



Appeal Decision

Inquiry held on 9 to 11 July 2019

Site visits made on 8, 10 and 11 July 2019

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/M1710/W/19/3225766

Land at Friars Oak Farm, Boyneswood Road, Medstead

- 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 William Lacey Group against the decision of East Hampshire District Council.
 - The application Ref 25256/045, dated 12 June 2018, was refused by notice dated 2 October 2018.
 - The development proposed is for up to 58 Dwellings (including up to 23 Affordable Homes) with access to be determined, including associated garages, car parking, infrastructure, open space and landscaping and potential dedication of land for community use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Inquiry sat for three days between 9 and 11 July 2019. I made a combination of unaccompanied, access required¹ and accompanied visits. Those site visits were all made prior to the Inquiry being adjourned on 11 July.
3. After hearing the evidence I adjourned the Inquiry to allow by 29 July for the submission of: an executed Unilateral Undertaking (UU) entered into pursuant to Section 106 of the Act; an addendum to the Statement of Common Ground (SoCG) concerning five year housing land supply (5yrHLS) matters (the SoCGA); and the closing submissions of the appellant and East Hampshire District Council (EHDC). The previously mentioned documentation was all received by 29 July and the Inquiry was closed in writing on 5 August.
4. Before arranging for the Inquiry to be formally closed I gave consideration as to whether the parties' views should be sought in relation to the changes made to the Planning Practice Guidance (PPG) by the Government on 22 July, most particularly those relating to the supply and delivery of housing. The changes made to those parts of the PPG are largely of a presentational or consolidating nature and given that I saw no need to seek the parties' views on those alterations to the PPG. However, having closed the Inquiry further changes to the parts of the PPG concerning the Community Infrastructure Levy (the CIL) and planning obligations were published by the Government

¹ At 8 Brackenbury Gardens and 19 and 20 and Friars Oak

on 1 September, further to amendments² to the CIL Regulations of 2010 coming into force on the same day. As the amendments to the CIL Regulations and the changes to the PPG allow CIL receipts and S106 monies to be used to fund the same item of infrastructure, the appellant and the Council have been given the opportunity to comment on this matter. Neither party has sought to make comments in this regard.

5. This appeal concerns an outline application for up to 58 dwellings, including up to 23 affordable homes, with access being for determination and matters relating to appearance, landscaping, layout and scale being reserved for future consideration. The access to the proposed development would be via part of the estate road network serving the Bellway development of 80 dwellings to the south of the appeal site. EHDC having granted planning permission for the Bellway development under file reference 25256/032 on 9 October 2014 and that development is now virtually complete.
6. The appealed application in addition to a 'Location Plan' was accompanied by a large number of drawings, including one entitled 'Phase 2 Planning Layout' and a series of house type drawings. However, with all matters other than access being reserved for future consideration it was agreed at the Inquiry that the planning layout and house type drawings should be treated as being only illustrative, save for the access arrangements shown on the layout drawing. I have determined the appeal on that basis.
7. The site location and the description of the development used by EHDC on its decision notice and agreed by the appellant in the signed SoCG are different to what is used on the submitted application form. I raised those differences at the Inquiry, with the agreed description of development including some superfluous wording, namely '... (Access only to be considered) (Amended site address and planning ref. no.)'. During the Inquiry the appellant and EHDC agreed I should use the site location and development description that is included in the banner heading above.
8. Planning permission was refused for four reasons concerning: the appropriateness of the site for development (reason 1); the effect on the character and appearance of the area (reason 2); the effect on local infrastructure, ie services and facilities (reason 3); and the adequacy of the affordable homes provision (reason 4). However, EHDC advised in its statement of case (paragraphs 3.5 to 3.9) that it would not seek to 'defend' the second, third and fourth reasons for refusal, with the third and fourth reasons being capable of being addressed through the appellant entering into planning obligations pursuant to Section 106 of the Act. Notwithstanding EHDC's position with respect to all but the first reason for refusal, the matters covered by the second and third reasons for refusal remained of concern to the interested parties and local residents. I therefore heard evidence relating to all of the reasons for refusal and address them in my reasoning below.
9. A certified copy of a UU, executed on 18 July, was received by the Planning Inspectorate on the day of its execution. The UU contains planning obligations to:
 - provide affordable housing at the level of 40%;

² The Community Infrastructure Levy (Amendment) (England) (No 2) Regulations 2019

- make available to EHDC a plot of land for community purposes, ie uses within Class D1 of the Town and Country Planning (Use Classes) Order of 1987 (as amended) (the community land);
- undertake an improvement to the junction between Boyneswood Road with Winchester Road/the A31 (the junction improvement) prior to the first occupation of the development;
- make a highway improvements contribution of £200,000, from which the costs associated with undertaking the junction improvement would first be deducted. Following that deduction any residual sum would be directed towards funding footway works in Roe Downs Road; and
- make a contribution of £247,157 for extending Four Marks Primary School.

I return to the above mentioned planning obligations in my reasoning below.

10. The site is within or the vicinity of four Council areas, including EHDC. For the purposes of clarity hereafter I shall refer to the three other Councils as follows: Hampshire County Council as HCC (which is the highway authority and the local education authority [LEA]); Medstead Parish Council as MPC; and Four Marks Parish Council as FMPC.

Main Issues

11. The main issues are:

- whether the site would provide an appropriate location for the development, having regard to local and national planning policies relating to the location for new development;
- the effect of the development on local infrastructure, including the local highway network and services and community facilities in Medstead and Four Marks;
- the effect of the development on the character and appearance of the area; and
- whether the development would make adequate provision for affordable housing.

Reasons

Appropriateness of the site for development

12. The development plan relevant to this case comprises the East Hampshire District Local Plan: Joint Core Strategy of June 2014 (the JCS), the East Hampshire District Local Plan: Housing and Employment Allocations of April 2016 (the HEAP) and the Medstead and Four Marks Neighbourhood Plan 2015-2028, which was made in January 2016 (the NP). The South Downs National Park (SDNP) covers part of EHDC's area and the JCS formed part of the development plan for the National Park Authority's area of jurisdiction. However, that changed on 2 July 2019 when the Park Authority adopted the South Downs Local Plan (SDLP). That change to the development plan has implications for calculating the five year housing requirement relevant to this case and is something I comment further on as an 'other matter' below.

