



Appeal Decision

Inquiry held on 25 and 26 March 2025

Site visit made on 26 March 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2025

Appeal Ref: APP/C1760/W/24/3354052

Land East of Halterworth Lane, Romsey, Hampshire SO51 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Test Valley Borough Council.
 - The application Ref is 24/00174/OUTS.
 - The development proposed is the demolition of existing buildings and the erection of up to 270 dwellings, including affordable housing, with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage systems (SuDS) and vehicular access points. All matters reserved except for means of access.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the demolition of existing buildings and the erection of up to 270 dwellings, including affordable housing, with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage systems (SuDS) and vehicular access points. All matters reserved except for means of access at land east of Halterworth Lane, Romsey, Hampshire SO51 9AE in accordance with the terms of the application 24/00174/OUTS, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

2. The planning application the subject of this appeal was for outline planning permission with all matters reserved for future consideration except for access. I have considered the appeal on the same basis. The development framework and the parameter plan have been considered as indicative only.
3. With agreement, the appellant submitted a signed Unilateral Undertaking (UU) after the Inquiry. This is a material consideration which I return to later in my decision.
4. The application was accompanied by an Environmental Statement (ES). I am satisfied that the ES reasonably meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. I have had regard to it in deciding the appeal.
5. Prior to the Inquiry, the Council advised that following the publication of the revised National Planning Policy Framework (the Framework) in December 2024 it is no longer able to demonstrate a five year supply of housing land and therefore

paragraph 11dii of the Framework is invoked. As a result, it considered that the adverse impacts would not outweigh the benefits and therefore it would not be providing further evidence regarding its reasons for refusal concerning the location of the development and the effect of the development on the character and appearance of the area and the strategic gap. Furthermore, agreement has been reached on the 12 other reasons for refusal subject to the submission of an acceptable legal agreement.

6. Following the publication of the Framework, the Council is in the process of preparing a new Local Plan as it confirmed it is no longer proceeding with the draft Local Plan on which it undertook Stage 2 of the Regulation 18 consultation between February and April 2024. At this very early stage it attracts no material weight for the purposes of this appeal.
7. Therefore, with agreement, I held roundtable discussions at the Inquiry to allow my questioning of the evidence and for interested parties to put forward their views. In that context the main issues are:
 - whether the appeal site would be acceptable for the provision of housing having regard to local and national planning policies that seek to manage the location of new development;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the strategic gap; and
 - the effect of the proposal on highway safety.

Reasons

Location

8. Policy COM2 of the Test Valley Borough Revised Local Plan DPD Local Plan 2011-2029 adopted 2016 (the Local Plan) sets out the settlement hierarchy for the Borough with development directed to the settlements with the widest range of facilities and good accessibility. Each settlement has a boundary within which development will be permitted provided it is appropriate to other policies of the Local Plan. Outside of the settlement boundaries land is classed as countryside.
9. The appeal site is outside the settlement boundary of Romsey, defined as a major centre. The proposal for 270 houses does not fall within any of the permitted development types in the countryside, bringing it into conflict with Policy COM2.
10. There is no dispute between the parties though that the proposal is in an accessible location with footpaths and bus routes available to the services and facilities in Romsey. I see no reason to disagree.

Character and appearance and strategic gap

11. The appeal site is located within the defined Local Gap between Romsey and North Baddesley. The purpose of the Local Gap is to define the relationship and sense of place between the two settlements to prevent them merging.
12. I saw at my site visit that there is no visual relationship between Halterworth Lane, where the appeal site is located, and North Baddesley. The Gap is visually most apparent along Botley Lane where it is at its narrowest. Even so, I observed that

the Gap is still legible, particularly to the north of Botley Road, where, notwithstanding the presence of solar panels, the area is predominantly open and rural in nature.

