
Appeal Decision

Inquiry held on 23 to 25 and 30 June 2026

Site visit made on 26 June 2026

by **P Hanna PGDip MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th August 2026

Appeal Ref: 6004299

Land off St Mary's Road, Hayling Island

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Gladman Developments Ltd against Havant Borough Council.
 - The application reference is APP/21/01434.
 - The development proposed is described as up to 300 dwellings (including affordable housing). The proposal also includes provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system (SuDS); a new vehicular access from St Mary's Road; and associated ancillary works. All matters reserved except for means of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for up to 300 dwellings (including affordable housing) including provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system; a new vehicular access from St Mary's Road; and associated ancillary works at land off St Mary's Road, Hayling Island in accordance with the terms of the application reference APP/21/01434 subject to the conditions in the attached schedule.

Preliminary matters

2. The Hayling Island Residents' Association (HIRA) was granted Rule 6 party status. At the Case Management Conference, HIRA confirmed that, in the absence of an objection from Havant Borough Council (the Council), it intended to participate fully in the inquiry. At the event HIRA were professionally represented and presented evidence on the below main issues as well as planning matters.
3. An Environmental Impact Assessment (EIA) has been undertaken and reported in an Environmental Statement (ES) in accordance with the requirements of The Town and Country Planning (EIA) Regulations 2017. An amendment to the red line site boundary was made prior to the inquiry, reducing the site from 11.77 to 11.64 hectares. The effect of the amendment on the proposal was assessed in an EIA compliance statement which was subject to public consultation. I am satisfied no prejudice arose from the revision. The ES is sufficient to reach a reasoned conclusion on significant effects and has been taken into account in this decision.
4. The application seeks outline planning permission with the principal means of access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered further. The submitted parameters plan is proposed to be subject to a condition requiring compliance, and I have determined

the appeal on that basis. I have amended the description of development in the decision from that given on the application form to remove superfluous wording.

5. The Council's assessment of five year housing land supply is 1.3 years based on a local housing need of 887 dwellings with a 20% buffer and a deliverable supply of 1,401 units, for the period April 2025 to March 2030. This results in a shortfall of 3,921 dwellings against the five-year requirement. The 2023 Housing Delivery Test measurement for Havant is 74%. This is discussed further below.
6. A planning obligation pursuant to s106 of the Town and Country Planning Act 1990, in the form of a unilateral undertaking, was discussed at the inquiry, and was subsequently signed on 8 July 2026. I return to this below.

Main Issues

7. Whilst the Council has no objections to the proposed development, HIRA have raised three key concerns. The main issues are:
 - the effect of the risk of flooding on the proposed development, with particular regard to the A3023 Langstone Bridge;
 - whether the proposed development is in a suitable location with regard to accessibility, and the effect of the proposal on the capacity of the road network and the safety of road users; and
 - the effect of the proposed development on the integrity of the Solent Special Protection Areas.

Reasons

8. The appeal site is an irregularly shaped parcel of agricultural land located off St. Mary's Road, of some 11.64 hectares. The site is bounded to the south and east by residential dwellings along St Mary's Road and Rook Farm Way, and to the north by open land beyond which lies the Hayling Island Holiday Park. To the west is open land and an established residential area along the A3023 Manor Road. The Grade II* listed building St Mary's Church bounds the northeastern corner of the site, and a public right of way (PROW) wraps around the northern and western boundaries. The site is largely level and contains a drainage ditch running east to west with an agricultural building close to the centre of the site.
9. The proposal is for up to 300 dwellings, with 30% affordable housing, to be accessed from a new vehicular access point from St Mary's Road, with areas of formal and informal public open space, play areas, allotments, community gardens and recreational footpaths. Sustainable drainage attenuation basins are shown as being located to the south and west boundaries of the site.
10. The development plan includes the Havant Borough Core Strategy (2011)(CS) and the Havant Borough Local Plan (Allocations)(2014)(LP). The Havant Borough Local Plan 2036 (wLP) proposed the appeal site for allocation but was withdrawn by the Council following the 2021 report into its examination. The current emerging Building a Better Future local plan (eLP) was subject to Regulation 18 consultation in summer 2025, and Regulation 19 consultation is due to take place in late 2026 with submission to the Secretary of State currently anticipated by the end of 2026. The eLP proposes no new development on Hayling Island due to flood risk to the access road. It is of very limited weight given its early stage of preparation.

11. The appeal site lies outside of the urban area boundaries for south Hayling Island and, accordingly, there is no dispute that the proposal is contrary to policies CS17 of the CS and AL2 of the LP, which together deal with urban area boundaries and the undeveloped gaps between settlements.

