
Appeal Decision

Inquiry held on 1 to 4 and 8 to 9 November 2022

Site visit made on 13 December 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2022

Appeal Ref: APP/W1715/W/22/3292580

Land at Satchell Lane, Hamble-Le-Rice

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Steve Carrington, FHL Planning against the decision of Eastleigh Borough Council.
 - The application Ref: F/20/89488, dated 15 December 2020, was refused by notice dated 13 August 2021.
 - The development proposed is described as a planning application for residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.
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Decision

1. The appeal is dismissed.

Application for Costs

2. At the Inquiry an application for partial costs was made by Steve Carrington, FHL Planning against Eastleigh Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since the Council made its decision, the Eastleigh Borough Local Plan (2016–2036) (2022) (Local Plan) has been adopted. The policies it contains replace those in the Eastleigh Borough Local Plan Review (2001 – 2011) (LPR), including those that are set out in the Council's reasons for refusal. Both main parties made reference to the relevant policies of the Local Plan in their evidence. I have considered the appeal on this basis.
4. The site has been the subject of a previous outline planning permission for a residential development that was allowed on appeal¹ and was the subject of an unsuccessful legal challenge². Both main parties have referred to this decision on numerous occasions. I deal with this matter later in my decision and how it compares to the proposal which is the subject of my consideration, as well as the issues, the policy framework and the views of that Inspector.

¹ Appeal Ref: APP/W1715/W/18/3194846 Land at Satchell Lane, Hamble-le-Rice SO31 4HP

² Eastleigh Borough Council v Secretary of State for Housing Communities and Local Government, Mr Robert Janaway and Mr Simon Bull [2019] EWHC 1862 (Admin)

5. The appeal was submitted by Mr Steve Carrington, Foreman Homes Limited. While the company name differs from those details set out on the planning application form and in the banner heading above, it was explained to me at the inquiry that they concern the same company. I am therefore satisfied that the appellant has the authority in order for the appeal to proceed.
6. The proposal has been considered by the Secretary of State in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017). A screening direction has been issued which states that the proposal is not Environmental Impact Assessment development.
7. The Council stated that an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106 Agreement) would address the matters in its sixth reason for refusal as set out on the decision notice relating to the provision of supporting infrastructure and services. The inquiry proceeded on this basis and included the consideration of a final draft S106 Agreement. A completed version was submitted after the close of the Inquiry.
8. The S106 agreement also contains matters related to European Protected Sites (EPS) and so is relevant to the Council's fifth and seventh reasons for refusal. With regard to the fifth reason, additional drainage information and an Information to inform Habitat Regulations Assessment document (shRA) was submitted by the appellant during the course of the appeal in relation to both reasons. The Council then withdrew its concerns on drainage grounds, subject to the views of Natural England (NE) as the statutory nature conservation body. NE subsequently did not object on these grounds.
9. NE did however maintain an objection concerning the seventh reason with regard to the effect on the New Forest as an EPS. On the eve of the inquiry, the appellant submitted a Supplementary Ecology Statement (SES). These matters were the subject of a round table session at the inquiry and NE were consulted on this document after its close. NE subsequently narrowed, though maintained its objection. In light of my decision, I am not required to carry out an Appropriate Assessment under the Habitat Regulations³ as the Competent Authority and so I deal with considerations related to EPS in the 'Other Matters' section of my decision. The matters of dispute between the Council and the appellant are themselves centred on the Council's first 4 reasons for refusal.
10. The appellant's evidence included an illustrative landscape masterplan drawing SL1. This was in response to both a draft planning condition concerning a final landscaping scheme and the design concerns expressed in the reasons for refusal. The Council queried whether this drawing should be accepted because of a change to the proposed location of the play area, and also due to additional links from the site to an adjacent Public Right of Way (PROW). This drawing was subsequently amended just prior to the Inquiry so that the play area returned to its previous location. On this basis, the Council withdrew its concerns over whether it should be accepted. The adjacent landowner also commented on the links to the PROW. I have accepted this document and have treated it as being illustrative only.

³ The Conservation of Habitats and Species Regulations 2017

Main Issues

11. Accordingly, the main issues are (i) whether the proposal would be in a suitable location for housing, with regard to development plan policy and national planning policy; (ii) the effect on the character and appearance of the area, including design quality; (iii) the accessibility to local services; (iv) the effect on highway safety and the free flow of traffic by way of the traffic generation; (v) housing land supply matters; (vi) if harm arises, whether this would be outweighed by the benefits of the proposal.

Reasons

Suitable Location for Housing

12. The appeal site comprises a roughly triangular shaped area of grazing land. It is bounded by Satchell Lane to the north. To the east, there are a row of dwellings that themselves face towards Satchell Lane. A PROW runs on the adjacent side of the western boundary of the site. The boundary with the PROW is defined by post and wire fencing and vegetation, the Satchell Lane boundary by a more substantial line of trees, and domestic type boundary fencing delineates the boundaries with the adjoining residential properties. The site gently slopes north-west to south-east and is set at a slightly higher level than Satchell Lane.
13. There is also residential development on the opposite side of Satchell Lane up to a holiday park and the entrance to Mercury Marina. Beyond this, is open land which faces the site. Abutting the site to the west is the former Hamble Airfield, which is also grassed open land. The bulk of the settlement of Hamble-le-Rice (Hamble) lies to the south.
14. Strategic Policy S1 of the Local Plan presents a number of underlying principles that concerns sustainable development. It also reiterates the presumption in favour of sustainable development that is set out in the National Planning Policy Framework (Framework). The Local Plan also establishes a settlement hierarchy that relates to the overall distribution of new development and the appropriate scale of development.
15. Strategic Policy S2 sets out, amongst other matters, the housing requirement over the plan period. It also states that the urban edge as set out in the policies map defines the main built-up areas within which there is a presumption in favour of new development, subject to the policies of the plan. The appeal site, while lying adjacent to the urban edge, lies outside of it.
16. There is a shortfall against the housing requirement over the latter years of the plan period. This has arisen due to the removal of a Strategic Growth Option during the Examination. The Local Plan accounts for this by way of a review of the Local Plan that is to take place within 1 year from its adoption. The Council is therefore still within the window for this review to take place. Hence, this does not count against the Council's case.
17. Strategic Policy S3 concerns the location of new housing development, which is to be focused as much as possible within the existing urban areas, with the remainder on greenfield sites in the form of a number of larger strategic sites, urban extensions and a number of local sites to meet local needs.

18. Strategic Policy S5 relates to new development in the countryside. The glossary to the Local Plan states that countryside is all areas outside the urban edge as defined on the policies map, and thereafter cites examples of it. As the site lies outside of the urban edge, it is in the countryside for the purposes of the Local Plan.
19. Strategic Policy S5 also sets out, amidst other considerations, the types of development where planning permission will be granted for new development in the countryside. As regards residential related development, there is reference to residential extensions and replacement buildings, limited residential conversions, rural worker's dwelling and accommodation for Gypsies, Travellers and Travelling Showpeople. Housing development in as far as what is the subject of the proposal that is for my consideration does not fall within the types of development where permission will be granted.
20. I was also referred at the inquiry to Strategic Policy S6 which concerns the protection of settlement gaps. The defined settlement gap between Hamble, Netley and Burlesdon, while including land close by, does not contain the appeal site. As a consequence, this policy has a limited bearing. The same applies where I have been referred to evidence that informed the Local Plan as regards the gap analysis because the site was not ultimately made the subject of this designation.
21. In taking these considerations together, the proposal would not conform to where the Local Plan intends that such new housing development is located. It lies outside of the defined urban edge and in the countryside. Accordingly, I conclude that the proposal would not be in a suitable location with regard to development plan policy and it would not comply with Strategic Policies S1, S2, S3 and S5. Whether the proposal would comply with the Framework in this regard is dependent on a consideration of the issues which follow.

