

ALTON Town Council



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Town Clerk: Tom Horwood

Town Hall
Market Square
Alton
Hampshire
GU34 1HD

30th July 2025

Dear Councillor

You are hereby summoned to an **EXTRA-ORDINARY** meeting of the **FULL COUNCIL** on **Wednesday 6th August 2025 at 7.00pm** at the Alton Assembly Rooms when the under mentioned business will be transacted.

Please note there will be a twenty-minute presentation from the Holybourne Village Association at **6.30pm** for councillors.

Yours faithfully

Annette C Eyre

Councillor Annette Eyre

To: All Town Councillors

Councillor Matthew Bayliss
Councillor Mark Boyce-Churn
Councillor Annette Eyre
Councillor Don Hammond
Councillor Graham Hill
Councillor Matthew Kellermann
Councillor Roger Lamb
Councillor Richard Moore
Councillor Nick O'Brien
Councillor John Quincey
Councillor Barbara Tansey
Councillor Janice Treacher
Councillor Peter Wadman

**ALTON TOWN COUNCIL
EXTRA-ORDINARY MEETING OF THE FULL COUNCIL
WEDNESDAY 6TH AUGUST 2025**

TOWN HALL, ALTON

AGENDA

1. Apologies for absence
2. Town Mayor's announcements
3. Declaration of Interest and Requests for Dispensations - Councillors are reminded of their responsibility to declare any disclosable pecuniary interest which they may have in any item of business on the agenda no later than when that item is reached. Unless dispensation has been granted, you may not participate in any discussion of or vote on any matter in which you have a pecuniary interest. You must withdraw when the meeting discusses and votes on the matter
4. Questions to the Council. Members of the public are invited to make representations of up to three minutes each.
5. Planning Application: EHDC-25-0748-OUT, Land To The Rear Of 136-150 London Road, Holybourne, Alton, Hampshire
6. Planning Application: EHDC-25-0718-FUL, The Queens Head, 20 London Road, Holybourne, Alton, Hampshire, GU34 4EG
7. Planning Application: EHDC-25-0711-FUL, Anstey Road Garage Anstey Road, Alton, Hampshire, GU34 2RD
8. To authorise a panel for contractors to present to with regards the next stage of the King's Pond project
9. To approve the signing of the S106 Deed of Variation to enable the money to be used to refurbish the two pavilions at Jubilee Fields
10. Christmas Lights Improvements Proposal
11. Consultations on Local Government Reorganisation
12. Traffic Order Proposals – Prohibition Of Waiting, Various Roads, Alton, for consultation

**ALTON TOWN COUNCIL
EXTRA-ORDINARY FULL COUNCIL – 6TH AUGUST 2025**

REPORTS BY THE TOWN CLERK AND DEPUTY TOWN CLERK

**ITEM 4: CORRESPONDENCE RECEIVED AND QUESTIONS TO THE COUNCIL
FOR INFORMATION/DECISION**

An email was received from the Holybourne Village Association with a copy of their objection to Planning Application EHDC-25-0748-OUT, which is appended.

The objection and supplementary documents can also be seen on this page:

[East Hants](#) | [East Hampshire District Council](#) | [Application](#) | [180822](#)

**ITEM 5: PLANNING APPLICATION EHDC-25-0748-OUT FOR CONSULTATION
FOR DECISION**

EHDC-25-0748-OUT

Site: Land To The Rear Of 136-150 London Road, Holybourne, Alton, Hampshire,

Proposal: Outline Planning Application with all matters reserved except access for a high-quality residential development comprising up to 160 dwellings, with supporting green infrastructure and open space including play space and associated infrastructure including Sustainable Urban Drainage System and new vehicular access from London Road

Consultation end date: 24th July 2025 (an extension has been given to 11th August)

[East Hants](#) | [East Hampshire District Council](#) | [Application](#) | [180822](#)

Recommendation: Council is requested to decide their response to the Planning Authority as statutory consultee on application EHDC-25-0748-OUT

