



Appeal Decision

Hearing held on 29 May 2013

Site Visits made on 29 & 30 May 2013

by **D R Cullingford** BA MPhil MRTPI

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

Decision date: 22 July 2013

Appeal Ref: APP/Y9507/A/13/2190512

Land to the south of 63-65 Inwood Road, Liss, Hampshire, GU33 7LY

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission.
 - The appeal is by the Mr Neil Challen (for the Swaythling Housing Society Limited) against the decision of the South Downs National Park Authority.
 - The application (ref: SDNP/12/00085/FUL and dated 21 March 2012) was refused by notice dated 23 August 2012.
 - The development proposed is described as the erection of '32 dwellings including new access, cycle-path, landscaping and additional parking in Inwood Road'.
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Procedure

1. This scheme falls within the description set out at paragraph 10b of Schedule 2 and exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; it is also in a 'sensitive area'. However, the letter dated 25 April 2013 indicates that, given the guidance in Schedule 3 of the Regulations, together with the surrounding land uses and the land form, the Secretary of State does not consider that a proposal of this nature and size would be likely to have a significant affect on the environment. Hence the scheme is not EIA development and the submission of an Environmental Statement is not required. However, a substantial amount of environmental information has been submitted including, a Planning Statement, a Design and Access Statement, a Phase 1 Habitat Survey, Surveys of Reptiles and Great Crested Newts, an Arboricultural Method Statement, a Statement of Archaeological and Cultural Heritage, a Landscape Assessment, a Flood Risk Assessment and details of the Site Investigation.

Decision

2. I dismiss this appeal.

Main issues

3. From what I have read and seen, I consider that this appeal turns on whether:
 - i) the inability to demonstrate a 5-year supply of deliverable housing sites within the District would now warrant the appeal proposal,
 - ii) the visual impact of this project on the wider landscape would conserve or enhance the natural beauty of the National Park, and
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- iii) the scheme would properly reflect local character, reinforce local distinctiveness or respond to this opportunity to improve the character and quality of this place as indicated in the Framework and as guided by the Design Brief, the Village Design Statement and 'saved' policy HE1 of the East Hampshire District Local Plan 2006: Second Review.

Reasons

The site

4. The site is an overgrown sloping plot of about 0.9ha shrouded behind belts of mature trees to the east and west, both protected by Tree Preservation Orders. It lies to the south of stark blocks of flats standing amongst washing lines on asphalt courts, a 1970s addition to the typical 1950s 'cottage garden' estate at Inwood Road. Beyond the eastern belt of trees and on higher ground are spacious 2-storey dwellings towards the outskirts of the village: to the south beyond intermittent foliage, and fenced in above a bank, are the grounds of the Liss Infant and Junior Schools: beyond the dense western tree belt, and below steep slopes, is the flat (sometimes) floodlit expanse of the Newman Collard recreation ground. The appeal site slopes largely from east to west (steeper in the north at about 1:8 and less pronounced towards the south, at about 1:14) with the highest part of the site being in the north east corner (over 89m AOD) and the lowest portion towards the south west (at about 79m AOD). The site itself was once pasture land where a local butcher kept livestock prior to their slaughter. It was designated as a 'reserve housing site' in the East Hampshire District Local Plan 2006 on the recommendation of the Local Plan Inspector in preference to a dozen or so mooted alternatives.