13. The development of the appeal site would not physically bring housing closer to North Baddesley, given the existing built form and its relationship to the village. However, it would reduce the physical extent of the Gap as it would extend at its widest point by about 280 metres. Nevertheless, given the extent of the land to the north of Botley Road it would not diminish the physical separation to a materially unacceptable degree. I note the comments of the Council and interested parties that given that the proposal would be visible by residents of Halterworth Lane, the Primary School and users of the Public Right of Way (PROW), which dissects the appeal site, there would be an impact on the perception of the visual separation of the settlements. However, given that North Baddesley would not be visible in those viewpoints I do not consider that the development would diminish the visual separation to a material degree to bring it into conflict with Policy E3.
14. I was advised that there are proposals to extend the industrial park along Botley Road. Nevertheless, given the location of that industrial park relative to the appeal site I am satisfied that either individually or cumulatively the integrity of the Gap would not be compromised.
15. The area to the east of Halterworth Lane, where the appeal site is located, forms typical open countryside with vast expanses of open fields with a mixture of grazing land and arable production. Field boundaries are mainly formed by hedges with trees within them. Built form can be seen sporadically dotted within the countryside. Halterworth Lane and Botley Lane predominantly form the eastern extents of Romsey largely characterised by detached houses/bungalows set back from the road with well stocked gardens. To the west of Halterworth Lane are modern housing estates. The area therefore has a suburban, edge of town character and appearance in the transition zone to the open countryside which is clearly visible from Halterworth Lane.
16. There will be an inevitable change to the character and appearance of the area given the proposal to erect 270 houses on open fields. The development would extend built form into the open countryside to the detriment of its character and appearance.
17. I noted at my site visits that properties along Halterworth Lane are visible along the settlement edge when walking towards Romsey along the PROW. Those on Botley Road are less so due to more extensive vegetation cover. The proposal would extend that settlement edge into the countryside but would include a landscaped buffer edge such that when the landscaping matures the development would present a soft edge to the countryside and development would be seen in the context of existing built form. Furthermore, the Development Framework shows those areas closest to Halterworth Lane to be largely devoid of development with the retention of existing trees and hedgerow thereby allowing the character of Halterworth Lane to be retained to some degree. Overall, most existing landscape features would be retained including hedgerows marking field boundaries and trees preserving the landscape character. An exception would be where the two proposed access roads would puncture the hedge to Halterworth Lane. While these would be only short lengths, their loss would be to the detriment of landscape character.

18. There will be a harmful impact on the users of the PROW which traverses the appeal site. I experienced this as a pleasant country walk between Halterworth Lane and Highwood Lane. This will be replaced by a walk through a housing estate from Halterworth Lane before the open countryside is reached. Hence, there would be a major adverse effect for users walking in either direction. The PROW could be encompassed into a landscaped setting, nevertheless it would still be routed through housing. Therefore, even after 15 years there would still be a moderate adverse impact for users.
19. A similar impact will be experienced by residents of Halterworth Lane, particularly those on the east side backing onto the appeal site together with the users of the primary school. Here views of open fields would be replaced with housing, albeit it would be interspersed with landscaping and there would be landscaping along rear boundaries. Nevertheless, the view would be predominantly of built form. Elsewhere, views into the site would be glimpsed only and largely mitigated by distance and existing vegetation.
20. Drawing all the above together, the proposal has a limited visual envelope due to existing development, landform and vegetation. There would be major adverse localised visual effects in the first instance reducing to moderate over time when the landscaping matures. Furthermore, the local landscape would be materially harmed to a moderate degree. Consequently, while I have found that there would be no materially harmful impact on the Local Gap and therefore no conflict with policy E3 of the Local Plan, for the reasons above I conclude that the proposal would harm the character and appearance of the area bringing it into conflict with Policy E2 of the Local Plan which requires that development does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located.
21. I have assessed this proposal against the submitted Development Framework, While this is for indicative purposes only, it shows one way in which the appeal site could be developed. A condition could be imposed to ensure that the submitted reserved matters generally conform with the Development Framework.

Highway Safety

22. Agreement has been reached between the appellant and the Council regarding highway matters such that Hampshire County Council as the Highway Authority (the HA) raise no objection to the proposal. However, residents remain concerned particularly regarding the use of Highwood Lane and Halterworth Lane given the local characteristics.
23. I spent some time in the area and especially on Halterworth Lane at both drop off and pick up times at the schools and at peak hours for traffic. I observed parking on Halterworth Lane from early morning with a steady trickle of drop off to the school on Halterworth Lane as well as people dropping off pupils to walk to other schools in the area. The same was true in the afternoon. Consequently, Halterworth Lane, already a narrow road, is effectively reduced to a single carriageway forcing drivers to wait to get through and make progress. I do not doubt residents assertions that there have been accidents and collisions, notwithstanding no reports of accidents resulting in injury.

