
Appeal Decision

Site visit made on 15 May 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/M1710/W/17/3168191

Land to the rear of 131 Winchester Road, Four Marks, Alton, GU34 5HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hurlock Investments Ltd against the decision of East Hampshire District Council.
 - The application Ref 30800/010, dated 21 March 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the erection of up to 6 detached dwellings, alteration of existing access from Winchester Road and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with only access to be determined at this stage. A site layout and visualisations are also before me but these are for illustrative purposes only.
3. A second reason for refusal relating to highway safety is no longer being pursued by the Council following the submission of further information. There is no need, therefore, for me to take this matter further.

Main Issue

4. The main issue is whether the site is a suitable location for housing.

Reasons

5. The appeal site is an undeveloped area of land which falls outside of, but is completely surrounded by, the settlement boundary of Four Marks. It is therefore designated countryside although housing development adjoins the site on all sides. The hedgerows that surround the site and a small woodland to the northeast form a Site of Importance for Nature Conservation. The site is also subject to Tree Preservation Orders. The proposal before me is for the erection of up to six detached dwellings.
6. The planning history of the site includes an appeal against a refusal of planning permission for a housing development of 24 homes¹. The Inspector in this appeal found significant benefits in terms of meeting a shortfall in housing supply and affordable housing at that time, although the appeal was dismissed

¹ APP/M1710/W/15/3060919

due to adverse effects on protected habitat and species, and the character and appearance of the surrounding area. I have considered the previous Inspector's findings. However, it is inevitable that matters, such as planning policy and the Council's housing land supply position, will have moved on since that time.

7. The spatial strategy for the District set out in Policies CP2, CP10 and CP19 of The East Hampshire District Local Plan: Joint Core Strategy (2014) (JCS) directs new development to the most sustainable and accessible locations. To this end, Policy CP10 states that housing should be accommodated through development and redevelopment opportunities within existing settlement policy boundaries in the first instance. Outside settlement policy boundaries housing will only be permitted if certain criteria are met such as meeting a community need. The spatial strategy also makes provision for the allocation of sites for housing which include a minimum of 175 dwellings at both Liphook and Four Marks/South Medstead as set out in policy CP10.
8. Following on from this the East Hampshire District Local Plan: Housing and Employment Allocations was adopted in April 2016 (HEA). This makes provision for 316 dwellings at Four Marks/South Medstead which amounts to an 80% over delivery against the minimum allocation of 175 dwellings set out in Policy CP10 above. The appeal site is not included in these allocations. Most recently, the Medstead and Four Marks Neighbourhood Plan (NP) was 'made' by the Council on 12 May 2016 and Policy 1 reinforces the designation of the Four Marks settlement policy boundary, as set out in the JCS, and reconfirms that only proposals on land within these boundaries will be supported.
9. The fact that the appeal site is located outside of the settlement policy boundary of Four Marks and is not an allocated site for housing clearly conflicts with the above policies. It is worth noting, however, that Policy CP14 of the JCS does make an exception for residential development outside of settlement policy boundaries where, amongst other things, it provides affordable housing for local people and there is a proven local affordable housing need.
10. The appellant has indicated a willingness to provide a contribution towards affordable housing based on the assumption that the proposed development will provide over 1000m³ of floor space. Whilst that may be so there is no legal agreement before me, which I consider to be the only secure way to way to ensure such a contribution. I am also conscious of the advice in the Planning Practice Guidance which advises that it is only in exceptional circumstances that a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence should be applied. Notwithstanding the above, in light of recent permissions for significant housing in the area the Council have confirmed that there is currently no proven local affordable housing need. Consequently a contribution towards affordable housing is not necessary to make the development acceptable in this case.
11. Taking the above points together the proposal would clearly conflict with Policies CP2, CP10, CP14 and CP19 of the JCS. As set out in the National Planning Policy Framework (the Framework) the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay. It is implicit therefore that development that does not accord with the development plan should be

refused. There is no dispute between the parties that the Council has a robust five year housing land supply, which, although this does not automatically rule out further development, it does mean these policies are not 'out-of-date' for the purposes of paragraph 14 of the Framework.

12. Furthermore, the above policies are consistent with the Framework which encourages the effective use of land and the active management of growth to make the fullest possible use of public transport, walking and cycling. I am also conscious of the relevant parts of the Framework which set out that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The Council have clearly demonstrated that this approach underpins their plan-making and decision-taking.
13. The policy conflict I have identified above would, ultimately, undermine the Council's plan led approach, which includes a recently 'made' NP and recently adopted HEA, thereby reducing predictability and transparency in decision making in the District. In light of my findings above I afford great weight to the policy conflict I have identified and the resulting harm.
14. I turn now to the benefits of the proposed development which are a material consideration. I accept that in locational terms the development would have reasonable access to local shops and services, although I note the local primary school would likely encourage reliance on the private motor vehicle given its distance from the appeal site. This is therefore only a modest benefit. In economic terms the development would create temporary jobs during the construction of the development and future occupiers would support local services and facilities. The proposal would also attract contributions towards community infrastructure. However, given the modest scale of the scheme and existing housing allocations in this area this limits the weight which can be attached to these benefits.
15. Whilst the proposal would result in the loss generally of a green space it is not one which is currently publicly accessible and in any event this would be offset by a modest provision of open space within the proposed development. It is accepted that the site does not fulfil a countryside function despite its designation. The County Ecologist has also accepted the ecological mitigation proposed as part of the development and no protected trees would be felled. These are, however, neutral factors which indicate an absence of harm and as such neither weigh in favour or against the proposal.
16. I conclude that even taken together, the modest benefits of the scheme would not outweigh the harm I have identified in respect of the proposal's conflict with the development plan. This harm is not something which could be overcome at reserved matters stage. Therefore, having had regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR