sustainable location and would be of high quality. These positive factors should be afforded some weight.
65. The effects of the development on local infrastructure such as the highway network, drainage and schools could be offset by contributions or on-site or off-site works secured either by the S106 or conditions such that the impacts are a neutral consideration.
66. In terms of harm I have identified adverse impacts on the Blendworth Conservation Area, the setting of Cadlington House and the integrity of the local gap between Horndean and Blendworth. There is no other material harm arising from the proposals.
67. As I have found, based on the evidence put before me, the local planning authority cannot currently demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date in accordance with paragraph 49 of the Framework. Such policies include those that generally restrict housing or direct housing to particular locations such as CS Policies CP2, CP10 and CP19.
68. Where the development plan is out-of-date, paragraph 14 of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or specific policies in the Framework indicate that development should be restricted.
69. In this case the policies of the Framework on designated heritage assets, whilst not necessarily restricting development, indicate that great weight should be given to the assets' conservation. In addition there are the statutory tests for conservation areas and listed buildings. The interpretation of the statutory test in the Barnwell Manor¹³ and later judgements indicates that 'special regard' means that considerable importance and weight should be given to the desirability of preserving listed buildings and their settings and indeed preserving or enhancing conservation areas.
70. The harm to the designated heritage assets of the listed building and conservation area is less than substantial, so the harm should be weighed against the public benefits of the proposal. However, I conclude that this harm is not outweighed by the considerable benefits arising from the new housing and affordable dwellings and the more limited weight that can be afforded to

¹³ East Northants DC, English Heritage and National Trust v SCLG & Barnwell Manor Wind Energy Ltd [2013] EWHC 473 (Admin)

the sustainable location and the creation of a high quality environment. The harm could not be overcome through the use of conditions.

71. Moreover, applying the Framework test in paragraph 14, the combined adverse impacts on the heritage assets and local gap would significantly and demonstrably outweigh the benefits. The proposal would not comply with the development plan overall because of its conflicts with those policies that protect heritage assets and the local gap which are not relevant for the supply of housing. Overall the economic and social gains would not outweigh the environmental harm so sustainable development would not be achieved.
72. For the reasons given above I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader Of Counsel

Instructed by Nick Leech of the District Council

He called

Adam Harvey BA (Hons) MA MRTPI Principal Planning Officer

John Townsend BA Dip UD MRTPI IHBC Principal Conservation Officer

Simon Wood BA (Hons) MRTPI Urban Vision Partnership Ltd

FOR THE APPELLANTS:

Jonathan Clay Of Counsel

Instructed by Ian Ellis

He called

David Allen Dip LA CMLI Allen Pyke Associates

Jo Evans BSc (Hons) MRTPI IHBC CgMs Consulting

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INTERESTED PERSONS:

Elaine Tickell District Councillor

Mary Pearson Local Resident

PLANS AND DOCUMENTS SUBMITTED AT THE INQUIRY

BY THE APPELLANTS

1. List of appearances
2. Errata sheet to Mrs Evan's POE
3. Judgement in Pugh v Secretary of State for Communities and Local Government and Cornwall County Council and Nick Maiklem [2015] EWHC 3 (Admin)
4. Opening submissions
5. Submissions on alternative schemes (Wheatcroft)
6. Annex M to Planning Inspectorate Procedural Guidance
7. Planning Inspectorate Good Practice Guidance Note 09 – Accepting amendments to schemes at appeal – February 2011
8. Extracts from Committee Report on outline planning application for residential development land to east of Horndean
9. Information on development at Cadnam Farm, Shalden, Alton
10. Information on development at Bordon Garrison
11. Information on development at Will Hall Farm, Alton
12. Information on development at Selborne Road/Lord Mayor Treloar Hospital Site, Alton
13. E-mail from Persimmon Homes to appellants about Cadnam Farm, Shalden, Alton dated 10 June 2015
14. E-mail from Mr Townsend to Mr Holmes dated 16 July 2014
15. Plan from Sales Particulars for sale of Cadlington House in 1887
16. Extract from Draft SHLAA dated October 2013
17. Five Year Housing Land Supply Tables
18. Appeal decision ref: APP/M1710/A/14/2226723 dated 29 June 2015 relating to land east of Lymington Bottom Road, Medstead, Hampshire GU34 5EW
19. Full Committee Report on outline planning application for residential development land to east of Horndean
20. Supplementary Report on outline planning application for residential development land to east of Horndean
21. Plan of Highway Works for Whitehill & Bordon Relief Road
22. Extract from Bordon Garrison Committee Report dealing with SANG
23. Closing Submissions
24. Section 106 agreement dated 1 July 2015

BY THE COUNCIL

25. Summary of Mr Harvey's Proof of Evidence (POE)
26. Summary of Mr Townsend's POE
27. Summary of Mr Wood's POE
28. Opening submissions
29. EHDLP Inset Map 36 for Horndean and Blendworth
30. East Hampshire District Local Plan: Joint Core Strategy adopted June 2014
31. Mr Harvey's comments on five year housing land supply disputed sites
32. Appeal decision ref: APP/M1710/W/15/3003658 dated 9 June 2015 relating to land at Station Road, Bentley, Hampshire GU10 5LN
33. Note on land east of Horndean, Bordon Garrison and Lord Mayor Treloar Hospital Site
34. E-mail from landowners of Selborne Road, Alton to the Council dated 13 April 2015

- 35. SoS for CLG decision on appeal on land at Sketchley House, Burbage dated 18 November 2014 (appendix 13 to Mr Harvey's POE refers)
- 36. Extract from EHDLP Inspector's Report on Objections
- 37. Listing assessment for Cadlington House
- 38. Appeal decision ref: APP/M1710/W/14/3000991 dated 23 June 2015 relating to land to south of Highmead House, Old Odiham Road, Alton Hampshire GU34 4BN
- 39. Closing submissions

BY INTERESTED PERSONS

- 40. Statement by Elaine Tickell, District Councillor

Richborough Estates