**ITEM 6: PLANNING APPLICATION EHDC-25-0718-FUL FOR CONSULTATION
FOR DECISION**

EHDC-25-0718-FUL

Site: The Queens Head, 20 London Road, Holybourne, Alton, Hampshire, GU34 4EG

Proposal: Change of use of former public house (Sui Generis) to Nursery (Class E(f)) with retained parking area for 12 cars and external play space to rear

Deadline for comments: 6th August 2025 (ATC has been allowed an extension to 7th August)

Expiry date: 5th September 2025

[East Hants](#) | [East Hampshire District Council](#) | [Application](#) | [180888](#)

Recommendation: Council is requested to decide their response to the Planning Authority as statutory consultee on application EHDC-25-0718-FUL

**ITEM 7: PLANNING APPLICATION EHDC-25-0711-FUL FOR CONSULTATION
FOR DECISION**

EHDC-25-0711-FUL

Site: Anstey Road Garage Anstey Road, Alton, Hampshire, GU34 2RD

Proposal: Converting Motor Trade Workshop and Ancillary Buildings to a Car Wash/Valeting

Deadline for comments: 5th August 2025 (Extension to 7th August 2025)

Expiry date: 8th September 2025

[East Hants](#) | [East Hampshire District Council](#) | [Application](#) | [180892](#)

Recommendation: Council is requested to decide their response to the Planning Authority as statutory consultee on application EHDC-25-0711-FUL

ITEM 8: KING’S POND: TO APPOINT A PANEL TO RECEIVE PRESENTATIONS FROM CONTRACTORS FOR PHASE 1 OF THE PROJECT

FOR DECISION

Contractors were asked to tender for completing Phase 1 of the King’s Pond project as follows:

King’s Pond, Alton Invitation for Fee Proposals for Stage 1 Design

Introduction

As a summary of the current position of this project we have attached the document “King’s Pond – The Next Steps in Deciding the Way Forward” at Appendix A, together with drawings of the two principal options under consideration.

All other information, including past reports and survey information, can be found on the Alton Town Council (ATC) website: <https://www.alton.gov.uk/kings-pond-project>. Survey drawings can be issued in DWG format upon request.

Ecology surveys and reports are in progress and are being added to the website as they become available. In January 2025, Alton Town Council (ATC) resolved to take forward proposals for both possible options and bring them to a decision point. At present the project is seen as progressing in three stages:

Stage One – To public consultation and decision

- Pre-application consultation on both options with the planning authority and the Environment Agency.
- Engineering and landscape design and specification of both options to sufficient detail for costing and for presentation to residents.
- Ecological strategies for both options to create/improve habitats and improve biodiversity to sufficient detail for costing and presentation to residents
- Flood Risk Assessment for the River & Pond option only
- Public consultation & selection of the preferred option.

Stage Two – Design, Approvals, Appointment of a contractor

- Applications for approvals and permits for the selected option including Flood Risk Assessment and Environmental Impact Assessment.
- Landscape and engineering design and specification progressed to construction detail
- Preparation of Tender Documents
- Tendering and selection of a contractor.
- Sourcing funds

Stage Three – Works on site

Roles and Stage One Deliverables

Roles/Elements	Stage One Deliverables
Project Management	Management of Stage One to fulfil all deliverables to the point of Public Consultation.
Principal Designer	Pre- Construction Health & Safety Plan
Planning	Pre-application Consultations with the planning authority and the EA
Engineering Design	Design and specification of the two proposals to sufficient detail for costing and for public presentation. This includes the civil engineering work for removal of the weir and alteration of the downstream chamber.
Ecology	Review surveys and preliminary proposals made by ecologists appointed by ATC pre-Stage 1. Input to the design team to create appropriate habitats, detailing and planting.
Landscape Architecture	Landscape treatment of the whole site for both options in conjunction with the Engineering Design. Presentation drawings for public consultation.
Costing	Budget Costings Identification of Risks

Stage One information is to be presented in full detail in a format that will provide a sound basis for decision making and for proceeding with Stage 2

Invitation

Alton Town Council invites companies with appropriate experience to submit fee proposals for Stage One. For ease of analysis and evaluation fee proposals are to be broken down into the elements in the table above. All applicants with a valid application will be asked to present to a panel on **Thursday 21st August**. Applicants will be contacted on 18th August to arrange times so please do keep the day or evening free. If there is any problem with this date, please do let us know as early in the process as possible so we can try to make alternative arrangements.