Flooding

12. The appeal site itself is on higher land than the coastline of the island and is designated as being within Flood Zone 1 where the risk of flooding is low. The A3023 Langstone Bridge is the sole access road connecting the island with the mainland, and HIRA's remaining key concern relates to the public safety implications of the flooding and closure of the bridge.
13. The risk of flooding to any location is assessed with initial reference to the Environment Agency's (EA) online flood map. For Langstone Bridge, areas to the north and south are within Flood Zones 2 and 3.¹ The EA further confirm that tidal flood defences in the form of engineered high ground and coastal embankments can offer protection up to 1 in 25-year and 50-year tidal flood events. The strategic flood risk assessment (SFRA) mapping from February 2025 also shows the bridge is protected to a crest tide level up to the 1000-year return event. On this basis, the flood risk assessment concludes that the flood risk to the bridge is low. However, there have been flood events in the past on Hayling Island and HIRA argue that the risk level is greater, and that flooding events would occur much more frequently, than assessed by the appellant, with reference to three key factors.
14. Firstly, that Storm Pierrick on 8 April 2026 created the extreme coastal conditions of a 1-in-75 year event. Secondly, the SFRA mapping of the 1-in-30 year present day defended event indicates that the A3023 south of the bridge would be within the flood zone. Thirdly, HIRA consider that the EA's extreme sea level standard of 2.65m for still water conditions would overtop the 2.75m sea defences for the island, given the coastal location and south westerly wind.
15. Even if I were to wholly accept HIRA's position on these points, with regard to the suggested increase in frequency of flooding events, there are still a number of significant mitigating factors:
 - flooding events would occur only for short durations of time, with inundation lasting just hours rather than days;
 - impending flood events would be subject to flood warnings, enabling any affected residents to make advance preparations;
 - the island has a reasonably high degree of self-sufficiency, with GP surgeries, pharmacies, first responders, fires station, and a cardiac response station;
 - alternative access to the island is potentially available by sea and air, albeit that these may not be available during severe storm events;
 - an emergency planning framework has been produced by the Council, which sets out how emergencies on the island should be dealt with by the relevant bodies. Even if this is not an operational plan, the Council and other agencies have emergency responsibilities, in line with the requirements of the Civil Contingencies Act 2004; and
 - HIRA's concerns about access during flooding already affect a large existing permanent population of some 18,000 island residents, which can rise by some

¹ Flood Zone 2 is land located between the extents of the 1 in 200-year and 1 in 1000-year (<1% to >0.5% AEP) risk of tidal flooding. Flood Zone 3 is land located within the extent of the 1 in 200-year (>0.5% AEP) risk.

4,000 during summer months. This number will be increased by the development of 300 homes, but not substantially.

It is my judgement that, when taken together, these mitigating factors are sufficient to outweigh the low risk of flooding causing temporary closure of the bridge and the low risk of emergency care being required during closure.

16. This position is supported by both the Council and EA, neither of whom raised an objection to the proposal. There was also no objection from Hampshire Fire and Rescue or the Hampshire and Isle of Wight Fire Service. Although the Coastal Partners consultation response highlighted the need to consider emergency planning and rescue implications, which I have done, it also did not object.
17. A number of local residents have brought to my attention the extent of flooding experienced at their homes, and I have considerable sympathy for the difficult circumstances they have endured. But even in that light, the development would not in itself worsen the risks of flooding elsewhere. Although the eLP identifies tidal flood risk as significant and makes no residential allocations on the island, the Council recognise that only very limited weight can be attached to the eLP. The Council's current position is that, in light of that weight and the presumption in favour of sustainable development, the benefits of housing delivery outweigh the risks from flooding. That the Council has previously refused planning permission on flooding risk grounds is a matter of very limited weight given my findings.
18. Turning to other flooding matters, the site itself is within Flood Zone 1, with low risk of fluvial and tidal flooding. At the inquiry, the parties agreed that the sequential and exception tests in the National Planning Policy Framework (the Framework) were not engaged by the appeal proposal. A drainage strategy for the site indicates that the development would achieve a betterment in surface water runoff on the site, the details of which can be satisfactorily dealt with by conditions. The uncertainty of funding for repairs to Langstone Bridge and for implementation of any tidal mitigation works is not a matter of sufficient weight to change my findings.
19. In conclusion, the risk of flooding on Langstone Bridge is low and the risk of a requirement for emergency care being required which is not on the island is also low. Taken together, the overall adverse effect of the risk of flooding is, at most, limited. The proposal complies with policy CS15 of the CS and the Framework, which together require that new development should not be at risk of flooding nor increase the risk of flooding elsewhere. Accordingly, flood risk is not a strong reason for refusal in respect of footnote 7 of the Framework, and I return to this in the planning balance.

Highways

Accessibility

20. The appeal site is located within some 1km of both the West Town and Mengham/Gable Head local and district centres. Both contain a range of facilities including top-up shopping, pubs/restaurants and hot-food takeaways. Within the preferred maximum walking distance of 800 metres, or about 10 minutes, from the centre of the site are a convenience store, infant school, nursery, junior school, college, recreational ground and play area, health centre, pharmacy, church, allotments and vets. The island also contains a supermarket, some 1.25km from the appeal site, business park, sports and sailing clubs, library and community centre, notwithstanding that hospital care, in-branch banking, and post-16 education are

off island. Despite HIRA's concern that the island's retail facilities are the lowest tier and that many employment opportunities are also off-island, the appeal site is, overall, very well located for access to a wide range of services and facilities.

21. Bus stops are located less than 350 metres from the site, running two services on circular routes, timetabled to individually run half-hourly Mondays to Saturdays and hourly on Sundays, notwithstanding concerns about reliability. Destinations include Havant town centre and the Langstone Technology Park business hub, where employment opportunities exist. From Havant train station (a 5 minute or so walk from the bus stop) services run to London, Portsmouth and Southampton. Taxis and car shares are also available, albeit that services may be limited.
22. In terms of active travel, the island contains a primary cycle route between Langstone Bridge and the passenger ferry to Portsmouth, which incorporates the off-road Billy Trail. There are also several other secondary cycle routes around the island. All are easily accessible, even if not via dedicated routes. Sections of the routes are unlit and may not meet current standards, and funding for maintenance and improvements is uncertain. This makes the routes slightly less attractive, but it does not mean they are unsuitable for ongoing and potentially increased use.
23. A travel plan would be secured by the obligation, with a target for a 10% reduction in car use, along with promotion of active and sustainable transport, amongst other measures. Overall, residents would have a genuine choice of sustainable transport modes for day-to-day needs which would limit the need to travel.

