

Proof of Evidence

**Mr. David Murray-Cox BA (Hons) Mplan
MRTPI**

Liss Forest Nursery, Petersfield Road, Greatham

PINS Appeal Reference:

APP/Y9507/W/23/3314274

South Downs National Park Authority Reference:

SDNP/21/04848/FUL

Contents

1.	Introduction	3
2.	Overview of the Appeal Scheme	5
3.	The Legislative and Policy Context	7
4.	Response to the Reasons for Refusal and the Inspector's Main Issues	12
5.	Other Considerations	17
6.	Summary and Conclusions and the Planning Balance	31

David Murray-Cox
david.murray-cox@turley.co.uk

Client

Cove Construction Ltd

Our reference

COVR3001

20 April 2023

1. Introduction

Qualifications

- 1.1 My name is David Murray-Cox and I am a Director at Turley. I am instructed to present planning evidence at this Inquiry by Cove Construction Ltd, Peter Catt, Vincent Catt and Neil Catt.
- 1.2 I hold the degrees of Bachelor of Arts with Honours in Town and Country Planning (First Class) (2005) and a Masters, also in Town and Country Planning (MPlan) (2006) both from the University of the West of England, Bristol.
- 1.3 I am a member of the Royal Town Planning Institute with 16 years post-qualification experience.
- 1.4 I joined Turley in March 2016 as an Associate Director, and have been a Director since 2019, before which I was an Associate in the Reading office of Barton Willmore, having joined the company as a Graduate Planner in 2006.
- 1.5 I have consequently given professional advice on a wide range of planning projects, including Section 78 Appeals heard by way of written representation, informal hearing and public inquiry for a range of private sector clients and landowners. I have also appeared at Core Strategy/Local Plan Examinations in Public.
- 1.6 I have acted on behalf of various clients including A2Dominion, the University of Reading, Hallam Land Management Ltd, Bellway, David Wilson Homes, Lifestory, Taylor Wimpey, Inspired Villages, Sovereign Housing, the Vistry Group and Redrow Homes as well as a number of private landowners, promoters and other developers.
- 1.7 I have acted on behalf of the Appellant in relation to the proposal which is the subject of this appeal since 2016.
- 1.8 I am familiar with the Appeal Site and the surrounding area and have made myself aware of the planning policy background and relevant issues to this appeal.
- 1.9 The evidence which I have prepared and provide for this appeal (PINS Reference No. APP/Y9507/W/23/3314274) in this Proof of Evidence and has been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

Statements of Common Ground

- 1.10 The Appellant and the South Downs National Park Authority ('the SDNPA') have agreed three Statements of Common Ground as follows:
 - A General Statement of Common Ground dated April 2023; and
 - A Statement of Common Ground on Viability and Affordable Housing dated 14th April 2023.

Main issues

1.11 In advance of the Case Management Conference (“CMC”), the Inspector helpfully set out the following main issues to be addressed during the Inquiry, which were agreed at the CMC:

- 1) *Whether the proposed development would provide an acceptable level of affordable housing; and*
- 2) *Whether the necessary infrastructure provisions can be secured to make the development acceptable in planning terms.*

Scope of Evidence

1.12 I consider the appeal proposals against the requirements of the Development Plan and in the context of the policies of the National Planning Policy Framework (“the Framework”). In addition, my evidence provides a response to the primary matters raised in representations by third parties.

1.13 I have structured my evidence as follows:

- Section 2 provides an overview of the scheme proposals;
- Section 3 relates to the Development Plan and planning policy context;
- Section 4 responds to the Reasons for Refusal;
- Section 5 addresses other considerations, including the comments from third parties; and
- Section 6 considers the planning balance and provides a summary and conclusions.

1.14 My evidence comprises this Proof of Evidence and an accompanying volume of Appendices.

1.15 My evidence should be read alongside the following Proofs of Evidence:

- Mr Matthew Spilsbury in relation to the viability of affordable housing provision; and
- Mr James Stacey in relation to the tenure of affordable housing provision.

2. Overview of the Appeal Scheme

- 2.1 The Appellant's Statement of Case provides a summary of the appeal proposals and the application material. Such matters are addressed further in the Statement of Common Ground (dated April 2023) between the Appellant and the SDNPA.
- 2.2 The appeal relates to a proposal for the following development:
- "Development of 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works"*
- 2.3 The material submitted to the LPA with the application and then during determination is set out in the Statement of Common Ground.
- 2.4 Other than the matters raised by third parties and Main Issue 2, this appeal is primarily concerned with the question of the quantum of affordable housing which should be provided. When the application was submitted to the SDNPA, a plan was provided which showed the tenure of the proposed housing, identifying eight shared ownership dwellings and the remainder being 'market housing'. In order to ensure that the Inspector has the ability to allow the appeal if they reach a different conclusion on viability, the Appellant requested that this plan (ref: 150715-SL37-04-TP Rev J) be disregarded.
- 2.5 The SDNPA's Statement of Case refers to pre-application advice and a previous scheme promoted by the same developer in relation to this Site, with details contained at Appendices 2 and 3. I am familiar with both of those proposals, however I do not consider them in detail as they are irrelevant to the Inspector's consideration of this appeal. The Inspector will note at paragraph 4.2 of the Statement of Common Ground that neither options presented at pre-app were pursued.
- 2.6 The SDNPA's Statement of Case refers (at 7.17 and 7.18 respectively) to the following two points:
- That the 2018 pre-application advice set out the expectations for affordable housing from the site; and
 - That in relation to the previous application (ref: SDNP/18/06111/FUL) the Appellants proposed 50% affordable housing until a late stage in the application.
- 2.7 In response to the first of those two points, it is unsurprising that the SDNPA set out its expectations in relation to affordable housing, however those must still be seen in context that it is open to an applicant to submit evidence on viability. The 2018 pre-application advice does not set out any special or unusual circumstances that those expectations should be achieved irrespective of viability.

- 2.8 In relation to the second of those two points, the SDNPA's Committee Report (**CD6.5**) on the previous application explained that:

“Further to paragraph 3.2 above, it has recently been verbally advised to officers that there are viability concerns with providing the affordable housing provision outlined in the latest submission, and that the scheme is undergoing further viability assessment work. At present, no information has been provided to justify that the minimum 50% contribution required by policy SD28 isn't achievable and given the uncertainty a reason for refusal is currently recommended. Members will be updated in regard to any further discussions with the Applicant and their planning agents.”

- 2.9 It is fair to say that the application material for the original application did refer to the provision of 50% affordable housing. During the course of the previous application being determined, the Applicant considered the matter carefully, and set out their position as summarised in the Committee Report (**CD3.2**). I do not see anything unusual in this approach, or consider that it undermines the (now) Appellant's ability to consider viability during the life of the project.