24. At the same time I drove along Highwood Lane a number of times and noted the lack of footway along much of the length, its narrowness and the introduction of chicanes to slow traffic down.
25. I appreciate therefore the circumstances that have led to residents being concerned about these proposals and how residents consider these to be busy roads given the steady stream of traffic at these peak times. Nevertheless, it was confirmed at the Inquiry that all necessary committed and known proposed development had been taken into account when preparing the appellant's Transport Assessment (the TA). The TA demonstrates to the satisfaction of the HA that there would not be a severe impact on the road network as required by paragraph 115 of the Framework.
26. The greatest impact would be on the Botley Road/Halterworth Lane junction which would impact on the school pick up and drop off. There would be an additional 94 two way trips in the AM peak period between 0800-0900. While I saw that parking and drop off at the school started at around 0730, the peak intensity of cars was between 0830 and 0900 with a slight increase in intensity around 0745-0800. Nevertheless, I am satisfied that the worst case scenario when there would be 94 additional two way trips would be when there would be the maximum activity at the school. The additional traffic would amount to around three trips every two minutes which is not a significant amount. In the afternoon there would be an additional 65 two way trips coinciding with the peak picking up time, which is around one trip per minute, again not a significant amount over and above the existing conditions.
27. While therefore I acknowledge the local conditions experienced by residents, I am satisfied that the proposal would not generate an amount of traffic which would significantly materially worsen the situation which although is busy at school drop off times, is not, in my view, inherently unsafe. Furthermore, the safety audit for the proposal identified that parking on Halterworth Lane would have the potential to interfere with the visibility splays for the new accesses. To address this it has been agreed that the appellant will contribute to a Traffic Regulation Order (TRO) to allow for further parking restriction on Halterworth Lane. This will be replaced by parking within the development reserved for a park and stride facility for the school. This will also provide additional parking which may help relieve the parking issue on Halterworth Lane. I appreciate the residents' concerns regarding the availability of resources to police the traffic regulations. However, there is little within the remit of the appellant that can address that issue. Moreover, the proximity of the appeal site to the primary school should mean that most pupils are able to walk to the school. This together with a contribution towards the school travel plan and other accessibility measures should contribute to an overall reduction in the use of the car.
28. One of the improvements would be to the PROW crossing the site, to widen and surface it to make it a bridleway which can be used by cyclists. I recognise that a cyclist or pedestrian would have limited options to proceed on foot or cycle on reaching Highwood Lane given its shortcomings. However, the enhancement is supported by the HA and will be part of a package of improvements which will contribute to improving accessibility overall. The HA also raise no concerns with regard to any increased use of Highwood lane.
29. Concerns were also raised about the construction phase and the implications for residents in terms of noise and disturbance from delivery lorries at unsocial times

as well as during school pick up and drop off times. A condition could be imposed regarding the management of the construction phase which would reasonably control the time of deliveries.

30. Therefore, the submitted substantive evidence indicates that there would not be a materially harmful impact on highway safety caused by the development, a view shared by the HA. From my observations on site I see no reason to disagree. Therefore, for the reasons above I conclude that the proposal would not be materially harmful to highway safety. Consequently, there is no conflict with Policy T1 of the Local Plan which requires that development does not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network or rights of way network.

Other Matters

European Designated Sites

31. The appeal site is located in proximity to a number of European protected sites, namely the Solent and Southampton Water Special Protection Area (SPA) and Ramsar, Solent Maritime SAC, Chichester and Langstone Harbours SPA/Ramsar, Portsmouth Harbour SPA and Ramsar, River Itchen SAC, the New Forest Special Area of Conservation (SAC), New Forest SPA and Ramsar, Emer Bog SAC and the Mottisfont Bats Special Area for Conservation (SAC).
32. The New Forest protected sites are primarily designated for the vegetation they contain and the species they support. It is vulnerable to damage from visitors through disturbance of nesting birds, trampling, contamination and fire. The appeal site is within 13.6km of the New Forest SPA and SAC and as such the increase in population is likely to have a significant effect on the integrity of the protected sites due to increased visitor numbers and the consequent implications for disturbance.
33. The Solent and Southampton Water SPA sites are primarily designated due to the bird species the habitat supports. There is evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites.
34. The erection of 270 houses would result in an increase in wastewater entering the system which would likely have a significant effect on the integrity of the suite of designated sites.
35. The Mottisfont woodland supports an important population of the rare Western barbastelle bats. It is one of only six known maternity sites in the UK and the only one in Hampshire. Mottisfont contains a mix of woodland types including hazel coppice with standards, broadleaved plantation and coniferous plantation which the bats use for breeding, roosting, commuting and feeding.
36. The appeal site is located about 7.31km from the application site. Therefore the development would have no direct impact the habitats or the roosts in the SAC. However, barbastelle bats disperse widely from their roosts; studies have identified that areas of higher-value barbastelle bat foraging and commuting habitat (such as wooded river corridors, riparian habitats, and deciduous woodland) within 7.5km of the SAC boundary may potentially be important for the Mottisfont population and therefore development that would result in impacts to such habitats may potentially

have a likely significant effect on the SAC by virtue of reducing or causing a deterioration in quality of important areas of barbastelle habitat outside the SAC.