Capacity

24. The A3023 Langstone Bridge is the sole route on and off the island. This road, and the highways network across the island, can be subject to congestion currently, with disruption caused by roadworks, accidents, breakdowns and flood events. Planned works are subject to the Council's roadworks management strategy for the island, which seeks to minimise adverse impacts. Local residents described to the inquiry how these disruptions have caused considerable inconvenience, which I recognise. However, the relevant test here, as set out in the Framework, is whether or not the addition of up to 300 new dwellings would result in severe residual cumulative impacts on the road network.
25. The assessment of traffic impacts is typically carried out at neutral times. However, given the particular tourism draw of the island, as recognised during examination of the wLP, additional summertime modelling work has been carried out for the appeal proposal. This microsimulation modelling has indicated significant impacts on the Langstone roundabout, however a suitable level of mitigation has been provided in the form of works and financial contribution, as agreed with the local highway authority. The key remaining criticisms from HIRA, following rebuttal by the appellant's consultants, include the absence of an uncertainty log, rat running and failure to model restricted flows.
26. Whilst the Department for Transport's transport analysis guidance recommends uncertainty logs, doing so would have largely replicated the existing forecasting assumptions and modelling brief parameters. Not every modelling run has been provided but, in the context of agreement on the modelling from the highway authorities, their absence does not materially weaken my confidence in the model's robustness. Although the Council's scoping opinion raised a question about potential rat running on West Lane, this was in respect of air quality, not

transport concerns. Furthermore, that scoping comment was made in 2021 prior to the submission of the planning application, to which no objection was ultimately raised. Nor did the Council or consultees expect modelling scenarios to include potential restrictions to the bridge during repair works, as discussed further below. This is right, in my view, given the current uncertainties around what such repairs and any restrictions may comprise.

27. HIRA presented evidence on congestion based on TomTom data. This suggests that the highest congestion level is 92% at 20:00 on Sundays, which is described by HIRA as being at “standstill”. However, regardless of whether or not this shows that the road network is significantly more congested and sensitive than set out in the transport assessment and modelling, the development traffic would not add significantly to this existing seasonal congestion as its own peaks are instead during commuting hours. If all predicted movements from the development during this time were to join the seasonal traffic, this would result in an increase of around only 8%, but development movements would typically be more widely dispersed across the road network than seasonal movements.
28. The most recent structural assessment of Langstone Bridge has identified the need for major refurbishment works which will be complex to implement. Although no funding has yet been identified for the works, the Council has already indicated its awareness of the need to maintain traffic flow on the bridge, and no weight restriction is currently intended. Should any overlap occur between bridge repairs and construction of the appeal development, this could be appropriately managed by means of a condition for a construction method statement.
29. Overall, I am more persuaded by the detailed technical modelling undertaken as part of the transport assessment and conclude that the residual cumulative impact of the development proposal would not be severe.

Safety

30. Langstone Bridge is a two way highway with raised shared footway and cyclepath either side. Whilst no fatal collisions were reported during the five-year assessment period, a recent cycling fatality occurred on the bridge in April 2026, with cause still unknown. I recognise the shock this accident would have caused to the local community but there is no substantive evidence before the inquiry to suggest that the existing bridge layout is inherently unsafe, notwithstanding some less serious accidents and the latest Department for Transport standards. The Council confirm that this accident did not change its overall conclusion and that no specific accident remedial measures would be required. Nor is there substantive evidence that the additional use arising from the new residents of the development would unacceptably worsen road safety, notwithstanding that cycling here is described by local residents as unpleasant.

Conclusion on highways

31. In reaching a conclusion on the above matters, I give considerable weight to the consultation responses of the local highway authority and National Highways, neither of whom raised any objection to the proposal, subject to conditions. Overall, the proposed development is in a suitable location with regard to accessibility and, with mitigations, would not have a significant adverse impact on the capacity of the road network and the safety of road users. The proposal complies overall with policies CS20 and DM12 of the CS and the Framework,

notwithstanding the conflict with the non-Framework compliant aspect of policy CS20 of the CS which prohibits any increase in congestion and therefore attracts reduced weight. Together, these require that new development should prioritise sustainable transport modes, not create an unacceptable impact on highway safety, and not have severe residual cumulative impacts on the road network.