The proposal

5. The submitted plans show 32 dwellings arranged around a new cul-de-sac taken from a spur through the 1970s blocks of flats at Inwood Road. The scheme would accommodate a mix of 1, 2, 3 and 4 bedroom properties, though the bulk (about half) would be 2 bedroom dwellings; there would also be half a dozen 2-bedroom bungalows. The overall density of the scheme would be about 35dph. Integral to the proposal would be the delivery of 16 affordable dwellings (a provision of 50%), though more would be provided if sufficient funding from the Homes and Communities Agency were to be forthcoming; a further 9 affordable dwellings might be achieved in those circumstances, so that 78% of the units might be 'affordable'. Most of the 16 'guaranteed affordable dwellings' (13) would be 1 and 2 bedroom dwellings for rent; the remaining 3 'affordable' homes would be 2 bedroom 'intermediate' properties. The 'affordable' dwellings would be 'pepper-potted' across the site and secured under the terms of the submitted s106 Agreements.
6. The bungalows would be positioned on the higher slopes and would be some 3m below the ridge of the flats on the adjacent estate. The back gardens on the eastern side of the scheme would be 'stepped' into the slopes and crib or 'unilog' walling would be used to negotiate the sloping topography. The dwellings would be built using a palette of red and buff bricks, timber cladding and slate; they are intended to achieve Level 3 in the Code for Sustainable Homes. The design would be 'contemporary'. It would entail mono-pitched roofs and dormers with modern styles of fenestration: native buffer planting would be established along the school

boundary and to a lesser extent beside the estate flats: ornamental street trees would be interspersed with planted beds along the main cul-de-sac and additional beds would adorn the spur roads: and, parking areas are shown along the road frontages surfaced in distinguishing block paving. A dearth of demarcated parking spaces at the Inwood Road flats would be addressed by creating a further 5 spaces between Nos.47 and 77 and another 4 communal spaces outside 45 Inwood Road. A new cycle-way connecting Inwood Road to the school (but without direct connections to the proposed development) would run between fencing, and sometimes above or below retaining walls, behind the back gardens on the western boundary.

Planning policy and the main issues

7. The Development Plan currently consists of the East Hampshire District Local Plan 2006: Second Review. This allocates the site as one of 12 'reserve housing sites', in this case indicated to be suitable to accommodate some 25 dwellings (subject to tests that are met here). Such sites were to be released in the light of on-going monitoring of the housing supply and evolving Government guidance in the order in which they were listed. The appeal site is 7th on the list and, together with the other 'reserve' sites in the National Park, has not been developed even though other sites lower down the list now accommodate housing.
8. Other prospective or previous elements of the Development Plan now contribute little or nothing to the formal planning framework here. The emerging East Hampshire District Local Plan: Joint Core Strategy has been suspended and, at least in this part of the County, the South East Plan is no more. The Joint Core Strategy was suspended because the Inspector was concerned that it failed to meet the 'undisputed and urgent need for affordable housing in the district' or 'provide sufficient market housing to meet the objectively assessed need'. It was agreed that the Examination should cease pending further work to establish 'sound' housing requirements, currently expected to entail increasing the housing provision over the Plan period; the Examination is due to recommence in October 2013.
9. However, guidance on how the appeal site should be developed in accordance with the policies in the Local Plan, and incorporating the principles of good design (then set out in PPS1, now largely reflected in the Framework), the guidance offered in the *Liss Village Design Statement* and the considered responses from the Community Forum (Petersfield, Liss and surrounding villages), is offered in a Development Brief adopted in December 2009. This indicates a requirement for a 'high quality' mixed scheme of about 25 homes (including 'affordable' dwellings 'pepper-potted' across the site) with an access from Inwood Road and new footpath and cycleway connections to the local primary school, to existing areas of open space and to the facilities in the centre of the village. A network of 'multi-functional green infrastructure' is envisaged across the site, linked to the surrounding area, and with open space on the higher eastern edge to avoid dwellings impinging on views from the wider landscape, especially from the 'Hangers' rising to the west. Natural surveillance is seen as integral to the design, perhaps entailing small clusters of dwellings with unobstructed views of neighbouring homes, footpaths, cycle-ways, play areas and open spaces. A layout reflecting the guidance in *Manual for Streets* and a variety of 'modern' dwellings in wood, slate, local stone, or other natural materials is encouraged. Visual gaps

between the dwellings and the retention of important natural features, such as the existing hedgerows and trees, are advocated to contribute to the spacious character of the area and to integrate the scheme into the attractive countryside setting of the village.