13. EHDC is in the process of preparing a new Local Plan (eLP) to replace the JCS and the HEAP. The eLP was subject to formal consultation during February and March 2019 and it is therefore very much in its infancy. Given the current state of the eLP's preparation the appellant and EHDC agreed at the Inquiry that no weight should be attached to it for the purposes of the determination of this appeal. Having regard to paragraph 48 of the National Planning Policy Framework of February 2019 (the Framework) I agree that no weight should be attached to the eLP for the purposes of the determination of this appeal. In that regard I therefore consider it would be inappropriate for me to make any comparisons between the appeal development and the potential new housing allocation to the south of Winchester Road for 130 and 150 dwellings. Additionally, at the Inquiry the appellant made some mention to EHDC now pursuing an allocation(s) for between 600 and 700 dwellings at Four Marks. That claim was not corroborated by EHDC and I therefore consider it is something that I should disregard.
14. Policy CP2 of the JCS sets out the spatial strategy underpinning the development plan and states 'New development growth in the period up to 2028 will be directed to the most sustainable and accessible locations in the District in accordance with the Spatial Strategy shown in the Key Diagram.... Provision is made for a minimum increase of 10,060 new dwellings in the period 2011-2028 ...'. The supporting text to Policy CP2 (paragraphs 4.6 to 4.11 of the JCS) identifies a hierarchy for settlements and places Four Marks/South Medstead at level 3 'a small local service centre', while Medstead is an 'other settlement', the fourth of five levels. Small local service centres being locations that '... have a more limited range of services but are suitable locations to accommodate some new development ...' with 'Modest development to meet local needs for housing ... to secure their continuing vitality and ensure thriving communities' (paragraph 4.8 of the JCS). I recognise the supporting text for Policy CP2 does not form part of that policy's actual wording, nevertheless it provides the context for the plan-led approach to new housing delivery stated in Policy CP10.
15. Policy CP10 sets out a housing specific spatial strategy and for Four Marks/South Medstead says allocations will be made for a minimum of 175 dwellings. Policy CP10 makes clear that sites for housing will be identified through the HEAP, the SDLP and neighbourhood plans, with settlement policy boundaries being adjusted in response to newly made allocations. Policy CP10 further advises that in addition to site allocations and development that accords with Policies CP14 (affordable housing for rural communities) and CP19 (development in the countryside) development outside settlement boundaries will only be permitted where it: meets a community need or realises local community aspirations; reinforces a settlement's role and function; cannot be accommodated within a built up area; and has been identified in a made neighbourhood plan or has clear community support.
16. The site lies outside the settlement boundary for Four Marks/South Medstead and is the countryside for the purposes of the development plan, having not been allocated for housing or other purposes under the provisions of the HEAP or the NP. This proposal therefore falls to be considered against the provisions of Policy CP19 of the JCS, which restricts development to that '... with a genuine and proven need for a countryside location, such as that necessary for farming, forestry, or other rural enterprises (see Policy CP6) ...'. Policy CP6

identifies various permissible developments in the countryside, none of which are relevant in this instance. In the absence of any support being provided by Policy CP6, the development would therefore be contrary to Policy CP19.

17. The appellant contends that Policy CP19 is inconsistent and thus out-of-date with the national policy, most particularly paragraph 170 of the Framework, irrespective of any conclusion that I reach with respect to the current 5yrHLS. That is because Policy CP19's approach to 'sustainable development within the countryside' is to '... operate a policy of general restraint in order to protect the countryside for its own sake'. It is argued that Policy CP19 imposes, in effect, a 'blanket ban' on development in the countryside. It is true that the Framework does not promote the protection of the countryside for its own sake, with such an approach having been previously stated in the national policy immediately preceding the original Framework's publication in March 2012³.
18. However, in practice I do not consider that Policy CP19 has been operating as a bar to development within the countryside. I say that because Policy CP10 expressly foreshadowed adjustments being made to the settlement boundaries that were extant on the JCS's adoption, with allocations to be made as part of the subsequent plan making process, in this instance the adoption of the HEAP. It is clear, notwithstanding the settlement boundary that was in place for Four Marks/South Medstead at the time of the JCS's adoption, that planning permissions have been granted for housing sites beyond the settlement boundary, with the Bellway development and the development to north of Boyneswood Lane (the Boyneswood Lane site) being cases in point. Those sites have subsequently become allocations, through the adoption of the HEAP, with the boundaries shown on the Policies Map being adjusted (extracts included in CD4).
19. I further consider that the existence of Policy CP19 cannot reasonably be said to be placing a blanket ban on development immediately beyond the settlement boundary for Four Marks/South Medstead. That is because while Policy CP10 identified a need to provide a minimum of 175 dwellings between 2011 and 2028 for Four Marks/South Medstead, in practice by the time of the HEAP's adoption there were 316 dwellings, as quoted in Table 1 of the HEAP⁴, subject to either allocations with permissions (237 units) or a permission concerning an unallocated site (79 units on the Cala Homes site east of Lymington Bottom Road). The figure of 316 permitted dwellings being around 81% more than the minimum target set for Four Marks/South Medstead, just five years into the JCS's seventeen year time horizon. To the figure of 316 dwellings subject to permissions in April 2016, a further 83 dwellings have also been granted planning permission as windfalls⁵.
20. So, since 2011 close to 400 dwellings have been granted planning permission in the Four Marks/South Medstead area, which is a number more than double the minimum target of 175 dwellings identified in Policy CP10.
21. Additionally, 284 dwellings, within two developments, were constructed between 2011 and 2016, pursuant to allocations predating the JCS's

³ Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)

⁴ As opposed to the 312 dwellings referred to in the Council's officer report (CD16) and paragraph 8(2)(iii) of Mr Leader's closing submissions on behalf of the Council

⁵ The Council's officer report (CD16)

adoption⁶. With respect to recent housing delivery in Medstead and Four Marks, paragraph 1.36 of the NP records that since 2001 there has been a 38% increase in the number of homes, with the average number of new homes delivered per year between 2001 and 2011 being around 30 units, with that figure increasing to 60 units per year between 2011 and 2015. The NP predicted that between 2016 and 2017 the annual delivery rate would be 120 dwellings annually (Figure 1 in the NP).