Character and Appearance

Landscape Character and Visual Impacts

22. For the purposes of the Council's Landscape Character Assessment (2011), the site lies in Landscape Character Area 13: Hound Plain. The description refers to the gently domed form of the area that falls towards the wooded coasts and valleys, that most of the area is devoid of trees except along the roadside, and that the dominant characteristic is the landscape's openness. It also points to horsiculture around Hamble and the airfield to give an urban fringe character and that the urban edges of Hamble are prominent in the area.
23. This description is broadly accurate as regards the appeal site and its surroundings. The site is open, save for vegetation on its boundaries. The roadside boundary with Satchell Lane contains trees. The topography falls in the general direction of the River Hamble. The site is in use as horsiculture and it also lies adjacent to the urban edge. The broader descriptions that are set out in the South Coast Plain National Character Area (2014) and the County Council's Integrated Character Assessment (2012) for the Hamble Valley are also consistent with that of the site and the area.
24. The open landscape character aspects of the appeal site would be markedly diminished by the 61 dwellings, the roads and the rest of the associated infrastructure. What is proposed would extend the current built up area of

Hamble and so have an urbanising impact, especially with the contrast with the site's existing countryside character due to its openness and use. Such an effect may be common with the residential development of greenfield sites that are adjacent to the edge of existing settlements because these sites are susceptible to change wrought by such development. However, this would not in itself lessen the harm that would arise in this case due to the loss of the countryside character.

25. On a broader scale, the effect would be tempered because of the proximity to the existing urban edge. The fairly enclosed nature of the site would also mitigate against the effects on the wider landscape character. Landscaping and planting around the perimeter of the site would further lessen such effects. The effect would thus be localised.
26. The main parties agree that the appeal site is not a valued landscape under paragraph 174 of the Framework. Nor is it designated for the purposes of paragraph 175. The Council's Small and Medium Greenfield Housing Sites Background Paper (2018) (Background Paper), that informed Local Plan preparation, states that the site has 'low sensitivity'. Whilst there has been some criticism of the methodology used for the Background Paper, this seems a fair conclusion as regards how the site performs in its wider surroundings. However, this does not mean that the site does not have any value in this regard. It is not unappealing countryside adjacent to the edge of the settlement. Paragraph 174 of the Framework also goes on to recognise the intrinsic character and beauty of the countryside.
27. In relation to visual impacts, I have had regard to viewpoint photographic evidence that has been submitted by both main parties, along with what I observed on my site visit. From viewpoints along Satchell Lane, views of the proposal would be filtered by roadside vegetation and by existing dwellings where they are located between the site and this road. Such views would be more apparent where the site directly abuts the road due to its proximity to this public vantage point. They would be most notable for pedestrians, but more fleeting for vehicle users using Satchell Lane and so the site has limited gateway qualities for Hamble in this regard.
28. From viewpoints along the PROW, its users would experience a distinct change from the existing open character of the site to that of one of the proposed dwellings and infrastructure. Planting in the gaps along this boundary to attempt to mitigate this situation would itself restrict views, even if this would be preferable to views of the proposal compared to the current site. Hence, there would be an element of visual intrusion for PROW users.
29. From more distant viewpoints, there would be appreciably less visibility due to the largely self-contained nature of the site and with the screening afforded by further vegetation, built development and topography. This is also ably demonstrated by the appellant's zone of theoretical visibility. There is not substantive evidence to the contrary.
30. In respect of residential receptors, the occupiers of those properties on Satchell Lane would also experience a notable change from a view of the open nature of the site, over what are currently fairly unenclosed shared boundaries. Those local residents clearly gain some value from a largely unobstructed view of the countryside character of the site and this would no longer be the case under the proposal. This effect would be tempered somewhat by the set back of the

nearest proposed dwellings and so the outlook itself would not be unacceptable. The occupiers of properties that face the site from the opposite side of Satchell Lane would be less impacted because the view would be over the road and more filtered.

31. In considering the above, there would be a limited adverse effect on landscape character. The effect would be greatest when it concerns solely the site, but would readily diminish outside of the site due to its relative containment and proximity to the existing urban edge. The visual impact would be of an adverse localised nature and would occur in particular for users of the PROW, and also to the local residents whose properties back onto the site and the users of Satchell Lane.

Design Quality

32. The National Design Guide (2021) (NDG) identifies context as one of its 10 characteristics of well-designed places and, similarly, the Council's Quality Places Supplementary Planning Document (2011) (SPD) identifies the analysis of context as a key design principle. Clearly, it is a logical place to start in order to inform how a proposal is to be designed. Paragraph 130 of the Framework also refers to that decisions should ensure that developments are sympathetic to local character.
33. While the architect that was involved at the planning application stage did not give evidence at the Inquiry, the appellant confirmed that it was content to draw on evidence on the Planning, Design and Access Statement (DAS), and the Supplementary Design Document (SDD) that were submitted with the planning application. There is not a prescribed form in respect of how to present such information. The SDD takes a diagrammatic approach with text, while the DAS describes the character of the area.
34. The context of the appeal site is mixed. As I have set out, the site itself has a countryside character, yet lies adjacent to the edge of Hamble. The development along Satchell Lane is varied in relation to the house styles, with the street trees as an appreciable feature. On the opposite side of Satchell Lane to the site, there is a more modern planned estate layout. The historic core of Hamble is found some way to the south and includes a central square and a tight knit arrangement of buildings of varying heights and architectural types, including Georgian amongst others. Following the design led approach of the NDG, the SPD and the Framework, a consideration of both the countryside and built influences would be required in order to inform the design quality of the proposal.
35. The SDD derives a layout that is based on 3 character areas, the arrival zone, the rural edge and the village green. The street hierarchy would not be obviously distinct, but this is not a compelling design factor, given the scale of the proposal. There would be though a clear network of footways and footpaths proposed to aid pedestrian movement within the proposal and to enable access off Satchell Lane. Whether linkages could be formed to the PROW has less of a bearing because these would be less likely to cater for a great number of pedestrian movements, especially during poor weather and outside of daylight hours.
36. As the proposed dwellings would be well set back from Satchell Lane, they would not be out of keeping with the pattern of built development, where the

existing dwellings on this side of the road are also set back. Nor would this building line be harsh because, in effect, it would appear staggered into 2 groups, as seen from Satchell Lane to the north, or else behind existing development. That some of the proposed rear gardens would back onto existing dwellings on Satchell Lane reflects that the rear gardens of these properties would do likewise to the site.