Ecology

Impact on internationally designated sites

32. Brent geese are winter visitors to the Solent from breeding grounds in Siberia. The species is of high international importance in conservation terms and is vulnerable due to the relatively small size of the world population and variable breeding success. The species is a qualifying feature of the nearby Chichester and Langstone Harbours SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, and the Solent and Southampton Water SPA and Ramsar site (the Sites). Other habitat types and species for which the Sites are protected are catalogued in detail in the appellant's information to inform habitats regulations assessment.
33. Brent geese have been recorded at the appeal site since 2013, with counts of up to 1100 individuals. The appeal site therefore functions as supporting habitat for waterfowl assemblages and is identified as a core area under the Solent Wader and Brent Goose Strategy (SWBGS) for its suitable conditions and functionally linked land.
34. Notwithstanding this core area designation, the right conditions are necessary for the site to play its role as supporting habitat for the wintering birds. The presence of brent geese on the site is dependent on the agricultural management of the site. When brassicas have been planted, or when the field has been ploughed and left as expansive bare ground, surveys have recorded no brent geese at the site. Even so, the proposed development would result in the complete loss of this important wintering site. The loss of supporting habitat at the appeal site would, in the absence of mitigation, give rise to a likely significant effect on the Sites.
35. Accordingly, mitigation is proposed in the form of a permanent wintering bird refuge site on land west of West Lane, some 1.2km from the appeal site. The proposed refuge site is also identified as core area habitat and, as with the appeal site, it's use is currently dependant on farming practices. As such, management of the refuge site would be specifically directed towards conservation purposes, overseen by an appropriate conservation body and secured in perpetuity.²
36. The key issue of dispute between the parties is whether it has been demonstrated beyond reasonable scientific doubt that the appeal proposal, with mitigation, would not result in adverse effects on the integrity of the Sites. The SWBGS identifies that any mitigation land must fulfil the same contribution and particular function of the area lost for the same species, and the appropriateness of mitigation should be considered under the following five criteria, in order of priority.
37. *Habitat type.* The refuge site is identified as a core area and is known to support brent geese. Although the appeal site is inland whilst the refuge site is in a coastal location, the SWBGS identifies both sites equally as core areas. There is no hierarchical distinction between inland and coastal core areas, and both sites

² Defined in the planning obligation as a period of 80 years.

relate to the same SPAs. Whilst the SWBGS goes on to recognise that comparatively little attention has been given to the vital role of ecologically linked inland sites, the Brent Goose Mitigation Strategy (BGMS) and supporting evidence set out a clear understanding of the benefits and disadvantages of the inland appeal site. Consequently, I find that the proposed BGMS presents an expert and convincing demonstration of the appropriateness or otherwise of the habitats at both the appeal and refuge sites.

38. *Existing disturbance.* The refuge site is located between the Hayling Billy Trail and West Lane, but disturbance from these routes is unlikely given the size of the site. Vehicles, such as those that would be travelling along West Lane, are not seen as predator threats to brent geese. Along the Billy Trail the noise and intervisibility of walkers, cyclists and dogs would be reduced by supplementary native scrub and shrub planting, even if activity were to increase significantly. In contrast, the PROW along the perimeter of the appeal site is open and immediately adjacent to the habitat. Overall, the refuge site is not subject to significant existing or proposed disturbance and, indeed, would potentially be subject to less disturbance than the appeal site.
39. *Area of habitat.* The refuge site is some 24% larger than the appeal site, being around 14.6 hectares, albeit that this mitigation land is not additional land and there will instead be a net reduction in the overall core area. Whilst this weighs against the proposal, on the other hand, as discussed above, both sites are currently subject to the vagaries of farming practices. The proposal would ensure that agricultural management is directed towards brent geese conservation purposes. This would offer a more consistent and reliable refuge to brent geese, year after year, than otherwise currently exists over both sites. HIRA are concerned that there is no assessment of the benefits of the proposed enhanced habitat. To my mind it is self-evident that consistent conservation management of the site will be a considerable benefit to the species, over the uncertainty of the current position, even if the assessment of qualitative impacts might be lacking.
40. *Timing and availability of habitat.* The habitat is within the control of the appellant, its use as mitigation land would be secured by planning obligation in perpetuity, and the refuge site would be brought into use prior to the commencement of the appeal development. Whilst Natural England's (NE) earlier consultation response advised that assessment of effects should be informed by a habitat managements and monitoring plan (HMMP), it later confirmed that a Grampian condition for an appropriate HMMP would be capable of satisfying legal and habitats directive requirements. HIRA are concerned that the absence of an HMMP means that adverse impacts on the integrity of the Sites cannot be established beyond all reasonable scientific doubt. Whilst this test is a high bar, it does not require absolute certainty, and sufficient assurance would be obtained by the obligation.
41. *Geographic location.* HIRA are concerned that coastal erosion could reduce the size of the refuge site. However, Mr Dawson's expert analysis predicts that, in approximately 100 years' time, inundation would reduce the site by some 2.4 hectares. This would leave some 12.5 hectares as mitigation land, which still exceeds the size of the appeal site. The coastal boundary of the proposed refuge site is defined by the Billy Trail, the long-term management of which is within the control of the local authority, which must also be exercised in light of its duties under the Conservation of Habitats and Species Regulations 2017 whether the refuge site is relied on for mitigation or not. In light of this duty, and the predicted

levels of inundation, I am satisfied that the long-term use of the site is sufficiently secure, for the purposes of both appropriate assessment and the requirement of policy CS11 to protect habitats.