37. The appellant's Ecological Impact Assessment found that only a very small percentage (0.69%) of the bats observed at the appeal site were barbastelle bats with most passing by, commuting through or around the site. From the evidence before me I am satisfied that the proposal would not have a harmful effect on habitats so described, given the lack of woodland and significant water environments on the appeal site. Therefore, the proposal would not have a likely significant effect on the integrity of the Mottisfont Bats SAC.
38. That is not to say though that other bats may be affected. However, loss of habitat would be minimal with the vast majority of hedgerows/trees being retained. There are no buildings on the site that support roosts. Finally, a condition can be imposed to ensure lighting does not have a harmful impact on habitat and foraging opportunities.
39. The Emer Bog SAC is situated within a wet hollow, supporting scattered willow *Salix* sp. scrub as well as open bogland supporting species including bottle sedge *Carex rostrata*, marsh cinquefoil *Potentilla palustris*, common cotton grass *Eriophorum angustifolium* and bogbean *Menyanthes trifoliata*. Rush pastures on the edges of the bog support White sedge *Carex curta*, soft rush *Juncus effusus* and sharp flowered rush *J. acutiflorus*, as well as the two bog moss species *Sphagnum fimbriatum* and *S. squarrosum*.
40. The main threat to the protected site has been identified as hydrological which includes retention of levels and unpolluted water. Other threats include maintenance of grazing and air quality levels. The Emer Bog and Baddesley Common Hydrological Desk Study has identified that the catchment area is restricted to approximately 500m around the SAC. The appeal site is 1.4km away. Therefore there will be no likely significant effects on the integrity of the SAC due to harm to hydrology.
41. To access Emer Bog by foot would require a 2.3 km walk from the appeal site, using routes where, even accounting for the improvements to the PROW crossing the appeal site, there are no further PROW but instead busy routes. This would be a deterrent to visitors from the appeal site. Furthermore, there will be green space on the appeal site for recreation as well as green spaces in the vicinity of it which would be more accessible. I am satisfied therefore that there will be no likely significant effect on the integrity of Emer Bog SAC due to increased recreational impacts.
42. Given that there will be likely significant effects to the integrity of the New Forest SPA and SAC and the Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC, Chichester and Langstone Harbours SPA/Ramsar, Portsmouth Harbour SPA and Ramsar, River Itchen SAC I have carried out an Appropriate Assessment.

Recreational impacts

43. The Council has approved the New Forest International Nature Conservation Designations: Recreation Mitigation Supplementary Planning Document from January 2025 (the SPD). This provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination

effects of increased recreational pressure on the New Forest SPA site arising from new residential development in the Borough.

44. In this instance, the SPD states that an appropriate scale of mitigation for the appeal scheme would be based on bedroom numbers per dwelling. This application is an outline for access only and so the number of bedrooms in each dwelling is unknown. Therefore, the submitted UU includes provision for the appropriate sum to be calculated once the number of bedrooms is known at Reserved Matters stage.
45. With the UU in place the recreational disturbance would be effectively mitigated and there would be no likely significant effects on the integrity of the New Forest protected sites. This view is shared by Natural England following my consultation.

Nutrient Neutrality

46. Natural England has advised that development resulting in a net increase in dwellings, as is the case here, is required to submit a nutrient budget to demonstrate no likely significant effect due to the increase in wastewater from the new housing.
47. The appellant's Nutrient Neutral Report includes a nutrient assessment which has not been disputed by the Council.
48. The appellant is intending to purchase Credits through a credit allocation scheme probably through the Roke Manor Scheme. At Roke Manor, the appellant would be purchasing credits to offset agricultural land previously utilised for the purposes of pig farming, located at Roke, Awbridge an accepted nutrient mitigation scheme which is considered by Natural England to be ecologically sound. The appellant presented evidence to demonstrate that the number of credits required (169.47) are available at Roke Manor as well as likely being available at other schemes. Natural England has no objection to the purchase of credits from Roke Manor.
49. Should such credits be purchase then there is no dispute a substantial net reduction in nitrate loading within the Solent catchment area would be achieved. This together with taking the appeal site out of agricultural use would ensure that there would be no likely significant effects on the integrity on the Solent designated sites through water quality impacts arising from nitrate generation.
50. As a result, following the securing of mitigation, it is considered that the proposed development will not have a likely significant effect on the Solent designated sites and River Itchen SAC through water quality impacts arising from nitrate generation. I see no reason to disagree.
51. I have been presented with both a Grampian condition and a planning obligation to ensure that the required number of credits are purchased. Natural England point out that the certainty around securing Grampian conditions can be challenging whereby mitigation to be later secured is lacking certainty, or if it is not yet in existence.
52. I note the comments of the Council regarding, in its view, the lack of certainty regarding where the credits would be purchased from. However, the evidence available at the Inquiry demonstrated that credit is available at Roke Manor and other sites. Nevertheless, the Grampian condition would not reference the use of Roke Manor, whereas the planning obligation does. Even though the obligation

