
**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 (AS AMENDED)**

LAND AT SATCHELL LANE, HAMBLE-LE-RICE

Appeal against the decision of Eastleigh Borough Council to refuse planning permission for residential development of 61 dwellings with associated public open space, landscaping and amenity areas, with access off Satchell Lane.

**PROOF OF EVIDENCE RELATING TO THE
PLANNING BALANCE**

Prepared by:

Steven Brown BSc Hons DipTP MRTPI

On behalf of:

Foreman Homes Ltd



**PINS Ref: APP/W1715/W/22/3292580
LPA Ref: F/20/89488
WBP Ref: 8399**

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Woolf Bond Planning
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QUALIFICATIONS, EXPERIENCE

Steven Brown will say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning and I am a Member of the Royal Town Planning Institute.

I am a Principal of Woolf Bond Planning LLP – Chartered Town Planning Consultants and I have been engaged in town planning with in excess of 20 years' experience as a private consultant acting for major house builders, development companies, estates and private individuals. National house builder clients include Bargate, Barratt David Wilson Homes, Barwood, Bellway, City & Country, Crest, Croudace, Foreman Homes, Halsbury Homes, Persimmon Homes, Redrow Homes and Taylor Wimpey, as well as strategic land promoters, including Fairfax, CEG and LSL.

I have visited the Appeal Site and its surroundings and have examined the relevant plans and documents for the purpose of the Appeal.

The evidence which I have prepared and provide for these appeals in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1.0 Introduction

Scope of Evidence

- 1.1. My evidence addresses the planning policy considerations and overall planning balance with respect to the Appeal by Foreman Homes Ltd against the decision of Eastleigh Borough Council to refuse planning permission for 61 dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane (LPA Ref: F/20/89488).
- 1.2. My assessment and planning balance has been informed by my separate evidence relating to the Council's five year housing land supply position¹, as well as the evidence prepared by Mr M Rose (Ecology), Mr J Smith (Landscape), Mr L Hillson (Design); and Mr J Wilde (Highways).
- 1.3. My evidence addresses the overarching planning policy context. Drawing upon the evidence from the expert witnesses on the topic-specific considerations (design, ecology, highways and landscape), I also undertake the overall planning balance and conclude in relation to the merits of the Appeal Scheme.

The Reasons for Refusal

- 1.4. The Council's 7 reasons for refusal are set out in their Decision Notice dated 13 August 2021 (**CD2.2**) as follows:
 1. **The proposals represent an inappropriate and unjustified form of development which would have an unacceptably urbanising and visually intrusive impact upon the designated countryside, to the detriment of the character, visual amenity, and the quality of the landscape of the locality. The application is therefore contrary to Saved Policies 1.CO, 18.CO, 20.CO and 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S7 & DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036) and the provisions of the National Planning Policy Framework.**

¹ Jointly prepared with Mr G Ritchie

- 2. The site is considered to be in an unsustainable and poorly accessible location such that the development will not be adequately served by sustainable modes of travel including public transport, cycling and walking. The application is therefore contrary to the requirements of Saved Policy 100.T of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S13 & DM13 of the Submitted Eastleigh Borough Local Plan (2016- 2036) and the provisions of the National Planning Policy Framework.**
- 3. The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant traffic movements generated by the proposed residential development could not be accommodated adequately on Hamble Lane and its junctions with adjoining roads. This would result in a severe impact on the free flow and operation of the local transport network contrary to the provisions of the National Planning Policy Framework, Saved Policies 100.T, 101.T and 102.T of the Eastleigh Borough Local Plan (2001-2011) and Draft Policy DM13 of the submitted Eastleigh Borough Local Plan (2016–2036).**
- 4. The proposal, by means of its scale, form, layout, design and appearance would result in a poor quality and car dominated development, which fails to take the opportunity to provide safe and appealing footpath routes, fails to provide well integrated and attractive recreational spaces and landscaping, and fails to provide a defined sense of place which takes account of its surroundings. The proposal is therefore contrary to Saved Policies 59.BE, 73.H & 100.T of the adopted Eastleigh Local Plan (2001-2011), Draft Policies S10, S13, DM1, DM13 & DM35 of the submitted Eastleigh Borough Local Plan 2016-2036; and provisions within the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.**
- 5. Insufficient information has been provided to the Local Planning Authority, as the competent authority, to enable it to determine that a suitable scheme for sustainable urban drainage for the proposed development would be provided which ensures that the hydrological and ecological interests of the Solent Complex are protected, as set out in the Conservation of Habitats and Species Regulations 2017. The application is therefore contrary to the requirements of Saved Policies 25.NC and 45.ES of the Eastleigh Borough Local Plan (2001-2011), Draft Policies DM6, DM8 , DM10 & DM26 of the submitted Eastleigh Borough Local Plan (2016–2036) and the provisions of the National Planning Policy Framework.**
- 6. The proposal fails to secure provision for developer contributions for on and off-site provision of facilities and infrastructure (including affordable housing, air quality monitoring, primary and secondary education, sustainable transport measures, a Traffic Regulation Order, improvements and enhancements to the local footpath**

network, community infrastructure, on-site public open space and play area provision, off-site public open space, and public art) made necessary by the development or to mitigate against any increased need or pressure on existing facilities. As such the application is contrary to policies 74.H, 101.T, 147.OS, 165.TA, 191.IN of Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S11, S12, S13, DM1, DM13, DM30, DM35 & DM40 of the submitted Eastleigh Borough Local Plan (2016–2036), Eastleigh Borough Council's Planning Obligations Supplementary Planning Document, Affordable Housing Supplementary Planning Document and provisions within the National Planning Policy Framework.

7. The application fails to provide for the required mitigation to offset the impacts of the development on the European protected site (SPA, SAC and Ramsar) from nitrogen loading and recreational disturbance generated by the population increase resulting from the development. The application is therefore contrary to the requirements of Saved Policies 25.NC and 45.ES of the adopted Eastleigh Borough Local Plan Review 2001-2011, Draft Policies DM10 and DM11 of the Submitted Eastleigh Borough Local Plan 2016-2036, provision within the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017.”

- 1.4. At the time the Decision Notice was issued, the emerging Local Plan was still being examined and the adopted Local Plan Review 2001-2011 formed part of the development plan.
- 1.5. Adoption of the Eastleigh Borough Local Plan (2016 to 2036) in April 2022 post-dates the Decision Notice. As such, reference in the Decision Notice to the saved policies from the Eastleigh Borough Local Plan Review relates to policies that no longer form part of the development plan.
- 1.6. In addition, some of the policy numbering from the Local Plan 2016-2036 changed between the submission and adopted versions (Appendix 2 to the Council’s Statement of Case refers).
- 1.7. In the circumstances, paragraph 2.5 of the Planning SoCG (**CD13.1**) confirms the relevant policies for the purpose of determining the Appeal.
- 1.8. Following discussions between the Council and Appellant, it is agreed that reason (5) has been satisfied to the extent drainage matters can be addressed

by condition², and reasons (6) and (7) can be addressed through obligations to be secured through the S106.

- 1.9. This leaves reasons (1) to (4) as the 'live' issues for the purpose of determining this Appeal.
- 1.10. The evidence prepared by Mr Jeremy Smith (SLR) addresses the first reasons for refusal in relation to the purported landscape impacts of the Scheme.
- 1.11. In responding to the Council's landscape concerns, I note here, in the context of paragraph 174(a) of the NPPF, the agreement that the Appeal Site is not within a valued landscape and nor is the Appeal Site identified in the development plan for any landscape character and/or gap reason.
- 1.12. The second reason for refusal is addressed by Mr John Wilde (Charles & Associates), and explains the suitability of the Appeal Site location in sustainability and locational terms.
- 1.13. Mr Wilde also addresses the third reason for refusal relating to highway safety.
- 1.14. The fourth reason for refusal is addressed in the design evidence prepared by Mr Hillson (Barton Willmore).
- 1.15. To assist the Inspector, and pursuant to the position agreed at the Case Management Conference ("CMC"), the evidence prepared by Mr Rose (CSA Environmental) introduces the shadow Appropriate Assessment ("sAA") that has been undertaken, which matter is of relevance to reasons (5) and (6).

² See consultee responses at **CD7.8** and **CD7.9**.

The Inspector's Main Issues

- 1.16. At the CMC, the Inspector helpfully set out the following main issues to be addressed in evidence, which matters were agreed in the Inspector's CMC Summary Note (16 Sept 2022) as follows:
- a) Whether the proposal would be in a suitable location for housing, with regard to development plan policy and national planning policy;
 - b) The effect on the character and appearance of the area, including design quality;
 - c) The accessibility to local services;
 - d) The effect on highway safety and the free flow of traffic by way of the traffic generation;
 - e) The effect on biodiversity interests, in particular European Protected Sites, by way of waste water impacts, surface water drainage and recreational disturbance; and
 - f) The planning balance (including other considerations such as housing land supply, the previous appeal decision and the benefits of the scheme).
- 1.17. The main issues identified by the Inspector and the third-party concerns are addressed in evidence.

Statements of Common Ground

- 1.18. To assist the Inspector, and to reduce the issues to be addressed in evidence, the Appellant and Eastleigh Borough Council ("EBC") have sought, where possible, to agree a position on relevant matters. The position is recorded in the overarching Planning Statement of Common Ground ("SoCG") (**CD13.1**).
- 1.19. Separate topic-based Statements of Common Ground are also being prepared to cover (i) design (**CD13.2**), (iii) highways (**CD13.3**); and (iv) landscape (**CD13.4**).