22. I believe it fair to say, at around the halfway point of the JCS's plan period, that there has been a significant exceedance of the minimum housing target for Four Marks/South Medstead, with that coming off the back of a period of sustained housing delivery, stretching back to 2011. I consider it is clear that the Four Marks/South Medstead area has been playing a noteworthy role in supporting the Government's '... objective of significantly boosting the supply of homes ...' (paragraph 59 of the Framework). I therefore find that since the JCS's adoption there is no evidence of Policy CP19, of itself, unreasonably impeding the delivery of new housing at Four Marks/South Medstead, with development having clearly been enabled, through the plan-led system, above the minimum requirement stated in Policy CP10. Importantly, when it comes to the provision of housing, I consider that Policies CP10 and CP19 should be read alongside one another and not in isolation, with the settlement boundaries in place when the JCS was adopted, in effect, being interim ones, to be adjusted when other parts of the development plan were adopted or made.
23. With respect to Policy CP19's consistency with national policy, notwithstanding what I have said about how Policy CP19 has been operating in practice, both the JCS's examination and adoption postdate the original Framework's publication. When the wording of Policy CP19 was being formulated the national planning policy relating to development in the countryside per-se, as distinct from areas considered to be a 'valued landscape', was found in paragraph 17 (the fifth core planning principle) of the original version of the Framework. For the purposes of the current Framework national policy concerning the countryside is found in paragraph 170(b). Importantly the wording of paragraph 170(b) is not greatly different to that which preceded it, with both referring to the '... recognising the intrinsic character and beauty of the countryside ...'.
24. It is clear that what became Policy CP19⁷ was subject to the JCS's examining Inspector's scrutiny, with him finding that some amendment to its wording was necessary for it to be considered as being acceptable as part of a sound JCS⁸ tailored to address the land use planning issues pertinent to the area covered by it. Given that Policy CP19 was found to be a sound policy, on the evidence available to me, I consider that there is no good reason for me to depart from examining Inspector's approach to Policy CP19. That is especially as national policy concerning development in the countryside today is very similar to that which was extant at time of the JCS's examination. I am therefore of the opinion that for the purposes of the determination of this appeal Policy CP19 should not be viewed as being inconsistent with the Framework.

⁶ The evidence of Parish Councillor Thomas

⁷ A policy that was numbered CP17 in the Pre Submission Draft Plan (February 2012) version of the JCS

⁸ Paragraph 64 of the Examining Inspector's Report of April 2014 (CD52) and the Schedule of Main Modifications appended to that report (entries MM65 and MM66 on page 17 of CD53)

25. In reaching my finding about Policy CP19's relationship with the Framework I am mindful of the judgement concerning the case of the Borough of Telford and Wrekin and the Secretary of State for Communities and Local Government [2016] EWHC 3073 (Admin)⁹. The Telford case concerned adopted development plan documents dating from February 2000 and December 2007¹⁰. They thus predated the original Framework. In allowing the Telford appeal, the Inspector concluded that the development plan's countryside policies were inconsistent with Framework and thus out-of-date. That was because they sought to protect the countryside for its own sake and the High Court upheld the Inspector's finding.
26. However, given the timing of the JCS's adoption relative to the publication of the original Framework, the circumstances of the Telford case are not directly comparable with those arising in the appeal before me. Accordingly, having regard to everything I have said above, I am not persuaded that the Telford judgement should lead me to conclude that Policy CP19 is out-of-date on the grounds of inconsistency with the Framework. I therefore consider that in relation to this aspect of the appellant's case great weight should be attached to Policy CP19.
27. The site adjoins established and new housing and in that regard its occupiers would have a similar level of accessibility to everyday services and facilities, ie shops, schools, community facilities and some bus services etc. The degree of reliance on car usage, compared with other modes of transport, for the occupiers of the development would be likely to be comparable with that of the occupiers of other nearby dwellings, including those in the Bellway development. While in accessibility terms this site would not be the best for additional housing, I consider it to be unobjectionable in those terms, given the proximity of other established and new housing in the area. This is something that does not weigh significantly against this development.
28. Given the recent rate of housing delivery in Four Marks/South Medstead, I consider it unsurprising that MPC, FMPC and residents are concerned about the amount of new housing that has been built and any implications that has for the role and functioning of this area. Those concerns being voiced most particularly in terms of Four Marks/South Medstead becoming a dormitory housing area, with mitigating infrastructure not keeping pace with the rate of new housing delivery. I consider the provision of further housing alone, on what would in effect be an unplanned basis, would not be conducive to the reinforcement of Four Marks/South Medstead's role and function as a small local service centre providing a limited range of services.
29. A consequence of the area's recent rapid growth appears to be mitigating infrastructure provision lagging behind the realisation of the effects it is intended to address. In that regard Parish Councillor Thomas (FMPC) referred to the LEA being "tardy" in providing additional school accommodation¹¹, while Councillor Kemp-Gee (HCC) commented that while infrastructure contributions have been secured "the spend of that money has been slow". This is something that the appellant appears to acknowledge, given the planning obligation that would secure the junction improvement before any part of the appeal development could be occupied. The development's effects upon local

⁹ (CD55 - the Telford judgement/case)

¹⁰ Paragraphs 16 and 17 of the Inspector's decision (CD48)

¹¹ During questioning of him by Counsel for the appellant

infrastructure is something that I comment further on in my reasoning for the second main issue.

30. Against the backdrop of rapid housing growth in the area, from everything I have heard and read, I consider that the appeal development does not find any particular support under Policy CP10, given the minimum identified housing requirement of 175 dwellings for Four Marks/South Medstead has already been greatly exceeded. That minimum requirement I consider to be commensurate with a settlement area, categorised by EHDC as being a small local service centre suitable for some new development when the JCS was adopted. The appellant has not sought to justify the development on the basis of there being a specific local need and in cross examination Mr Stallan, the appellant's planning witness, accepted that the vitality of the area would not be undermined if this development did not proceed. I consider the absence of a need to maintain the area's vitality is unsurprising, given the quantum of house building that has recently arisen in this area.
31. On this issue I conclude that appeal site would not be an inappropriate location for the development because there would be a clear conflict with Policies CP10 and CP19 of the JCS, given that the development would concern housing on an unallocated site in the countryside. I consider that Policies CP10 and CP19 to be most important policies for the purposes of the determination of this appeal. As the development is not required to maintain the vitality and viability of the existing community, I also consider there to be some conflict with Policy CP2 of the JCS because of the conflict with Policies CP10 and CP19.
32. The first reason contends that the development would be contrary to Policy 1 of the NP, because it would be beyond the settlement boundary. Policy 1 states that development on land within the settlement policy boundaries will be supported, subject to it being in accordance with relevant policies. Policy 1 then goes on to state that 'the inappropriate development of residential gardens, for example, where such development would harm local character, will be refused'. The actual wording of Policy 1 is silent on the unacceptability or otherwise of a housing scheme such as the appeal development. The supporting text to Policy 1, most particularly paragraph 3.3, makes a cross reference to Policy CP19 of the JCS. It has been put to me that because of what is stated in the supporting text for Policy 1, I should treat the development as being contrary to the NP.
33. However, the Court of Appeal has found that the supporting text of a policy should only be used to assist with its interpretation, with any conflict with a policy only being capable of being determined expressly by reference to the policy's actual wording (the Cherkley judgement¹²). This is something that I alluded to at the Inquiry and has been elaborated upon in the appellant's closing submissions (paragraph 9). Following the Cherkley judgement the High Court has subsequently considered a virtually identical set of circumstances to that before me in relation to a policy of the Southbourne

¹² R (on the application of Cherkley Campaign Limited) v Mole Valley DC & Anor [2014] EWCA Civ 567 (07 May 2014)

Parish Neighbourhood Plan¹³ and reached a finding in line with the Cherkley judgement¹⁴.