37. Nor would the internal street frontages be minimal, as they would be generous and well-spaced in places. The appearance of the proposed dwellings themselves would reflect the varied designs that are found in Hamble. The use of perimeter blocks would also give containment to the village green feature, even if they would enclose the streets of the proposal to a lesser degree elsewhere. However, that in itself would mean that the proposal would not give rise to an overtly regimented layout.
38. In terms of criticism that the proposed tree provision would not accord with the Council's Trees and Development Supplementary Planning Document (2022), as I have set out in my procedural matters, the landscape masterplan is to be treated on an illustrative basis. If I was minded to allow the appeal, it is a matter that could be ably dealt with through the imposition of a planning condition in order for details to be subsequently agreed to address the Council's concerns.
39. However, where I find that the proposed design has been less influenced by its context is the countryside aspect. The buffer that would be provided to the western edge would be limited and with the proximity of the roadway and proposed dwellings, it would not openly exhibit the characteristics of a rural edge.
40. The extent to which the proposed open space features reflect the countryside character is also of a limited nature, as they seem more akin to what would be found within built up areas. Even the village green would appear as an enclosed urban-like feature. Within this context they would not provide well integrated and attractive recreational spaces and landscaping. They would not allow the countryside character to pervade into the site to any great degree. The proposal has overly sought to reflect the built character of Hamble and there has not been sufficient consideration of the countryside aspect of the local context.
41. While not determinative on its own, distant views of the countryside character around the river would also be substantially impacted by the proposal because such views would be blocked. The existing dwellings and roadside trees are currently prominent in this view but nevertheless the vegetation around the river is visible from the site and so contributes towards the countryside character.
42. The Sovereign Drive appeal decision⁴ that I was referred to in this regard does not aid me further because to what degree there has been rigour in the analysis of context is a matter for considering the particular evidence that is put forward in each case.
43. The 2021 version of the Framework and the NDG have both placed an increased emphasis on good design. Furthermore, applying the NDG's

⁴ Appeal ref: APP/W1715/W/21/3269897 Land to the rear of Sovereign Drive and Precosa Road, Botley, Eastleigh, Hampshire

characteristics makes design simply more than a subjective judgment. The same is true as regards the SPD's key design principles. In considering the above, the scale, form, layout, design and appearance of the proposal would not be poor quality in as far as they reflect the built form of Hamble, including that closest to the site. However, I am less persuaded that the countryside character has sufficiently influenced these aspects of the proposal. I do though accept that the proposal would not be car dominated in the sense that footpath routes are proposed that would be safe and appealing to the future occupiers.

Conclusion

44. As I have found a level of adverse effect as regards landscape character, visual impact and design quality, it cannot be said that harm would not arise from the proposal in this regard. When these matters are considered together, the proposal would have an unacceptable effect on the character and appearance of the area, including design quality.
45. As a result, the proposal would not comply with Strategic Policies S1, S5 and S9, and with Policies DM1 and DM33 of the Local Plan where they concern landscape value, avoiding adverse impacts on rural character, the intrinsic character of the landscape and the character and appearance of the countryside; and design matters, including with regard to green infrastructure and open spaces. It would also not comply with the Framework where it concerns recognising the intrinsic character and beauty of the countryside and in relation to achieving well designed places. I do not though find conflict with Strategic Policy S12 and Policy DM13 where they concern design aspects of footpaths and bridleways, amongst other matters.

Accessibility to Local Services

46. Hamble contains a good level of local services and a number of these can be accessed by walking along footways on Satchell Lane to the south, including retail, leisure and community facilities, or by cycling. The primary school is more distant, yet would be accessible from the proposal on foot along Hamble Lane and then through an area of housing. There is not a dispute between the main parties that the proposal would be in an accessible location as regards these services.
47. The local secondary school, leisure centre and medical centre lie to the north-west along Satchell Lane. This part of Satchell Lane contains tight bends and is confined by banks and vegetation. It is also unlit and does not contain footways. It would clearly be an unsafe route for the future occupants of the proposal to access these facilities on foot. Again, this is not in dispute. Informal routes through the airfield have a limited bearing because there is no evidence that such routes can be used legally.
48. The alternative route to these facilities would involve using Satchell Lane to the south, passing through a housing area onto Hamble Lane or alternatively staying on the main road through Hamble, after which these facilities would be accessed thereafter in a northerly direction. The route benefits from the segregation of pedestrians from motor vehicles by way of footways that are also lit. It would comprise a safe route for the future occupiers of the proposal to access these services on foot. There is some discrepancy in the evidence between the distances cited, but I have utilised those of the appellant because

they are also reflective of those of the County Council as the Highway Authority.

49. The alternative route means that there is not a need for the future occupiers to use the unsafe route. The distances to the secondary school, sports centre and medical centre are in the region of 3 kilometres (km). It would exceed what the Chartered Institution of Highways and Transportation 'Planning for Walking' guidelines consider is a suggested acceptable walking distance, but this is not intended to be definitive and so other factors such as safety need also to be considered. There are no other constraints to the use of this route that I have been made aware of. As it would be a safe route, such a distance would not overtly dissuade the use of walking.
50. Furthermore, it could potentially be reduced if local bus services that I was referred to were also used, but even considering the accessibility without the use of the bus, it would still be not unacceptable in relation to walking.
51. As the shorter route would clearly be unsafe, it would be irrational for it to be used by the future occupiers on foot because a safer alternative exists. If schoolchildren were late for school, this would not amount to a reason to use an unsafe route and at least some of those children may also be able to get a lift from their parents or guardians, if such a situation arose. Similarly, those with a medical appointment would not obviously use an unsafe route, including those with mobility issues, and the same would apply for those using the sports centre. They would not risk using the unsafe route, on a fair understanding of that risk.
52. As such, this route would not make for an attractive means of accessing these services on foot and even less so in terms of times of inclement weather or during the shorter winter days because this would further act as an impediment, or barrier, to use what already would be an unsafe route. No specific mitigation is proposed, but as a safer alternative route exists, none is reasonably required.
53. Policy requirements are broader than requiring a specific walking route to be acceptable. What is of more relevance is whether safe access can be made on foot and is convenient. This is borne out in particular by Policies S11 and DM13 of the Local Plan, and paragraph 110 of the Framework, where they refer in broad terms to safe access matters. This has been adequately established as regards the proposal due to the alternative route.
54. Nor do such requirements necessarily focus on specific local services and it needs to be acknowledged that many of the local services that the future occupiers would use for their day to day activities are agreed would be accessible by foot. In this sense, the proposal would also provide for convenient access. This also sets it apart from the Fareham appeal decision⁵ that I was referred to where, based on the information before me, that proposal suffered from a lack of accessibility to a broader range of services. This is notwithstanding that considering accessibility requires a particular consideration of the location of a proposal to the local services.
55. It is not a particular matter of disagreement that the proposal would increase the prospect of trips by car. There is nothing though in development plan

⁵ Appeal ref: APP/A1720/W/22/3297544 Land east of North Wallington Road, Wallington, Fareham PO16 8TE

policy or the Framework which in itself seeks to prevent the use of the car. Rather, planning policy overall seeks to encourage the use of modes of transport other than the car and with the location of the site in relation to local services, this would be achieved in this case.