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- 1.20. In addition, section 3 of **CD13.1** explains the areas where there continues to be disagreement between the Appeal Parties, which matters are addressed in evidence.
- 1.21. For the purpose of my evidence, and planning balance exercise, and as explained at paragraphs 1.9 to 1.15 above, I rely upon the design, ecology, highways and landscape evidence prepared by the various expert witnesses for the Appellant.

Principle of Development outside the Settlement Boundary

- 1.22. A principal consideration in determining the merits of the Appeal Scheme is the Council's five year housing land supply position. Informed by the analysis I have undertaken with my colleague, Mr G Ritchie, I conclude that the Council is not able to demonstrate a five year supply of deliverable housing land.
- 1.23. By operation of footnote 8 of the NPPF, the most important policies for the determination of the Appeal are out of date. As such, it is my evidence that the presumption in favour of sustainable development is engaged on account of the Council's inability to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development.

Overarching Summary of the Appeal Scheme's Merits

- 1.24. Having regard to the relevant planning policy and material considerations, the acceptability of the Appeal Scheme is summarised as follows:
- i. Development of the Appeal Site for a sustainable form of development should now be considered favourably in accordance with the advice at paragraph 11(d) of the NPPF, having regard to the importance of delivery of housing for meeting the Borough's market and affordable housing needs and the delivery of economic and sustainable growth.

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- ii. As the Council cannot demonstrate an up-to-date five year supply of deliverable sites for housing, in accordance with paragraph 11(d) and footnote 8 of the NPPF, the most important policies (including those relating to settlement boundaries) are to be regarded as out of date.
 - iii. In the circumstances, the weight attributable to the conflict I have identified with Policy S2 (the location of the Appeal Site beyond the defined settlement boundary), which places strict controls over development outside settlement boundaries, is reduced insofar as the Council is not able to demonstrate a five year supply of deliverable housing land. This also applies in relation to Policy S3 (Location of New Housing), which identifies site allocations.
 - iv. Whilst there will be some landscape impact resulting from the Scheme, this is to be expected if the Council is to demonstrate a five year supply of deliverable housing land. However, and in this scenario, the Appeal Site is not within a gap and it is not subject to any landscape designations. Moreover, it is not a 'valued landscape' for the purpose of paragraph 174(a) of the NPPF. As demonstrated in the evidence, the landscape impacts are localised and are not unacceptable³.
 - v. As Mr Hillson explains, the Scheme design results in a high quality development that has embraced the requirements at section 12 of the NPPF, whilst also satisfying the requirements of the Local Plan and the Council's Quality Places SPD.
 - vi. The Appeal Site is in a sustainable location. Hamble-le-Rice is recognised in the settlement hierarchy to the Local Plan as one of the most sustainable settlements in the Borough. As Mr Wilde's evidence explains, the Appeal Site is located within walking and cycle distance from local services and facilities.

³ See the previous s78 Appeal Inspector's landscape conclusions at paragraphs 21 to 32 of **CD8.1**

- vii. As Mr Wilde’s evidence goes on to explain, there are no highway and/or pedestrian safety issues that would justify a refusal of planning permission.
 - viii. Not only are there no adverse impacts which significantly and demonstrably outweigh the benefits, but there are in fact significant benefits which justify the grant of planning permission.
 - ix. The Appeal Scheme is submitted in accordance with the NPPF. As such, the Scheme should be allowed so as to permit the provision of market and affordable housing in helping to meet EBC’s housing needs and to provide the additional benefits which have been identified.
- 1.25. Overall, it is my evidence, informed by the expert evidence provided by other witnesses for the Appellant that the Appeal should be allowed.

Content

- 1.26. Informed by the main issues identified by the Inspector in the Post Conference Note, the remainder of my evidence is set out as follows:
- 1. Appeal Site Location and Context
 - 2. Planning History and Context
 - 3. Development Plan and the Planning Context
 - 4. Five Year Housing Land Supply and Affordable Housing
 - 5. Main Issues
 - 6. Planning Balance
 - 7. Summary and Conclusion

2.0 APPEAL SITE LOCATION AND CONTEXT

Appeal Site Characteristics

- 2.1. The Appeal Site comprises an existing paddock and extends to approximately 3.5ha and is located to the west of Satchell Lane, on the north-eastern edge of Hamble-le-Rice.
- 2.2. The Site is identified on the adopted Proposals Map as being located within the countryside, beyond the Settlement Policy Boundary (“SPB”) for Hamble-le-Rice. As shown on the Local Plan Proposals Map (**CD4.1**), the Site is subject to the considerations at Policy S5 (countryside).
- 2.3. The Site is bound by Satchell Lane to the east and north. To the east is the Riverside Holiday Park with several static caravans/lodges located along the road frontage to Satchell Lane. Further to the east is the Mercury Yacht Harbour and its associated buildings and hardstanding. The western boundary is formed by a hedgerow adjacent to a public footpath, beyond which lies an area of open land comprising the former Hamble airfield. The southern boundary is formed by residential properties.
- 2.4. There are a number of existing trees along the boundaries to the site, which serve to limit views into and from the site. This is particularly relevant in relation to defining the northern edge of the site from the wider countryside beyond the northern boundary to the site.
- 2.5. The surrounding area to the east and south of the Appeal Site is characterised by a range of residential dwellings, including 20th Century estate housing accessed via cul-de-sacs leading from Satchell Lane, with the River Hamble located beyond to the east.
- 2.6. In terms of topography, the Site is sloping from its north-west corner towards its eastern edge.
- 2.7. The Site is not located within or adjoining a Conservation Area. In addition,

there are no listed buildings in or adjoining the Site.

- 2.8. Save for the countryside designation as defined on the Local Plan Proposals Map, the Appeal Site is not subject to any landscape and/or 'gap' designation.
- 2.9. As detailed in the Flood Risk Assessment that accompanied the application, the Site is classified as falling within Flood Zone 1. There are no further environmental constraints which would preclude the proposed development.
- 2.10. As set out in the accompanying highways evidence prepared by Mr Wilde, the Appeal Site affords a sustainable development opportunity, within walking distance from local services and facilities.
- 2.11. On the basis of the foregoing, save for in relation to the provisions at paragraph 182 of the Framework, none of the policies and/or designations at footnote 7 of the Framework are engaged. As such, it is my view that there are no environmental or landscape policy designations that serve as a constraint to development of the Appeal Site for housing.
- 2.12. As explained in the design evidence prepared by Mr Hillson and the landscape evidence prepared by Mr Smith, development of the Appeal Site in the manner proposed would provide for a logical rounding-off of the settlement.

Context

- 2.13. Hamble-le-Rice is located in the southern part of the Hamble Peninsula and is one of the more sustainable settlements in the Borough⁴.
- 2.14. As defined on the Local Plan Proposals Map, the Appeal Site lies outside and has been purposely excluded from the Settlement Gap between Hamble and Bursledon to which Policy S6 refers. As such, the Site does not perform a function in seeking to prevent coalescence and/or maintaining settlement identity.

⁴ Table 1 of the adopted EBC Local Plan 2016 to 2036 refers

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- 2.15. Overall, the Site benefits from a sustainable location, within walking and cycle distance from local services and facilities, including schooling and employment, with links to an established pedestrian and cycle network.
- 2.16. The accompanying Highways evidence sets out the sustainable benefits of providing development at the Appeal Site given its proximity to public transport including bus and rail services⁵.
- 2.17. With reference to that evidence, the locational merits of the Appeal Site may be summarised as follows:
1. The site is within an acceptable walking distance from Hamble village centre (1.4km from the Hamble Village Memorial Hall) with a choice of two routes. The first one along an established footpath along the western boundary of the Site (Public Right of Way Route 130/1/1), the second one along the paved footpath along Satchell Lane.
 2. The site is within easy reach of major employment sites in Hamble.
 3. The proximity of the Site and its access to employment, facilities and services as well as public transport routes represents a sustainable location for new housing development.
 4. The site is located within walking and cycle distance from Hamble School and Blackthorn Health Centre.

⁵ See John Wilde's evidence, section 2.

3.0 PLANNING HISTORY AND CONTEXT

Appeal Decision – Dec 2018

General and Policy Context

- 3.1. Development of the Site for up to 70 dwellings (including affordable housing), together with associated access, public open space, landscaping and amenity areas was previously allowed at appeal by decision dated 20 December 2018 (PINS Ref: Ref: APP/W1715/W/18/3194846) (LPA Ref: O/17/80319).
- 3.2. The appeal decision is included at **CD8.1** and the Illustrative Layout at **CD3.1**.
- 3.3. At that time, the proposal was assessed against the policies of the Eastleigh Local Plan Review 2001 – 2011 (adopted in 2006), including the settlement policy boundaries defined under Policy 1.CO, which policies for the supply of housing were found to be out of date, despite the Council's ability to demonstrate a five year supply of deliverable housing land.
- 3.4. Although the Local Plan Review 2001 – 2011 is no longer relevant for the purpose of determining the current Appeal (as the policies have been replaced by the recently adopted Local Plan 2016 – 2036 (April 2022)), the role undertaken by Policy S2 is similar to that undertaken by 1.CO; in so far as both policies relate to the application of settlement boundaries and countryside policy.
- 3.5. In the current scenario, it is my evidence that the Council is not able to demonstrate a five year supply of deliverable housing land, thus triggering the titled balance at paragraph 11(d) of the NPPF. I return to the issue of the planning balance in sections 6 and 7 of my evidence below.