34. Given the manner in which the Courts have addressed the relationship of the wording of policies and supporting text, I consider that the wording of Policy 1 of the NP means that it cannot be said that the appeal development would be contrary to this policy. Policy 1 is not a most important policy for the purposes of the determination of this appeal. That said I consider the absence of conflict with Policy 1 NP does not diminish the conflict with Policies CP10 and CP19 of the JCS that I have identified.

The effect on local infrastructure

35. The planning obligations contained in the UU are intended to address the development's effects on local infrastructure, particularly with respect to: the operation of the local highway network; school facilities; and the provision of community land. Below I consider those matters in turn.

Highway infrastructure

36. There is general acceptance that the existing junction between Boyneswood Road and Winchester Road/the A31 (the junction) needs to be improved to enable it to accommodate the traffic arising from the recent new housing in the area and the appeal development. In that regard when the application for the Bellway development was determined the junction's Boyneswood Road arm was identified as operating at a point approaching its capacity, with an AM peak hour ratio to flow capacity (RFC) of 0.807 (page 14 of the committee report – CD17). The design capacity for a junction's arm normally being taken to be an RFC of around 0.85, ie 85% of its theoretical capacity¹⁵.
37. A subsequent assessment of the junction's capacity undertaken by Atkins in June 2016, for HCC, suggests that in the AM peak period, and by 2025, it would be operating beyond both its theoretical and design capacities without and with new housing development¹⁶, if the junction was not improved (Table 8 in the Atkins Note – [CD59]). Table 8 further suggests that by 2025 queuing times of around 45 minutes on Boyneswood Road would occur in a with development scenario (ie taking account of the permissions and allocations extant in June 2016), in the absence of the junction's improvement.
38. With respect to queuing times, at the Inquiry I sought clarification from the appellant's highway witness, Mr Roberts, as to whether the stated times of around 45 minutes were reliable. Mr Roberts responded in the negative because once a modelled junction is found to be operating in excess of its theoretical operating capacity, as here, the output from the widely used modelling software¹⁷ becomes unreliable. That explanation appears reasonable given that it is difficult to envisage how queues of around 45 minutes would arise on a road of Boyneswood Road's nature.

¹³ Chichester DC v Secretary of State for Communities and Local Government and Beechcroft [2018] EWHC 2386 (Admin)

¹⁴ Paragraphs 6 to 12 of the appellant's closing submissions

¹⁵ Section 6.1.1 of the Atkins Note (CD59)

¹⁶ New housing development being that subject to extant permissions as of June 2016 when the Atkins Note was prepared

¹⁷ PICADY

39. So, while queuing on Boyneswood Road would not be as extreme as portrayed in the Atkins Note, that note nevertheless demonstrates that a junction improvement is necessary to address the cumulative effects of the traffic growth arising from the new housing in the area, with some of that growth being directly attributable to the Bellway development.
40. The need for the junction to be improved was foreshadowed in connection with the granting of planning permission for the Bellway development, with a planning obligation being entered into to secure an 'integrated transport measures' (ITM) contribution of in the region of £295,000¹⁸. In that regard HCC identified the junction's improvement as being one of three improvement measures that could be funded by the contribution. The two others being improvements to the Watercress railway bridge in Boyneswood Road and pedestrian crossing facilities on the A31. Mr Roberts advised that as far as he could recall when the Bellway application was being considered, HCC did not have an outline scheme for the junction's improvement. That suggests that the highway authority did not know precisely what would be required and whether the ITM contribution would be sufficient to meet the costs of whatever scheme the highway authority had in mind.
41. It also appears that through the granting of planning permissions for other developments in the area that various Section 106 contributions, capable of being used to fund the junction's improvement, have been secured. In that regard Table 1 of the Atkins Note records an ITM contribution of £197,525 having been secured in connection with the granting of the planning permission for the Boyneswood Lane site. Additionally, Miss Mansi on EHDC's behalf, stated, in the light of her very recent discussions with the highway authority, that there is funding available for the making of improvements to the junction.
42. While the Bellway and Boyneswood Lane developments are nearing completion and have been occupied to a significant degree, to date no junction improvement works have been undertaken. HCC has recently undertaken a consultation exercise in connection with a series of possible alterations to the A31, including works at the junction. I was told that HCC is currently considering the responses to its consultation, however, it is by no means certain when a junction improvement, known to HCC as being necessary, as far back as June 2016, will be provided.
43. The junction improvement promoted by the appellant would involve the formation of left and right turning lanes for vehicles exiting Boyneswood Road, to reduce delays caused by right turning vehicles holding up drivers seeking to make a left turn. Mr Roberts estimates that alteration to the junction would cost in the region of £300,000. I have not seen details of the junction improvement that HCC has consulted on. However, Councillor Mrs Thomas commented that HCC's junction scheme looked slightly different to the appellant's design. That suggests that the two designs are generally comparable with one another and could well have similar costs.
44. To accelerate the implementation of the junction's improvement, the UU would require the improvement to have been completed prior to the first occupation of any part of the appeal development. The UU's provisions would also preclude the commencement of the development until an agreement

¹⁸ As stated in CD17 (committee report) and CD19 (Table 1 in the Atkins Technical Note of June 2016)

under Section 278 of the Highways Act 1980 had been entered into, with it being intended that the developer would undertake the works subject to the Section 278 agreement. The UU also includes a provision whereby £200,000 would be available as a 'highway contribution' for undertaking the junction improvement and/or funding a footpath along Roe Downs Road, the latter to improve pedestrian accessibility for Medstead, most particularly the primary school there.