10. Several original concerns related to the absence of completed legal agreements. Now, however, submitted and signed s106 Agreements secure the provision of affordable housing pepper-potted across the site and the contributions required towards transport provisions, public open space and environmental improvements. A suitable Agreement also provides for the implementation of an appropriate biodiversity mitigation strategy (relating to reptiles). Hence, reasons for refusal 2-4 are withdrawn.
11. It is agreed (as set out in the Statement of Common Ground), following the partial revocation of the South East Plan and the removal of the 'sub-areas' defined therein, that a District-wide 5-year supply of housing land cannot be identified. Depending on the assumptions used, the shortfall is estimated to represent a provision of roughly 0.6 - 2 years. However, the precise amount matters little as paragraph 49 of the Framework (NPPF) indicates that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. Whether or not that implies that such policies should also be considered 'out-of-date' (not quite the same thing) also matters little in this case because, even if it does, the Framework imposes tests derived from its specific policies of protection or from its policies taken as a whole. It requires 'great weight' to be given to conserving the landscape and scenic beauty in National Parks and its 'core principles' set out aims requiring places in which people live their lives to be enhanced, high quality design to be secured and the intrinsic character and beauty of the countryside to be recognised. The exhortation that schemes should properly reflect local character and reinforce local distinctiveness chimes with the requirements set out in policy HE1 that proposals should harmonise with the character of a town or village and be easily assimilated into the landscape. Hence, those tests are relevant here in determining the balance in favour of permission for the scheme in accordance with the presumption in favour of sustainable development (as set out in paragraph 14 of the Framework).
12. It is also agreed in the Statement of Common Ground that the scheme would 'not have a significant impact on the wider landscape'. This is based on the careful landscape assessment undertaken by Terra Firma and agreed with the Authority's landscape officer. However, it is not endorsed by local people or the Parish Council. Concerns remain that the scheme might jeopardise a key characteristic of Liss as a 'hidden village' in the landscape and that homes on the higher parts of the site (as proposed) could be evident from particular vantage points, including the Wheatham and Stoner Hills, from Upland Lane and from Crabtree Copse.
13. Accordingly, I identify the issues outlined above.

Housing

14. The proposal would contribute to ameliorating an identified shortfall in the 5-year supply of available housing sites and it could potentially make a significant inroad into the acknowledged dearth of 'affordable housing'; there are currently some 122 households in need of such accommodation with a local connection to the

village and, based on recent past performance (the provision of barely 1 affordable dwelling a year), no immanent prospect of addressing that need. Such reasons warranted the suspension of the Joint Core Strategy Examination and, as currently envisaged, are likely to require an increase in the provision for housing over the Plan period. Clearly, the capacity of the National Park to accommodate sites for new dwellings should also be commensurate with conserving the scenic beauty of the place (in accordance with the tests set out in paragraphs 115 and 116 of the Framework, see also the Opinion in document 3). The results of that exercise were intended to be evident in the Allocations DPD, of which there is currently little sign. Nevertheless, in seeking to replace the Inwood Road 'reserve housing site' with the more general policy CP9, the Joint Core Strategy identified 'small local services centres' (like Liss) as suitable to accommodate up to 25 (mostly affordable) dwellings.

15. Given the suspension of the Examination to enable the Joint Core Strategy to accommodate the 'urgent need for affordable' and 'sufficient market' housing, little weight can be now be attributed to the published document even though a scheme for 25 mainly affordable dwellings on the appeal site would largely comply with its relevant provisions. In effect, the appeal site remains a 'reserve housing site' and, as 7th on the list, the most suitable to be released to help meet the currently monitored dearth of sites for both market and affordable housing. Moreover, the provenance of its suitability is demonstrated by its recommendation as a 'reserve housing site' by the Local Plan Inspector in preference to a dozen or so mooted alternatives. In such circumstances, together with its location in a 'small local service centre' and its relative proximity to shops, schools, the railway station and various community facilities, it seems to me that this scheme would constitute sustainable development that should be approved unless the specific policies of the Framework indicate otherwise or the benefits of the scheme are significantly outweighed by its adverse impacts, as assessed against the Framework taken as a whole. I address those tests below.