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- 3.6. As I explain, although the planning policy context has evolved, the presumption in favour of sustainable development continues to be engaged.
- 3.7. This requires planning applications to be approved unless footnote 7 NPPF considerations provide a clear reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 3.8. This is demonstrably a case where the weight to be attached to conflict with the development plan (on account of the location of the site beyond the defined settlement boundary for Hamble-le-Rice) can be reduced on account of the need to breach the settlement boundaries identified in the development plan to demonstrate a five year supply of deliverable housing land. The weighty material considerations in favour of the appeal are clearly sufficient to outweigh the identified conflict with the development plan.

The Effect on the Character and Appearance of the Area

- 3.9. Paragraphs 21 to 32 of the Appeal Decision set out in the Inspector's assessment and conclusions in relation to the effect of the previous scheme upon the character and appearance of the area.
- 3.10. I take the opportunity here to summarise the Inspector's findings, which assessment should be carried forward to the assessment of the merits of the current Appeal:
1. The parties agree that the landscape character of the wider area would not be materially affected. There is agreement that this is an "ordinary" landscape of "medium quality" – albeit not an unattractive one. It is also agreed that this is not a 'valued landscape' in terms of paragraph 170 of the Framework. I have no reason to disagree with the views of the parties. [Paragraph 23]
 2. Of considerable significance is the Council's own 2018 study which identified the site as being within an area having low sensitivity to residential development. This was defined as meaning that "development may be more easily accommodated without significant negative landscape or visual impact, with limited mitigation" [Paragraph 24]

3. The site is well contained from the wider area by virtue of the existing trees and development along the eastern boundary. [Paragraph 25]
 4. Closer to the site the properties which bound the land to the east and south east have variable views from rear windows and gardens, although some of these are filtered by the intervening vegetation. There are limited views of the site from the road itself, and clear views from the footpath which runs along the western side of the site. [Paragraph 25]
 5. Clearly the change from an open field to a housing development, even allowing for landscaping and planting, would have a permanently urbanising effect and a consequent change in the appreciation of the immediate landscape. This would cause some limited harm to the existing landscape character, although this would also be the case in relation to any greenfield development proposal. [Paragraph 26]
 6. The Council also criticised the proposal as being development in depth which, it was alleged, would be out of keeping with this part of the settlement. [Paragraph 28]
 7. The proposal would not be out of keeping with the general form of development in this part of the settlement. [Paragraph 28]
 8. Some parts of the wider area are identified by the Council as having a particular function of separating settlements and providing an open gap. The appeal site is not within such an area and does not perform a function in either this respect or as a gateway to the settlement. [Paragraph 30]
 9. Overall, this is medium quality landscape area with a low sensitivity to residential development. The effect of the proposal would be appreciated only from close views. That said, the proposal would be in the countryside and would cause limited harm to the character and appearance of the area and conflict with the policies summarised above (which themselves have limited weight). [Paragraph 32]
- 3.11. The conclusion I draw from the above is the Appeal Site will not adversely impact longer views, it is well contained from the wider landscape, with the visual impact of development on the Site only appreciated from close views, causing only limited harm to the character and appearance of the area.
- 3.12. Mr Smith addresses the landscape findings in his landscape evidence, whilst Mr Hillson does likewise in relation to design matters.

Sustainability and Accessibility

- 3.13. Paragraphs 33 to 42 of the Appeal Decision set out in the Inspector's assessment and conclusions in relation to the ability to safely access local services and facilities.
- 3.14. Paragraph 34 summarises EBC's sole objection on sustainability/accessibility was whether access by the northerly route on Satchell Lane to the Secondary School, health centre and other facilities was safe and acceptable.
- 3.15. Paragraph 39 of the Decision concludes that there is no necessity to use the northern route as access to the school, because there is a suitable alternative route to the south.
- 3.16. This leads to the Inspector's conclusion at paragraph 65 that the proposal meets relevant accessibility policy.
- 3.17. While a legal challenge was lodged against this decision by the Council, the judgment dated 17 July 2019 dismissed the challenge on all grounds (**CD9.1**).
- 3.18. The previous scheme proposed up to 70 dwellings and EBC did not take a highway safety or severity point at that time. Moreover, the previous appeal decision confirmed the suitability of the Appeal Site in terms of access to local services and facilities. The Inspector's conclusions were upheld in the High Court (**CD9.1** refers). Nothing in the subsequent judgment altered that view.
- 3.19. In the circumstances, the adequacy of linkages to the south is a 'closed' issue. It is not for EBC to reopen that issue here. Nothing has changed to justify the stance they now adopted in terms of the accessibility of the site to local services and facilities.
- 3.20. In the circumstances, EBC is reminded of the advice on planning appeals and the award of costs as set out in the PPG where examples of the type of

behaviour that may give rise to a substantive award against a local planning authority includes (i) acting contrary to, or not following, well-established case law; and (ii) persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable (PPG ID Ref: 16-049-20140306).

4.0 THE DEVELOPMENT PLAN AND THE PLANNING CONTEXT

General

- 4.1. This section of my evidence considers the applicable policies from the development plan. I then set out the requirements of national policy, supporting guidance and relevant material considerations.
- 4.2. The five year housing land supply position and need and supply of affordable homes is set out separately, which findings are summarised in section 5 below.

Development Plan and Section 38(6)

General

- 4.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.
- 4.4. The first test, and the statutory starting point is whether the application is *'in accordance with the plan as a whole'*.
- 4.5. Based on my analysis of the planning policy considerations, I have concluded that the Appeal Scheme accords with the spatial and development management policies of the development plan, save for the location of the site beyond the settlement boundary for Hamble-le-Rice as defined in Policy S2 of the Local Plan 2016-2036. However, and in so far as the Council is not able to demonstrate a five year supply of deliverable housing land, the most important policies for determining the Appeal Scheme are out of date.
- 4.6. In the circumstances, where, on my analysis, the only development plan conflict is the location of the Appeal Site adjacent to but beyond the settlement policy for Hamble-le-Rice, in a scenario where the Council is unable to demonstrate a

five year supply of deliverable housing land, the most important policies for determining the application are out of date.

- 4.7. For the reasons I explain, this is demonstrably a case where the weight to be attached to conflict with the development plan (on account of the location of the site beyond the defined settlement boundary for Hamble-le-Rice) can be reduced given the need to breach the settlement boundaries in seeking to meet current development needs. This should also be set against the background of the previous appeal concluding in relation to the acceptability of development the Site for housing.
- 4.8. The weighty material considerations in favour of the Appeal are clearly sufficient to outweigh the identified conflict with the development plan.
- 4.9. Section 39 of the Act identifies the requirement for decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements must be considered in light of the NPPF, including the 3 roles of sustainability set out at paragraph 8 (economic, social and environmental). However, and as set out at paragraph 9 of the NPPF, the three roles are not a checklist and their values are considered in light of that context.

The Development Plan

- 4.10. The Development Plan comprises the Eastleigh Borough Local Plan (2016-2036) adopted in April 2022. It replaces all the saved policies from the Local Plan Review 2001 to 2011.
- 4.11. In so far as adoption of the Local Plan in April 2022 post-dates the Council's August 2021 Decision Notice upon the Appeal Scheme (**CD2.1**), the saved policies that were referenced are no longer applicable.
- 4.12. In addition, some of the policy references in the submission Local Plan changed when the final version was adopted. The agreed policies are to be

found at paragraph 2.5 of the Planning SoCG (**CD13.1**) and Appendix 2 to the Council's Statement of Case.

- 4.13. Although the Local Plan was adopted on 25th April 2022, and under the transitional arrangements set out in the NPPF, paragraph 2 of the March 2022 Inspector's Report on the Examination of the Local Plan (**CD5.1**) confirms the Local Plan was assessed for consistency with the 2012 version of the NPPF, rather than the latest edition (2021).
- 4.14. **Policy S1** sets out the principles of sustainable development.
- 4.15. In terms of the housing requirement to be met during the plan period, **Policy S2** requires the delivery of a minimum of 14,580 dwellings during the plan period 2016 - 2036. As there is no specific phasing in the document, this equates to 729dpa.
- 4.16. **Policy S3** sets out the approach to the location of new housing, identifying the need for greenfield housing allocations.
- 4.17. The Table at paragraph 4.14 of the Local Plan only identifies a total supply of 11,966 dwellings. This is some 2,614 dwellings short of the minimum requirement. As such, the Local Plan was adopted with a known shortfall in housing land supply.
- 4.18. The reason why insufficient land has been earmarked to address the minimum housing requirement is that a Strategic Growth Option which had envisaged 5,300 dwellings on sites north of Bishopstoke and north-east of Fair Oak (1,000 and 4,300 homes respectively) was removed from the Plan following its examination by the Inspector⁶. This was due to the unjustified nature of the proposals.
- 4.19. Whilst insufficient land was allocated in the Local Plan to address the Borough's housing need, paragraph 4.12 of the document recognises the

⁶ See paragraphs 44-50 of the Inspector's Report (**CD5.1**)

Council's commitment to commence an update of the Plan within 1 year of its adoption.