42. HIRA are also concerned that mitigation land provided with other previous housing developments did not attract returning birds. However, the proposed refuge site is an identified core habitat, where birds are known to have been returning. In addition, those earlier developments and schemes were conceived and implemented under different mitigation guidance.
43. The Hampshire and Isle of Wight Wildlife Trust and Royal Society for the Protection of Birds both objected to the application in 2022. At that time, however, no details of the proposed mitigation site were available to them, and no updated consultation responses have been provided for the current proposals. I therefore afford the original consultation responses very limited weight. When all of the above points are taken together, I am satisfied that the proposal, with mitigation, would maintain the conservation status of brent geese and would not adversely affect the integrity of the Sites.³
44. In terms of nutrient neutrality, the proposal could, in the absence of mitigation, result in an increased nitrogen load within the marine environment of the East Solent. In combination with other housing growth this has the potential for likely significant effects. However, the securing of the above mitigation in the form of the refuge site would result in a change in farming practice from cereal cropping to lowland grazing. This has the effect of ensuring that the proposed development would be nitrogen negative, representing an overall betterment. The details of this scheme would be secured by condition.
45. The proposed development also has the potential to cause likely significant effects on the Sites through recreational pressure from new residents. In line with the Solent Recreation Mitigation Strategy (2024), the proposal would secure a financial contribution towards mitigation measures to address the identified impacts from recreational disturbance. These include provision of a ranger team; communication, marketing and education; encouragement of responsible dog walking; codes of conduct; and ongoing monitoring. With the contribution to be secured by the planning obligation, the mitigation is sufficient to ensure that the development would have no significant adverse effects on the integrity of the Sites.
46. My assessment of these matters is reinforced by the consultation responses of NE, which raised no objection to the proposal and, in concluding my appropriate assessment, I give the advice of NE significant weight. Overall, the proposed development, with mitigation measures, would not adversely affect the integrity of the Sites. The proposal would comply with policies CS11 of the CS, DM23 and DM24 of the LP and the Framework which together require development to avoid or mitigate likely significant effects on internationally designated sites.

Biodiversity net gain

47. Whilst the application pre-dated the requirement for biodiversity net gain, and the proposal is in outline only, it is nonetheless anticipated to deliver increases of

³ A further additional area of land has also been made available, but this is not necessary given my conclusion that the refuge site would in itself adequately mitigate the loss of the appeal site, a position that is reinforced by NE's lack of objection to the proposal.

some 75.84% in habitats units and 321.30% in hedgerows units, with all trading rules satisfied. This is a benefit to be assessed in the planning balance.

Other matters

Heritage

48. The Grade II* Church of St Mary is thirteenth century in origin and surrounded by its graveyard. Located to the northeast of the appeal site, its significance derives architecturally from its medieval appearance, despite Victorian-period alterations, with steep tile roofing and stepped buttressing, and historically from its place at the heart of the local community, both physically and ecclesiastically. The appeal site forms part of the wider open landscape and setting for the church, from which the spire would have been widely visible and served as a local landmark. From within the site, intervening landscaping currently obscures most of the church with the exception of the uppermost part of the spire. Nonetheless, the appeal site contributes positively to the setting of this heritage asset.
49. Whilst the siting of development within the site would cause harm to the wider open setting and visibility of the spire, the parameters plan indicates that framed views to the church spire would be provided along a new road corridor along the full length of the site. The proposal would also introduce green space in the immediate vicinity of the churchyard. Consequently, the church as a visual landmark would be emphasised by the proposed urban layout, even though the extent of the area from which the spire could be seen would be reduced. Overall, the harm would be less than substantial, in the wording of the Framework, with the harm being at the lower end of the scale.
50. The Grade II listed Farm Cottage and Rook Farmhouse are two dwellings reworked from a single, earlier, possibly medieval building, located some 40 metres east of the site. Its significance derives from its physical fabric and from being a good example of eighteenth century farmhouse remodelling. Whilst the site forms part of the historical and functional wider agricultural setting, it is now physically, visually and functionally divorced from the asset by modern residential development, with the modern cul-de-sac of Rook Farm Way occupying the asset's former garden and farmyard, such that the site makes a negligible contribution to significance. Given this, the effect of the proposed development on significance by way of impact upon setting would also be negligible. This harm is at the lowest end of the scale of less than substantial. No other designated heritage assets would be affected by the proposal.
51. Whilst the harm to both designated heritage assets would be less than substantial, I give the harm in each case great weight. The Framework requires such harm to be weighed against the public benefits of the proposal. These benefits are assessed in detail below and I find that, in both cases, the public benefits outweigh the harm that would be caused. The proposal would therefore satisfy the requirements of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

52. The proposal would result in the loss of open countryside. However, the site is not a valued landscape in terms of the Framework, and is well contained within a limited visual envelope, such that the landscape and visual harm would be limited.

The development would result in the permanent loss of best and most versatile agricultural land, being some 7.2 hectares of grade 2 land and 4.3 hectares of grade 3a, albeit that some limited mitigation is offered in the form of allotments. This is an adverse effect of the proposal, to which I return below. Although open countryside would be lost, recreational green spaces would be provided. Existing PROWs around the site would be unaffected and new public paths would be provided. Climate change targets would be addressed through water consumption and energy efficiency measures. Noise disruption during construction would be managed through conditions, and the development would not give rise to significant air quality concerns.

53. The surface water drainage strategy includes drainage features such as attenuation which would result in a betterment over the existing natural site drainage. Southern Water have no objection to connection to the foul drainage system, which would drain to Budds Farm. Concerns have been raised in respect of impacts upon local services, however the planning obligation would make contributions to improvements considered necessary, as discussed further below. Impacts on the living conditions of occupiers of neighbouring properties, including the holiday park, can be adequately assessed at the detailed stage. A previous outline planning application for up to 210 residential dwellings and 0.6ha for apartments with care was refused in April 2017 for a variety of reasons, but the current proposal can be distinguished from that, having addressed all matters of concern, as considered here.