Landscape

16. Great weight should be given to conserving landscape and scenic beauty in National Parks. The careful landscape assessment undertaken by Terra Firma and agreed with the Authority's landscape officer demonstrates that, although this scheme would be seen from some vantage points, those are largely limited to close-range views; where other views exist (largely between 1.5km and 4.5km away) they would provide only glimpses. Essentially, because the site lies between thick tree-belts to the east and west, and behind foliage to the south, it is difficult to identify at any distance during the summer months. Indeed, although its general position can be identified by the white façade of East Hill House (evident in distant views on higher ground to the east), the site itself is almost indiscernible except from nearby on the Inwood Road estate (a narrow cone of visibility extending to a point some 200m northwards) and from parts of the school grounds to the south.
17. In the winter the development might be discernable through the dense tree belt across the playing fields up to some 200m to the west. At distances of some 1.5km to 4.5km, the ground plane would not be visible even in winter, though glimpses of the development would be a little more extensive, albeit heavily filtered by the intervening trees and branches. The intention is that these

glimpses would be further mitigated by limited additional planting, the creation of a new tree screen and some earth bunding along the boundary with the school. Crucially the existing tree belts would be safeguarded, effectively almost visually enclosing the site on 3 sides. It is for these reasons that the Authority agree that the scheme would 'not have a significant impact on the wider landscape'.

18. Nevertheless, because of the concern that the scheme might jeopardise Liss as a 'hidden village' in the landscape, I tried to view the site from the Wheatham and Stoner Hills, from Cockshot Lane, Glascombe Hanger and Crabtree Copse. I am afraid that mist and mizzle made the exercise almost futile. However, I have the benefit of the additional photos submitted at the Hearing and, although they too are affected by the atmosphere of a dull May day, they tend to confirm the initial findings of the Landscape Assessment that, where more distant views are likely to exist they would provide only fleeting glimpses of the proposal. I consider, therefore, that the scheme would not have a significant impact on the wider landscape and, at least in that respect, that it would conserve the natural scenic beauty of the National Park.

Quality and character

19. I turn now to consider whether the scheme would reflect local character and the requirements of applicable policy, advice and guidance.
20. Liss and the appeal site are in the National Park so that the need to conserve the scenic beauty of the place also applies to the way in which the village folds into the landscape. And, even if it were otherwise, the 'core principles' of the Framework require places in which people live their lives to be enhanced and high quality design to be secured, while elsewhere schemes are exhorted to properly reflect local character and to reinforce local distinctiveness. This echoes the requirements of 'saved' policy HE1 that proposals should harmonise with the character of a town or village and be easily assimilated into the landscape.
21. A fundamental characteristic of the site is that it is shrouded behind belts of mature trees to the east and west, both of which are protected by Tree Preservation Orders. Unsurprisingly, the development Brief seeks to retain those important natural features in order to reflect the spacious character of the area and to integrate the proposal into the sylvan landscape enveloping the village. Instead (as the Authority's landscape officer observes), the scheme is 'squeezed' on to the site entailing a great deal of 'facilitative pruning' in order to 'shoe-horn' dwellings and gardens close to the enveloping foliage. Although only 11 trees would be felled (almost all for arboricultural reasons), 'facilitative pruning' would radically alter the sylvan surroundings here. All the overhanging branches below a height of 4.5m along the western tree belt would be removed and, although that might not matter much in relation to the 'hedgerow' trees, it would greatly alter some of the majestic oaks with large low limbs that almost 'kiss' the ground up to some 7m into the site; additional pruning would also 'tip back' the 'next tier' of branches to impart a more 'upswept' appearance. Similar damage would be wreaked elsewhere. The overhanging limbs of the eastern tree belt that extend some 4-6m into the site would be shortened by 2-2.5m and further pruning would mould the trees into an 'upswept' form. And, the overhanging limbs on the southern boundary that extend some 5m into the site would be shortened by 2m. I am afraid that I find such extensive mutilation unacceptable. It would diminish