- 4.20. **Policy S5** sets out the limited types of use that will be acceptable in the countryside, on land beyond settlement boundaries identified under Policy S2.
- 4.21. **Policy S6** identifies a number of settlement gaps, which designation does not include the Appeal Site.
- 4.22. Other applicable policy considerations, which evidence for the Appellant will explain the scheme is in accordance with, include S9 (Green Infrastructure), S10 (Community Facilities), S11 (Transport Infrastructure), S12 (Strategic Footpath, Cycleway and Bridleway Links), DM1 (General Criteria for New Development), DM6 (Sustainable Surface Water Management and Watercourse Management), DM8 (Pollution), DM10 – Water and Waste Water, DM11 (Nature Conservation), DM13 (General Development Criteria), DM24 (Creating a Mix of Housing), Policy DM28 (Delivering Affordable Housing), DM33 (Provision of Recreation and Open Space Facilities with the new Development); and DM38 (Funding Infrastructure).
- 4.23. I deal with the policy considerations in sections 6 and 7 of my evidence below.

Material Considerations

National Planning Policy Framework

- 4.24. The National Planning Policy Framework (NPPF) was most recently updated in July 2021. It is a material consideration of particular standing that attracts substantial weight.
- 4.25. The content of the NPPF as it relates to the proposed development of the application site is addressed in the order set below:
- The presumption in favour of sustainable development
 - Decision making
 - Delivering a sufficient supply of homes

- Promoting sustainable transport
- Conserving and enhancing the natural environment

4.26. Paragraph 8 of the NPPF identifies that there are three dimensions to sustainable development, comprising (i) economic, (ii) social; and (iii) environmental.

Economic Role

4.27. The economic role requires the planning system to, inter alia, ensure that sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved with the Appeal Scheme on the basis that it is located within a sustainable location, within walking and cycle distance to local services and facilities. The Scheme also provides for housing development of the type and mix required to meet identified needs.

4.28. The Appeal Scheme further addresses the economic role in terms of increased LPA Revenues, Construction impacts (increased GVA, jobs etc.) and increased expenditure in the local area.

Social Role

4.29. The social role requires the planning system to provide the supply of housing required, creating a high-quality built environment, accessible to local services and reflecting the community's needs. All these requirements can be achieved with the Appeal Scheme.

Environmental Role

4.30. The environmental role requires the planning system to protect and enhance the natural, built and historic environment. This can be achieved with the proposal in a location that will not result in any significant adverse effects upon the character of the surrounding area, including in landscape terms.

Decision Taking

- 4.31. In setting out the presumption in favour of sustainable development, paragraph 11 of the NPPF adds at paragraph 11(d) that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless (i) policies in the NPPF provide a clear reason for refusing the development; or (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 4.32. I have explained above why the lack of a five year supply of deliverable housing land means the policies for the supply of housing are out of date.
- 4.33. Section 4 of the NPPF sets out the approach to decision-taking. Paragraph 38 makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.34. The Site is in a sustainable location and will improve the economic and social conditions of the area. It will also help to provide an enhanced landscaped edge to the settlement.

Delivering a Sufficient Supply of Homes

- 4.35. Paragraph 60 sets out the Government's objective of significantly boosting the supply of homes.
- 4.36. Paragraph 68 sets out the need to provide a five year supply of deliverable sites for housing. It also requires sites for years 6-10 and beyond.
- 4.37. Paragraph 74 requires LPAs to demonstrate a five year supply of deliverable housing land. Pursuant to footnote 8, the lack of a five year supply triggers the presumption at paragraph 11(d).

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- 4.38. This Appeal Scheme for 61 dwellings (including 35% affordable housing) would make a notable contribution towards the shortfall in supply.

Open Space and Recreation

- 4.39. Paragraph 98 sets out support for enabling access to a network of high-quality open spaces and opportunities for sport and recreation.
- 4.40. Paragraph 100 also requires planning policies and decisions to protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.
- 4.41. These requirements are met by the Appeal Scheme.

Promoting Sustainable Transport

- 4.42. Section 9 sets out the approach to providing for sustainable growth.
- 4.43. Paragraph 105 states as follows:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

- 4.44. The Appeal Site is located adjoining an identified settlement, within safe and convenient walking distance to local services and facilities.
- 4.45. The supporting Transport Assessment demonstrates the acceptability of the Scheme in sustainability terms, which matter Mr Wilde expands upon in evidence. Accordingly, the Scheme is consistent with paragraph 105.

Achieving Well-Designed Places

- 4.46. Section 12 sets out the approach to achieving well-designed places.
- 4.47. Paragraph 126 states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It is added that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.48. Paragraph 131 adds that trees make an important contribution to the character and quality of urban environments, with planning policies and decisions to ensure opportunities are taken to incorporate trees within developments.
- 4.49. The Scheme incorporates a number of trees, with details to be secured by condition (draft condition 11 refers).

Natural Environment

- 4.50. Section 15 sets out the approach to conserving and enhancing the natural environment.
- 4.51. As to landscape considerations, the site is not located within any formal designations for the most valued landscapes. Accordingly, paragraph 174 of the NPPF is not a constraint to development in this case. Mr Smith's landscape evidence expands upon the consideration of landscape matters; which evidence I adopt.
- 4.52. The Scheme can also secure a measurable c. 10% net gain in biodiversity, which matters are addressed by Mr Rose.

DCLG (now MHCLG) Announcements

- 4.53. The NPPF should also be read in the context of a number of DCLG and Ministerial Statements which have emphasised the importance on the timely delivery of housing development.
- 4.54. These announcements are of some vintage, demonstrating the emphasis placed upon the need to significantly boost the supply of homes. They include, but are not limited to, ‘Laying the Foundations: A Housing Strategy for England’ (Nov 2011); the Ministerial Statement ‘Planning for Growth’ (March 2011); and the Ministerial Statement ‘Housing and Growth’ (6 September 2012) with the latter confirming that the need for new homes is ‘acute’, that supply remains constrained and that a proactive approach was required to support growth.
- 4.55. Government announcements have repeatedly confirmed the need to increase the supply of housing.
- 4.56. As far back as 2013 the Government referred to the existence of a nationally identified housing crisis⁷. This further supports the need to significantly increase the supply of housing.
- 4.57. The message relating to the need to boost the supply of housing and the associated economic benefits that arise have been carried forward in the more recent Statement produced in July 2015 by HM Treasury “Fixing the Foundations: Creating a More Prosperous Nation.”
- 4.58. Paragraph 9.1 states in relation to house building as follows:

“The UK has been incapable of building enough homes to keep up with growing demand. This harms productivity and restricts labour market flexibility, and it frustrates the ambitions of thousands of people who would like to own their own home.”

⁷ In the House of Commons Debate on 24 October 2013, the Planning Minister, Nick Boles, reaffirmed that there is a national housing crisis.

4.59. Paragraph 9.7 adds in relation to the planning system and the need for increased house building:

“There remains more to do. As the London School of Economics (LSE) Growth Commission found, ‘under-supply of housing, especially in high-growth areas of the country has pushed up house prices. The UK has been incapable of building enough homes to keep up with growing demand⁸.”

4.60. The House of Commons Committee of Public Accounts (19th June 2019) (paragraph 1 of summary) concluded:

“The Department has a highly ambitious target to deliver 300,000 new homes per year by the mid-2020s but does not have detailed projections or plans on how it will achieve this. Meeting the target of 300,000 new homes a year will need a significant step-up in the level of house building. Current levels are not promising: the number of new homes has increased every year since 2012–13, with 222,000 new homes in 2017–18, but the average number in the period 2005–06 to 2017–18 was still only 177,000 a year. The Department accepts that it will need to transform the housing market to get more new homes built and says that achieving the target would be “very challenging”. Despite having introduced some projects to help, including encouraging small builders through the small builders guarantee scheme and reforming the planning system, the Department simply does not have the mechanisms in place to achieve the 300,000 target. This is compounded by lack of detailed rationale as to why this target was chosen in the first place. It also lacks year-on-year projections on how it will ramp up house building, only illustrative projections which are not in the public domain. To make this even more concerning, the target does not align with the Department’s new method for calculating the need for new homes which shows that just 265,000 new homes a year are needed.”

4.61. The Committee of Public Accounts also noted with respect of affordable housing (paragraph 5), that:

⁸ Investing for Prosperity, London School of Economics Growth Commission, September 2013

“The Department acknowledges that it will need to sustain and increase the numbers of affordable housing built to help it achieve the target of 300,000 new homes but cannot say how many and what types of affordable homes are needed. The Department has not detailed its expectations for numbers of these types of homes to be built as part of its 300,000 target for new homes. It is encouraging greater numbers of affordable homes to be built through the Affordable Homes Programme; and its reforms to the planning system aim to deliver more homes in areas of high unaffordability, such as London and the South East. At local level, local authorities detail the numbers of types of affordable housing needed in their local plans including social housing, affordable rent, built to rent, and that provided by Housing Associations. However, these planned numbers can be undermined as developers renegotiate section 106 agreements to provide less affordable housing than originally agreed with local authorities. The Department believes that its reforms to section 106 agreements would help the provision of affordable homes.”