56. It is evident that the Council raised similar concerns when Mercury Marina sought an element of residential development during the Local Plan Examination. The examining Inspector made no reference to residential development at Mercury Marina in the final Report to the Council, including the Main Modifications. Nor though is their reference to pedestrian safety issues in this regard. To infer this was a reason for the examining Inspector to not make reference to that site, in my view, is reading too much into that situation. It has a limited bearing.
57. The Council's related reason for refusal also raised matters in relation to public transport and cycling. At the inquiry, it was confirmed that the primary reason of concern was walking. Nevertheless, as cyclists invariably share road space with motorists, there is not a substantive reason why the Satchell Lane route could not be utilised, or alternatively using a longer alternative route to the south. As I have set out above, there are bus services that cover at least part of the route. For longer journeys, Hamble railway station is a lesser distance on foot than the secondary school, medical centre and sports centre and is accessible for cyclists, as well as pedestrians.
58. I conclude that the proposal would not be unacceptable as regards the accessibility to local services. As such, it would comply with Strategic Policies S11, S12 and Policy DM13 where they concern encouraging walking, cycling and the use of public transport; safety on the highway network; supporting footpath usage; safe and convenient access; and, where development can be served by means of transport other than the private car, including bus, train, cycle and pedestrian access, amongst other considerations.
59. The proposal would also comply with paragraphs 110 and 112 of the Framework where they concern, respectively, that safe and suitable access to the site can be achieved for all users, and that applications for development are to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Highway Safety

60. Satchell Lane joins Hamble Lane at a priority junction at approximately 1km from where access would be gained to the site, close also to a roundabout junction with Hound Road. Hamble Lane is the main route by which Hamble is accessed. There are a number of other junctions along this route, including with Portsmouth Road. Hamble Lane provides access to Southampton, the A27 and the M27, amongst other destinations. It is not in dispute that Hamble Lane and the associated junctions are congested, in particular at peak times.
61. The County Council has sought to address this issue through the Hamble Lane Improvement Scheme. However, funding has not been forthcoming for the improvements. From what I heard at the inquiry, there is uncertainty over even if some of these improvements will now be made. Traffic congestion along Hamble Lane therefore remains an outstanding local issue.

62. The matters of dispute between the main parties concern the context, the junction and network modelling, and the determination of traffic impact. In relation to the former, this centres on a Report to the County Council's Executive Member for Environment and Transport (12 March 2019) which stated that new development on the Hamble peninsular would be opposed unless the corridor improvements have been carried out. The County Council acknowledge that it is not a specific policy. It forms part of the background evidence in light of the congestion issue. My views on this matter ultimately depend on weighing all the evidence and then considering it against the planning policy framework.
63. The modelling evidence that I have before me comes from the appellant and has been updated from that contained within the Transport Assessment that was submitted with the planning application. The County Council did not present its own modelling evidence, but critiqued the appellant's. Both TRL JUNCTIONS and VISSM models have been utilised. TRL JUNCTIONS focusses on individual junctions, and so was used for the Hamble Lane/Portsmouth Road junction. As VISSM is more able to assist where junctions influence each other, it has been used for the Satchell Lane/Hamble Lane and the Hamble Lane/Hound Road junctions, due to their proximity. The County Council referred at the inquiry to other junctions, but the related Statement of Common Ground sets out agreement that it is these 3 junctions that were to be subject to assessment through appropriate modelling in order to forecast the impact of the proposal.
64. In considering both main parties' views on junction and network modelling, I favour the appellant's position. These models have to work within the parameters that are set for them, rather than introducing extraneous elements. No other models were put to me as being more suitable. As TRL JUNCTIONS is an empirical model, it is evident that its output is not to be compared to observed data, including with regard to queueing data at the junction in question. Local observations of the network were used to inform the VISSM model, which does include a validation stage that verifies journey times with a reasonable degree of precision, especially given that the appellant has utilised a 30 second margin for robustness rather than the 1 minute that the model allows. Both models are fit for purpose in respect of the modelling of these junctions.
65. The TRL JUNCTIONS modelling of the Hamble Lane/Portsmouth Road junction shows that this junction at the 2025 forecast date would already be operating very close to capacity, even without the traffic movements associated with the proposal. With the addition of the proposal, it takes it very slightly closer to capacity. This translates into delays at worst of an additional 2 to 3 seconds during the AM peak. The VISSM modelling results at the Satchell Lane/Hamble Lane and the Hamble Lane/Hound Road junctions show a greater delay during the AM peak of 9 seconds, again where the delay would be greatest. The queue lengths would increase by a maximum of 6 passenger car units (PCU).
66. With regard to the traffic impact, it would be unlikely that the change at the Hamble Lane/Portsmouth Road junction would be discernible, even with the junction operating at near capacity. It would though be more apparent at the Hamble Lane/Hound Road junctions due to additional delays of 9 seconds during the AM peak and as the 6 PCU car length increase would occur on Satchell Lane to the priority junction.

67. Paragraph 111 of the Framework states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Road safety was not the subject of substantive evidence on this issue. Nor are site access matters a particular matter of disagreement, as was established at the inquiry. Much time was though spent on the differing views of the main parties over what the second part of paragraph 111 means in practice. There is no definition of what severe means, nor explicitly of whether the impact concerns solely the proposal or also the baseline conditions.
68. In my view, in a reading of paragraph 111 the impact of the proposal needs to be considered in relation to whether it would be severe. However, this needs also to be compared to the current baseline. This follows the approach of the Inspector in the GE Aviation appeal decision⁶ that I was referred to.
69. The residual cumulative impacts on the road network would not be severe because of the delays that would result at the junctions where traffic modelling has been carried out. All additional delays compared to the baseline would be under 10 seconds and most would be substantially less than that. Paragraph 111 does not require that there should be no impact on the road network from a proposal, or indeed any adverse impact – it must be severe. That threshold has not been reached in this case. That was not the case with the GE Aviation decision but that proposal concerned a larger residential development than what is before me and so unsurprisingly would have likely lead to greater delays.
70. Taking such an approach would not in itself lead to a situation where incremental growth from different proposals could lead to an unacceptable traffic impact. Paragraph 111 refers to residual cumulative impacts. No such evidence has been put before me with regard to development elsewhere that would also contribute to such an impact. This is also a different situation from the GE Aviation decision which refers to background growth elsewhere.
71. While the appellant did not consider mitigation was necessary, a measure was put forward at the Satchell Lane/Hamble Lane junction to create additional storage space for vehicles turning in. The County Council raised some concerns over this measure, particularly in relation to how it may impact pedestrians crossing the junction and over visibility. In inspecting this junction, I would share these concerns and so I have not considered this measure any further.
72. I was also referred to where the supporting text in the Local Plan considers that there should be no significant additional development in the Hamble peninsula because of, in part, transport constraints. This is a recognition of the congested nature of Hamble Lane. However, this does not take the place of considering the individual traffic impact of a proposal and as I have set out above, the County Council did not present empirical modelling evidence on this matter despite its support for the position of the Borough Council.
73. I conclude that the proposal would not have an unacceptable effect on highway safety and the free flow of traffic by way of the traffic generation. Therefore, it would comply with Policy DM13 of the Local Plan where it refers to safe and

⁶ Appeal Ref: APP/W1715/W/20/3255559 GE Aviation, Kings Avenue, Hamble-le-Rice SO31 4NF

convenient access to the highway network and for the access arrangements to not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network, as well as its requirement for such development to be subject to Transport Assessment.