Planning obligation

54. The planning obligation would secure works to improve pedestrian and cycle access in the vicinity of the site, as well as a contribution towards segregated cycle infrastructure on Church Road, improvements to the Billy Trail and Langstone roundabout, and PROW improvements and crossing provision on Manor Road, all in order to mitigate the impacts that would arise from the development. The submission, implementation and monitoring of a travel plan would promote increased active travel. A policy compliant requirement of 30% affordable housing, or up to 90 units, would be secured, with an agreed tenure mix of 70% affordable or social rent and 30% shared ownership. Delivery of open market housing would be phased with delivery of affordable housing.
55. A contribution would be provided towards the Bird Aware Solent Strategy on a tariff basis to mitigate recreational pressure. The provision and ongoing management of open space, play areas, permissive paths, common parts and sustainable drainage would be secured at appropriate stages of development. In order to support integration of new residents and mitigate social infrastructure impacts, a community worker contribution would be provided. To maximise local employment, apprenticeship and training opportunities, an employment and skills plan would be agreed. A wintering birds refuge site would be provided to mitigate the adverse effects of the development on brent geese for a period of 80 years, with refuge site 1 being sufficient to meet those requirements, in line with NE's considerations.
56. For the above reasons, I am satisfied that the obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework and therefore can be taken into consideration.

Conditions

57. A list of suggested conditions was discussed at the inquiry. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 57 of the Framework. Pre-commencement conditions were agreed by the appellant.
58. In the interests of certainty, conditions specifying approved plans and restricting the number of dwellings to that applied for are necessary (conditions 3 and 4). To ensure the retention of existing trees and natural features, protection measures are required (condition 5). In the interests of ecology, a biodiversity mitigation and enhancement strategy, landscape ecological management plan, and nutrient neutrality scheme are necessary (conditions 6, 7 and 13). To ensure that the development is in keeping with the appearance of the surrounding area, a landscaping scheme and levels details are required (conditions 8 and 19). An external lighting scheme is necessary to prevent light pollution, ensure sensitive habitats are not adversely impacted and protect living conditions (condition 9). Also to protect living conditions, a construction environmental management plan, a construction method statement and noise impact assessment are required (conditions 10, 11 and 12).
59. To ensure that drainage of the site is suitably managed, a surface water drainage scheme is necessary (condition 14). To ensure good connectivity of the site, a connection to the existing PROW network is appropriate (condition 15). Given the potential for archaeological remains within the site, a programme of archaeological works is justified (conditions 16 and 17). In the interests of sustainability and protection of ecological designations, a water efficiency scheme is necessary (condition 18). A suggested condition requiring surveys of downstream culverted connections to the public sewer network is not necessary as the drainage scheme would be designed to deliver betterment through reduction of run-off rates and, consequently, would not impact upon downstream infrastructure.

Planning balance and conclusion

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the above reasons, the proposed development is in conflict with the identified development plan policies and with the development plan as a whole. In ascribing weight to the planning balance, the scale used is; limited, moderate, significant and substantial.
61. The Framework is a material consideration, and this states that decisions should apply a presumption in favour of sustainable development. As set out above, the Council cannot demonstrate a five year supply of housing land, as required by paragraph 78 of the Framework. Paragraph 11(d) of the Framework indicates in these circumstances that the policies that are most important for determining the application should be considered as out of date. For the purposes of this appeal therefore, the above identified policies are of reduced but nonetheless still significant weight.
62. The proposal has a number of benefits. The provision of up to 300 houses including up to 90 affordable homes would make a considerable contribution to housing delivery in light of the acute shortfall of supply, notwithstanding steps being taken by the Council to address this. I give this substantial weight. Economic

benefits would occur during construction as well as after with increased spend from residents in the locality, attracting moderate weight. The provision of green infrastructure is a policy requirement, but this open space would also be available for use by existing residents in the locality, thereby attracting limited weight. Biodiversity net gains are anticipated and afforded limited weight. Other infrastructure and community provisions include roads mitigation, employment and skills obligation, community worker, Solent mitigation strategy and surface water betterment, which all have minor degrees of benefit for the wider public and attract limited weight.

63. In terms of harms, the conflict with the locational aspects of the spatial strategy would cause limited harm, based as it is on outdated housing requirements. The proposal would result in the loss of open countryside, although for the reasons given above, the harm would be limited. The loss of BMV attracts limited negative weight. The risk of flooding on Langstone Bridge is low and the risk of a requirement for emergency care being required which is not on the island is also low, such that the overall adverse effect of the risk of flooding is limited. I have already carried out a heritage balance above and the harm to significance of the Church of St Marys attracts limited weight in the overall planning balance.
64. In terms of paragraph 11(d) and footnote 7 of the Framework, there are no policies of relevance to this appeal that provide a strong reason for refusal. Therefore, 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 taken as a whole, and having had particular regard to key identified policies.
65. Drawing together the above harms and benefits, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits. Although the proposal would conflict with the development plan as a whole, material considerations indicate a decision other than in accordance with it.
66. I conclude that planning permission should be granted subject to the conditions in the attached schedule.