- 4.62. The announcements explain the importance of the need to support the Government’s objective of significantly boosting the supply of homes (NPPF paragraph 60) which matter is a material consideration in relation to the assessment of housing supply. Within this boosting of the supply of housing is a clear recognition of the importance of providing affordable homes (NPPF paragraph 62) as this will help meet the needs of specific groups (paragraph 60).

Housing White Paper (Aug 2020)

- 4.63. The content of the White Paper is a further material consideration relevant to the assessment and determination of the appeal proposal.
- 4.64. It expands upon certain of the above publications, highlighting the fact that the country does not have enough homes and that the housing market is broken. The introduction identifies the cause as being very simple: the lack of supply. Accordingly, the proposals set out how the Government intends to boost housing supply.

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- 4.65. These recent publications and announcements highlight the importance and therefore weight to be given to increasing the supply of housing land.

EBC's Five Year Housing Land Supply Statement (August 2022)

- 4.66. The Council's latest position is set out in their August 2022 Position Statement (**CD5.6**) which purports to be able to show a 5.1 year supply of deliverable housing land for the period 1st July 2022 to 30th June 2027.
- 4.67. This results in a purported surplus of 116 dwellings.
- 4.68. I do not accept this conclusion.
- 4.69. Based upon the assessment I have carried out with my colleague Mr G Ritchie, I identify a supply of only 3.62 years, reporting a shortfall of 1,059 dwellings⁹. As such, and on that basis, the Council is not able to demonstrate a five year supply of deliverable housing land, thus triggers the titled balance at paragraph 11(d) of the NPPF.
- 4.70. It is my position that the shortfall is substantial and the weight to be attached to the delivery of market and affordable housing separately attracts substantial weight.

Supplementary Planning Documents

- 4.71. The SPDs listed at paragraph 2.6 of the Planning SoCG have also informed the assessment of the Appeal Scheme, which matters are addressed in evidence.

⁹ The figures may change subject to the outcome of discussions with the Council in relation to the Housing Land Supply SoCG, which is not due for submission until 11 Oct (a week after the exchange of the planning evidence).

5. FIVE YEAR HOUSING LAND SUPPLY AND AFFORDABLE HOUSING

Five Year Housing Land Supply

- 5.1. As explained in section 4 above, I am of the view that the Council is not able to demonstrate a five year supply of deliverable housing land. This triggers the presumption of sustainable development at paragraph 11(d) of the NPPF.
- 5.2. Informed by the content of my separate five year housing proof of evidence, the respective five year housing land supply positions advanced by the Council and that which I consider the reflect the actual position, is as follows:

	Council	Appellant
Requirement 1/7/2022 to 30/6/2027	3,827	3,827
Assessed deliverable supply	3,943	2,768
Extent of shortfall/surplus	116	-1,059
No. of years supply	5.15yrs	3.62yrs

- 5.3. The Council's assessment identifies a marginal 116 dwelling surplus.
- 5.4. My assessment identifies a shortfall of 1,059 dwellings (see footnote 9 above), which shortfall is substantial. In the circumstances, the weight to be attached to the delivery of housing from the Appeal Scheme is significant.

Affordable Housing

- 5.5. The acute need for affordable housing within the Borough is set out in my separate Housing Land Supply and Affordable Need evidence. In the circumstances, I attach substantial weight to the delivery of affordable housing from the Appeal Scheme.

6. MAIN ISSUES

- 6.1. This section of my evidence assesses the acceptability of the Appeal Scheme in the context of 38(6) as well as relevant material considerations.
- 6.2. I have carried out my assessment using a series of main issues. I then draw my findings together to undertake the planning balance.
- 6.3. My assessment and planning balance has been informed by the evidence prepared by Mr M Rose (Ecology), Mr J Smith (Landscape), Mr L Hillson (Design); and Mr J Wilde (Highways).

Main Issues

- 6.4. Having regard to the Inspector's main issues and other relevant matters, I structure my analysis as follows:
 - a) Whether the proposal would be in a suitable location for housing, with regard to development plan policy and national planning policy;
 - b) The effect on the character and appearance of the area, including design quality;
 - c) The accessibility to local services;
 - d) The effect on highway safety and the free flow of traffic by way of the traffic generation;
 - e) The effect on biodiversity interests, in particular European Protected Sites, by way of waste water impacts, surface water drainage and recreational disturbance;
 - f) The drainage strategy;
 - g) Third party representations;
 - h) Planning Obligations;
 - i) Development plan conformity

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- 6.5. My overall assessment of the planning merits of the Appeal Scheme is set against the context provided by the requirements of Section 38(6), the development plan and material considerations, including the policies of the Framework.
- 6.6. I undertake my analysis in the context of the agreement that the policies for the supply of housing are out of date, including in relation to the lack of a five year supply of deliverable housing land.

Main Issue 1: Whether the Proposal would be in a Suitable Location

- 6.7. Development of the Appeal Site for a sustainable form of development should now be considered favourably in accordance with the advice at paragraph 11(d) of the NPPF, having regard to the importance of delivery of housing for meeting the Borough's market and affordable housing needs and the delivery of economic and sustainable growth.
- 6.8. As the Council cannot demonstrate an up-to-date five year supply of deliverable sites for housing, in accordance with paragraph 11(d) and footnote 8 of the NPPF, the most important policies (including those relating to settlement boundaries) are to be regarded as out of date.
- 6.9. In the circumstances, the weight attributable to the conflict I have identified with Policy S2 (the location of the Appeal Site beyond the defined settlement boundary), which places strict controls over development outside settlement boundaries, is reduced insofar as the Council is not able to demonstrate a five year supply of deliverable housing land. This also applies in relation to Policy S3 (Location of New Housing), which identifies site allocations; and Policy S5.
- 6.10. On account of the Council's inability to demonstrate a five year supply of deliverable housing land, and on the basis of the accompanying highway and landscape evidence, the Appeal Site represents a suitable location for housing now. The principle of developing the Site for housing was also supported in the previous appeal Inspector's decision, which represents a material consideration of particular standing in support of the Appeal Scheme as now

proposed.

**Main Issue 2: The Effect on the Character and Appearance of the Area,
including Design Quality**

Landscape

General

- 6.11. The effect of the Appeal Scheme upon the landscape character is a matter addressed in Mr Smith’s evidence, the findings of which have informed my overall planning judgment as to the suitability of the Appeal Scheme.
- 6.12. As Mr Smith explains, the Appeal Site is not within or adjacent to any national or local landscape designations, nor is it within or adjacent to any landscape-related designations. There are also no formal rights of way across the site, although Hamble-le-Rice Footpath 1 runs parallel with the western boundary of the appeal site.
- 6.13. As I have explained, the Appeal Site is not allocated for development in the adopted Eastleigh Borough Local Plan 2016-2036.
- 6.14. Mr Smith goes on to explain the acceptability of the Appeal Scheme in landscape terms having regard to his assessment and application of relevant planning policy considerations and his professional judgment as to the acceptability of the Scheme in landscape terms.
- 6.15. As Mr Smith explains, which matter I have addressed above, the previous Appeal Inspector concluded that the Appeal Site was “a medium quality landscape area with a low sensitivity to residential development”, “the effect of the proposal would be appreciated only from close views” and “the proposal would ... cause limited harm to the character and appearance of the area...”
- 6.16. The current Appeal Scheme is to be assessed in this context.

Landscape and Visual Effects of the Appeal Scheme

6.17. Section 6.4 of Mr Smith's evidence concludes as follows:

1. *The effects of the proposed development on local landscape character would be highly localised, and major/moderate negative effects would be mainly focused upon a single field which is already influenced by views of built form, lighting and movement.*
2. *The character of Satchell Lane, would not change noticeably; at present the southern end of the Lane, in the locality of the appeal site, is narrow and enclosed, with filtered views towards houses on both sides, and these characteristics would remain.*
3. *The disused airfield, to the west of the appeal site, would remain open and medium scale, with no direct effects from the appeal proposals and with views of the development limited to glimpses from a few locations.*
4. *The visual effects of the proposed development would be highly localised upon the site and its immediate context, as illustrated by the ZTV in drawing SL4 and also by the representative viewpoint analysis.*
5. *Where views of the new homes would be perceived in views it would often be in the context of existing housing, and would not, therefore, be introducing new elements. Visual effects would also reduce in many cases once the proposed planting shown on the illustrative landscape masterplan.*

6.18. Overall, Mr Smith concludes that the level of landscape and visual harm that would result from this proposal would be at the lower end of the scale, with landscape effects almost entirely focused on the Appeal Site itself, which is already influenced by the settlement edge. In addition, and in visual terms, the views that would be affected are almost all immediately adjacent to the Site, and many of these views would be progressively screened once proposed planting has started to establish.

6.19. Mr Smith also makes the point that although the development results in negative landscape and visual effects it does not mean that it is necessarily inappropriate or anomalous (or unacceptable). It is perfectly possible to create an attractive place to live - which is appropriate in the local context in terms of scale, form and character, and which also delivers landscape and visual benefits such as new recreational space and habitats – and yet still cause

negative landscape and visual effects by introducing buildings to open fields. These matters are explored in Mr Hillson's evidence.