Council needs to appoint a panel in order to receive these presentations, score the tenders and make a recommendation to Full Council on

Recommendation: Council is requested to authorise the Task and Finish Group (T&FG), along with officers, to form a panel (including councillors, up to two other members of the T&FG and the Town Clerk) to receive presentations from, and ask questions of, candidates for completing Phase 1 of the King's Pond project, score the tenders, taking this information into account, and make a recommendation to the Full Council meeting on 3rd September.

**ITEM 9: TO APPROVE THE SIGNING OF THE S106 DEED OF VARIATION TO ENABLE THE MONEY TO BE USED TO REFURBISH THE TWO PAVILIONS AT JUBILEE FIELDS
FOR DECISION**

The S106 agreement for Redrow Homes relating to development of land east of Will Hall Farm, Basingstoke Road, Alton, provides £285,309.96 which has been budgeted for the refurbishment of the Pavilions at Jubilee Fields. The original planning obligation was for money for a new pavilion, so a Deed of Variation has been needed to enable this money to be used to refurbish the existing pavilions. There have been many delays, but it is close to being finalised and Council is asked to approve the signing of the completed document by the Proper Officer in order that the project can move forward.

Recommendation: Council is requested to approve the signing of the S106 Deed of Variation by the Proper Officer, once it is finalised.

ITEM 8: CHRISTMAS LIGHTS FOR DECISION

Christmas Lights Improvement 2025 – report by N. Beckell, Events and Marketing Lead Officer

Background

Over recent years, the Town Council has received criticism for the lack of festive lighting, especially between Boots to Marks & Spencer and Market Street.

Some residents and businesses have expressed disappointment at the absence of festive lighting in these key areas of the town. Since 2018, icicle lights have been absent from some buildings along Market Street due to some building owners not granting permission, so lights have not been included.

Why investing in Christmas lights benefits Alton and the Council

1. Boosts local business

- Better lights attract more foot traffic.
- People are more likely to shop, eat out and spend time in town when the atmosphere feels festive and welcoming.
- This directly supports local retailers, cafes and restaurants, especially important in the run-up to Christmas.

2. Strengthens community pride

- A well-lit town feels cared for.
- Residents take pride in where they live and are more likely to engage with town events and initiatives.
- It sends a clear message: the council values the community experience.

3. Enhances reputation

- Positive word-of-mouth and social media sharing grow when the lights look impressive.
- Alton becomes known as a town that puts effort in.
- This helps attract visitors.

4. Encourages civic engagement

- Lighting displays often inspire people to attend Christmas events.

- These events build a stronger connection between residents and the council, fostering goodwill and trust.

5. Shows support for businesses

- Lights in key commercial areas – like Market Street – show that the council is actively backing Alton's retail offer.
- This can help build stronger partnerships with local traders and business groups.

Proposed Improvements for 2025

1. Tree lighting between Boots and M&S

Recommendation

To add lighting to some of the trees within the area.

A quote has been received to install lights in the trees along this section. **Approximate cost £800 per tree. 10 trees between Boots and M&S. The contractor will need to look at how we would be able to power them.**

2. Market Street – icicle lighting

Recommendation

To add icicle lighting, where we can get permission, from Timeless to Clarks.

A quote has been obtained for icicle lights along Market Street.

Approximate cost - Installation and removal would be £2,801

If Councillors approve, we will need to seek permission from building owners. This can be achieved by writing to businesses and requesting that they contact their landlords for consent if required.