3. The Legislative and Policy Context

- 3.1 This section of my evidence identifies the applicable policies from the Development Plan that are referenced in the reasons for refusal and the broader planning policy context. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the development plan unless other material considerations indicate otherwise. This represents the Section 38(6) 'balance.' In addition to the Development Plan, I also refer to other documents such as the NPPF, relevant guidance produced by the SDNPA and two other documents which are specific to the Site's location in the National Park.
- 3.2 In addition to the Development Plan, guidance and the NPPF, the SDNPA's Decision Notice refers to:
- English National Parks and the Broads: UK Government Vision and Circular 2010 (**CD6.2**);
 - The National Park Statutory Purposes set out in the National Parks and Access to Countryside Act 1949 and amended by the Environment Act 1995
- 3.3 Since the Development Plan, local guidance, NPPF/NPPG and the Vision and Circular and the Acts are addressed in the Statements of Case from both the Appellants and the SDNPA, I do not summarise those documents in detail, although I do return to them in response to the reasons for refusal and other considerations.
- 3.4 I note that the SDNPA's Statement of Case refers to The South Downs National Park Partnership Management Plan (PMP) 2020-2025 (**CD4.13**). This document is not referred to in either of the reasons for refusal.

The Development Plan

- 3.5 The statutory development plan comprises the following:
- South Downs Local Plan (SDLP) (2014-33) adopted in July 2019 (**CD4.1**); and
 - Hampshire Minerals and Waste Plan 2013 (**CD4.10**).
- 3.6 The SDNPA's Statement of Case refers to the Greatham Neighbourhood Area which was designated (for the purposes of preparing a Neighbourhood Development Plan) on 12 June 2019. The Neighbourhood Plan has not progressed and as such I do not consider this matter further.

South Downs Local Plan (SDLP) (2014-33)

- 3.7 The reasons for refusal refer to the following policies of the SDLP:
- Reason for refusal 1
 - Policy SD28

- Reason for refusal 2
 - Policy SD1
 - Policy SD9
 - Policy SD10
 - Policy SD19
 - Policy SD20
 - Policy SD28
 - Policy SD71

3.8 These policies are referred to in the Appellant’s Statement of Case and in other documents and so I do not repeat them in this section of my evidence, although I do consider them in response to the reasons for refusal.

Hampshire Minerals and Waste Plan 2013

3.9 The SDNPA’s Statement of Case refers to Policy 15 of the Hampshire Minerals and Waste Plan 2013 (**CD4.10**).

3.10 The SDNPA’s decision did not refer to any conflict with that Policy, however I note that the Policies Map shows the Site (and Greatham in general) as comprising soft sand.

3.11 Policy 15 states:

“Development without the prior extraction of mineral resources in the Mineral Safeguarding Area may be permitted if:

a. it can be demonstrated that the sterilisation of mineral resources will not occur; or

b. it would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan; or

c. the development would not pose a serious hindrance to mineral development in the vicinity; or

d. the merits of the development outweigh the safeguarding of the mineral.”

3.12 The allocation of the Site by the SDNPA occurred some years after the adoption of the Hampshire Minerals and Waste Plan 2013.

3.13 I note that paragraph 5.15 of the Minerals and Waste Plan states that:

“It is standard practice in Hampshire for operational mineral extraction and inert waste recycling sites to have a minimum buffer zone of 100 metres, where appropriate, from the nearest sensitive human receptors, such as homes and schools, though this distance will be reviewed on a case-by-case basis.”

3.14 By my calculation, the vast majority, if not all, of the Site would be within a buffer zone of 100 metres from either a home and/or a school and as such there is a high likelihood that minerals extraction would not be acceptable in any event. Furthermore, I note that criterion c of the Policy requires that the development “*would not pose a serious hindrance to mineral development in the vicinity*”.

Adopted Local Guidance

3.15 The SDNPA has adopted Supplementary Planning Documents on the following matters which are relevant to this proposal and the appeal:

- Affordable Housing (July 2021) (**CD4.4**);
- Guidance on Parking for Residential and Non-Residential Development (April 2021) (**CD4.6**);
- Design Guide (amended 30th August 2022) (**CD4.5**); and
- Sustainable Design and Construction (August 2020) (**CD4.7**).

3.16 Only the Affordable Housing SPD is referred to in the reasons for refusal.

The NPPF

3.17 The NPPF was published in July 2021 and has replaced previous central Government Planning Policy. I have not summarised the NPPF in length as the Inspector will be familiar with its contents. Instead, I focus on those paragraphs which are likely to be most relevant, and which are referred to in the reason for refusal.

3.18 The policies of the NPPF provide a very important context to the consideration of the ‘planning balance’ to be applied in the case of appeals such as this one. I therefore set out in this section my consideration of the relevant policies.

3.19 The Government has made clear its expectation, through the Framework, that the planning system should positively embrace sustainable development to deliver the economic growth necessary and the housing needed to create inclusive and mixed communities. Local planning authorities are encouraged in the Framework to approach decisions on proposed development in a positive and creative way, and should seek to approve applications for sustainable development where possible (paragraph 38).

3.20 Paragraph 8 of the NPPF explains that “*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*”. The three objectives are: economic; social and environmental.

3.21 Paragraph 11 sets out the presumption in favour of sustainable development and confirms that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.

3.22 Paragraph 50 advises that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

3.23 Paragraph 58 of the NPPF states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

3.24 Paragraph 176 of the NPPF states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

3.25 Paragraph 177 of the NPPF states:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

3.26 For the purposes of paragraphs 176 and 177 of the NPPF, footnote 60 of that document explains that, *“whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

3.27 Paragraph 182 of the NPPF explains that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

The Draft NPPF

3.28 The draft NPPF was published for consultation on 22nd December 2022. At this stage the public consultation has closed, but the final version may be subject to change before being published.

4. Response to the Reasons for Refusal and the Inspector's Main Issues

Reason for Refusal 1 (Main Issue 1)

"1. Based on the information provided, it has not been satisfactorily demonstrated that the proposed development cannot deliver an on site affordable housing provision that is greater than the proposed 21.6%, and that the provision of 50% on-site affordable housing cannot be achieved. The proposals are therefore contrary to policy SD28 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021, the adopted Affordable Housing Supplementary Planning Document (2020), the English National Parks and the Broads: UK Government Vision and Circular 2010 and statutory duty of a National Park."

4.1 Reason for refusal 1 alleges that based on the information provided, it has not been satisfactorily demonstrated that the proposed development cannot deliver an on-site affordable housing provision that is greater than the proposed 21.6%, and that the provision of 50% on-site affordable housing cannot be achieved.

4.2 The SDNPA's Statement of Case¹ sets out a broader concern than simply the quantum of affordable housing proposed as it explains that the scheme "does not provide a policy compliant tenure". That matter is not addressed in the reason for refusal.