45. However, in the event of the junction improvement exceeding £200,000, no highway contribution would be paid, albeit that the landowners (or their successors in title) would be obligated to bare any costs in excess of £200,000, in completing the junction's improvement.
46. I consider that some credit needs to be given to the appellant in seeking to grasp the nettle and expedite the delivery of the junction's improvement. The way the appellant has put its case implies that it is the additional traffic arising from the appeal development that would necessitate the undertaking of the junction improvement. However, that does not appear to be entirely borne out by the junction capacity assessment that the appellant has undertaken following its May 2019 traffic survey, ie paragraphs 5.2 to 5.4 of Mr Roberts proof of evidence. I say that because the second column in Table 2 in that proof shows that with the exclusion of the existing traffic from the Bellway development the Boyneswood Road arm of the junction is already operating with an RFC of 0.94, ie beyond its design capacity and very close to its theoretical capacity. That suggests that when the traffic arising only from the Bellway development is allowed for the junction is already in need of being improved.
47. HCC somewhat belatedly appears to be getting to grips with the delivery of the junction improvement. In that regard, based on what I have said above about firstly the quantum of funding secured by existing planning obligations¹⁹ and secondly Miss Mansi's understanding that the necessary funding is available to HCC, I consider there is evidence that a junction improvement, not too dissimilar to that promoted by the appellant, could be delivered.
48. I consider the point about the funding now being available for the junction's improvement is supported by HCC's letter to EHDC of 20 May 2019. That letter updating HCC's views on the projects it considered should be funded by any highway contribution secured in connection with the appeal development. That is because in this letter HCC requested that in lieu of any part of the contribution being directed towards a new signalised crossing on the A31, funding should instead be directed towards a new pedestrian bridge over the railway line. That change in HCC's approach being because the pedestrian crossing had by then become fully funded. I consider that if as late as May 2019 there were insufficient funds available to implement the junction's improvement, then HCC would have been unlikely to have sought a contribution for an entirely new pedestrian bridge.
49. Additionally, the very recent amendments made to the CIL Regulations, ie the removal of Regulation 123, and the accompanying explanation in the PPG²⁰, would potentially enable CIL receipts to be used to assist with improvements being made to the junction.

¹⁹ Ie those entered into in connection with the Bellway development and the site to the north of Boyneswood Lane

²⁰ Paragraph: 006 Reference ID: 23b-006-20190901

50. I recognise that the provision of the junction improvement gains some support under the provisions of Policy CP32 of the JCS, because that is a form of infrastructure that is needed to mitigate an effect of the development. However, as I have set out above it appears that the threshold necessitating the junction's improvement has already been crossed with the implementation of the Bellway development. The traffic generated by the appeal development would appear simply to compound an effect previously identified and needing to be mitigated, with firstly extant planning obligations being in place to assist with the provision of the required mitigation and secondly CIL receipts also potentially now being available to aid the junction's improvement.
51. On the evidence available I am therefore not persuaded that the junction improvement obligation, made in connection with this appeal, would be the only means and/or necessarily the quickest way of securing the junction's improvement. Accordingly, having regard to Regulation 122(2)(a) of the CIL Regulations and paragraph 56(a) of the Framework, I do not consider that the junction improvement obligation before me is 'necessary to make the development acceptable in planning terms'. That is because it would amount to the duplication of the delivery of mitigation already capable of being secured by other means. I therefore consider that little weight should be attached to the junction improvement obligation.
52. Above I have referred to the UU including the means for the highway contribution to be used to fund the provision of a footway in Roe Downs Road (the footway). That would, however, be dependent upon the costs of undertaking the junction improvement not exceeding £200,000. As the cost of implementing the junction improvement would appear to be of the order of £300,000, and under a scenario of it being delivered pursuant to the planning obligation contained in the UU, then there would be no surplus to be directed towards the provision of the footway. That position would, however, change if the junction improvement was to be funded through the monies secured via other developments in the area and no reliance was therefore placed on the appeal development as being the vehicle for the junction's improvement.
53. With respect to the delivery of the footway, it was put to me that because of a land ownership issue it is doubtful as to whether a footway could be provided. Putting any landownership issues to one side, and assuming all of the £200,000 would be available, Mr Roberts estimated that sum would provide around 500 metres of footway. 500 metres being around half of Roe Downs Road's length and of itself would do little to assist in providing safe pedestrian access in the area.
54. While the footway might, in particular, assist with providing pedestrian access to Medstead's primary school, I consider that the provision of this footway would be of limited utility to the occupiers of the appeal development as a whole. Having regard to Regulation 122(2) of the CIL Regulations and paragraph 56(a) of the Framework I do not consider that the making of a contribution to a footway in Roe Downs Road would be necessary to make the development acceptable in planning terms. I therefore consider that very little weight should be attached to this aspect of the highway contribution.

School facilities

55. The development would generate some additional demand for school places and in that regard the LEA has identified a need for this development to

mitigate its effects upon the education facilities in the area. That would be through the making of a contribution to fund new school infrastructure at Four Marks Infant School (the school). The necessary contribution has been calculated formulaically as being £247,157 (the education contribution). The executed UU would secure the payment of the education contribution and EHDC accepts that with its payment the development would accord with the provisions of Policy CP32 of the JCS.

56. It has been put to me that there may be limited scope to extend the school over and above the extension that is already planned for 2020/21, with that extension being a response to the housing development that has recently taken place in the area. However, I consider I can only treat the LEA's position on face value, namely that the further extension of the school would be possible.
57. As the paying of the education contribution would mitigate the development's effects on school provision in the area, I consider there to be nothing particularly special about it. I therefore attach little weight to this element of local infrastructure to be provided in association with the appeal development.

Community land

58. The UU would obligate the appellant to transfer the quite small plot of community land to EHDC, at nil consideration, for the purposes of providing a community facility should EHDC request such a transfer. The appellant sees the community land as being suitable as the site for a small community building of around 88 square metres or as an area of open space. The latter being an extension of the adjoining play within the Bellway development.
59. It is fair to say that there is very little local support for the community land being transferred to EHDC. That is because the Parish Councils and local residents consider that a new community building on the land would be too small and would not be well related to the other community facilities in the area, with there also being no certainty about how such a building's construction would be funded. A building of the envisaged size would only be suitable as a meeting place or a venue for uses requiring little space. I can therefore well appreciate why there is little appetite locally for this being a site for a new community building.
60. The appellant accepts that there is no shortage of public open space in the area. I consider that the community land, given its location and size would in practice be of limited utility to the wider communities of Medstead and Four Marks, with the residents of either the Bellway and/or the appeal developments being most likely to benefit from its availability. I say that because the extensive, Forestry Commission owned, Chawton Park Wood is so close at hand and is likely to be a much bigger draw for residents of the wider local area.
61. In the absence of an identified need for additional open space or interest from residents in this land being the location for a community building, I consider that the transfer of the community land to the Council would be unnecessary to make the development acceptable in planning terms. I therefore consider that very little weight should be attached to this planning obligation.

Conclusion on the effect on local infrastructure

62. Having regard to the mitigation afforded by the planning obligations concerning highway works and education facilities, I conclude that the appeal development of itself would not have an adverse effect on local infrastructure. In that respect the development would accord with Policy CP32 of the JCS. However, for the reasons given above I consider that little weight should be attached to those planning obligations. As I have found that the provision of the community land would not be necessitated by the development, I consider there is no particular policy support for its provision and it is therefore something that attracts little weight.