74. The proposal would also comply with paragraph 111 of the Framework. It is not a situation where the proposal should fail due to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Housing Land Supply

75. It is agreed for the purposes of paragraph 74 of the Framework that the housing requirement as set out in Strategic Policy S2 is the correct starting point against which to assess 5 year supply. The base 5 year requirement is 3,827 dwellings, including the application of a 5% buffer following the Council's most recent Housing Delivery Test result. Strategic Policy S2 also states that the Council will ensure a minimum 5 year supply (plus appropriate buffer) of deliverable sites across the Council area.
76. The dispute between the main parties concerns the Council's ability to demonstrate an up to date 5 year housing land supply (HLS) due to the amount of deliverable supply from sites in the Council's trajectory. In some cases the deliverability of the site has been questioned by the appellant within the 5 years from the base date, in others it is on the basis of the delivery rates being too optimistic.
77. The County Council's latest Calculation of Five-Year Housing Land Supply for the period of 2022 to 2027 (HLS Document) was published in August this year. The Council also produced more up to date evidence on the disputed sites prior to and during the Inquiry which I have had regard to in my decision, along with the appellant's evidence. The appellant was also afforded the opportunity to respond in writing to the Land west of Horton Heath site. This was due to the verbal evidence presented by the Council at the round table session. The appellant also provided a revised number of years supply figure.
78. For sites to be deliverable under the Framework, they 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 5 years. The term "realistic prospect" does not infer there is certainty or that it is more than probable that a site will be delivered.
79. Thereafter, there are two limbs to the definition under the Framework, although these do not necessarily exclude other types of site. Both main parties agree that it is not a 'closed list'. In this case, the sites which remain in dispute concern limb 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. Hence, 'clear evidence' of their deliverability is required.
80. The Planning Practice Guidance: Housing Supply and Delivery provides some examples of what clear evidence means. These include current planning status, firm progress being made towards the submission of an application and

clear relevant information about site viability, ownership constraints or infrastructure provision. Clear evidence can reasonably include the proformas submitted by developers or their agents for sites, but such evidence needs to be considered in the round. Whether a site meets the definition is a matter of planning judgment based on the evidence available. The same applies to the application of lead in times because whilst averages can provide a useful benchmark, clearly site specific information also needs to be considered.

81. While the Local Plan was prepared under the auspices of the 2012 Framework, the Council confirmed that how it calculated supply in its evidence to this appeal was made on the basis of the 2021 version with regard to the definition of deliverable. I was also referred to a number of appeal, Secretary of State decisions and consent orders over deliverability which I have had regard to in my deliberations.
82. There was agreement during the round table session that one of the sites that was formerly in dispute, the Former Eastleigh Post Office, 14 High Street was deliverable. There was also agreement over the number of deliverable dwellings on the Treetops, Allington Lane, Fair Oak site. The appellant also subsequently accepted that 300 dwellings (in total) were deliverable on the Land west of Horton Heath site. The Council's most up to date position is that it considers that it can demonstrate 5.1 years of deliverable supply, whilst the appellant's most up to date position is that the Council can deliver 3.9 years. I now consider the disputed sites and my conclusions regarding their delivery.

Land to the north and east of Winchester Street, Botley

83. This allocated strategic site is the subject of an outline planning permission. It is part of a number of sites in this location related to and funding the Botley by pass. It is intended that the site will be marketed under single ownership by the County Council, in 2023. Design details for the remaining sections of the by-pass and associated infrastructure is being progressed and so remain outstanding. This also includes dealing with overhead power lines.
84. As such, there is uncertainty over ownership and how this may impact on marketing, given that the County Council is having to address this matter with relevant third party landowners. It is not known who will develop this site as marketing has not taken place, nor when a reserved matters application may be made. Furthermore, the overhead power line issue needs to be progressed with the operator.
85. Accordingly, there is not clear evidence of deliverability within 5 years. I therefore favour the appellant's position that there will be no delivery over the 5 years.

Land west of Woodhouse Lane, Hedge End

86. This allocated strategic site which is owned by the County Council is the subject of a hybrid planning permission, of which the residential development was in outline form. It is also part of the sites in this location related to and funding the Botley by pass. It is being marketed in serviced parcels, including upfront investment involving a secondary school and a sports pavilion.
87. Reserved matters applications have been subsequently granted for associated infrastructure and the discharge of planning conditions related to tree protection and a foul pumping station has occurred. A housebuilder has been

selected for the first phase⁷, albeit that is subject to contract. However, the developer correspondence submitted by the Council indicates that the housebuilder is in the process of working up a reserved matters application for the first phase.

88. Marketing for the second phase⁸ has started and is expected to follow a similar process to the first phase. As a result, there is not an identified housebuilder for the second phase at the current time, nor an indication of reserved matters. The remaining phases are to be marketed together, although there is more limited information on this and it will include mixed uses, as well as a differentiated housing product and affordable housing.
89. While it is true that none of the detailed approvals relate to the residential development and I agree that some caution should be applied in relation to correspondence from developers, in this case the housebuilder has indicated that a reserved matters application for the first phase is close. When the housebuilder may take control of the site also needs to be seen in that context and there is no reasonable indication that this will not happen, given that the reserved matters application is under preparation.
90. The appellant has sought to query the housebuilder's build out rate, but based on the evidence submitted in relation to their outlets, it would be comparable to the first phase. In terms of delivery from the first phase, even if there was some slippage from 2023, the build rate could simply be increased towards the end of the five year period, where the rate for this phase falls.
91. However, there is not the same level of confidence for the second and third phases because of the greater uncertainty over the results of the marketing and when reserved matters applications may be made.
92. In considering these matters, I accept that there is clear evidence of deliverability within 5 years for the first phase, but not the second and third phases.

Land west of Allbrook Way, Knowle Hill

93. This allocated site has been the subject of an outline planning application and there is a resolution to grant outline planning permission. This is subject to the signing of a Section 106 Agreement and discussions with NE due to sediment loading in the River Itchen. A wetland solution is proposed. The site has been marketed by the landowner and the Council understand that the owner is close to a sale with a housebuilder.
94. Based on the evidence before me, there is not a planning permission, NE matters remain outstanding and the Section 106 Agreement has not been signed. If and when permission is granted, there will still need to be the submission of a reserved matters application for which there is no timescale, especially given that it is not clear who the housebuilder is. No evidence of correspondence with that developer of the site forms part of the Council's case.
95. On this basis, there is not clear evidence of deliverability within 5 years. I favour the appellant's position that there will be no delivery over the 5 years.