also allows the use of other sites, in agreement with the Council, it still gives a degree of certainty and precision which would not be achieved through the imposition of a Grampian condition only. I therefore consider that the use of a Grampian condition as proposed by the appellant would not give the degree of precision required by paragraph 57 of the Framework or the very high degree of certainty that I require to ensure that there would be no adverse effect on the integrity of the designated sites. Furthermore, Natural England have no objection to the proposal subject to the securing of necessary nutrient credits from Roke Manor nutrient mitigation scheme. Although it goes on to state that as Roke Manor is already existing and acting as a strategic nutrient credit scheme then it does not object to the use of a Grampian condition, in this particular instance, to secure the nutrient credits necessary to offset the development impact upon the Solent catchment, for the reasons given I do not consider that the proposed Grampian condition offers the required degree of precision and certainty.

53. I have had regard to the examples of appeal decisions submitted by both parties where the Inspector rejected the use of a condition and others, including one by the Secretary of State, where a condition is supported. I do not know the individual circumstance of each, other than information taken from the decisions themselves. Furthermore, as the competent Authority it falls on me to reach a decision based on the facts of the specific case before me.
54. Consequently, in this instance, I consider it necessary to rely on the obligation contained in the UU which, despite comments from the Council, I am satisfied meets the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 58 of the Framework. With this in place there will be no likely significant effect on the Solent designated sites and River Itchen SAC through water quality impacts arising from nitrate generation,
55. Therefore in this respect the proposal accords with Policy E5 of the Local Plan which requires that development conserves and where possible restores and/or enhances biodiversity.

Drainage

56. A number of residents raised concerns regarding drainage. In particular the resident at Luzborough Cottage outlined how flooding would affect their house. Furthermore, a number of residents reported incidents of flooded properties in the vicinity of the appeal site. However, Hampshire County Council as the Lead Local Flood Authority (HCC) is content with the Flood Risk Assessment and Drainage Strategy which should ensure that surface water is discharged to the surface water sewer ensuring the site would not flood and there would be no increased risk of flooding experienced by nearby neighbours. This can be achieved through the imposition of conditions which would also address requirements for foul water drainage. Therefore there would be no conflict with Policy E7 of the Local Plan which requires that development meets national policy in respect of flood risk.

Other development

57. A number of residents and the Councillors highlighted their knowledge of a Consortium working to provide a housing development on all the land between Halterworth Lane and Highwood Lane which would include a central road thereby removing the pressure on both existing roads. They suggested that the developers be given a chance to work with the Council on this proposal to allow the proper

planning of the area. I received a plan from one of the Councillors from the SHELAA which showed the individual land components. I also had a plan from a local resident showing similar details. However, the Council confirmed at the Inquiry that there was no plan before them either as an application or pre-application enquiry to which I could give any weight in the appeal. The appellant also confirmed it was not part of any Consortium. Consequently, this is not something I can give weight to in my consideration of the appeal.

Water

58. Residents raised concerns regarding the availability of water for this development citing an example of a nearby estate where water had to be delivered by the relevant authority. However, there has been no comment from the water authority to suggest that would be the case here.

Listed Building

59. Luzborough Cottage is a grade II listed building which, according to the list description, dates from the seventeenth century and has been subsequently altered. It is timber framed, infilled with brick and ground floor wall framing replaced in brick. It has a thatched roof with gabled and half hipped ends. Its significance for the purposes of this appeal is related to its historic and architectural interest contained in its remaining fabric and structure providing an example of an early local cottage. It is located close to Botley Road within a large garden from which it is readily appreciated. Its thatch roof is visible from further away, but due to intervening vegetation is barely discernible from the appeal site.
60. While the appeal site is located within the original agricultural setting of the cottage, the distance between the two and the lack of any identified functional link means it makes no discernible contribution to its significance. Therefore, the development of the appeal site would not harm the significance of the listed building which would still be appreciated as a post medieval cottage set in its garden with agricultural land to the rear.

Unilateral Undertaking

61. The UU includes a number of obligations which largely address the Council's original reasons for refusal.
62. Policy LHW1 and the Infrastructure and Developer Contributions Supplementary Planning Document 2023 requires the provision of public open space to meet the needs of a net increase in residents. Contributions in accordance with established formula are included in the UU towards allotments and outdoor sports facilities to require accordance with this policy. Public open space and a play area on the appeal site are also secured in the UU in accordance with the Policy.
63. A contribution towards Public Health care is necessary to cater for the additional population given that the local health authority has confirmed that medical centres in the local area are at capacity.
64. The payment towards the off-site SANG measures is required to effectively mitigate the likely significant effects on the protected New Forest sites.
65. The provision of a Travel Plan, together with the contribution towards a TRO, a range of accessibility improvements, the school Travel Plan and the improvements

to the PROW are all necessary to improve access by other means than the car and to ensure the safe use of the highway when the proposals are implemented. The contributions have been calculated having regard to the size of the proposal and worked out in a proportionate matter and therefore are reasonably related to the development.