3. Market Square and Assembly Rooms, trees and decorations

The Assembly Rooms Lawn has been reduced in size because of the Regency Garden and it might be a little overcrowded with a tree, a sleigh and reindeer.

Recommendation

To relocate the large Christmas tree from the Assembly Rooms to Market Square.

Leave the sleigh and reindeer on the lawn at the Assembly Rooms and speak to the seller of Christmas trees on the Assembly Rooms steps and ask if he will help with supplying smaller trees to make a winter wonderland theme.

Recommendation

To commence negotiations to sell or exchange the current Market Square tree or relocate it to the Public Gardens.

Column lights

The current column-mounted (lamp posts) lights have been in use for seven years and are nearing the end of their lifespan. It is recommended that planning and budgeting for a new lighting scheme to be introduced by Christmas 2026.

If Councillors agree to improve the Christmas lighting, we will also seek sponsorship from local businesses.

Financial information is as follows:

Budget £22,000

Sponsorship £2000 so far

Expenditure TOTAL 2024 - £18,609.93

Sparkx - £10,849 (install and removal of column Lights and Icicles)

Blachere - £7310 (Install, removal and storage) of Trees and Sleigh

Electricity use – £450 Approx

Expenditure TOTAL 2025 - £19,683

Sparkx - £11,923.00 (install and removal of column Lights and Icicles)

Blachere - £7310 (Install, removal and storage) of Trees and Sleigh

Electricity use – £450 Approx

RECOMMENDATION: The Council is asked to determine whether to:

- (i) add lighting to some of the trees between Boots and M&S**
- (ii) add icicle lighting, where we can get permission, from Timeless to Clarks**
- (iii) relocate the large Christmas tree from the Assembly Rooms to Market Square**
- (iv) agree that officers negotiate the sale or exchange of the current Market Square tree or relocate it to the Public Gardens, and implement.**

ITEM 11: CONSULTATIONS ON LOCAL GOVERNMENT REORGANISATION

FOR DECISION



The Government announced last year that devolution and local government reorganisation will take place in Hampshire (and some other counties). This will (a) create a directly-elected Mayor with strategic oversight of the county and certain devolved powers from central Government; and (b) replace existing county, district and unitary councils with at least two new unitary councils.

The whole county currently comprises Hampshire County Council, three unitary councils (Isle of Wight, Portsmouth, Southampton) and eleven district councils, of which East Hampshire District Council is one. Those councils will be abolished in 2028, and the new authorities take over their services, assets and liabilities. Town and parish councils will not be directly affected by local government reorganisation.

The councils to be abolished are required to make their proposals to Government in September 2025. There are two competing proposals being developed: one by Hampshire CC and East Hampshire DC; the other proposal will be submitted the other district/unitary councils.

Proposal A. Hampshire County Council and East Hampshire District Council have launched a public engagement process on their proposal for Local Government Reorganisation (LGR) across the Hampshire and Solent area:

“In response to the Government’s invitation for councils to put forward ideas for simpler, more efficient local government, we [HCC] have developed a proposal – in partnership with East Hampshire District Council – to replace the current 15 councils serving the area with four new unitary authorities. These would each be responsible for delivering all local services.

The proposed Hampshire and Solent area unitary councils would be:

- North and Mid Hampshire (Basingstoke and Deane, East Hampshire, Hart, Rushmoor, Winchester)
- South-West Hampshire and Solent (Eastleigh, New Forest, Southampton, Test Valley)
- South-East Hampshire and Solent (Fareham, Gosport, Havant, Portsmouth)
- Isle of Wight (remaining as a standalone unitary council)

Our proposals are based on detailed analysis, community feedback, and public sector insight, to create councils that are financially sustainable, easier to access, and fit for the future - protecting local identity and putting local voices at the heart of decision-making.