⁷ Known as Phase 2

⁸ Known as Phase 1

Land west of Horton Heath

96. The site is allocated under the Local Plan. It has permission for 1400 dwellings across 2 separate permissions. Subsequent to that, an outline planning application was submitted for 2500 dwellings and varying types of associated infrastructure. Alongside, a full application was submitted for 381 units in the first phase. Both have Planning Committee resolutions to grant. Highways infrastructure for the north and south accesses has been completed and there is a further resolution to grant for a link road.
97. The Council is the owner and developer of the site. A development team has been appointed to deliver the site in a number of phases. There will be different outlets within most phases which the Council consider will speed up delivery, along with the tenure mix that will comprise a majority for either affordable or private rented. The Council will maintain the ability to vary the tenure mix.
98. I was informed at the round table session that both the outline and full planning applications are pending the signing of a Section 106 Agreement. The delay since the Committee resolutions seem principally due to NE objections over the effect on EPS, related to concerns over the proposed mitigation. It is not my role to comment on the merits of either the Council and NE's position in relation to the related Appropriate Assessments for these sites. However, the Council made it quite clear that it considers that its approach is valid and intends to proceed to approve these applications. That is for the Council to decide as the Competent Authority and the Local Planning Authority.
99. The build rate is ambitious and the appellant has questioned the Council's ability to achieve this in relation to its track record, and cited delivery rates of housebuilders on other sites and national research that has been carried out in this regard. In this case, this will be dependent on multiple outlets being delivered at the same time, but the Council is geared up in relation to how it will deliver the site through dealing with multiple construction contracts also at the same time. It is clearly putting considerable resources into delivering the site.
100. With the lead in times, I am satisfied that the 381 dwellings that are the subject of the full application will be delivered within the 5 years. An outline permission will necessarily need to be followed by reserved matters applications and at pace, but with the resources and proactive approach that is being taken with this site, there will also be some completions from further phases within the 5 years. The Council has not sought to include all the units from the phases 2 to 4 that it has identified, and the proportion and timing of delivery from these phases is not unreasonable given that it is expediting delivery.
101. As such, I favour the Council's position in relation to the number of dwellings that will be delivered over the 5 years.

Kings Copse Avenue, Botley

102. The site has been allocated under the Local Plan. It does not benefit from a planning permission, nor has a planning application been submitted. Site assessment work has commenced, as has the marketing of the site to a single buyer. The site is owned by the County Council.

103. The Council has made assumptions over the time for both preparation and determination of a future planning application by factoring in 24 months for the planning process. However, given the early stage of this site in the development process, there is a great deal of uncertainty over whether this site will come forward within 5 years, even if only on a partial basis as the Council has indicated.
104. As a consequence, there is not clear evidence of deliverability within 5 years. I favour the appellant's position that there will be no delivery over the 5 years.

Council Housing Programme

105. The Council's Housing Programme seeks to bring forward windfall housing sites on land that the Council owns in order to boost supply. Of course, this does not constitute a decision of the local planning authority and the 3 sites⁹ in question have not formally been through the planning process. It does however indicate that the Council is seeking to proactively bring forward these sites. They have been the subject of pre-application advice.
106. The sites are all modest in terms of scale and numbers. This should aid delivery and even though they have not been through planning, there is clearly impetus through their delivery under the Council's housing programme.
107. As a result, I consider that there is clear evidence of delivery within five years and so I favour the Council's position on these 3 sites.

Windfall Allowance

108. The dispute over the windfall allowance concerns years 3,4, and 5 of the HLS period and the application of the Council's historic windfall delivery rates. The use of such rates has to be realistic, in line with paragraph 71 of the Framework. The appellant has pointed to the exceedance of the historical rate in the Council's trajectory, whilst the Council has stated that it has considerably exceeded the historical rate on a number of occasions.
109. The Council's windfall allowance reflects small sites that have not been identified but instead will arise through the course of the submission of planning applications. This sets the windfall allowance apart from the small sites that are found in the Council's HLS Document. It would result in an exceedance of the historical rate in particular in year 3 when both would apply. This is not a substantive reason to reduce the small site contribution so that the historical rate is maintained, given that both will come forward. I therefore favour the Council's position.

Conclusion

110. I find that housing completions will not be made within 5 years at Land to the north and east of Winchester Street, Botley; Land west of Allbrook Way, Knowle Hill; and Kings Copse Avenue, Botley. The site where I consider that housing completions will be made within 5 years but alterations need to be made to the Council's delivery rate is at Land west of Woodhouse Lane, Hedge End.

⁹ Land at 30-32 Queens View, Netley; Land at 237 Chamberlain Road, Eastleigh; and Land at Station Road (Arch Theatre), Chandlers Ford

111. No alteration is to be made to Land west of Horton Heath and the sites in the Council's Housing Programme. With regard to these sites, the Council is clearly taking a proactive stance and in particular with Land west of Horton Heath the Council is committing a significant amount of resource to deliver a substantial development. This weighs significantly in my view with regard to demonstrating clear evidence of delivery. No alteration is to be made to the windfall allowance.
112. Overall, this results in a reduction of 337 units from the Council's trajectory. This means that the Council supply of deliverable sites is 4.7 years.

Benefits

The Provision of Housing and Mix

113. The proposal would make a contribution of 61 units towards the Council's minimum housing requirement figure and it would support the Government's objective under the Framework of significantly boosting the supply of homes. It would assist in reducing the shortfall against the deficit in the Council's 5 year HLS position, whilst also accepting that the extent of the shortfall is moderate. It would provide for a housing mix with the provision of both general market and affordable housing, and a variety of types of houses. Housing provision and mix attracts significant weight as a benefit.

Affordable Housing

114. Although the provision of 35% of the units as affordable housing would be required to ensure that the proposal would accord with Policy DM28 of the Local Plan, it would also have the greater benefit of enabling provision for those who would not be able to obtain general market housing.
115. The Council's affordable housing Local Plan target and monitoring data shows for the most recent years that the target has been exceeded. While clearly the Council is making good progress, it is a minimum target and those who are in need of affordable housing can be in an acute state related to homelessness, overcrowding or living in properties that are not fit for habitation, amongst other unacceptable situations. It is therefore necessary to consider both the Local Plan evidence and the housing register/waiting list. Overall, there is need for continued affordable housing provision so that all those in need can be adequately catered for. The delivery of affordable housing is also a corporate priority.
116. In taking these considerations together, affordable housing attracts significant weight as a benefit.

Economic Benefits

117. The proposal would benefit the economy through construction. The future occupiers would also support the economy through their expenditure and sustain existing services. Both the construction and operational phases would no doubt result in further employment. The proposal would also contribute towards broader economic growth through increased housebuilding. This accords with Central Government's economic objectives and at a time when it is fair to say that the country is facing economic challenges. Whether this is an appropriate, or 'right', location is though dependent on my views on suitability with regard to development plan and national planning policy.

118. With regard to the Framework, it would align with the aim of helping to build a strong and competitive economy. The weight to be attached to a specific proposal as regards supporting economic growth depends on its particular contribution within the broader ambit of where paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth and productivity. The economic benefits attract significant weight in its favour.

Biodiversity Net Gain

119. The proposal would provide for 10% Biodiversity Net Gain (BNG). As it stands, there is not a specified level of gain that is required to be provided under the policy framework. Policy DM11 of the Local Plan looks for a net gain of biodiversity on all development sites, whilst paragraph 174 of the Framework sets out that planning decisions should contribute to and enhance the natural and local environment by, amongst other matters, minimising impacts on and providing net gains for biodiversity. Paragraph 180 also refers to securing measurable net gains for biodiversity.
120. The appellant has assessed the biodiversity net change on site through applying DEFRA's Biodiversity Metric 3.1, which is a credible tool to aid decision-making on this issue. The net loss has then been calculated, as has the number of off-site units that would be needed to include the 10% gain. The units would be created in a site in the New Forest.
121. While there would be some loss of ecological value of the site by virtue of the proposal, this would be limited and more than compensated for through the BNG. As it would be a 10% gain, it would also exceed what is currently required under policy. As such, the BNG is a benefit. It attracts moderate weight in favour of the proposal.