66. I am satisfied that the monitoring fees secured for the Council and the County Council are necessary and proportionate to the number of obligations and trigger points required to be monitored.
67. A planning obligation secure the provision of 40% affordable housing within the site in accordance with Policy COM7 of the Local Plan.
68. I was presented with evidence from Hampshire County Council (HCC) as education authority from the Hampshire School Places Plan 2025-2029. The forecast growth, some of which is from committed and with planning permission, shows that the primary schools in the Romsey Town and North Baddesley Planning Area will be over capacity. It is necessary therefore that a contribution is made towards primary education provision.
69. The obligation sets out two different figures to be paid, one favoured by the appellant and one by HCC. There is no dispute that the proposal would generate 81 pupils for the primary school and would therefore require a 0.5 fe expansion. This could either be provided as 3 classrooms or 4 classrooms. Although figures are worked out based on 30 pupils in a classroom the HCCs position is that as Halterworth primary school is already at capacity then the additional 81 pupils could not just slot in the school within a 3 classroom expansion. To allow for the effective integration of the pupils, who would be all different ages and therefore would not all be in the same year, there would need to be four classrooms. This would allow for reorganisation and allow the school to organise the learning across the years and provide the required number of teachers.
70. This would lead to a cost of £2,505,470¹. This is calculated at a cost per pupil of £20,879 assuming 30 pupils per classroom. Effectively therefore the appellant would be paying for an additional 120 pupils. However, the appellant considers that they should only pay 81 x £20,879 which would be the cost of provision for the number of pupils generated by the development (£1,161,199). In this instance, given that it is likely that the pupils would go to the local primary, school given its proximity to the appeal site I consider that to enable the proper functioning and planning of the classrooms, as it is already at capacity, then the higher figure will be necessary to reasonably accommodate the required number of pupils. On that basis the figure of £2,595,470 would be fairly and reasonably related in scale and kind to the development.
71. I am satisfied therefore that all the obligations comply with the requirements of the CIL Regs. Furthermore, with the UU in place, the proposal would meet policies COM7, T1, LHW1, COM15, E7 and E5 of the Local Plan and the Infrastructure and Developer Contributions Supplementary Planning Document which require that appropriate investment has been secured either in the form of works and/or financial contributions to mitigate the impact on existing infrastructure as well as the provision of affordable housing and transport infrastructure.

¹ Guidance on Planning Obligations and Developer Infrastructure Contributions December 2023

Conditions

72. A list of agreed conditions was considered and discussed at the Inquiry. I have made some amendments to ensure that the conditions comply with the requirements of the Framework and the Planning Practice Guidance.
73. A condition is required to ensure the development is commenced within an acceptable time limit and that the reserved matters are submitted for consideration and carried out in accordance with the approved plans.
74. The Council wish to restrict the timescale for the submission of the reserved matters to one year to ensure that the housing comes forward within an appropriate timescale to improve the Council's housing land supply position. This is admirable but I am of the view that given the specific circumstance of this appellant, in that they do not intend to develop the land themselves, then extra time would be required. Hence, I have instead opted for two years which I consider more reasonable in this instance (1 -3).
75. A condition requiring compliance with plans is necessary to provide certainty as is one requiring the reserved matters submission to be in broad accordance with the Development Framework (4).
76. Details of existing and proposed ground levels, public art and materials are necessary to protect the character and appearance of the area (5-7).
77. Conditions 8-10 are required in the interest of highway safety and to ensure that measures are in place to encourage alternative means of transport than the car.
78. A Landscape and Ecological Management Plan and a lighting design strategy are necessary to be submitted to protect biodiversity and ecology (11-12).
79. A Construction and Demolition Environmental Plan is necessary to be submitted and approved prior to commencement to ensure that residents living conditions are protected and in the interests of highway safety (13).
80. A condition requiring the submission of an Employment and Skills Plan to be approved is required to assist in the training of the local workforce (14).
81. Conditions requiring the implementation of a programme of archaeological work prior to work commencing on site is necessary to ensure the protection and recording of archaeological remains (15-16).
82. A condition regarding mineral recovery is necessary to ensure that a viable and safeguarded mineral resource opportunity is provided (17).
83. A condition regarding a scheme to deal with any contaminated land that is found is necessary to ensure that the land is safe for the end user and to prevent pollution of the watercourses and land (18).
84. A condition securing the submission of a scheme for foul drainage is necessary to be submitted prior to development commencing to ensure it is appropriately managed on site (19). A condition securing and implementing an appropriate drainage strategy prior to work commencing is necessary to ensure that the site does not contribute to flood risk and surrounding properties and users remain safe for the lifetime of the development (20).