The public engagement period runs until Sunday 17 August 2025, and we are inviting views from everyone - residents, businesses, partners and stakeholders. You can view the proposals in full and take part in the survey at www.hants.gov.uk/lgr. ”

Proposal B. The other councils (except Gosport, which opposes reorganisation) are consulting on three options, all comprising 5 unitary councils:

- Option 1:
 - Basingstoke-Hart-Rushmoor;
 - New Forest-Test Valley-Winchester-East Hampshire;
 - Eastleigh-Southampton;
 - Portsmouth-Havant-Gosport-Fareham;
 - Isle of Wight
- Option 2: as Option 1, but with New Forest in with Eastleigh and Southampton
- Option 3: as Option 1, but with some of the parishes of New Forest, Test Valley, Winchester and East Hampshire moved to their neighbouring unitaries with either Portsmouth or Southampton

The Government has a strong preference for using existing district and county boundaries as the building blocks of new unitaries.

Councillors may have a view on the proposals being presented for public consultation. For Alton Town Council (and any town/parish council) there are two issues of particular interest, that are not really addressed in either consultation. Firstly, whether the district and county councils will enter into serious discussions about the transfer of assets and responsibilities before they are abolished or simply pass them to the new unitary. The views of the Council on this matter will inform discussions that the Town Clerk can request with HCC and EHDC. Secondly: the Government talks about “neighbourhood area committees”, chaired by unitary councillors to provide local contact and accountability. Parish and town councils are mentioned only a little in the Government and local proposals. The Council could request that the Town Clerk make representations to both consultations on the role of the most local tier of government, so that any new arrangements put in place (such as neighbourhood area committees) respect the local democratic mandate of town councils and are not competitive or inefficient.

Recommendation: Council is requested to decide whether and how to respond to the two parallel consultations.

ITEM 12: TRAFFIC ORDER PROPOSALS – PROHIBITION OF WAITING, VARIOUS ROADS, ALTON FOR DECISION

NOTICE IS HEREBY GIVEN that Hampshire County Council (the Council) proposes to

make the above-mentioned Order(s), in exercise of its powers and duties under Sections 1, 2, 4, 5, 32, 35, 39, 45, 46, 53 and 122(1) and 122(2) of the Road Traffic Regulation Act 1984 (the Act), Part IV of Schedule 9 to the Act, and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and having discharged its duty under section 122 of the Act.

GENERAL NATURE AND EFFECTS OF THE ORDER:

Will be to amend parking and waiting restrictions on various roads in Alton as follow:

No Waiting at any time

Ackender Road - East Side

- (i) between its junction with Lenten Street and a point 19 metres south thereof.
- (ii) between its junction with Langham Road and a point 10 metres north thereof.
- (iii) between its junction with Langham Road and a point 10 metres south thereof.

Ackender Road - West Side

- (i) between its junction with Lenten Street and a point 44 metres south thereof.
- (ii) between its junction with Queens Road and a point 22 metres south thereof.
- (iii) between a point 42 metres south of its junction with Queens Road and a point 29 metres south of that point.

Basingstoke Road/Lenten Street – North Side

between a point 152 metres east of its roundabout junction with B3349 New Odiham Road and a point 100 metres east of that point.

Basingstoke Road/Lenten Street – South Side

between a point 12 metres east of its junction with Ackender Road and a point 72 metres west of that point.

Kings Road – North-west Side

between its junction with Queens Road and a point 15 metres south-west thereof.

Kings Road – South-east Side

between its junction with Queens Road and a point 13 south-west thereof.

Princess Drive – North Side

between its junction with Queens Road and a point 31 metres north-west thereof.

Princess Drive – South-west Side

Between its junction with Queens Road and a point 28 metres north-west thereof.

Queens Road – North-west side

- (i) between its junction with Ackender Road and a point 17 metres southwest thereof.
- (ii) between its junction with Princess Drive and a point 17 metres northeast thereof.

Queens Road – South-east

- (i) between its junction with Ackender Road and a point 13 metres south-west thereof.
- (ii) Between a point 80 metres southwest of its junction with Ackender Road and a point 33 metres south-west of that point.