Other Benefits

122. I would accept that some of the measures that are the subject of the Section 106 Agreement would give rise to a modest benefit because they would potentially have some advantage simply beyond mitigating against the needs of the future occupiers. They would also benefit existing residents. These include community infrastructure, public art, public open space (or recreational open space) and footpath improvements. The highways contribution measures would also be of such a benefit where they relate to bus travel, and improvements to pedestrian and cycle links.
123. A number of other purported benefits that have been put forward attract neutral weight. Matters in relation to accessibility of services are required to demonstrate policy compliance and I am not persuaded there is anything beyond this which is of a particular benefit. The same applies as regards that the site is not of high landscape value and the retention of boundary trees and hedges, in particular as I have found limited harm on character and appearance grounds, including design quality.

Other Matters

Previous Appeal Decision

124. The previous planning permission allowed on appeal concerned an outline scheme for up to 70 dwellings, with matters apart from access reserved. That permission has now lapsed.
125. The main issues in that appeal concerned the effect of that proposal on the character and appearance of the area, and whether the appeal site was sustainable in locational terms, having regard to the proximity and accessibility to local services and facilities. The Inspector also considered the settlement boundary issue, where the site at that time also was outside of it. The issues were considered against the policies of the then development plan, the LPR, and the version of the Framework that was in operation at that time.
126. My conclusions in relation to the character and appearance are similar to that of the previous Inspector who considered there was limited harm and conflict with the policies at that time. The same applies in relation to the accessibility to services in that the previous Inspector also found that proposal to be not unacceptable on this issue. As the previous scheme was in outline form, design quality was not before that Inspector and nor were highway safety related matters. As the Council has pointed out, there was a greater expectation at that time that the Hamble Lane Improvement Scheme measures would be implemented.
127. Matters in relation to EPS and Appropriate Assessment were dealt with in a different way in as far as it meant that the presumption in favour of sustainable development under the Framework at that time could not apply, even though the Inspector found there would not be an adverse effect. The Council could demonstrate a 5 year supply of deliverable housing sites at that time.
128. The appellant considers that there has been little change in relation to the development plan policies, including that the settlement boundary has not changed. However, the Local Plan sets out how much and what type of new development should be provided over the plan period and development principles guiding where it should be located. The Strategic Policies that it sets out are as a consequence of this. It is not simply the case of the settlement boundary being rolled forward into the Local Plan because this forms part of a broader more recently derived spatial strategy and over a different plan period.
129. The Local Plan at the time of the previous decision was only at an emerging stage and was given limited weight. The spatial strategy that the Council has embarked on through the Local Plan was not therefore a matter which that Inspector dealt with substantively. The Local Plan is therefore a considerable change in circumstances since the last appeal decision. In making a planning judgment, I am therefore entitled to reach my own conclusions in light of the adoption of the Local Plan in this regard and the weight which should be attached to the harm that arises.
130. The Inspector did find that the countryside policies of the former development plan were out of step with national policy, but consistency of the current policies with the Framework is not a matter that has been put to me. This is perhaps unsurprising given that the Local Plan was only adopted in April 2022. I deal with the HLS implications, which are also different from the

circumstances at the time of the previous decision, in my planning balance and conclusions.

European Protected Sites

131. The New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site lie around 6km from the site. These designations relate to their habitats and species including birds, amongst others. The Solent and Dorset SPA, Solent and Southampton Water SPA and Ramsar Site, and the Solent Maritime SAC (Solent Sites) start approximately 180m from the site. These designations relate to their internationally important populations of bird species and habitats. It is not in dispute that the proposal is likely to have a significant effect on the internationally important interest features of the EPS, alone or in combination with other plans and projects.
132. There is agreement between the main parties and NE that a financial contribution towards the New Forest National Park Authority Habitat Mitigation Scheme would adequately mitigate recreational in-combination effects. With regard to 'in-borough' mitigation, there is not agreement between the Council and NE over the Council's related interim strategy. NE has suggested that the appellant could overcome this remaining part of its objection through bespoke mitigation, taking the form of Suitable Alternative Natural Greenspace.
133. Mitigation has not been put forward by the appellant in this form. However, the Section 106 Agreement provides for the New Forest Mitigation Strategy to be submitted to the Council for approval and which must be approved before development commences. Accordingly, this would provide the Council with the means to ensure that mitigation would be provided in relation to in-combination and 'in-borough' effects.
134. Nutrient loading of the Solent Sites would be mitigated off-site by way of a wetland creation scheme known as Meon Springs. The operator of that scheme has confirmed there is sufficient capacity and that the proposal has been provisionally allocated. A Nitrate Mitigation Strategy also forms part of the Section 106 Agreement. Surface water would be mitigated on site through permeable paving and storage provided by ponds and underground tanks, as well as measures built into the landscaping and treatment filters.
135. Recreation pressures on the Solent Sites would be mitigated by way of a financial contribution through the Section 106 Agreement based on the Solent Recreation Mitigation Strategy and the Council's Planning Obligations Supplementary Planning Document. Noise and vibration effects would be mitigated through the implementation of a Construction Environmental Management Plan.
136. Taking account of the above, the proposal would not have an unacceptable effect on the biodiversity interests of the EPS. Consequently, it would comply with Policy DM11 where it sets out to protect, conserve and enhance international designated sites and with the Framework where it concern sites of biodiversity, principles when determining applications and the protection that is afforded to habitats sites.

S106 Agreement Obligations

137. The obligations in the S106 Agreement bind the owner to covenants with the Council and the County Council. They concern contributions for community

infrastructure, healthcare, public open space, public art, the Solent Recreation Mitigation Partnership, air quality monitoring, highway contributions, a Traffic Regulation Order and footpath improvement. The obligations also concern affordable housing provision, on site open space land and play area, highway works, and Nitrate and New Forest Mitigation strategies.

138. The highway contributions include Hamble Lane Corridor improvements. As I have set out earlier in my decision, there is uncertainty over whether these will now occur. However, the contribution also includes bus subsidisation and infrastructure, and improvements to pedestrian and cycle links where such monies could be spent. Hence, the contribution is justified in this regard.
139. The highway works are concerned with access junction design and immediately associated works. If I was minded to allow the appeal, this could be ably dealt with through a 'Grampian' type planning condition. The Highway Authority also has its own powers in this regard under Sections 38 and 278 of the Highway Act 1980. This obligation is not thus justified.
140. Having regard to the evidence before me, it has been demonstrated that all of the obligations apart from the highway works are necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in paragraph 57 of the Framework and the Community Infrastructure Levy Regulations (as amended, 2019), where they apply to each of the obligations. As a result, I have taken them into account in my decision. They address matters that are set out in the Council's fifth, sixth and seventh reasons for refusal.