Landscaping Scheme

- 6.20. As set out in draft condition 11, the Council requires a final landscaping scheme to be submitted to and approved in writing by them prior to the commencement of development. This is also required to be in 'broad accordance' with Illustrative Landscape Plan FHL-001.
- 6.21. Plan 403.064427.00001.SL1 attached within the Appendices to Mr Smith's evidence provides an example of a final landscaping scheme that could be submitted to discharge this condition. It does not alter the disposition of development within the Site but nevertheless evolves the landscaping strategy.
- 6.22. As Mr Smith explains, the illustrative plan includes additional native tree and shrub planting around the edges of the site, hedgerows and trees within streetscapes, a multi-functional Village Green, potential footpath connections with the footpath to the west, a central LAP and a new orchard and seating area at the south of the site.
- 6.23. Mr Smith concludes that the illustrative landscape plan therefore addresses the landscape design concerns raised in Reason 4 and the comments of Landscape and Urban Design Officers.

Summary

- 6.24. Mr Smith's evidence considers that the Appeal Scheme could be successfully integrated into the local landscape and would not cause unacceptable harm to wider landscape character.
- 6.25. The Appeal Site is not within a designated gap. It is not a valued landscape and save for its countryside location (adjoining but ultimately beyond the SPB), it is not subject to any landscape designations.

- 6.26. Informed by the assessment undertaken by Mr Smith, which conclusions I adopt, I consider the Scheme accords with the development management policies of the Local Plan.

Scheme Design

Schematics

- 6.27. Mr Hillson's design evidence addresses the acceptability of the overall design approach, addressing reason for refusal (4). This includes an analysis of the relevant policy considerations, including the adopted Local Plan, the NPPF, the national Design Guide and the Council's SPDs, including the Quality Places SPD (Nov 2011).
- 6.28. As set out in section 7 of his evidence, Mr Hillson concludes in relation to the acceptability of the Appeal Scheme as follows:
- 1. The Scale of the proposals is appropriate in terms of both the storey heights (2 storeys proposed in an area with 1.5-2 storey homes) and dwelling sizes (9-11m wide by 8.5-9.5m deep proposed in an area with approximately 8-11m wide by 8.5m-11m deep homes).*
 - 2. The Form of the proposals, including the Shape In Plan (rectangular forms with some L-shaped), the Massing (hipped roofs with some gable fronts and side gables), the Building Lines (rectilinear as per context) and Relationship to Plot Boundaries (setbacks in-keeping with context, albeit smaller overall in places) has all been shown to be appropriate.*
 - 3. The Layout in terms of structure and grain is responsive to the local context. The density of the development (20.7 dph net) is appropriate for the surrounding context (approximately 20 to 23 dph net). In terms of the land use, residential use (on a site previously approved for residential use) on a site bordered by residential use is entirely appropriate.*
 - 4. The Design Appearance of the proposals has been informed by consideration of the local vernacular and design cues drawn from it to guide the design proposals. The vernacular and character of the context is varied along Satchell Lane with a more consistent character within the development to the east. This document has demonstrated how the appearance proposed development is appropriate for the site in both terms of materials, vernacular and architectural details.*

5. *The Car Parking proposed utilises a variety of parking typologies, in-line with guidance, many of which remove parked cars behind the building line to reduce the visual impact of cars on the street. The proposals do not constitute a car dominated development and have been shown to be appropriate.*
6. *Proposed Footpaths within the development are safe and appealing, they are overlooked and meet the policy guidance (minimum 1.8m width proposed meets the 1.5m width minimum). Pedestrian movement is prioritised above vehicular movement. Therefore, in terms of internal footpaths, they have shown to be appropriate for the site.*
7. *The Recreational Spaces and Landscaping on the site are well integrated and attractive. The public open spaces are in accordance with Key Design Principle 9 (Quality Places SPD) and are appropriate for the site.*
8. *The proposals will deliver a Defined Sense of Place that has been informed by its surroundings. A clear Character Area Strategy will inform design aspects of the development to ensure it is appropriate for the site and context.*

6.29. I adopt My Hillson's findings in carrying out my overall planning balance.

Dwelling Mix

6.30. As set out at paragraph 4.7 of the Appellant's Statement of Case (**CD12.1**), the Appeal Scheme proposes a mix of 1, 2, 3 and 4-bed homes in the form of detached, semi-detached and terraced houses, as well as flats.

6.31. The proposed dwelling mix is as follows:

Dwelling Type	No. of Homes	Percentage of Homes
1-bed flat	2	3.2%
2-bed flat	2	3.2%
2-bed house	7	11.3%
3-bed house	10	16.1%
4-bed house	40	64.5%
Total	61	100%

6.32. The Appeal Scheme includes 21 affordable homes, which accords with the 35% requirement in Policy DM28. This will comprise a mix of affordable rented and shared ownership homes; which matters are to be secured through the S106.

- 6.33. Policy DM24 requires schemes to contribute to the overall mix of housing in the Housing Market Area. The supporting text refers to the findings of the SHMA from 2014. That in turn sets out an estimated percentage mix across the dwelling types. However, it is clear from paragraph 1.24 of the SHMA that decisions on local mix policy should be made by individual authorities, including in relation to the nature of land supply.
- 6.34. In so far as the Appeal Scheme secures a broad mix of dwelling types, with the design approach justified in the design evidence prepared by Mr Hillson, I conclude that the Scheme is in general conformity with Policy DM24 which require a mix of dwellings to be provided. This is not surprising given the Council do not cite dwelling mix as a reason for refusal.

Summary

- 6.35. For the reasons explained above, supported by the analysis and conclusions contained in the evidence prepared by Mr Wilde, Mr Smith and Mr Hillson, I conclude that the Appeal Scheme is acceptable in landscape and design terms, and is in accordance with Adopted Local Plan policies S1, S12, DM1, DM13, DM24, DM28 and DM33. It is on this same basis that I conclude that the Appeal Scheme accords with the design and landscape provisions contained in the NPPF and the Council's Quality Places SPD.
- 6.36. Although the Scheme conflicts with Policy S5 (new development in the countryside), the weight I give to this conflict is reduced on account of the Council's inability to demonstrate a five year supply of deliverable housing land.

Main Issue 3: The Effect upon Highway Safety and Capacity

- 6.37. This matter is addressed by Mr Wilde, who concludes that the Appeal Scheme is acceptable in relation to highway safety and in terms of the accessibility of the Appeal Site to local services and facilities by walking and cycling.
- 6.38. This reflects the previous Inspector's conclusion (section 3 above refers).

6.39. Section 4 of Mr Wilde's evidence concludes as follows:

1. *The Appeal Scheme was refused on grounds that included perceived shortcomings on sustainable accessibility and specifically in relation to suggested walk distances to a limited number of destinations. These aspects of the Appeal Scheme remain unchanged from the previously determined appeal and this specific matter was determined as part of the upholding of that appeal.*
2. *Nonetheless and irrespective of that earlier determination, Mr Wilde has presented evidence demonstrating the Appeal Site would be wholly consistent with the aspiration and objectives of both national and local policy on sustainable transport.*
3. *Despite not having cited traffic impact as a reason for refusal on the last application, and the Appeal Scheme generating less demand, HCC and EBC have now concluded that cumulative residual impact is now severe. Mr Wilde explains how there has been no evidence of a change in context that would merit this change in position and that HCC and the EBC's sole reliance on a recent appeal decision nearby¹⁰ (CD8.2) was generically applied and thus the conclusion drawn without merit.*
4. *Mr Wilde sets out supplementary evidence on traffic modelling, using methods including advanced microsimulation to forecast the actual development impact. Mr Wilde concludes that the impact of the Appeal Scheme cannot reasonably be considered severe and thus is not contrary to policy in para. 111 of NPPF or the emerging local equivalent.*
5. *Mr Wilde concludes that when considering matters of highways and transportation, the Appeal Scheme is consistent with both local and national policy and that the application should not have been refused on basis of reasons 2, 3 and 4 (the relevant parts).*

6.40. As such, and for the reasons stated, I am able to conclude that the Appeal Scheme is acceptable in highway terms. This includes in relation to the ability of future residents to access local services and facilities by walking and cycling. I welcome the opportunity to walk the various footpath routes with the Inspector on the site visit, as the relationship of the Site to the urban context will be clear.

6.41. For the reasons explained above, supported by the analysis and conclusions contained in the evidence prepared by Mr Wilde and Mr Hillson, I conclude that

¹⁰ Appeal Decision, GE Aviation, January 2021 ref. 3255559

the Appeal Scheme is acceptable in highway safety, accessibility and design terms, and is in accordance with Adopted Local Plan policies S12, DM1 and DM13. The Council's allegation of highway safety and lack of accessibility to local services and facilities is not supported by the facts of this case.

Main Issue 4: The Effect on Biodiversity

General

- 6.42. Reasons for Refusal (5) and (7) relate to the potential impacts of the Appeal Scheme upon coastal European sites of the Solent.
- 6.43. Reason (5) relates to the surface water drainage strategy and recreational impacts on the Solent and Southampton Water SPA and Ramsar site.
- 6.44. Reason (7) relates to eutrophication¹¹ linked to foul water discharges (i.e. the lack of information to demonstrate nutrient neutrality).
- 6.45. The reasons for refusal relate directly to ecological matters and both reasons are addressed in the evidence prepared by Mr Rose, which evidence is accompanied by a shadow HRA (CSA/3212/07) (**CD6.4**) to assist the Inspector in their consideration of these matters. The shadow HRA ("sHRA") has been submitted to Natural England for the comment.
- 6.46. Informed by Mr Rose's evidence, I now summarise the matters in turn.