4.3 The question of the quantum of affordable housing which this scheme can viably provide is addressed within the proof of evidence of Mr Spilsbury. Mr Spilsbury's evidence explains how the approach adopted by the Appellant is consistent with, and has regard to, the approach set out in Policy SD28 and the supporting text as well as with the NPPF/NPPG and the SDNPA's Affordable Housing SPD.

4.4 To begin with, I note that Policy SD28 contains various parts.

4.5 Part 1 of the Policy states²:

"1. Development proposals for new residential development will be permitted that maximise the delivery of affordable housing to meet local need, and provided that, as a minimum, the following are met:

a) On sites with gross capacity to provide 11 or more homes, a minimum of 50% of new homes created will be provided as affordable homes on-site, of which a minimum 75% will provide a rented affordable tenure."

¹ Paragraph 7.4

² Part 1(b) relates to schemes of 3 – 10 dwellings and so is irrelevant

4.6 Part 2 of the Policy states:

“2. Where, exceptionally, provision of affordable housing which complies with Part 1 of this policy is robustly shown to be financially unviable, priority will be given to achieving the target number of on-site affordable homes over other requirements set out in this policy”

4.7 Consequently, the expectation is that schemes such as this provide 50% affordable housing on-site, with a minimum of 50% of those provided as a rented affordable tenure.

4.8 Part 1 of the Policy cannot be read in isolation as Part 2 then explains how, exceptionally, where the provision of affordable housing is shown to be financially unviable, priority is given to achieving the target *number* of affordable homes over other requirements of Policy SD28.

4.9 Part 2 then operates in such a way that if the overall *quantum* of affordable housing, or preferred *tenure mix* renders the achievement of those requirements financially unviable, priority is given to the *quantum* of affordable housing. Thus, the development plan envisages a preference maximising the quantum of affordable units as opposed to a preference for a particular mix of those units.

4.10 The SDLP states:

“7.65 In cases where viability is, having had regard to the above, still an issue, developers will be expected to contribute as fully as possible to mixed and balanced communities, by assessing development options in accordance with the following cascade:

i) Firstly, reduce the proportion of rented affordable tenure homes in favour of intermediate housing that best reflect local need;

ii) Secondly, reduce the overall percentage of housing provided as affordable units; and

iii) Thirdly, provide a financial contribution for affordable housing to be delivered off-site.”

4.11 As Mr Spilsbury’s evidence explains, that approach supported by parts 1 and 2 of the Policy, and the cascade approach in paragraph 7.65, has consistently been adopted by the material produced by Turley, and then CBRE, on behalf of the Appellant.

4.12 There is no suggestion in the SDNPA’s Statement of Case that Policy SD28 does not allow for consideration of viability and indeed I note that this matter has previously been considered at appeal³, with an Inspector concluding that:

“It was accepted by the Authority during the Inquiry that Policy SD28 does not impose a blanket requirement of 50% affordable housing and that the Policy can be complied

³ APP/Y9507/W/20/3257831, dated 13 October 2021 concerning Eastmead Industrial Estate, Midhurst Road, Lavant, PO18 0BP, paragraph 10

with if it can be demonstrated that this provision would make the development unviable.”

- 4.13 Mr Spilsbury’s evidence concludes that the provision of 48.6% affordable housing (18 dwellings) with the tenure mix encouraged by the SDLP would result in a Residual Land Value (RLV) which falls significantly below the Benchmark Land Value (BLV). Similarly, Mr Spilsbury concludes that an alternative scheme delivering 48.6% affordable housing but with a reduced proportion of affordable rented homes would result in a RLV which falls significantly below the BLV. In contrast, Mr Spilsbury’s third scenario which reduces the quantum of affordable housing to 8 and assumes that these will all be shared ownership accommodation represents an improvement and a positive land value, but which falls below the BLV. I note for completeness that Mr Spilsbury shows a fourth scenario (with no affordable housing) which he concludes remains short of meeting or exceeding the BLV. As such, there is no conflict with Policy SD28 of the SDLP as a matter of principle.
- 4.14 Notwithstanding Mr Spilsbury’s evidence, the Appellant has structured the draft S106 Obligation on the basis that the affordable housing provision shall be as set out by the Inspector’s conclusions in the appeal decision.
- 4.15 The second aspect to this is whether the quantum and tenure mix of affordable housing is acceptable.
- 4.16 Although Policy SD28 of the SDLP sets out the expectations for affordable housing delivery, I have not seen any evidence which suggests that as a fundamental principle, 50% affordable housing is essential to achieve with the objectives of the other documents referred to by the SDNPA (including the Vision and Circular, Acts or The South Downs National Park Partnership Management Plan (PMP) 2020-2025). If it was essential, then I would expect that Policy SD28 would not allow for consideration of viability.
- 4.17 Similarly, I note that the SDNPA’s Statement of Case explains that:
- *“Circular 2010 (paras 76-78) which recognises, at Government level, that National Parks as protected landscapes are not suitable locations for unrestricted housing, hence the expectation that new housing should be focused on meeting affordable housing needs.”⁴*
 - *“National Park Authorities (NPAs) are not housing authorities or housing providers, and the delivery of affordable housing critically rests upon housing schemes achieving a policy compliant level of on-site affordable homes. NPA affordable housing policies also typically require higher than average levels of affordable homes, for example Dartmoor NPA Local Plan (2018-36) 45%, New Forest NPA Local Plan (2016-36) 50%, and Exmoor NPA Local Plan (2011-31) 100%.”⁵*

⁴ SDNPA Statement of Case, paragraph 7.9

⁵ SDNPA Statement of Case, paragraph 7.10

- 4.18 This is not a proposal for unrestricted housing, but for housing on an allocated site, within the range for the quantum of housing (35 – 40) that the SDNPA will expect and proposed in the context where the SDLP allows for consideration to be given to viability. In fact, in this case, Mr Spilsbury’s evidence demonstrates that the proposal for 8 affordable dwellings is at a level which would make the scheme unviable, although the provision of shared ownership dwellings reduces the extent to which the scheme is unviable.
- 4.19 I note that Policy SD71 of the SDLP does not specify that 50% affordable housing is a fundamental feature or requirement of this allocation.
- 4.20 The SDNPA also raise (in the Statement of Case) the concern that the proposal “does not provide a policy compliant tenure”, arising from the fact that the scheme does not provide for affordable rented accommodation. Mr Spilsbury explains how the approach taken by the Appellants responds to the approach in the SDLP, by seeking to prioritise the quantum of affordable housing, whilst the evidence of Mr Stacey considers the evidence of local housing need in response to paragraph 7.59 of the SDLP which states:
- “Policy SD28 reflects the SHMA strategic tenure mix (as confirmed by the HEDNA) as a requirement for new housing development, whilst allowing flexibility to reflect local need.”*
- 4.21 On the basis of Mr Stacey’s evidence, it is demonstrated that the provision of 8 shared ownership affordable dwellings will meet a local need.
- 4.22 Drawing the conclusions of Mr Spilsbury and Mr Stacey together, the evidence demonstrates that the provision of 50% affordable housing with the tenure mix sought by the SDNPA would be unviable. In fact, Mr Spilsbury demonstrates that even the Appellant’s proposal is also unviable. Mr Stacey demonstrates that the proposed affordable housing will address a local need. Consequently the appeal proposals are consistent with Policy SD28 of the Local Plan. Moreover, the appeal proposals address the requirement, as explained by the SDNPA in its Statement of Case at paragraph 7.8 that, *“As set out in the Environment Act (1995), National Parks have a statutory socioeconomic duty to foster the economic and social well-being of their local communities, which includes meeting locally identified housing needs.”*
- 4.23 The SDNPA’s Statement of Case⁶ explains that the need for affordable housing in all National Parks, and the South Downs National Park in particular, is acute. Notwithstanding the evidence on viability, the Appellants nevertheless agreed to the provision of 8 affordable dwellings and, in my view in the context of the scheme’s viability, that is both an unusual step and one which should attract significant beneficial weight.
- 4.24 The Appellants’ offer was made during determination in order to try and secure a local decision from the SDNPA. However, because the offer was made, the Appellants do not regard it as appropriate to resile from that position.