P Hanna

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Melissa Murphy KC, instructed by Gladman Developments Limited

She called:

David Stoddart BA(Hons) CILT MCIHT TPS	Prime Transport
Mark Rose BSc(Hons) MSc Cicol CIEEM	CSA Environmental
Scott Dawson BSc(Hons) MSc MCIWEM CWEM	Enzygo
Peter Dutton BA(Hons) MA MRTPI	Gladman

FOR THE LOCAL PLANNING AUTHORITY:

David Jobbins	Luken Beck
Phillip Holdcroft	Luken Beck
Alex Russell	Havant BC

FOR THE RULE 6 PARTY HAYLAND ISLAND RESIDENTS ASSOCIATION:

Jessica Allen, instructed by Lily Hartley-Matthews of Leigh Day

She called:

Stephen Lawrence BSc(Hons) DipTP DipUD MRTPI	Achieve Planning
Jonathon Raper BA(Hons) PdD FRGS	HIRA
Lily Hartley-Matthews BA LPC LLM	Leigh Day

INTERESTED PARTIES:

Jonathon Hulls	Hayling West Ward Councillor
Wilf Forrow	Hayling West Ward Councillor
Netty Shepherd	Hayling East Ward Councillor
Robin Davidson	Marine Walk Residents Association
Dave Parham	Save Our Island
Chris Pearsall	Save Rook Farm
Chris Brown	Local resident
Ellena Demetriou	Local resident
Catherine Mitchell	Local resident

Alison Quinton	Local resident
Fiona Ridley	Local resident
Anne Skennerton	Local resident
Richard Wilson	Local resident
Phillip Barratt	Local resident
John Meacham	Local resident

DOCUMENTS

INQ1	Appellant appearances
INQ2	Highways statement of common ground between appellant and Council
INQ3	Council opening statement
INQ4	Appellant opening statement
INQ5	HIRA appearances
INQ6	HIRA opening statement
INQ7	Notification of inquiry
INQ8	Highways statement of common ground between appellant and HIRA (unsigned)
INQ9	Flooding statement of common ground between appellant and HIRA
INQ10	Full version of LCWIP (replacement of CD8.02)
INQ11	Ecology statement of common ground between appellant and HIRA
INQ12	Land erosion and sea level rise drawing (CD7.30)
INQ13	Highways statement of common ground between appellant and HIRA (signed)
INQ14	Site visit itinerary
INQ15	Site visit itinerary map
INQ16	Notification of amendment to red line application boundary
INQ17	Appellant final modelling note
INQ18	HIRA closing submission
INQ19	Appellant closing submission
INQ20	Draft s106 unilateral undertaking
INQ21	Revised suggested conditions
INQ23	Signed s106 unilateral undertaking dated 8 July 2026
INQ24	Agreed note on emerging local plan

CONDITIONS

- 1) The development hereby permitted shall start before the expiration of 3 years from the date of this permission or 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Before any development hereby permitted commences, approval of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be obtained from the local planning authority. Detailed plans and particulars of the reserved matters shall be submitted in writing not later than 3 years from the date of this permission and shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (drawing number 74778-L-05 Rev E), Proposed Access Arrangement (drawing number P21033-001J), and Parameters Plan (drawing number 7478-P-02 Rev H).
- 4) The development hereby permitted shall compromise no more than 300 dwellings.
- 5) Prior to any development or groundworks commencing on site, details of tree protective measures, including fencing and ground protection, in accordance with the recommendations of the arboricultural assessment prepared by FPCR, dated December 2021, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
- 6) Prior to, or concurrently with, the submission of the first reserved matters application, a strategy outlining biodiversity mitigation and enhancement measures (BMES) to be undertaken in relation to the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The BMES shall be informed by the ecological avoidance and mitigation measures detailed within the Ecological Impact Assessment prepared by CSA Environmental, dated July 2025 (Ref. CSA/4956/14). The development shall thereafter be designed, carried out and managed in accordance with the approved BMES.
- 7) Prior to, or concurrently, with the submission of the first reserved matters application relating to landscaping, a landscape ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
 - (a) details (type and location) of any on-site mitigation and enhancement measures) to be managed;
 - (b) description and evaluation of features to be managed;
 - (c) ecological trends and constraints on site that might influence management;
 - (d) aims and objectives of management;
 - (e) appropriate management options for achieving aims and objectives;
 - (f) prescriptions for management actions;
 - (g) preparation of a work schedule including an annual work plan;
 - (h) details of the body or organisation responsible for implementation of the plan; and
 - (i) ongoing monitoring and remedial measures.

- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.
- 8) The landscaping scheme required by condition 2 of this permission shall incorporate a detailed specification of hard and soft landscaping works to include details of the following:
 - (a) types and sizes of all plant/tree species to be planted on the site;
 - (b) numbers and densities of all plants to be planted on the site;
 - (c) soil specification;
 - (d) seeding and turfing treatment within the site;
 - (e) colour and type of material for all public hard surface areas and private areas visible from the public realm;
 - (f) watering maintenance regime for all areas of new planting; and
 - (g) programme and timetable for implementation of the above works.
 All planting, seeding or turfing and hard surface areas contained in the approved details of the landscaping scheme shall be carried out in accordance with the approved implementation programme. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years of being planted shall be replaced in the next planting season in accordance with the approved landscaping scheme.
 - 9) No external lighting shall be installed until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The submitted details shall include a layout plan with beam orientation and a schedule of lighting equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained, and operated in accordance with the approved details.
 - 10) No development shall commence on site until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. Thereafter all works shall be carried out in accordance with the approved CEMP throughout the construction phase of the development. The CEMP shall include:
 - (a) development contacts, roles and responsibilities;
 - (b) a phasing plan and programme for carrying out the development;
 - (c) details of the parking of vehicles for site operatives and visitors;
 - (d) a public communication strategy, including a complaints procedure;
 - (e) details of the loading and unloading of plant and materials;
 - (f) details of the storage of plant and materials used in constructing the development;
 - (g) details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (h) details of wheel washing facilities;
 - (i) measures to control the emission of dust and dirt during construction including a site-specific dust management plan resulting from a risk