85. A condition securing compliance with water efficiency standards is necessary to improve water usage efficiency (21).

Planning Balance and Conclusion

86. I have found that the proposal would conflict with the Council's spatial strategy contained within Policy COM2 of the Local Plan. However, the Council accepts it is unable to demonstrate a five year housing land supply with the figure being 2.74 years. As such this policy, even though in accordance with the thrust of the Framework for the location of new development, is out of date. Consequently, I apply moderate weight to the conflict and the consequent conflict with paragraph 8a of the Framework.
87. I have also found that the proposal would harm the character and appearance of the area contrary to Policy E2 of the Local Plan leading to moderate harm in the long term. Policy E2 of the Local Plan is in accordance with the requirements of the Framework, and I give conflict with it full weight. This would draw the proposal into conflict with paragraph 8c of the Framework to which I give moderate weight.
88. The proposal would deliver 240 new houses in an accessible location which would attract very significant weight given the level of housing land supply. The delivery of 40% affordable houses would also secure significant weight and be in accordance with paragraph 66 of the Framework.
89. There are some wider benefits from the S106 contributions, particularly in relation to the sustainable transport initiatives to which I give moderate weight, noting that this would comply with paragraphs 110 and 115 of the Framework.
90. The appeal proposal would provide economic benefits both in the construction of the development, job creation and the spending of future occupiers in the local economy to which I give moderate weight.
91. There would also be some environmental benefits including considerable planting and above 10% biodiversity net gain to which I give minor weight.
92. Consequently, I consider that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
93. The proposal would be contrary to the development plan as a whole, however material considerations including the Framework, lead me to conclude that planning permission should be granted for development not in accordance with it.
94. For those reasons, the appeal is allowed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Ms Jessica Allen Counsel	Instructed by Legal Services Test Valley Borough Council (TVBC)
Ms Sarah Barter	Senior Planning Officer TVBC
Mr Tom Crutchfield	Landscape and Ecology Team Leader TVBC
Mr Chris Hirst	Senior Transport Planner Hampshire County Council
Owain Hale-Heighway	Strategic Development Officer (Children's Services) Hampshire County Council
Ginika Ogidi	Senior Planning Lawyer TVBC

FOR THE APPELLANTS

Mr Martin Carter Counsel	Instructed by Christien Lee Planning Director Gladman Ltd
Mr Gary Holliday	Director, FPCR Environment and Design Ltd
Mr David Stoddart	Associate Director Prime Transport Planning
Mr Jason Tait	Director, Planning Prospects Limited

INTERESTED PARTIES

Councillor John Critchley	Romsey Town Council
Councillor John Parker	Ward Councillor Romsey Tadburn
Councillor Mark Cooper	Ward Councillor Romsey Tadburn & County Councillor Romsey Town
Mr Keith Brown	Local resident
Mr Roger House	Local resident
Mr Martyn Evans	Local resident
Ms Laura Spencer	Local resident
Ms Patricia Wingham	Local resident
Mr Richard Buss	Local resident and ROMSAVE

Ms Olivia Lopez	Local resident
Ms Christine Bryant	Local resident
Mr David Martin	Local resident
Ms Sarah Weills	Local resident
Ms Alison Martin	Local resident
Mr Wan Lopez	Local resident
Ms Kathleen McCallum	Local resident
Ms Amy Hopkins	Local resident
Ms Caroline Brown	Local resident
Ms Catherine Hart	Local resident
Ms Anna Dignan	Local resident

Press: Charles Elliman Romsey Advertiser

DOCUMENTS SUBMITTED AT THE APPEAL

1. List of appearances appellant
2. List of appearances Council
3. Speaking notes Mr Jason Tait, Mr Gary Holliday and Mr David Stoddart
4. Opening on behalf of appellant
5. Opening on behalf of the Council
6. Plan of Solent and Southampton Water SPA buffer zone
7. Speaking notes Mr Martyn Evans
8. Speaking notes Ms Christine Bryant & plan
9. Appellant statement regarding nutrient neutrality and appeal decisions
10. Plan of sites identified in the SHELAA
11. Extract from Hampshire School Places Plan 2025/2029
12. Draft Unilateral Undertaking