⁶ Paragraph 7.9

Reason for Refusal 2 (Main Issue 2)

“2. In the absence of a completed S106 Legal Agreement to secure the following: Measures to secure the public open space requirements of the development; On-site affordable housing; Suitable measures to mitigate increased recreational pressures upon the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation (SSSI and SAC); Financial contribution and measures to support sustainable modes of transport; To secure a permissive path between Petersfield Road and the eastern site boundary for improved accessibility to the adjacent Public Right of Way. The proposals fail to mitigate against its direct impacts and does not satisfy policies SD1, SD9, SD10, SD19, SD20, SD28 and SD71 of the South Downs Local Plan 2019, National Park Purposes and statutory duty of a National Park.”

4.25 The Appellants have progressed a S106 Obligation in conjunction with the SDNPA which addresses each of the matters set out in reason for refusal 2 and as such I conclude that this matter has been overcome.

5. Other Considerations

The Principle of Development

- 5.1 The Appeal Site is allocated in the SDLP 2019 for residential development and lies within the identified settlement boundary for Greatham as identified by the associated Policies Map.
- 5.2 As such, the principle of development is established and is not disputed by the SDNPA⁷. It is Common Ground that the Appeal Site is in a sustainable location.

Whether the Proposal Represents Major Development

- 5.3 In light of paragraph 177 of the NPPF and Policy SD3 of the SDLP, it is relevant to consider whether the proposal represents major development in the National Park. Paragraph 4.22 of the SDLP explains that all of the following principles will be applied when considering whether an application constitutes major development:

- *“A judgement will be made in light of all of the circumstances of the application and the context of the application site*
- *The phrase ‘major development’ will be given its common usage, and will not be restricted to the definition of major development in the Town and County Planning (Development Management Procedure) (England) Order 2015, or to proposals that raise issues of national significance*
- *The determination as to whether the development is major development will consider whether it has the potential to have a significant adverse impact. It will not include an in-depth consideration of whether the development will in fact have such an impact*
- *The application of other criteria may be relevant to the considerations, but will not determine the matter or raise a presumption either way”*

- 5.4 The question of whether the proposal represents major development was considered at paragraph 7.2 of the Committee Report (**CD3.2**) on the application and the Officer concluded that it did not.
- 5.5 I have no reason to reach a different conclusion.

Quantum of Development

- 5.6 It is Common Ground that the quantum of development (37 dwellings) is within the range (35 – 40 dwellings) identified in Policy SD71 of the SDLP 2019 and is not disputed by the SDNPA⁸.

⁷ SDNPA’s SoC, paragraph 7.3

⁸ SDNPA’s SoC, paragraph 7.3

Design

5.7 There is no dispute between the Appellants and the SDNPA in relation to the design of the proposed development, which is the result of a significant amount of engagement and dialogue. It is Common Ground that there are no objections to the layout, height, appearance and elevational treatment of the proposed development or the arrangements to be made for drainage or in relation to the ecological impact of the proposal. No objections are raised on arboricultural impacts.

5.8 I draw particular attention to the commentary at paragraphs 7.8 – 7.14 of the SDNPA’s Committee Report (**CD3.2**) and the conclusion that:

“In conclusion, the dwellings adopt a traditional form of architecture and variety of house typologies, their siting and orientation and forms, as well as the use of materials would create a sufficiently positive contribution to the character and appearance of the area and Greatham.”

5.9 Policies SD4 and SD5 of the Local Plan relate to design matters. For the reasons set out by the Officers in the Committee Report (**CD3.2**), and as amplified in the application material, the Appellants consider that the proposals comply with those policies.

Housing Mix

5.10 Policy SD27 of the SDLP relates to the Mix of Homes and states that proposals should provide numbers of dwellings of sizes to accord with relevant broad mix.

5.11 It is Common Ground that overall proposed mix is acceptable. The housing mix proposed is as follows, with the broad mix by percentage sought by Policy SD27 shown alongside the proposed:

Dwelling size	Market		Affordable	
	Proposed	SD27	Proposed	SD27
1 bed	0 (0%)	10 (35%)	2 (25%)	3 (35%)
2 bed	9 (31%)	10 (35%)	4 (50%)	3 (35%)
3 bed	10 (35%)	10 (35%)	2 (25%)	2 (25%)
4 bed*	7 (24%)	7 (25%)	0 (0%)	0 (5%)
5 bed*	3 (10%)		0	-

* the market housing mix in Policy SD27 provides a % for dwellings of 4+ dwellings
Nb, all figures are rounded to the nearest whole number

5.12 Part 2 of Policy SD27 sets out that planning permission will be granted for an alternative mix provided that:

- (a) Robust evidence of local housing need demonstrates that a different mix of dwellings is required to meet local needs; or

(b) It is shown that site-specific considerations necessitate a different mix to ensure National Park Purpose 1 is met⁹.

5.13 This matter is addressed at paragraph 7.16 of the Committee Report (**CD3.2**), with the Officer providing the following comments:

“The proposed mix is overall acceptable. Policy SD27 prescribes a range of dwellings with a predominance for 2 and 3 bed dwellings for open market and affordable tenures. 68% of the proposed dwellings are 2 and 3 beds which, although lower than the prescribed 80% in policy, is supported and a smaller proportion (27%) are 4 and 5 bed properties. Whilst there is a larger percentage of larger dwellings this would help to deliver affordable housing and to achieve a transition in density through the scheme as required in SD71. The previous application proposed a similar mix and was not refused on these grounds.”

5.14 As such, there are site-specific reasons as to why the SDNPA concluded that the housing mix was acceptable and I have no reason to reach a different view.