Character and Appearance

63. The site, other than the access to it, concerns paddock land surrounded by Chawton Park Wood to the north, plantation woodland to the east and the Bellway development and established housing to the south and west. The site is very enclosed and generally only filtered views of the development would be possible from the public vantage parts, ie the adjoining woodland. The site has not been recognised as possessing any special landscape quality, with it not being subject to any national or local landscape designations.
64. From the interiors and gardens of some of the dwellings in Boyneswood Close, Brackenbury Gardens, Thornybush Gardens and Friars Oak there would be an obvious change in the character and appearance of the area, with a piece of undeveloped land becoming urbanised. So, while there would be some harm to the character and appearance of the area, that would be of a highly localised and modest nature, which would be capable of being mitigated through the imposition of planning conditions, and not something that I consider would warrant the withholding of planning permission.
65. On this issue I therefore conclude that the development would not adversely affect the character and appearance of the area. I therefore consider that there would be no conflict with Policy CP20 and CP29 of the JCS because there would be no loss of any natural features contributing to the distinctive character of the district's landscape and the development would not be unsympathetic of its setting, given its scale and likely density. The second reason for refusal cites conflict with Policy 1 of the NP, however, as that policy deals with the appropriateness or otherwise of development relative to settlement boundaries I consider it has very little relevance to the consideration of a development's effect on the character and appearance of the area.

Affordable Housing

66. The fourth reason for refusal cites conflict with Policy CP14 of the JCS. Policy CP14 addresses the provision of affordable housing outside settlement boundaries, when such housing is promoted on an exceptions basis. To be compliant with Policy CP14, amongst other things, the development would need to be for 'local people' and it would need to be demonstrated that '... there is a proven local affordable housing need ...', with the level of affordable housing to be a minimum of 70% of the homes to be provided within the development.

67. However, the appellant did not apply for the development to be treated as an exception scheme. Instead permission was sought on the basis that the development would provide 40% affordable housing to comply with the target stated in Policy CP13 of the JCS. The 40% target applying to all residential developments yielding one dwelling or more outside the Whitehill and Bordon development area. The Council accepts that subject to there being a planning obligation providing 40% affordable housing then there would be compliance with Policy CP13 of the JCS. The UU secures that and accordingly I conclude that this development would make adequate provision for affordable housing.
68. However, EHDC contends that while the provision of affordable housing in compliance with Policy CP13 would normally be considered as a significant benefit, in this instance it should be treated as attracting limited weight²¹. That is because 130 affordable homes have or will be provided in connection with the recent house building in Four Marks/South Medstead and EHDC's housing enabling officer (housing officer) raised an objection to the development '... due to a lack of housing need and non-compliance with CP14'²². While the housing officer made his assessment against Policy CP14, rather than Policy CP13, what is clear from his comments is there is currently no specific locally derived need for further affordable housing in Four Marks and Medstead.
69. The appellant accepted it could not disagree with housing officer's assessment of the situation²³. However, in that regard my attention was drawn to paragraph 6.74 of the EHDC's Interim Housing and Economic Development Needs Assessment of December 2018 (the IHEDNA [CD13]), which refers to '... a notable need for affordable housing ...' and that being '... an important pressing issue across East Hampshire ...'. What is stated in the IHEDNA appears to apply at a general level across the EHDC's area. The housing officer's comments by contrast are case, and thus area, specific and I am not persuaded that they present any significant inconsistency with what is stated in the IHEDNA.
70. The evidence available to me indicates that the affordable housing associated with this development would not be provided in response to a local need and would therefore arise where it would not necessarily be most needed. I therefore consider this is an instance when the provision of affordable housing attracts modest weight, notwithstanding the compliance with Policy CP13 of the JCS.

Other Matter

71. There is disagreement as to the availability of a 5yrHLS. Given the evidence put to me I have treated the five year period as that commencing at the beginning of April 2019.
72. With respect to determining the housing requirement for the purposes of the consideration of this appeal, the appellant and EHDC agree that as the JCS is more than five years old this is an instance when national policy and guidance²⁴ indicate that the 'standard method' (SM) should be used to undertake a local housing need (LHN) assessment. Applying the SM, as per

²¹ Mrs Kent's evidence during the planning balance topic session

²² CD47 – housing enabling officer's comments to the planning case officer

²³ The cross examination of Mr Stallan

²⁴ Paragraph 73 of the Framework and paragraph 005 Reference ID:68-005-20190722 of the PPG

the guidance in the PPG²⁵, the LHN for the whole of EHDC's area is 611 dwellings per annum (dpa). However, part of EHDC's area is within the SDNP. The recently adopted SDLP has set a housing requirement of 100 dpa for the part of EHDC's area that is within the SDNP. The appellant and the EHDC agree that for the part of the Council's area outside the SDNP the LHN figure should be reduced to 511 dpa.

73. The appellant has, however, suggested that the wording of the national policy and guidance concerning the calculation of the LHN allows scope for the unmet housing need for neighbouring planning authorities to be added. I do not consider there is any such scope. That is because the SM relies on three clearly defined steps, with the first of those steps 'setting the baseline' being reliant upon the use of the 2014 household projection '... for the area of the local authority ...'²⁶. I am therefore of the view that the wording of the PPG, in explaining how to use the SM to calculate a local authority specific LHN figure, does not allow for the addition of any unmet need from a neighbouring authority.
74. For this case I therefore consider that a LHN of 511 dpa is the correct baseline figure for step 1 of the SM. That LHN figure incorporating a deduction of the SDNP quota of 100 dwellings. That deduction being appropriate to avoid double counting. A LHN of 511 dpa yields a five year need figure of 2,555 dwellings, to which it is then necessary to apply a 5% buffer²⁷. On that basis the five year need is 2,683 dwellings²⁸ (equivalent to 537 dpa), against which the supply of deliverable of housing should be assessed.
75. In terms of the delivery of housing the SoCGA shows a narrowing in the disagreement about the current 5yrHLS position, compared with that put to me at the Inquiry. In that regard Table 4.1 of the SoCGA records the following areas of agreement:
 - Large sites with planning permission providing 1,593 dwellings.
 - A supply of small sites amounting to 287 dwellings.
 - A supply of windfalls amounting to 186 dwellings.
 - Lord Mayor Treloars Hospital yielding 165 dwellings.
 - Lowsley Farm, Liphook delivering a minimum of 110 dwellings, with EHDC contending that figure could rise to 150 dwellings.
 - Headley Nurseries delivering nine dwellings.
76. Taking account of the above list the parties agree that 2,350 dwellings would be delivered by the end of March 2024, assuming Lowsley Farm delivers no more than 110 homes. So, when a delivery figure of 2,350 dwellings is subtracted from the need figure, there is a shortfall of 333 dwellings. In that context the remaining areas of disagreement relate to whether an allowance should be made for the possible under recording of losses (demolitions) and the deliverability of homes subject to the existing outline permissions or

²⁵ Paragraph: 004 Reference ID: 2a-004-20190220

²⁶ Paragraph: 004 Reference ID: 2a-004-20190220

²⁷ Based on the Housing Delivery Test result for EHDC for 2018 published by the Government in February 2019

²⁸ As recorded in Tables 4.3a and 4.3b in the SoCGA

allocations concerning Bordon Garrison, Mill Chase Academy and land east of Horndean (Horndean).