DOCUMENTS SUBMITTED AFTER THE APPEAL

A Signed Unilateral Undertaking

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with the details shown on the approved plans: Location Plan - 09840-FPCR-ZZ-ZZ-DR-L- 0004 PO2 , Proposed Site Access Arrangements North - P21004-001 E, Proposed Site Access Arrangements South - P21004-002 D.
- 4) The Reserved Matters pursuant to condition 1 shall generally conform to the principles for the development of the site as set out on the Development Framework Plan FPCR-ZZ-ZZ-DR-L-0002 P10.
- 5) Any application for approval of reserved matters shall include full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site).
- 6) No development shall commence until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) No dwelling shall be occupied until plans and particulars showing detailed proposals for public art to be provided on site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the last dwelling on site has been occupied.
- 8) The Reserved Matters pursuant to condition 2 shall include details of suitable parking spaces (up to 10) to provide "Park and Stride" facilities to address the demand for school drop off and pick up parking for Halterworth School. The Park and Stride spaces shall thereafter be provided within the development and made available for such use in accordance with a programme for delivery of the spaces that shall be submitted to and agreed by the Local Planning Authority.
- 9) The development shall not be occupied until details of upgrades to the pair of bus stops on Halterworth Lane known as "Footway to Kennett Road" to include raised boarding areas, shelters, seating and timetable information, and the provision of shelters to the pair of bus stops on Botley Road known as "Halterworth Lane" including a timetable for their implementation has been submitted to and agreed in writing by the Local Planning Authority. The upgrades shall be implemented in accordance with the agreed timetable.
- 10) No development hereby permitted shall commence until plans and particulars showing the detailed proposals for width, alignment, gradient and type of construction proposed for the internal site roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections

showing the existing and proposed levels, together with details of street lighting, landscaping (including the materials to be used for paving and hard surfaces and the finished levels in relation to existing levels), the method of disposing of surface water, and details of a programme for the making up of the roads and footways has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 11) The reserved matters application(s) shall include details of a scheme for any lighting/illumination (other than domestic lighting within an approved dwelling curtilage). Such details shall be submitted to and approved in writing by the for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

Other than domestic lighting within an approved dwelling curtilage, all other external lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.

- 12) No development shall commence until a Landscape and Ecological Management Plan (LEMP) including an Ecological Enhancement Strategy based upon the measures set out in the Ecological Impact Assessment (FPCR, Jan 24), has been submitted to and approved in writing by the local planning authority. The LEMP shall include:
- i) Details (type and location) of wildlife boxes and hibernacula;
 - ii) Description and evaluation of the features to be managed;
 - iii) Ecological trends and constraints on site that might influence management;
 - iv) Aims and objectives of management;
 - v) Appropriate management options for achieving aims and objectives;
 - vi) Prescriptions for management actions;
 - vii) Preparation of a work schedule, including an annual work plan;
 - viii) Details of the body or organisation responsible for implementation of the plan;
 - ix) On-going monitoring and remedial measures.

The development shall be carried out, managed and maintained in accordance with the LEMP.

- 13) No development shall commence (including any works of demolition or site clearance), until a Construction and Demolition Environmental Management Plan (CDEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details and arrangements for the following:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) hours of construction, including deliveries;

- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during demolition and construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- ix) measures for the protection of the natural environment
- x) Confirmation that no fixed plant or machinery shall be installed outside of any building
- xi) Confirmation of audible reversing alarms on mobile plant and machinery will be of a type which, whilst ensuring that they give proper warning, have a minimum noise impact on persons outside sites (for example, 'white noise' reversing alarms).
- xii) Method of construction and demolition, including foundation design and construction.

The development shall not be carried out otherwise than in accordance with the approved CDEMP.

- 14) No development shall commence until an Employment and Skills Plan to encourage and promote skills and training in the construction industry, in accordance with the Construction Industry Training Board (CITB) Project Based Approach and based on the National Skills Academy for Construction (NSAfC) Guidance notes 2024, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Employment and Skills Plan.
- 15) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological evaluation, in accordance with a written scheme of investigation that has first been submitted to and approved by the Local Planning Authority. The programme of evaluation shall be carried out in accordance with the approved programme.
- 16) Following the completion of archaeological fieldwork a report shall be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.
- 17) No development shall take place until a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use and a method to record the quantity of recovered mineral (re-use on site or off site) has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved method.
- 18) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a remediation

strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with. The remediation strategy shall be implemented as approved.

- 19) No development shall commence until details of a scheme for the provision of foul drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, timetable and programme.
- 20) No development shall begin until a detailed surface water drainage scheme for the site has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
 - i) A drainage strategy setting out the principles and parameters of the proposed design and demonstrating adherence to best practise and the drainage hierarchy.
 - ii) Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
 - iii) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
 - iv) Evidence that urban creep has been included within the calculations.
 - v) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
 - vi) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
 - vii) Details for the long term maintenance arrangements for the surface water drainage system. These submitted details shall include;
 1. Maintenance schedules for each drainage feature type and ownership
 2. Details of protection measures.

The development shall be carried out in accordance with the approved details, timetable and programme.

- 21) The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

*****END OF CONDITIONS*****