Surface Water Pollution

- 6.47. As Mr Rose explains, the Appeal Scheme is situated within the surface water catchment of the Solent and Southampton Water SPA and Ramsar site; positioned within c. 180m at its closest point. Although no direct hydrological connection is present, potential exists in the absence of mitigation for any poor water quality in surface drainage (such as hydrocarbons, oils, grit salts, fertilisers/herbicides/insecticides, etc.) to negatively impact on the

¹¹ excessive richness of nutrients in a lake or other body of water, frequently due to run-off from the land, which causes a dense growth of plant life

designations.

- 6.48. However, and as detailed in the sHRA, the Appeal Scheme will be implemented in accordance with the provisions of a submitted Flood Risk Assessment and Drainage Strategy (Bright Plan Civils, 2020) (**CD1.42**).
- 6.49. In their comments of 24 February 2021 (**CD1.45**) the Ecology Officer Paul Howe MCIEEM supported the strategy, noting that the proposed approach was established as acceptable in a previous application at the Appeal Site (O/17/80319). This stance was reiterated in their further comments of 27 April 2022 (**CD7.2**) and 23 September 2022 (**CD7.8**). In their comments of 15 February 2021, the Hampshire County Council Flood and Water Management Team stated that the proposed strategy was “*acceptable in principle*” (**CD1.47**).
- 6.50. However, and at the time of determining the Appeal Application, comments received from Natural England on the application (05 February 2021) (**CD1.43**) recommended that further cleaning/filtration treatment features/steps be considered, in view of the environmentally sensitive location.
- 6.51. In response to these comments, Bright Plan Civils prepared additional information in the form of a Technical Note (2022) (**CD6.3**), proposing that additional stages of treatment be built into the strategy, with a long-term drainage monitoring and maintenance strategy will be secured by planning condition.
- 6.52. In view of the above, EBC withdrew Reason for Refusal 5 on 27 September 2022. The sHRA (**CD6.4**) demonstrates that the Appeal Scheme will have no adverse effect on the integrity of the Solent and Southampton Water SPA or Ramsar site in relation to surface water quality.

Eutrophication

- 6.53. As Mr Rose explains, foul water discharges from the Appeal Scheme will be treated at the Peel Common WWTW, which itself returns treated effluent to the East Solent System.

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- 6.54. As is widely understood and set out in detail in the accompanying sHRA, development sites located within the fluvial catchment of the Solent are required to demonstrate nutrient neutrality, in order to avoid contributing toward an adverse effect on the integrity of the associated designations.
- 6.55. Mr Rose's evidence includes a calculated nutrient budget shows the Appeal Scheme, in the absence of mitigation, would result in a net increase of 48.86kg TN/year entering the water environment.
- 6.56. To provide a strategic approach to mitigation, EBC has implemented a scheme to offset excess nutrient outputs against Council-owned land through the purchase of nutrient credits. However, in their Statement of Case, EBC have indicated that all of their credits are reserved for allocated development sites under the adopted Local Plan. The Appellants have, therefore, secured third party mitigation provided at Whitewool Farm, in the upper Meon Valley, full details of which are provided in the sHRA.
- 6.57. The sHRA demonstrates that the Appeal Scheme will have no adverse effect on the integrity of the Solent and Southampton Water SPA and Ramsar site, or Solent Maritime SAC, as a result of eutrophication linked to foul drainage impacts to water quality. These matters are secured by condition, which position has been agreed with the Council.

Recreation Pressure

- 6.58. EBC consider the Appeal Scheme could result in increased recreational pressure upon the New Forest SAC, SPA and Ramsar site.
- 6.59. However, EBC has an 'Interim Mitigation Strategy to address recreation impacts on New Forest protected sites'. The interim strategy is based on a package of providing Suitable Alternative Natural Greenspace (SANG) within Eastleigh Borough, and securing financial contributions from developers toward Strategic Access Management and Monitoring (SAMM) within the New Forest.
- 6.60. As set out in the S106, the total contribution required toward SANG and SAMM

is £1,161 per dwelling. As such, the 61 dwelling Appeal Scheme will secure a financial contribution in the sum of £70,821. Once secured through the signed S106, the Appeal Scheme will have no adverse effect on the integrity of the New Forest SAC, SPA or Ramsar site.

Summary

- 6.61. For the reasons set out above, it is agreed between the Appellant and EBC that the Appeal Scheme satisfies Local Plan policies DM10 and DM11.
- 6.62. As requested by the Inspector, these matters will be considered at the inquiry in the form of a Round Table Session (“RTS”).

Main Issue 5: Drainage

- 6.63. As explained above the drainage reason (5), and pursuant to the resolution of the biodiversity impacts of the Appeal Scheme, reason (5) has been addressed.

Main Issue 6: Third Party Representations

- 6.64. I have considered the issues raised by the third parties, including as summarised in **CD2.1** and I am satisfied that my planning evidence, accompanied by the design, ecology, highways and landscape prepared by others addresses the issue raised. This includes in relation to the impact of the Scheme upon the local highway network and in relation to the impact of the Scheme upon local services and infrastructure generally.

Main Issue 7: Planning Obligations

- 6.65. As set out at paragraphs 2.15 to 2.19 of the Planning SoCG (**CD13.1**), it is agreed between the parties that the Appellant will provide planning obligations, in the form of an undertaking under Section 106 of the Town and Country Planning Act (1990) in favour of EBC and Hampshire County Council.
- 6.66. The legal agreement will ensure the financial contributions and other compliant

obligations to enable the proposed development to go ahead are provided in accordance Regulation 122(2) of the Community Infrastructure Levy Regulations and the content at paragraphs 55, 56 and 57 of the NPPF.

6.67. Subject to meeting the necessary tests at paragraph 57 of the NPPF, the following obligations are expected to be provided for in the legal agreement:

- i. Affordable Housing (35%)
- ii. Financial contributions towards:
 - Air quality monitoring
 - Community infrastructure
 - Health provision
 - Primary Education
 - Secondary Education
 - Solent Disturbance Mitigation Project
 - Transport measures and improvements
 - Improvements/ enhancements to the public right of way and local footpath network
 - Off-site public open space provision
 - Public art
 - Traffic Regulation Order
 - Provision of on-site public open space and play area provision, including maintenance and supervision fees.
 - Recreational impacts upon the New Forest SPA
 - Nitrates

6.68. At the time of writing my evidence, the form and content of the legal undertaking was in the process of being discussed. However, the legal agreement is expected to be completed and submitted to the inquiry.

6.69. Once an agreed, signed and dated undertaking is secured this will address reasons for refusal (6) and (7).

Main Issue 8: Development Plan Conformity

6.70. Informed by the analysis set out above, and as I explained in my introduction, the only conflict I have identified with the Development Plan is in relation to location of the Appeal Site beyond the settlement policy boundaries identified under Local plan Policies S2, S3 and S5. However, the weight I give to this

conflict is reduced on account of the Council's inability to demonstrate a five year supply of deliverable housing land.

- 6.71. In all other respects, for the reasons explained in the evidence submitted by Mr Rose (ecology), Mr Smith (landscape), Mr Wilde (highways) and Mr Hillson (design), I am of the view that the Appeal Scheme satisfies the development management policies of the Local Plan.

7. PLANNING BALANCE

Introduction

- 7.1. This section of my evidence carries out the planning balance in relation to the three sustainability tests set out at paragraph 8 of the NPPF and clearly shows that whilst there are considered to be some slight adverse impacts, these considerations are plainly incapable of outweighing, let alone significantly and demonstrably outweighing, the many benefits of the Scheme.
- 7.2. In the circumstances, where the only development plan conflict is the location of the site adjacent to but beyond the settlement boundary for Hamble-le-Rice, thus conflicting with Policy S2, in a scenario where the Council is unable to demonstrate a five year supply of deliverable housing land, the most important policies for determining the application are out of date and the adverse impacts of granting permission, comprising the loss of countryside cannot be said to demonstrably, let alone significantly, outweigh the many benefits, such that planning permission should be granted.

Assessing Sustainability

- 7.3. Paragraph 9 of the NPPF states (amongst other things) the assessment of the sustainability roles should not be undertaken in isolation, because they are mutually dependent.
- 7.4. A planning balance exercise has been carried out in accordance with the guidance at paragraph 9 of the NPPF and sets out a combined analysis in relation to the sustainability roles (economic, social and environmental).

Economic

- 7.5. The Appeal Scheme satisfies the economic role of sustainability including through the provision of housing to support growth and the associated provision

of infrastructure, to be secured through preparation of the S106 agreement and by on-site provision of affordable housing.