77. With respect to demolitions, EHDC's position is clear that it only records the supply in its annual position statements on net basis, ie allows for the deduction of demolitions. I consider that the appellant's view that a demolitions' allowance should be applied would only be justified if EHDC was recording gross figures in its position statements. I therefore see no reason why a demolitions allowance of 44 dwellings should be applied.
78. With respect to whether housing sites subject to outline planning permissions or just allocations should be considered as being deliverable within the five year period it is necessary to have regard to the definition stated in Annex 2 of the Framework. That states:
- 'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular: ... b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'*
79. As far as the definition of deliverability is concerned, I consider that the inclusion of the realistic prospect phrase is important.
80. For Bordon Garrison there is a hybrid planning permission dating from November 2015 that includes outline permission for, amongst other things, 2,400 dwellings, a town centre of up to 23,000 square metres of commercial floorspace and schools and full permission for suitable alternative natural greenspace and a section of a relief road²⁹. That planning permission relates to part of the Whitehill and Bordon strategic allocation (the WBSA) made under the JCS, which makes provision for 2,725 dwellings to be provided by 2028, with a further 4,000 dwellings thereafter. Pursuant to the outline element of the hybrid permission there are three extant reserved matters (RMs) approvals for 480 dwellings, with the construction on those homes having been commenced³⁰.
81. The WBSA has the status of a Housing Zone (HZ), a status awarded by the Government. HZ status brings with it funding to assist EHDC to resource its planning services and access up to £10 million of loans to fund the delivery of facilities, such as a new leisure centre. For developments within the HZ developers have access to low cost loans. The HZ's designation forms part of the Government's policy to boost the delivery of housing and the Whitehill and Bordon HZ appears³¹ currently to be transitioning from its enabling phase into its delivery phase, with the former creating the conditions necessary to facilitate housing building.
82. I therefore consider that the environment for housing building, including the speed of delivery, within the HZ is not comparable with areas that do not have

²⁹ Section 4 of the Housing Delivery Clarification Note for Land at and adjoining Bordon Garrison etc appended to the SoCGA (the Housing Delivery Clarification Note)

³⁰ Table 2 in the Housing Delivery Clarification Note

³¹ Based on the information contained in the Housing Delivery Clarification Note appended to the SoCGA

this status. In that regard it is notable that the development at Louisburg Barracks between 2016/17 and 2018/19 delivered 311 completions and yet at paragraph 12 of the appeal decision of May 2016 for the Poultry Farm site³² the Inspector records that the appellant in that case considered the delivery of 246 dwellings within the five year period was 'overly ambitious'. In practice in excess of 246 dwellings have been delivered in considerably less than five years. I therefore believe it realistic to expect that the delivery of new housing will accelerate at Whitehill and Bordon, to optimise the benefits arising from this area's HZ status.

83. Given that context EHDC contends that pursuant to the extant outline permission a further 500 dwellings will be delivered at Bordon Garrison within the five year period, notwithstanding the fact that RMs approvals for those homes are not yet in place. In that regard an RMs application (55587/096) for 190 dwellings was submitted in November 2018 and following the resolution of an ecological issue, and further consideration to be given to highways matters, EHDC expects that application will be approved during August³³.
84. I consider it reasonable to expect EHDC to be in the best position to know how the determination of application 55587/096 is progressing, not least because it has dedicated staff dealing with the HZ. On that basis I consider it likely that a further RMs approval for 190 dwellings at Bordon Garrison will, if not already approved, be in place shortly. With that assumption that would leave a further 310 dwellings needing to become the subject of RMs approvals, and then be built, for Bordon Garrison to be capable of making the 500 dwelling contribution to the 5yrHLS envisaged by EHDC.
85. I am mindful of the appellant's caution with respect to the future delivery at Bordon Garrison. However, as I have indicated above the establishment of the HZ for the WBSA provides a different delivery environment to the norm. I therefore consider that this is an instance where there is a realistic prospect that RMs applications will conform forward in order to deliver 310 new homes, in support of EHDC's contention that Bordon Garrison will achieve the delivery of 500 further dwellings within the five year period. In that regard allowing for the 190 dwellings likely to be delivered as a consequence of application 55587/096's actual or imminent determination, only a further 143 dwellings would need to be delivered to address the 333 dwelling shortfall against the five year need figure I have referred to in paragraph 76 above.
86. So, given what I have said above and returning to Table 4.1 in the SoCGA, if allowances are made for Bordon Garrison and Lowsley Farm delivering respectively 500 and 110 dwellings in the five year period, with no deduction for losses, then the total delivery will be around 2,850 dwellings. That gives a surplus against the need for 2,683 dwellings, which equates to a deliverable housing supply of around 5.3 years. Given that finding I consider it unnecessary for me to comment on the other disputed sites, namely Horndean and Mill Chase Academy.
87. On the evidence available to me and for the reasons given above I find that the EHDC is currently able to demonstrate a 5yrHLS. That means its housing supply policies are not out-of-date for the purposes of the determination of this appeal and that it should be determined in accordance with the

³² APP/M1710/W/15/3129981 (CD44)

³³ Paragraph 4.5 of the Housing Delivery Clarification Note

development plan as a whole, unless material considerations indicate otherwise.