the screening effects of the tree belts (the safeguarding of which is deemed to be 'crucial' in the Landscape Assessment), radically alter their character and appearance and fail to reflect their protected status.

22. Worse still, the moulding of so many trees into unnatural forms is likely to generate a continual need for pruning and (again as observed by the Authority's landscape officer), that could ultimately lead to pressure for their removal. Moreover, the proximity of gardens and dwellings to such large specimens could, all too easily, exacerbate such harmful effects. For example, rear elevations facing east would be barely 14m from trees about 14m tall and growing on higher ground, so looming above the dwellings and overshadowing much of the rear gardens during the early morning. In addition, large trees of a similar height would stand just 5m from gardens beside the cycle path and the western boundary, thereby casting significant shadows across those amenity areas, particularly in the late afternoon. I think that such unpleasant effects could well further undermine the long term protection of these trees, with possible implications for the wider visibility of the site within the landscape of the National Park.
23. The Development Brief suggests that the site might accommodate about 25 homes. The proposal is for 32 dwellings, amounting to a substantial 28% increase over the number envisaged in the Brief. Although ingenious or innovative design might accommodate such an increase successfully, I think that, in the context of the current scheme, the attempt to provide for the additional dwellings would result in overdevelopment, as illustrated by the harmful impact of the proposal on the protected trees. The fact that the Local Plan Inspector suggested that this 'reserve housing site' might accommodate 30 dwellings does not alter my view; his recommendation was not made in the light of the detailed consultations and considerations reflected in the Development Brief.
24. The response of the scheme to the provision of new footpath and cycleway connections to the local primary school, to existing areas of open space and to the facilities in the centre of the village is disappointing. What is actually proposed is a 'gated' cycle-way from Inwood Road to the schools divorced from the development (and much natural surveillance) by fencing, embankments and retaining walls and squeezed between the western tree belt and adjacent back gardens or largely blank side elevations. The design and specification of this path may have been agreed with the County Education Officer, but its narrowness (at just 1.8m wide) would be accentuated by the embankments, retaining walls and fences and its limited utility underlined by the 'gated' entrance, apparently to be closed during school holidays. To reach the cycleway, residents (and their children) would need to travel to the top of the new cul-de-sac and pass around the Inward Road flats and then travel back towards the school, an arrangement, together with the 'gated' entrance, that would undermine the utility of the mooted link to the Newman Collard Playing Fields, even were such a connection to eventually materialise. I realise that many of these shortcomings stem from attempts to respond to concerns raised by the Playing Fields Trust, by the schools and by the Parish Council relating to security and the possibility of parents dropping their children off at the entrance to the new path. But I think that the solution adopted is unacceptably unimaginative. It would actually curtail opportunities to connect the scheme to existing areas of open space, as well as to

facilities in the centre of the village, while providing a limited and, in my view physically unattractive, link to the schools.