5.15 I take the view that housing mix policies should be applied with a degree of flexibility having regard to site-specific circumstances and the site’s location (rather than being applied rigorously to every site throughout the SDNP), as the Officers accepted in this case.

Heritage

5.16 The site is opposite a Grade II listed farmhouse (Deal Farm) and the Conservation Area is located approximately 115m from the site.

5.17 Paragraph 7.35 of the Committee Report (**CD3.2**) states that:

“Given the distances from these heritage assets, intervening topography, vegetation and other development it is considered that the scheme would not cause harm to their setting. It is even debatable as to whether the scheme would be within their setting but enhancements could arise from the loss of the existing greenhouses, the laying out of the proposed public open space and siting development further back from Petersfield Road.”

5.18 As a consequence, the provisions of the NPPF in relation to harm to the significance of designated heritage assets are not engaged in this appeal. It is Common Ground that that the proposed development will not harm the setting or significance of any designated or non-designated heritage asset.

⁹ As the SDNPA’s SoC (paragraph 5.1) records, purpose 1 is to conserve and enhance the natural beauty, wildlife and cultural heritage of their areas

Response to Third Parties

- 5.19 This section of my Evidence addresses the matters raised by third parties in representations and where necessary refers to application documents and consultee responses.
- 5.20 I have reviewed the representations submitted by third parties on both the application and in relation to the appeal. In identifying the matters to be addressed, I have taken, as my starting point, the summary contained at paragraph 5.1 of the Committee Report (**CD3.2**).
- 5.21 Where appropriate, and to avoid repetition, I have combined topics and provided a single response.

Principle of Development and the Loss of the Nursery

- 5.22 As I have noted elsewhere, this Site is allocated for residential development and is within the Settlement Boundary of Greatham as defined by the Policies Map published alongside the SDLP. The principle of development is therefore established.
- 5.23 In relation to the loss of the Nursery, there are no policies which seek to retain the use, particularly in light of the Site's allocation for residential development and I am unable to identify any specific planning harm arising from its loss.

Concerns of local community not addressed and lack of engagement

- 5.24 This appeal follows two applications and a pre-application submission and the adoption of the Local Plan. It also follows engagement with local stakeholders.
- 5.25 On 2 July 2018 a meeting was held with Greatham Parish Council members, an East Hampshire DC Councillor and 22 members of the public. In addition, key local stakeholders were also invited to a stakeholder preview session held ahead of the public exhibition on Tuesday 17 July 2018.
- 5.26 During the determination of the previous full planning application (18/06111/FUL) there continued to be dialogue with key stakeholders including SDNPA, and in particular its Case Officer and Design and Landscape Officers, and Greatham Parish Council. Examples of this dialogue included:
- A meeting between the project team, Case Officer and Design Officer on 27th February 2019;
 - A site meeting for Members of the Parish Council on 23rd July 2019;
 - A design workshop between the project team, Case Officer, Design Officer, Landscape Officer and Members of the Parish Council on 29th August 2019; and
 - Ongoing phone conversations and e-mail correspondence between the project landscape architect and the Landscape Officer

- 5.27 Following this dialogue revised plans were prepared and submitted to SDNPA for consideration on 20th December 2019. Key changes included a reduction in the number of dwellings proposed from 46 to 40 and the omission of a previously proposed shop. Further revisions were made to the previous application and a virtual presentation to explain the changes was made to Greatham Parish Council on 17th December 2020, with the Case Officer also in attendance as an observer. There was also further dialogue with the Case Officer, Design Officer and Landscape Officer up to the completion of the Committee Report (**CD3.2**) by the Case Officer.
- 5.28 After the decision notice on the previous application was issued, a further meeting was held with SDNPA on 23rd March 2021 to discuss what further amendments could be made to make the proposed development acceptable in design terms.
- 5.29 I disagree that there has been a lack of engagement undertaken by the Appellants.

Insufficient affordable homes and poorly sited

- 5.30 The quantum of affordable housing provided by this proposal is a key element to be addressed in the determination of the appeal and is addressed elsewhere in my evidence and that of Mr Spilsbury.
- 5.31 As for the location of the proposed affordable housing within the Site, although the Appellants have invited that the Inspector disregard it, I draw attention to drawing 150715-SL37-04-TP Rev J, the purpose of which was to show the location of eight affordable homes. That drawing showed how the affordable housing would be provided in two groups of four dwellings, with one close to the northern point of the Site, and the other facing the boundary with Petersfield Road.
- 5.32 The affordable housing is integrated within the development and I am unable to find any planning harm arising from its siting.

Lacks connection with the village and opportunity to create a centre missed. No community benefits, need for a new shop/café/community hub to integrate the scheme

- 5.33 Policy SD71 of the SDLP does state that “Development for a Class A1 (Shop) unit with a net sales floorspace up to a maximum of 280m² with suitable vehicular parking for customers will also be permitted”. However, the Policy does not specifically require the provision of the shop or any other facilities (and in fact it states that planning permission for other uses will not be granted).
- 5.34 I note that the representations submitted by the Parish Council suggest that the provision of a shop should be explored and that the matter is raised by other parties too. A shop did form part of the previous application submitted in relation to this Site, but that element was withdrawn as a consequence of the Parish Council’s representations at that time.
- 5.35 The Appellants consider that their position in relation to the shop aligns with that of the SDNPA’s Officers as the Committee Report (**CD3.2**) states (paragraph 7.4) that:
- “A shop was included in the very original scheme of the first application. However, through discussions at that time it was omitted. The current proposals continue to omit a shop, however, local representations have raised concern again regarding its omission.*

It's not an absolute requirement of SD71, rather, it would be acceptable in principle were it to be proposed."

- 5.36 Consequently, there is no policy conflict arising from a scheme for this Site which does not propose a shop. It is Common Ground that the provision of a shop is not an absolute requirement of Policy SD71, rather, it would be acceptable in principle were it to be proposed.
- 5.37 In relation to the comment that the proposal lacks connections with the village, I disagree. The location of the Site adjacent to Petersfield Road means that it is able to make connections to the village and being close to the school, village hall and places of worship for example means that it is well located within the village.

Capacity of the school and doctors surgery

- 5.38 I note that no such concerns were expressed by statutory consultees during the determination of the application. The SDNPA is a CIL charging authority and this development will provide CIL payments towards infrastructure improvements.
- 5.39 No requests for any other infrastructure contributions were received by the SDNPA.

Too many dwellings high density, too many large dwellings and smaller properties including bungalows required, plus garden sizes too small and too much hardstanding

- 5.40 The quantum of development is within the range identified in the SDLP and is not disputed by the SDNPA. However I note that the proposal is the consequence of a significant amount of dialogue with the SDNPA's Officers, which has included discussions on the quantum of development. It is true that the Appellants have previously proposed a greater quantum of development at the Site, but has reduced that in light of the feedback received and in order to address the requirements of the allocation policy.
- 5.41 The quantum of development proposed is not only justified in accordance with Policy SD71 of the SDLP, but through the various documents submitted with the application.