Planning Balance and Conclusion

88. Paragraph 11(c) of the Framework states that a proposal that accords with an up-to-date development plan should be approved without delay. Conversely development that does not accord with a development plan should be refused unless material considerations indicate otherwise. As I have set out above, I consider that Policies CP10 and CP19 of the JCS are the most important ones for the purposes of the determination of this appeal. In that regard I have found Policy CP19 not to be inconsistent with national policy and that Policies CP10 and CP19 are not out-of-date because a 5yrsHLS has been demonstrated to be available. Given those findings I consider what is frequently referred to as the 'tilted balance' if favour of granting planning permission for sustainable development is not engaged in this instance.
89. In considering my first main issue I have concluded that the development would be contrary to Policies CP10 and CP19 of the JCS because it would involve the provision of housing on an unallocated site in the countryside, with there being some conflict with Policy CP2, because of the conflict with the two previously mentioned policies. That conflict with the development plan amounts to in principle policy harm, with there being no unacceptable harm with respect to matters such as the development's effects on the character and appearance of the area and local infrastructure, while the development would achieve policy compliance in terms of the contribution it would make to the delivery of affordable housing. It is therefore appropriate that I consider whether there would be benefits of the development indicating that this appeal should be determined other than in accordance with the development plan.
90. The development would deliver up to 58 dwellings, of which 23 would be affordable homes, and there would be social benefits arising from providing that housing. However, as I have explained above Four Marks/South Medstead has experienced very considerable recent housing growth, with that provision significantly exceeding the minimum requirement identified for this area, at around the halfway mark of the adopted development plan's plan life. Given that a 5yrsHLS has been demonstrated to be currently available, I consider that the social benefits arising from the provision of housing attract modest weight in this case.
91. Usually great weight would be attached to the provision of additional housing. However, in this instance EHDC's housing officer is not supportive of this development because significant amounts of affordable housing have recently been provided in Four Marks/South Medstead and there is no identified need for such housing in this part of the Council's area. Above I have therefore explained that modest weight should be attached to the provision of affordable housing in this instance.
92. I have also found above that the provision of further housing alone would not be conducive to reinforcing Four Marks/South Medstead's role and function as a small local service centre, given the backdrop of the scale of the house building that has recently taken place in the area. I consider that also weighs against the social benefits arising from this development.

93. In economic terms jobs and spend would arise during the development's construction phase, but that would be applicable where ever new development arose in EHDC's area. New residents would also contribute to the area's economic wellbeing, albeit it would seem that there would be few local employment opportunities for residents of the development to take up. In economic terms there is no suggestion that this development is needed to support the area's vitality, which I consider to be understandable given the amount of housing growth that has recently arisen.
94. EHDC would receive both New Homes Bonus and CIL payments, with 25% of the latter being capable of being claimed by MPC and/or FMPC because there is a made NP. However, while the 25% CIL receipt for use by the either of the parish council's might assist in the providing community based local facilities, to date there is very little evidence of that being of any particular assistance to the local area, with Parish Councillor Mr Thomas (FMPC) advising that he was unaware of his parish being in receipt of any CIL monies to date. That would appear to reinforce the locally held view that infrastructure provision has not been keeping up with the pace of the new development in the area. I therefore consider that only moderate weight should be attached to the development's economic benefits.
95. There would be some environmental harm to the area arising from the change in the site's character and appearance and the extra vehicular movement associated with the comings and goings to the development. However, I consider both of those harms would be of a comparatively limited scale, and accordingly weigh only modestly against the development.
96. With respect to the planning obligations relating to the highway contribution, school contribution and community land, I have explained above that I consider each of those attract little or modest weight in support of permission being granted. That is because they either provide no more than mitigation to avoid adverse effects arising directly from the development or are unnecessary to make the development acceptable in planning terms. With respect to the junction improvement, on the evidence available to me, I am not persuaded that this is something that could not be provided via the use of pre-existing planning obligations or in combination with CIL receipts. On that basis I have found that little weight should be attached to this claimed benefit of the development.
97. The development would provide a variety of benefits, however, as I have outlined above, I consider those attract little or modest positive weight. By contrast there would be clear conflict with the development plan, as a whole, most particularly Policies CP10 and CP19, given that the development would be in the countryside and would concern an unallocated site. Those development plan policies are up-to-date for the reasons given above.
98. I therefore consider that the other material considerations in this case are not of such weight as to lead me to find that a decision should be made otherwise than in accordance with the development plan, when it is taken as a whole. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Scott Stemp He called	Of Counsel instructed by WYG
Lee Morris BSc (Hons) PGDipLA MA PIEMA CMLI	Director at WYG
Mathew Good BSc (Hons) MA MRTPI	Director (Housing and Economics), Planning Team at WYG
Ian T Roberts MCHIT	Partner of Bellamy Roberts
Andy Stallan BA (Hons) Dip UPI	WYG

FOR EAST HAMPSHIRE DISTRICT COUNCIL (EHDC):

Timothy Leader He called	Of Counsel, Instructed by Mr Nick Leach, Planning Solicitor for the Council
Julia Mansi BSc (Hons) BTP PGDip Urban Design MRTPI	Development Management Manager at EHDC
Helen Kent BA MSc PGDipUPI MRTPI	Associated Director of Planning at LUC
Adam Harvey MRTPI	Planning Policy Officer at EHDC
Nick Upton	Planning application case officer at EHDC

INTERESTED PERSONS:

Councillor Jonathan May	Ward Councillor for East Hampshire District Council
Councillor Diana Tennyson	Ward Councillor for East Hampshire District Council
Councillor Ingrid Thomas	Ward Councillor for East Hampshire District Council
Councillor Mark Kemp-Gee	Hampshire County Council
Councillor Roy Pullen	Vice Chairman Medstead Parish Council

Councillor Simon Thomas BA	Four Marks Parish Council and member of the Neighbourhood Plan steering group
Nick Steening	Local Resident and chair of the Neighbourhood Plan steering group
Fabio Perselli	Local Resident
Dennis Thomas	Local Resident and representative for the Watercress Railway Management committee

DOCUMENTS SUBMITTED AT THE INQUIRY AND FOLLOWING ITS ADJOURNMENT AND PRIOR TO ITS CLOSURE

- 1) List of Appearances for the appellant
- 2) The opening written submissions of Mr Leader on behalf of EHDC
- 3) The opening written submissions of Mr Stemp on behalf of the appellant
- 4) Adoption Statement of 2 July 2019 for the South Downs Local Plan (CD56)
- 5) Draft Unilateral Undertaking as at 9 July 2019 (CD57)
- 6) The judgement in East Staffordshire Borough Council and Secretary of State for Communities and Local Government [2016] EWHC 2973 (Admin) (CD58)
- 7) Atkins Technical Note of June 2016 'Package 1: Transport Feasibility Study' prepared for Hampshire County Council – version assessing the cumulative traffic impact of residential proposed in Four Marks (CD59)
- 8) Speaking note of Councillor Simon Thomas, Four Marks Parish Council of 9 July 2019
- 9) Undated letter/email from the Clerk to Medstead Parish Council to EHDC at the application stage for planning application 25256/045 (CD60)
- 10) Extent of adopted highway plan (CD61)
- 11) Bellamy Roberts Junction Improvement drawing 5136/001 Revision A (CD62)
- 12) Draft Unilateral Undertaking as at 11 July 2019 (CD63)
- 13) Core Document list as at the adjournment of the Inquiry on 11 July 2019
- 14) Certified copy of Unilateral Undertaking Executed on 18 July 2019
- 15) Housing Land Supply Statement of Common Ground Addendum signed on 17 July 2019
- 16) Closing submissions of Mr Leader on behalf of EHDC (21 July 2019)
- 17) Closing submissions of Mr Stemp on behalf of the appellant (29 July 2019)