Agricultural Land

141. Under the Agricultural Land Classification, the site is 3b. For the purposes of the Framework, it does not therefore constitute the best and most versatile agricultural land. The site is in any event in use for horsiculture. The loss of such land therefore attracts limited weight in my decision.

Planning Balance and Conclusion

142. With the conflict that I have identified with the development plan policies, the proposal conflicts with the development plan as a whole. Strategic Policies S1, S2, S3 and S5 are central in such a judgment because they deal with whether a proposal would be in a suitable location for housing as part of the spatial strategy of the development plan. The proposal would be in conflict with these policies.
143. The proposal would also not comply with Strategic Policies S1, S5 and S9, and Policies DM1 and DM33, as regards character and appearance, including design quality. The conflict would be limited given the level of harm that would arise. There would not be conflict with Strategic Policies S11 and S12 and Policy DM13 as regards character and appearance, including design quality, accessibility to services and highway safety related issues. These policies, along with the abovementioned Strategic Policies, are all consistent with the Framework.
144. The Council cannot demonstrate a 5 year supply of deliverable housing sites and so the policies which are most important for determining the application, namely the abovementioned Strategic Policies related to the spatial strategy,

are out-of-date. Even though the shortfall is moderate, it results in paragraph 11 d) ii. of the Framework being engaged. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. That the Local Plan is recently adopted does not prevent the application of paragraph 11 d) ii., with regard to how the presumption in favour of sustainable development operates.

145. In relation to the adverse impacts, the proposal would not be in a suitable location for housing and would have a limited adverse effect on the character and appearance of the area, including design quality. It would not comply with the spatial strategy of the development plan. I have found conflict with the policies in the Framework. I find the harm, when taken together, to be very significant. Set against this would be the addition of 61 dwellings to the housing provision and mix, the contribution to addressing the moderate shortfall against the 5 year HLS, the provision of affordable housing and the economic benefits. When these are considered with the other more moderate and modest benefits, overall, they attract significant weight in my decision.
146. I have taken into account the relevant matters in relation to the economic, social and environmental objectives of the Framework, notwithstanding these are not criteria against which every decision can or should be judged.
147. Taking these matters together, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the application of paragraph 11 does not indicate that permission should be granted. The proposal does not benefit from the presumption in favour of sustainable development.
148. In coming to my conclusion, I have considered all relevant matters that have been raised. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Stinchcombe	Of Kings Counsel, instructed by Helen Devereux, Legal Services Manager, Eastleigh Borough Council
<i>He called</i>	
Councillor Keith House HonRTPI	Leader of the Council, Eastleigh Borough Council
Mr Gary Osmond BA Arch, MA LRTPI	Senior Planning Officer, Eastleigh Borough Council
Mrs Robyn Butcher BA(Hons) Dip LA, FLI	Director, The terra firma consultancy
Mr Matt Grantham BA(Hons),MSc	Principal Development Management Officer, Hampshire County Council
Mrs Emily Howbrook MRTPI, AssocRICS, CertCIH	Strategic Development Manager, Eastleigh Borough Council
Miss Rebecca Altman BA(Hons), MSc MRTPI	Principal Planning Officer, Eastleigh Borough Council
Mr Lloyd Exley MSc	One Horton Heath – Strategic Development Manager, Eastleigh Borough Council – consultancy basis (Spoke during the Housing Land Supply Round Table Session)
Mr James Ansell	Senior Project Officer Land Supply, Eastleigh Borough Council (Spoke during the Housing Land Supply Round Table Session)
Julia Davies	Senior Solicitor, Eastleigh Borough Council (Spoke during the Planning Obligations Round Table Session)

FOR THE APPELLANT:

Mr Christopher Boyle	Of Kings Counsel, instructed by Woolf Bond Planning LLP
<i>He called</i>	
Mr Luke Hillson, BSc(Hons), PGDip MRTPI	Design Director, Stantec
Mr Jeremy Smith BSc(Hons), Dip LA, CMLI	Director, SLR Consulting Limited
Mr John Wilde BEng(Hons), MIHT	Director, Charles & Associates Consulting Engineers Limited
Mr Mark Rose BSc(Hons), MSc, MCIEEM	Associate Ecologist, CS Environmental
Mr Steven Brown BSc(Hons), DipTP MRTPI	Principal, Woolf Bond Planning LLP

Mr Graham Ritchie, BSc(Hons), DipTP	Associate, Woolf Bond Planning LLP <i>(Spoke during the Housing Land Supply Round Table Session)</i>
Stephen Ball	Solicitor and Partner, Marshalls Solicitors <i>(Spoke during the Planning Obligations Round Table Session)</i>
Steve Carrington	FHL Planning <i>(Spoke during the Site Visit)</i>

INTERESTED PARTIES:

Lis Robinson
Amanda Jobling
Cllr Liz Jarvis

Phil Riley

Jennie Austin

Local Resident
Hamble Parish Council
Eastleigh Borough Councillor for Hamble and Netley
Local Resident (and spoke on behalf of Jennie Austin)
Local Resident *(Spoke during the Site Visit)*

INQUIRY DOCUMENTS

- 1 Illustrative Landscape Masterplan SL1-REV B
- 2 Letter and attachments from Persimmon Homes Limited, dated 19 November 2022 (submitted 18 October 2022)
- 3 Hamble Parish Council spreadsheets
- 4 Supplementary Ecology Statement, dated October 2022
- 5 Opening Submissions on behalf of the Appellants
- 6 Opening Submissions on behalf of Eastleigh Borough Council
- 7 Statement by Cllr Liz Jarvis
- 8 Jennie Austin statement
- 9 Lis Robinson statement
- 10 Appellant Name details
- 11 Hampshire County Council highway boundary plans
- 12 Details of the Council's representatives at the Housing Land Supply round table session
- 13 Biodiversity Interests round table session agenda (EBC and Appellant Notes)
- 14 Letters from Natural England dated 31 October 2022 concerning, respectively, planning ref: O/20/89498 land at Burnetts Lane, Fir Tree Lane and Allington Lane, Eastleigh and planning ref: F/20/89500 Land west of Burnetts Lane, Eastleigh, SO30 2HH
- 15 Agreement Pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 relating to land at Satchell Lane, Hamble-Le-Rice, Southampton – Draft version
- 16 Landscape and Visual Comparison Tables Version No: V4, dated November 2022
- 17 Costs Application on Behalf of the Appellants
- 18 5yr Housing Land Supply Response Note: Horton Heath on behalf of Foreman Homes Ltd, dated 7 November 2022
- 19 Suggested parking location and site visit route
- 20 Response of Eastleigh Borough Council to the Appellant's Costs Application
- 21 CIL Compliance Statement (updated 13 October 2022)
- 22 List of Suggested Conditions-update 27 October 2022
- 23 Costs Application Reply on Behalf of the Appellants
- 24 Landscape and Ecological Management Plan, dated December 2020
- 25 Closing Submissions on behalf of Eastleigh Borough Council
- 26 Closing Submissions on behalf of the Appellants

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE INQUIRY

- 27 Agreement Pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 relating to land at Satchell Lane, Hamble-Le-Rice, Southampton – Completed version
- 28 Natural England response to the Supplementary Ecology Statement, dated 28 November 2022
- 29 Appellant reply to Natural England response, dated 29 November 2022