- assessment as detailed in IAQM document 'Guidance on the assessment of dust from demolition and construction 2024';
- (j) measures to control noise and vibration during construction;
 - (k) a scheme for recycling/disposing of waste resulting from construction works; and
 - (l) confirmation that no burning of waste materials shall take place on site.
- 11) No development commence on site until a construction method statement has been submitted to and approved in writing by the local planning authority, which shall include:
- (a) a programme of and phasing of all construction work, having regard to any works of refurbishment of the A3023 Langstone Bridge;
 - (b) the provision of long-term facilities for contractor parking;
 - (c) a requirement that construction of the development including site traffic and deliveries shall only be carried out between 0800 and 1800 Mondays to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and Public Holidays;
 - (d) the arrangements for deliveries associated with all construction works;
 - (e) methods and phasing of construction works;
 - (f) access and egress for plant and machinery;
 - (g) protection of pedestrian routes during construction; and
 - (h) location of temporary site buildings, compounds, construction material, and plant storage areas.
- Construction work shall only take place in accordance with the approved method statement.
- 12) Prior to the approval of any reserved matters application that includes layout and/or landscaping, a noise impact assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall:
- (a) provide further environmental noise survey to cover day and night time periods and to include weekdays and weekends;
 - (b) be prepared in accordance with ProPG: Planning & Noise (2017) (including the four key elements of Stage 2);
 - (c) ensure that internal and external noise levels for the proposed residential accommodation comply with the guideline values stated in BS 8233:2014 and ProPG;
 - (d) demonstrate that the noise rating from any commercial or industrial source does not exceed the typical background noise level at the boundary of any approved residential premises or is otherwise shown to result in a low impact in accordance with BS 4142:2014+A1:2019.
- The approved scheme shall be implemented in full prior to occupation of any dwelling and shall be maintained and retained thereafter.
- 13) No development shall commence until a scheme to achieve nutrient neutrality for the development has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
- (a) confirmation of the total nutrient budget for the development;
 - (b) confirmation of the measures that will be secured to satisfactorily mitigate the total nutrient budget for the development, which may include i) a bespoke mitigation solution or ii) the purchase of nutrient credits;
 - (c) where (i) a bespoke mitigation solution is proposed, a management plan to ensure the solution achieves the required level of nutrient mitigation for a minimum in-perpetuity period of 80 years, and where (ii) it is the intention to

purchase nutrient credits, confirmation that the nutrient credits have been secured for the minimum 80 year in-perpetuity period, including details of the mitigation provider and associated credit allocation.

The development shall thereafter be carried out in accordance with the approved scheme.

- 14) No development shall commence on site until a surface water drainage scheme for the site has been submitted and approved in writing by the local planning authority. The submitted details should include:
 - (a) a technical summary of the surface water drainage design;
 - (b) detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;
 - (c) detailed hydraulic calculations demonstrating existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change. The hydraulic calculations should take into account the connectivity of the entire drainage network including the discharge location. The hydraulic model report should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical simulation results by maximum level for the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same references as the submitted drainage layout;
 - (d) evidence that urban creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
 - (e) confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained;
 - (f) confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753;
 - (g) exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria;
 - (h) details for the long-term maintenance arrangements for the surface water drainage system. The submitted details shall include maintenance schedules for each drainage feature type and ownership.No dwelling shall be occupied until the approved surface drainage scheme to serve that dwelling has been implemented in full.
- 15) Reserved matters to be submitted under condition 2 above shall include details of a connection to the site's boundary to facilitate an onward link to public right of way footpath 108/93/1 in accordance with the principles shown on drawing number P21033-AT-001B. The connection shall be completed and made available for public use prior to the first occupation of any dwelling on the site.
- 16) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and mitigation, in accordance with a written scheme of investigation that has first been submitted to and approved by the local planning authority. The programme of archaeological evaluation and mitigation shall thereafter be implemented in accordance with the approved details.

- 17) Within 6 months of the completion of any archaeological fieldwork, a post excavation assessment shall be submitted to and approved in writing by the local planning authority. The assessment will include details of any post-excavation analysis that has been completed and (where applicable) arrangements for publication and public engagement on the assessment's findings.
- 18) No dwellings hereby permitted shall be occupied until:
 - (a) a water efficiency calculation in accordance with the Government's national calculation methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; and
 - (b) all measures necessary to meet the approved water efficiency calculation have been installed.
- 19) In addition to those matters required by condition 2 above, details of existing and proposed finished floor levels relative to site levels, shall be submitted with the reserved matters. The development shall be undertaken in accordance with the approved details.

End of schedule