Some limited general support for improved design of properties but predominantly concerns on house sizes and designs and use of materials not locally distinctive

Layout and architecture too suburban, not in keeping with village and rural character; doesn't fit in with the settlement character and poor relationship with existing dwellings

- 5.42 The design evolution of this proposal has been a lengthy process. This is the second application in relation to this Site and pre-application advice was sought from the SDNPA before the first submission was made. Throughout the process the Appellants have acted in liaison with the SDNPA's Officers including in relation to landscape and design matters and the scheme to be determined is the consequence of that dialogue.
- 5.43 That dialogue has been broad and addressed matters such as the quantum of development (which has reduced compared to the initial proposals), the layout and form of development and the housetypes and their appearance as well as detailed comments such as the materials used to ensure that the proposals do reflect the Site's context.

5.44 I note that representations refer to Ironstone being a characteristic material. This point is also made in the SDNPA's Committee Report¹⁰ (CD3.2) which refers to it being seen in properties and boundary walls of older properties. At paragraph 3.6 of the SDNPA's Committee Report (CD3.2), the Officers explained that "A variety of facing materials are proposed. These include brick, tile hanging, white painted brickwork and ironstone." Paragraph 7.13 of the Committee Report states: "Its use has been increased following discussions and it is included on 9 properties. 7 out of the 15 properties facing Petersfield road use it including the most visible corner property at the site entrance. In these respects, the extent of its use within the dwellings is acceptable."

Wish to see self-build plots to allow a mix of characters

5.45 There is no policy requirement in the SDLP for the specific provision of self-build properties. I note that this objection is framed in terms that providing self-build plots would allow a mix of characters, however I note that this is a modest sized site and proposal and has been designed in a comprehensive manner. In fact, the approach advocated within Policy SD71 itself necessitates different characters within the site, due to the transition in form and layout from Petersfield Road and the countryside.

Roof heights excessive which will make dwellings too visible, block wider views and have an urbanising impact on rural and historic character of Petersfield Road and too visible

- 5.46 As far as I can establish, no specific views have been identified, and this is not a situation where any protected views are defined.
- 5.47 The SDNPA's summary refers to the representations as including concerns regarding the urbanising impact on the rural and historic character of Petersfield Road. Petersfield Road is such that it already passes through the village of Greatham with built development on either side and, in the case of this site, a commercial plant nursery with all that entails. In my view, the proposed development represents the continuation of that approach.
- 5.48 I am aware that representations refer to views from footpaths in the area, and include a series of photographs towards the Site. In these photographs, the existing structures at the Site are visible.
- 5.49 In addition, representations refer to the height of the Site adjacent to Petersfield Road and the relationship of proposed dwellings in that view.
- 5.50 The application was accompanied by a Landscape and Visual Appraisal (LVA) which considered the potential effects of the proposed development on both landscape and visual matters. From a landscape perspective, the LVA found that 10 years post construction there would be either negligible or minor beneficial effects.
- 5.51 The LVA also considered the effects of the proposed development on visual receptors, including the users of footpaths in the area. With the exception of the users of Petersfield Road, 10 years post completion, the effects were found to be negligible. In relation to the users of Petersfield Road, the LVA noted that the dwellings will be set

¹⁰ Paragraph 1.1

back and that planting would further minimise the effects, which would be minor adverse.

Concern whether open space can be used by existing residents and landscaping/open space needs to join up with pilot pollinator project in the village

5.52 There are no restrictions to be applied which mean that the open space cannot be used by existing residents.

5.53 As for the need for open space to join up with a pilot pollinator project in the village, this is not a requirement of the Development Plan or any guidance, and there is no suggestion that the scheme would not be acceptable in planning terms if it does not. I note that the application was supported by a range of evidence on ecological considerations and that the SDNPA had no objections in that regard.

Impact on listed buildings and boundary walls

5.54 The application was supported by a Heritage Desk Based Assessment which considered the impact on heritage assets.

5.55 The site is opposite a Grade II listed farmhouse (Deal Farm) and the Conservation Area is located approximately 115m from the site.

5.56 Paragraph 7.35 of the Committee Report (**CD3.2**) states that:

“Given the distances from these heritage assets, intervening topography, vegetation and other development it is considered that the scheme would not cause harm to their setting. It is even debatable as to whether the scheme would be within their setting but enhancements could arise from the loss of the existing greenhouses, the laying out of the proposed public open space and siting development further back from Petersfield Road.”

5.57 As a consequence, the provisions of the NPPF in relation to harm to the significance of designated heritage assets are not engaged in this appeal.

Site has poor drainage and flooding of Bakers Field rear gardens will be exacerbated from increased development

5.58 I draw attention to paragraph 7.34 of the Committee Report (**CD3.2**) which states:

“No objections have been received from specialist consultees in these regards. The current site has approximately 1.27ha of hardstanding and the proposals would reduce this to 0.86ha. Concern has been raised from SDNPA design and landscape officers that the means of managing surface water could be more sustainable with greater provision of green roofs, further swales and rainwater gardens. The drainage engineer and Southern Water have not raised an objection in principle to the foul water drainage scheme.”

5.59 Furthermore, this Site is located in Flood Zone 1 and already comprises significant areas of hardstanding associated with its current use.

5.60 The application was accompanied by a detailed Flood Risk Assessment and Drainage Strategy which explains that by reducing the rate of runoff and intercepting

uncontrolled overland flows the proposed development would reduce flood risk overall.

Development needs to be a carbon neutral scheme with good use of renewable technologies and EV charging points; avoid gas boilers

5.61 The Appellants have approach the sustainability measures within the development in line with Policy SD48 of the Local Plan which explains that for residential development, the following standards are required:

- Energy efficiency: 19% carbon dioxide reduction improvement against Part L (2013) through the energy efficiency of the building and;
- Water: Total mains consumption of no more than 110 litres per person per day

5.62 In addition, the Appellants acknowledge that the SDNPA has adopted an SPD on 'Sustainable Design and Construction (August 2020)', however the Appellants have long maintained that the SPD goes beyond the requirements of the SDLP. For example, the Local Plan does not seek a further 20% reduction in CO2 reductions through on-site green energy solutions, however the SPD does. Similarly, the Local Plan does not include any requirements for passive house dwellings, whereas these are sought by the SPD. In addition, there is no requirement in the Local Plan for green roofs, whereas these are sought (10%) through the SPD.

5.63 The Committee Report (**CD3.2**) explains at paragraph 7.15 that:

"Overall, the scheme would achieve a 39% reduction in CO2 emissions. Essentially, the energy efficiency savings from the fabric of the building would be 14%, which is lower than SD48 prescribes, but this is made up for via the use of renewable technologies. Water efficiency measures would meet SD48. The scheme does not, however, achieve any on site passive house dwellings. The Applicant contends that delivering passive house and a 10% requirement for green roofs fall outside of the scope of SD48 and that these cannot legitimately be requested solely through the SPD, which is guidance to help deliver SD48 rather than a document where new policy is introduced. Whilst this approach is disappointing, the scheme does achieve a 39% reduction in CO2 emissions and includes green roofs on car ports. On balance, this is sufficient."