- 7.6. The Appeal Scheme generates a series of local and Borough-wide economic benefits including through (i) construction of the scheme and the range of employment generated as a result; and (ii) the on-going expenditure from the households purchasing and occupying the new homes.
- 7.7. The principal economic benefits arising from the scheme are summarised below:
- (i) Increased house building in an area where there is a demand for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
 - (ii) The provision of 61 new homes in the Borough where there is an established need for housing given the demonstrable shortfall in the five year housing land supply position.
 - (iii) The Scheme will deliver much needed affordable homes (21 dwellings) at a policy compliant 35% that will meet the acute need for affordable housing within the Borough.
 - (iv) Meeting general housing needs is a significant benefit, consistent with the Government's objective of significantly boosting the supply of housing.
 - (v) In order for the economy to function, sufficient housing is required in the right locations and at the right time. This site represents a location where there would be no significant impact upon the landscape nor on the amenity of neighbouring properties.
 - (vi) Based upon a multiplier of 2.3 jobs per new home¹², the 61 dwellings are estimated to create approximately 140 new jobs.
 - (vii) Increased expenditure in the local area will support local FTE jobs.

¹² See page 13 of the Homes Builders Federation "Economic Footprint of UK Housebuilding " (July 2018) - https://www.hbf.co.uk/documents/7876/The_Economic_Footprint_of_UK_House_Building_July_2018LR.pdf

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- (viii) Helping to deliver a significant boost to the local economy through ‘first occupation’ expenditure of £333,182¹³. This is expenditure on new furniture and other household goods that residents spend as ‘one-offs’ when moving into a new home.
- (ix) In terms of household expenditure, data from ONS Family Expenditure Survey 2020-21¹⁴ shows that the ‘average UK household spend’ is £553.80 per week (Table A33) (or £28,877 per year), whereas in South East England it is 20.2% higher than the UK average (Table A33). This means average weekly spend per household is £665.40 (or £36,696 per annum). For the Appeal Scheme, the total gross expenditure is estimated to be £2.2m per year to the economy. A proportion of this household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Eastleigh Borough. The expenditure will include that a proportion of that spent on areas including food & non-alcoholic drinks (£72.80 per week); alcoholic drinks (£13.40 per week); recreation and culture (£88.80 per week), household goods and services (£42.70) and miscellaneous goods and service i.e. hairdressing & beauty treatments (£50.50 per week).¹⁵ Given the current economic challenges facing the UK these are significant economic benefits.
- 7.8. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of 61 dwellings on the site satisfies the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 7.9. This is further emphasised in the Government’s November 2011 Paper ‘Laying the Foundations: A Housing Strategy for England’ where paragraph 11 states *“getting house building moving again is crucial for economic growth – housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built up to two new jobs are created for a year”*.
- 7.10. It is my evidence that the economic benefits are to be accorded substantial weight in the planning balance.

¹³ Research carried out by OnePoll on behalf of Barratt Homes (August 2014; <https://www.barratthomes.co.uk/the-buying-process/home-buying-advice/>) which shows an average of £5,462 per dwelling.

¹⁴ [Family spending workbook 3: expenditure by region - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/family-spending-workbook-3-expenditure-by-region).

¹⁵ Figures based upon SE Regional data in Table A33

Social

- 7.11. The Appeal Scheme satisfies the social role, in helping to support strong, vibrant and healthy communities, including through providing the supply of housing required to meet identified needs in open market and affordable sectors. This is a significant benefit. In addition;
- 1) Future residents will be in an easy walking and cycling distance to local services and facilities in Hamble-le-Rice, as well as bus stops providing services to higher order settlements (including Southampton).
 - 2) The Scheme will provide a range of housing types and sizes, including 35% affordable housing
 - 3) The Scheme secures a high quality form of development consistent with the development management policies of the NPPF and the approach to high quality design set out in the NPPF.
- 7.12. Overall, I am of the view that the social benefits of the scheme can be afforded substantial weight in the overall planning balance.

Environmental

- 7.13. In terms of the environmental role, the Appeal Site is not located on land designated for its landscape value. As set out above, the Appeal Scheme will not have any adverse impact on ecological receptors, and will secure a measurable 10% net gain for biodiversity.
- 7.14. The retention of existing boundary trees and hedges around the Appeal Site help to assimilate the Scheme into the character of the local area.
- 7.15. The proposals would deliver sustainable homes allowing the fulfilment of this important objective whilst at the same time moving to a low carbon economy and securing an environmentally sustainable form of new residential development.
- 7.16. On the basis of the above, there are environmental benefits which would arise from the proposals, to which I attach moderate positive weight.

Summary

- 7.17. The benefits are many and manifest, not least the provision of housing and affordable housing when the Country faces a housing crisis, and where EBC is unable to demonstrate a five year supply of deliverable housing land, which government policy is seeking to address.
- 7.18. The Appeal Site is sustainably located.
- 7.19. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d) of the NPPF, the material considerations in favour of the scheme (provision of market and affordable housing, economic benefits, social benefits and environmental benefits) outweigh the conflict with the settlement boundary identified under Policies S2, S3 and S5; and the loss of countryside, causing limited harm to the character and appearance of the area.

Planning Balance: Harms and Benefits

- 7.20. My planning balance in so far as it relates to harms and benefits is summarised below.

Harms	Benefits
Outside settlement boundary – limited weight	Provision of 40 market homes – substantial weight
Loss of greenfield site in the countryside - limited weight	Provision of 21 affordable homes – substantial weight
Loss of Grade 3b agricultural land – limited weight	Provision of c.10% BNG – moderate weight
	Creation of jobs during the construction phase and increased spend during the operational phase – substantial weight
	Provision of recreational open space – moderate weight

8. SUMMARY AND CONCLUSION

- 8.1. The Appeal Scheme proposes the erection of 61 dwellings including 35% affordable housing, with associated public open space, landscaping and amenity areas with access from Satchell Lane (LPA Ref: F/20/89488).
- 8.2. Development of the Site for up to 70 dwellings (including affordable housing), together with associated access, public open space, landscaping and amenity areas was previously allowed at appeal by decision dated 20 December 2018 (PINS Ref: Ref: APP/W1715/W/18/3194846) (LPA Ref: O/17/80319).
- 8.3. At that time, the proposal was assessed against the policies of the Eastleigh Local Plan Review 2001 – 2011 (adopted in 2006), including the settlement policy boundaries defined under Policy 1.CO, which policies for the supply of housing were found to be out of date, despite the Council's ability to demonstrate a five year supply of deliverable housing land.
- 8.4. Although the Local Plan Review 2001 – 2011 is no longer relevant for the purpose of determining the current Appeal (as the policies have been replaced by the recently adopted Local Plan 2016 – 2036 (April 2022)), the role undertaken by Policy S2 is similar to that undertaken by 1.CO; in so far as both policies relate to the application of settlement boundaries and countryside policy.
- 8.5. In the current scenario, it is my evidence that the Council is not able to demonstrate a five year supply of deliverable housing land, this triggering the titled balance at paragraph 11(d) of the NPPF.
- 8.6. In addition, whilst adopted Local Plan Policy S2 requires the delivery of a minimum of 14,580 dwellings during the plan period 2016 – 2036, the table at paragraph 4.14 of the Local Plan only identifies a total supply of 11,966 dwellings. This is some 2,614 dwellings short of the minimum requirement. As such, the Local Plan was adopted with a known shortfall in housing land supply.

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- 8.7. Whilst insufficient land was allocated in the Local Plan to address the Borough's housing need, paragraph 4.12 of the document recognises the Council's commitment to commence an update of the Plan within 1 year of its adoption. The lack of sufficient identified sites to meet the housing requirement during the plan period is a material consideration in favour of allowing the Appeal so as to provide much needed new housing now.
- 8.8. As my evidence explains, although the planning policy context has evolved, the presumption in favour of sustainable development continues to be engaged.
- 8.9. This requires planning applications to be approved unless footnote 7 considerations provide a clear reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 8.10. This is demonstrably a case where the weight to be attached to conflict with the development plan (on account of the location of the site beyond the defined settlement boundary for Hamble-le-Rice) can be reduced on account of the need to breach the settlement boundaries identified in the development plan to demonstrate a five year supply of deliverable housing land. The weighty material considerations in favour of the appeal are clearly sufficient to outweigh the identified conflict with the development plan.
- 8.11. The previous appeal decision confirmed the acceptability of developing the Site in landscape and highway terms¹⁶, issues now relied upon by the Council in their reasons for refusal of the current proposal. Both issues are addressed in evidence.
- 8.12. As explained in the evidence prepared by Mr Hillson, Mr Rose, Mr Smith and Mr Wilde, the Appeal Scheme is acceptable in design, ecology, highway and landscape terms.
- 8.13. As such, this is demonstrably a case where the weight to be attached to conflict with the development plan on account of the conflict with S2 and S3 can be

¹⁶ Both in terms of accessibility to local services and facilities and in terms of highway safety.

reduced given the need to breach the settlement boundaries identified in the development plan to meet development needs. The substantial weighty material considerations in favour of the Appeal Scheme are clearly sufficient to outweigh the identified conflict with two development plan policies.

Conclusion

- 8.14. The benefits are many and manifest, not least the provision of housing and affordable housing when the Country and the District faces a housing crisis, which government policy is seeking to address. The Appeal Site is sustainably located.
- 8.15. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d) of the NPPF, the material considerations in favour of the Scheme (provision of market and affordable housing, economic benefits, social benefits and environmental benefits) outweigh the conflict with an out of date settlement boundary and localised change to the landscape.
- 8.16. The Appeal Scheme satisfies the economic, social and environmental roles of the NPPF.
- 8.17. For the reasons set out above, the Appeal should be allowed for this sustainable development which is in the public interest.
