

Report to	Planning Committee
Date	8 August 2013
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/12/00085/FUL
Applicant	Mr N Challen
Application	Residential Development comprising 32 dwellings with new access, cycle path, footpath, landscaping and additional parking
Address	Land To The South Of, 63 - 65 Inwood Road, Liss, Hampshire
Purpose of Report	To update Members on the Planning Inspectorate's decision to dismiss the appeal at the above site

Recommendation: The Committee is recommended to note the contents of this report

I. Introduction

I.1 Application SDNP/12/00085/FUL was called in from East Hampshire District Council. It was considered by the SDNPA Planning Committee on 9 August 2012. At the meeting the Members resolved to refuse the application in accordance with the officer recommendation, the reasons were as follows:

- (i). Having regard to the following
- That the site is not needed to meet a 5 year housing land supply requirement;
 - The development by reason of its size, scale, massing, layout and design lead to an urbanising and formal impact which would adversely affect the visual appearance and landscape character of the South Downs National Park;
 - The requirements of the NPPF and the DEFRA Vision and Circular on English National Parks and the Broads which require exceptional circumstances to permit major development in these areas

The development of this reserve housing site is inappropriate, pending a comprehensive review by the District Council, jointly with the National Park Authority and local community, of the best options for meeting Liss' housing needs and other community needs. The proposal is therefore contrary to the guidance contained in the NPPF, the DEFRA Visions and Circular on English National Parks and the Broads, policies C4, CC4, CC6 and NRM5 of the South East Plan, policies H2, HE1 and HE4 of the East Hampshire District Local Plan 2006: Second Review, policies CP9, CP10 and CP11 of the East Hampshire District Local Plan: Joint Core Strategy and the Liss Village Design Statement.

- (ii). In the absence of a completed legal agreement, no provision has been secured for financial contributions towards transport, public open space or environmental improvements, which is contrary to Policies GS4, R3 and T2 of the East Hampshire District Local Plan: Second Review 2006 and the Council's 'Guide to Developers' Contributions.
- (iii). In the absence of a completed legal agreement to secure the provision of affordable housing, including the mix of unit sizes and tenures, the proposal is contrary to Policy H11 of the East Hampshire District Local Plan: Second Review, adopted non-statutory planning guidance on Affordable Housing, the Council's 'Guide to Developers'

Contributions and Other Planning Requirements' and the adopted Development Brief for the site.

- (iv). In the absence of a biodiversity mitigation strategy, the proposed development would result in the loss of the habitat for protected species in the form of slow worms and grass snakes. The proposed development would therefore have a significant adverse impact on the ecology of the area and is contrary to the NPPF and policy P5 of the East Hampshire District Local Plan: Second Review.

- 1.2 The appeal was determined via an Informal Hearing. The Planning Inspectorate dismissed the Appeal on 22 July 2013. The Inspector's decision is considered in section 2 below.
- 1.3 Following the suspension of the Joint Core Strategy for East Hampshire District, it was agreed at 14 March 2013 Planning Committee, that in regard to the Inwood Road appeal and as a result of the inspectors report on the East Hampshire Joint Core Strategy, the first bullet point on the reason for refusal (i) (no need for development to meet the housing need) would not be defended.
- 1.4 The appeal was accompanied by a signed legal agreement securing financial contributions towards transport, public open space or environmental improvements. In addition, the legal agreement secured the provision of affordable housing and a biodiversity mitigation strategy. This overcame the second, third and fourth reasons for refusal.

2. Appeal Decision

- 2.1 In arriving at his decision the Inspector identified the main issue to be the effect on the landscape and scenic beauty of the National Park.
- 2.2 The Inspector considered that the proposed development would constitute sustainable development that would contribute to meeting the urgent need for both market and affordable housing. As such, the Inspector stated that it should be approved unless specific policies indicated otherwise or the adverse impacts would significantly outweigh the benefits assessed against the NPPF as a whole.
- 2.3 The Inspector concluded that the development would not have a significant impact on the wider landscape, however he concluded that the proposal would significantly damage the protected tree belts along the site, undermining their long term protection. Furthermore it was considered that in the context of the appeal site that the development would constitute overdevelopment.
- 2.4 The Inspector concluded that the expanse of roadway, parking spaces and walling would fail to reflect local character or reinforce local distinctiveness. In addition in 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.
- 2.5 In conclusion the Inspector considered that the potential benefits of the new housing would be insufficient to outweigh the lasting and significant damage wreaked by this particular housing scheme.
- 2.6 The Inspector's decision is attached as **Appendix I**.

3. Conclusion

- 3.1 This is a good appeal decision which relates to the National Parks purposes and duties, with regard to its impact on the landscape and scenic beauty of the area. In addition it demonstrates that whilst there is an urgent need for housing in this part of the National Park, this does not outweigh the requirement that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight.

4. Crime and Disorder Implication

- 4.1 It is considered that the proposal does not raise any crime and disorder implications.

5. Human Rights Implications

- 5.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

6. Equalities Act 2010

- 6.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

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Appendices	I. Appeal Decision
SDNPA Consultees	Chief Executive & Senior Solicitor.

Background Link –
Documents

Committee report

http://www.southdowns.gov.uk/_data/assets/pdf_file/0006/260925/Agenda-Item-5.pdf