5.64 Electric vehicle charging points are proposed to be fitted to all dwellings.

Need to better utilise rainwater harvesting, rain gardens and SUDs

5.65 I draw attention to paragraph 7.34 of the Committee Report (**CD3.2**) which states:

"No objections have been received from specialist consultees in these regards. The current site has approximately 1.27ha of hardstanding and the proposals would reduce this to 0.86ha. Concern has been raised from SDNPA design and landscape officers that the means of managing surface water could be more sustainable with greater provision of green roofs, further swales and rainwater gardens. The drainage engineer and Southern Water have not raised an objection in principle to the foul water drainage scheme."

- 5.66 Furthermore, this Site is located in Flood Zone 1 and already comprises significant areas of hardstanding associated with its current use.
- 5.67 Whilst I note that the representations refer to matters such as rain gardens, and that the SDNPA Design and Landscape Officers have expressed concerns that (as the Planning Officer puts it) “the means of managing surface water could be more sustainable” the Appellants maintained that the drainage solution at this Site should be technically sound having regard to its characteristics. The Appellants consider that the proposal accords with that expectation.
- 5.68 A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing the disposal of surface water runoff from the proposed development. As the use of infiltration devices is not feasible it is proposed that surface water drainage is managed by flow balancing methods comprising a detention basin, swales, rainwater gardens and large diameter pipes, in order to attenuate water runoff to greenfield runoff rates with discharge to the local watercourse.

Not sensitive to the National Park context setting of Greatham in the landscape; harm to openness and sense of place and dark night skies, plus impact on views from PROW

- 5.69 In order to respond to this matter, I first note that the Site is allocated for residential development in the SDLP. The proposal is for the use and quantum expected by the allocation and the scheme has been designed so that it responds to the requirements in the SDLP. There is a clear expectation that the Site will be developed.
- 5.70 The proposals have evolved following a detailed assessment of the Site’s characteristics and the area (see, for example the Design and Access Statement), and dialogue with the SDNPA’s Officers.
- 5.71 The application was accompanied by a Landscape and Visual Appraisal (LVA) which considered the potential effects of the proposed development on both landscape and visual matters. From a landscape perspective, the LVA found that 10 years post construction there would be either negligible or minor beneficial effects.
- 5.72 The application was accompanied by a Lighting Impact Assessment. Figure 2 of that document identifies the site as being outside of the core dark skies area. The authors of that report found that artificial lighting is currently present within the boundaries of the Site including within the glass houses and barns. They also found a flood lit area within the middle of the Application Site. The report concludes the lighting strategy and the additional mitigation measures identified in that report ensure that the artificial lighting is not obtrusive, presenting minimal significance in the assessment of potential effects.

More native landscaping and a reduction in proposed hardstanding required

- 5.73 The application material included drawing 150715-SL37-12-HCP Rev C which compares the existing and proposed hardstanding. Currently, 1.27 hectares of the site is covered in hard landscaping, whereas 0.86 hectares will be under the proposal (including the access roads). The scheme therefore results in a significant reduction in hard landscaping within the Site.

- 5.74 As for the native landscaping, I note that the precise nature of the proposed planting can be controlled by condition.

Impact on wildlife and insufficient biodiversity enhancements

- 5.75 The application was supported by an Updated Ecological Impact Assessment (EclA) (EPR, 2021)

- 5.76 I draw attention to paragraphs 7.31 and 7.32 of the Committee Report (**CD3.2**) which state:

“The proposals accord with a number of criteria within policy SD2. These include the ability to store carbon and create biodiversity enhancements through the landscape scheme, as well as manage and mitigate the risk of flooding through the surface water drainage scheme.”

“Policy SD9 requires proposals to demonstrate that they have identified and incorporated opportunities for net gains in biodiversity. The County ecologist has not raised any concerns. Net gain could be achieved through the landscape scheme primarily through the breadth and extent of new planting, subject to detailed design. The different environments between the Suds basin, swales, other areas of open space and gardens would provide for a variety species. No concerns are raised in regard to net gain and safeguarding protected species.”

- 5.77 The EclA in particular sets out the ecological baseline of the Site and undertakes an impact assessment of the proposed development. In addition, the EclA sets out the measures which can be undertaken to achieve a Biodiversity Net Gain.

Need broader consideration of parking and traffic congestion associated with the school and parent’s using village hall car park at peak times;

Concern parents parking in new development to pick up children

- 5.78 Several representations refer to the matter of the village hall car park and that this fills up, with the suggestion being that this is by parents collecting children from the nearby school. There appear to be two points arising from the representations; the first being the safety implications of cars parked in the area during those times; and concern that parents might park within the development.

- 5.79 The first point I would note is that these concerns appear to relate to short periods during the weekday, but that the Highways Authority has not expressed any concerns in this regard. In relation to the concern that parents might park within the development, I note that provision is made for visitor parking bays which may be used, but in any event it appears from the representations that there is already a local solution being used at peak times, namely the use of the village hall car park.

- 5.80 There is no policy requirement that this Site be used to address any concerns regarding parking at school drop-off/pick-up times and neither the SDNPA, nor the Highways Authority, has indicated that it is required to do so.

Increased traffic and highway safety concerns due to poor visibility of access

- 5.81 The scheme utilises the existing point of access into the Site, with this upgraded to serve the development, with this being a requirement set out in part f of Policy SD71.

- 5.82 The application was accompanied by a Transport Statement which considered a variety of matters including parking provision, the impact of the proposed development and the details of the access proposals.
- 5.83 Paragraph 6.2 of the Transport Statement acknowledges the change in levels along Petersfield Road and demonstrates that this factor was taken into account in the preparation of the scheme. Paragraph 6.18 of the Transport Statement discusses the vertical visibility splay review which accommodates the change in levels and that the access still remains compliant with standards. A drawing showing the access and visibility splays is included at Appendix L of the Transport Statement
- 5.84 In relation to the highways impact, the Transport Statement demonstrated that the proposed development would not have a significant impact on the operation or safety of the local road network.
- 5.85 I draw attention to paragraph 7.27 of the Committee Report (**CD3.2**) which states:
- “The Highway Authority does not object on highway safety grounds to the use of the existing access and the proposed works. Local concerns have been raised about conflict with the school, however, given consultee advice and the proposed design the access arrangements are acceptable.”*

**Onsite parking insufficient and obtrusive in street scenes; don't support tandem parking
Concern of overflow parking onto Petersfield Road and village hall car park**