25. The Brief suggests that open space should be provided as a network of 'multi-functional green infrastructure' linked to the surrounding area and that it would be appropriate to leave the higher eastern edge open to avoid dwellings impinging on views from the wider landscape. No open space is provided and the higher eastern edge of the site would accommodate bungalows. True, the playing fields are nearby and the scheme would not significantly affect the wider landscape, provided the tree screens were not noticeably diminished. But, the potential natural links beyond the site are largely severed by the proposed cycle-way to the school. And, instead of a 'network of multi-functional green infrastructure', bits of incidental planting are interspersed between parking spaces along the cul-de-sac. Such provision could not be described accurately either as 'multi-functional' or as a 'network'.
26. I do not agree that the layout would reflect much of the guidance in *Manual for Streets*. On the contrary, the 'central spine road' would be a simple cul-de-sac engineered to accommodate 2-way traffic flanked by pavements and parking spaces. It is not evident that it has been designed as a 'place for people' rather than traffic. Indeed, I think that the street scene would be dominated by hard surfacing, parking spaces and parked cars, an impression likely to be accentuated by flanking walls, steps and fences; there would also be places where the heavily engineered nature of the scheme would be apparent, with the crib or 'unilog' walling being evident as a means to negotiate the sloping topography. I think that this would contrast with the green swards and spacious layout that imparts a semi-rural character to the older parts of the Inward Road estate.
27. I accept, in spite of the views expressed by the District Council's Architects Panel, that this proposal would provide a variety of 'modern' dwellings utilising mainly natural materials; also, the 'affordable' dwellings would be reasonably 'pepper-potted' across the site. However, for the reasons set out above, I consider that this scheme would fail to reflect local character or reinforce local distinctiveness. Nor would it properly respond to the opportunities available to improve the character and quality of this part of Liss. In those circumstances it would undermine the guidance indicated in the Framework, fail to properly respond to the Design Brief or the Village Design Statement and contravene policy HE1 of the Local Plan.

Conclusion

28. I have found that this scheme would constitute sustainable development that would contribute to meeting the urgent need for both market and affordable housing. As such, it should be approved unless specific policies indicate otherwise or adverse impacts would significantly outweigh the benefits assessed against the Framework as a whole. Although I agree that the scheme would not have a significant impact on the wider landscape, I find that it would unacceptably damage the protected tree belts, undermine their long term protection and, in the context of the appeal site, constitute overdevelopment. The expanse of roadway, parking spaces and walling would fail to reflect local character or reinforce local distinctiveness. And, the absence of a network of green spaces together with the limited and unattractive links to the surroundings would fail to respond to the

opportunities available to improve the character and quality of the village. I consider that the potential benefits of the new housing proposed would be insufficient to outweigh the lasting and significant damage wreaked by this particular housing scheme. Hence, on balance, and in spite of considering all the other matters raised, I conclude that this appeal should be dismissed.

David Cullingford
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Boyle QC	Landmark Chambers
Jeremy Heppell	White Young Green, Planning Consultants
Helen Yousefi-Atkinson	PDP Architects
Martin Hird	Terra Firma, Landscape Architects
Bernie Haverson	Arboriculturalist
Neil Challen	Swaythling Housing Society Limited

FOR THE LOCAL PLANNING AUTHORITY:

Veronica Craddock	Landscape Officer, South Downs National Park Authority
Lewis Oliver	Development Management, South Downs National Park Authority
Richard Dollamore	Design Officer, South Downs National Park Authority
Tim Richings	Planning Policy, South Downs National Park Authority
Natalie Fellais	South Downs National Park Authority
Zara Camp	South Downs National Park Authority

FOR INTERESTED PERSONS:

Cllr Keith Burden	Liss Parish Council
Cllr Sue Halstead	Liss Parish Council
Cllr Angela Wright	Liss Parish Council
Dorothy Collard	Chair, Newman Collard Playing Field Trust
Eric Croft	Liss Village Design Group
Mags Wylie	Community Action in Hampshire
Howard Lindsey	Local resident
John Starling	Local resident
Jennifer Gray	Local resident
Margaret Paten	Local resident
Paul Milton	Local resident
William Davey	Local resident

DOCUMENTS

Document 1	List of persons present at the Hearing
Document 2	Statement of Common Ground with appendices A-D
Document 3	Photos of additional viewpoints by Terra Firma
Document 4	Draft s106 Agreement
Document 5	Rebuttal commentary on behalf of the appellant

All other statements, submissions, plans and correspondence is on the file