- 5.86 I draw attention to paragraph 7.28 of the Committee Report (**CD3.2**) which states:
- “A key issue in representations is concern about overspill parking and on-street parking within the scheme. The proposed 93 spaces is higher than the previous application (82) and would be an acceptable provision in terms of the SDNPA's Parking SPD requirements, and having considered local concerns and the views of the Highways Authority. The strategy for accommodating off street parking between and adjacent to dwellings and the visitor parking is also an acceptable design approach which helps to reduce street scenes being visually dominated by parking.”*
- 5.87 As the Committee Report (**CD3.2**) explains, the proposal includes 93 car parking spaces, including 8 visitor spaces. Each dwelling would be served by a minimum of 2 off street spaces per dwelling predominantly arranged as tandem parking, whilst driveways for the detached properties would be wide enough for cars to park side by side and have more parking. Single garages are proposed whilst others would have car ports. The visitor spaces and 3 unallocated spaces would be provided around the internal road.
- 5.88 The SDNPA has confirmed that the parking provision is acceptable in terms of the SDNPA's Parking SPD.
- 5.89 In relation to the concerns regarding tandem parking, the approach to design has sought to balance a range of considerations including the levels of parking required to serve each dwelling, as well as achieving an acceptable layout and streetscene.

5.90 On the basis that the scheme provides sufficient levels of car parking, there is no reason to conclude that it would lead to parking elsewhere, such as at the village hall or on Petersfield Road.

Need improved cycle/walking routes to Liss

5.91 There is no requirement in the SDLP that this Site provides improved cycle and walking routes to Liss. However I note that the proposals have been considered by the Highways Authority who subsequently identified a need for financial contributions and measures to support sustainable modes of transport.

Harmful overlooking, loss of privacy, outlook, noise and light pollution as well as impacts during construction including upon the school.

5.92 Third party representations on the application refer to the potential impact on the residential amenity of neighbouring properties.

5.93 In relation to those dwellings on Bakers Field, we note that these are at least 20 metres from the intervening Site boundary, with the dwellings along the north eastern boundary of the site more than 10 metres from that boundary, as well as a landscape corridor in between. The Appellants consider that a variety of factors such as the degree of separation and the intervening vegetation mean that there is no harmful impact on the amenity of those existing dwellings. The Committee Report (**CD3.2**) states at paragraph 7.8 that:

“The proposed layout involves dwellings which would back onto Bakers Field. Given the siting of the proposed dwellings, distances from existing properties and potential new boundary planting, whilst there is a difference in levels whereby the proposed dwellings would be on higher ground there would not be any significantly harmful impact upon their amenity to justify a reason for refusal.”

5.94 In relation to dwellings on the northern side of Petersfield Road opposite the Appeal Site we note paragraph 7.19 of the Committee Report (**CD3.2**) which states:

“The scheme would also not have an unacceptable impact upon residential properties on the opposite side of Petersfield Road given the distances involved and particularly as the proposed dwellings would be set back within the site.”

5.95 I concur with the SDNPA’s Officers that there are no reasons relating to the potential impact on residential amenity which would justify the refusal of this scheme. It is Common Ground that there would be no adverse impacts on residential amenity of nearby properties which justify refusal.

5.96 In relation to matters such as the impact of construction, no specific harm is identified, however my view is that conditions can be applied, as is usual, in order to control construction related activities in an appropriate manner.

Weight to Policies

- 5.97 The SDNPA's Statement of Case¹¹ explains that the SDLP is up to date and compliant with the NPPF and that its policies should be afforded full weight in decision making.
- 5.98 I do not dispute that conclusion, but in my opinion, contrary to the view taken by the SDNPA, the appeal proposal complies with those policies.

¹¹ SDNPA's SoC, paragraph 6.1

6. Summary and Conclusions and the Planning Balance

- 6.1 The SDNPA has allocated this Site for development and so the principle of this scheme is established. It is inevitable that developing this Site will change the character of the Site itself. The SDNPA would have been aware of that outcome and the localised issues identified in representations when it allocated the Site.
- 6.2 Having now considered detailed proposals for the Site on two occasions, the SDNPA's Officers (and Committee by virtue of the decision-making process and content of the decision notice) has accepted that the proposed development satisfies all relevant requirements in relation to design, appearance, layout, landscape impact, heritage, accessibility, flood risk and drainage and ecology for example.
- 6.3 There is no dispute from the SDNPA that this proposal is unsatisfactory other than in relation to the matters identified in the two reasons for refusal. The second reason for refusal will be addressed through the completion of a Legal Agreement which secures the necessary measures.
- 6.4 The first reason for refusal is based on the premise that the quantum of affordable housing has not been justified and that the Appellants have not demonstrated that 50% affordable housing cannot be provided. The SDNPA's Statement of Case also indicates that the scheme is unacceptable because the proposal does not secure the affordable housing tenure mix sought by Policy SD28.
- 6.5 The evidence presented for the Appellants by Mr Spilsbury continues to demonstrate that a 'policy compliant' provision of 50% affordable housing, with the tenure mix sought by the SDNPA, would be unviable. Moreover, Mr Spilsbury demonstrates that the Appellants' proposal of 8 shared ownership dwellings is also unviable.
- 6.6 Mr Stacey has provided evidence to demonstrate that there is a need for shared ownership affordable housing, which would be assisted by this proposal.
- 6.7 The proposed development therefore complies with Policy SD28 of the SDLP which specifically allows for a reduction in viability (and in those circumstances, the maximisation of the quantum of affordable housing in lieu of its tenure). In the face of an unviable scheme when the full expectations of the Policy are applied, the Appellants have sought to maximise the quantum, rather than tenure of affordable housing provided. This approach is entirely consistent with Policy SD28.
- 6.8 I recognise that the weight to be afforded to viability assessments is a matter for the decision-taker and that the SDNPA has identified the acute need for affordable housing. In a context where even the Appellants' proposal is shown to be unviable, let alone the full expectations of Policy SD28, and when the scheme has been shown to meet a local need (as demonstrated by Mr Stacey), I consider that the provisions and flexibilities in the Development Plan should be afforded substantial weight in this appeal. This reflects section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11c of the NPPF 2021.

- 6.9 The decision should be taken in accordance with the development plan and that the need for affordable housing is not a material consideration that directs the decision maker to take a contrary view.
- 6.10 Insisting on a scheme for 50% affordable housing would result in the delivery of no affordable homes from this Site, given it would be so unviable. In contrast, the Appellants' scheme will deliver affordable housing, albeit not to the extent that the SDNPA would prefer.
- 6.11 In the event that the Inspector reaches a different conclusion as to the level of affordable housing which should be provided then the S106 has been drafted to provide that flexibility.
- 6.12 The proposals also comply with Policy SD71 of the SDLP which allocates the site for development.
- 6.13 There are no other matters arising from the representations or consultee comments which indicate that the appeal should be dismissed.

Turley
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

T 0118 902 2830