Queens Road - West side

- (i) between its junction with Princess Drive and a point 13 metres south thereof.
- (ii) between its junction with Kings Road and a point 11 metres north thereof.
- (iii) between its junction with Kings Road and a point 10 metres south-west thereof.

Spitalfields Road – North Side

Between a point 40 metres west of its junction with Youngs Road and a point 16 metres south-west of that point.

Spitalfields Road – South side

Between its junction with Youngs Road and a point 58 metres south-west thereof.

No Waiting Mon – Sat 9am – 6pm

Ackender Road – East side

between a point 19 metres south of its junction with Lenten Street and a point 51 metres south thereof.

Lenten Street – North side

between a point 43 metres west of its junction with Amery Stret and a point 321 metres west thereof.

This Order will part-revoke a number of Orders, as listed in the Order with no change of substance save for the changes above

Recommendation: Council is requested to decide whether to submit a response or for individual councillors to submit their own responses if desired.



Holybourne Village Association's Planning Application Response

JULY 2025

Application Reference: EHDC-25-0748-OUT

Development Proposal: Outline Planning Application for 160 dwellings. All matters reserved except access.

This statement has been prepared by Holybourne Village Association in response to planning application EHDC-25-0748-OUT.

Holybourne Village Association (HVA) objects to the planning application in the strongest of terms.

This statement should be read in conjunction with the supplementary notes which provide elaboration on the various objections; together with the appended appeal decisions which further corroborate HVA's position.

The application should be refused for the following reasons:

1. Impact upon Cuckoo's Corner Roman Settlement Scheduled Monument - See Supplementary Note A for Elaboration

- The Roman settlement at Cuckoo's Corner is a Scheduled Monument of national importance of the highest order.
- Notwithstanding the risk to underground archaeology at the site, the relocation of a play area and kick about area onto the Scheduled Monument risks trivialising and damaging a nationally significant heritage asset - an act that prioritises convenience over cultural responsibility. The monument's integrity must be respected - not compromised by modern infrastructure.
- The development would also severely impact the setting of the Scheduled Monument – a setting that plays an important role in helping to understand why the Roman settlement was located in this location.
- For the above reasons, the development would result in substantial harm to the significance of the Scheduled Monument. In this context, wholly exceptional justification of the harm, as is required under paragraph 213 of the NPPF, has not been demonstrated.
- The application should be refused under JCS Policy CP30 and NPPF paragraph 11d(i) and the tilted balance under NPPF paragraph 11d(ii) need not be engaged.
- The appended Torrisholme Bowl Barrow appeal decision provides a clear example of the weight that the NPPF attributes to the protection of nationally important Scheduled Monuments and their settings.



2. Impact Upon Other Heritage Assets – See Supplementary Note B for Elaboration

- Policy CP30 of the Joint Core Strategy (JCS) is unequivocal in that all “development proposals must conserve and, where possible, enhance the district’s historic environment”. The development fails in this regard.
- The proposed urbanisation of the rural settings of the Grade II* listed Church of the Holy Rood (a nationally important heritage asset of the highest significance) and the Grade II listed Manor Farm House would substantially harm the significance of the heritage assets. The substantial harm has not been justified as wholly exceptional or exceptional (respectively), nor have the public interest tests been met, in line with the NPPF approach to heritage.
- The proposed urbanisation of the application site would also lead to substantial harm to the setting of Holybourne Village Conservation Area and to harm to the setting of the Grade II listed buildings of Holybourne House, Oak Cottage and The Forge.
- Further harm would result to the character and appearance of the conservation area with respect to the proposed scheme of highways works and also the increases in traffic through the village, both during and post construction.
- The public benefits of the development do not justify or outweigh the harm.
- The NPPF policies relating to heritage assets are engaged under NPPF Paragraph 11d(i) and provide clear and strong reasons for refusing the planning application.

3. Loss of Holybourne Play Area; a Designated Local Green Space – See Supplementary Note C for Elaboration

- The development, by reason of the loss of Holybourne Play Area (a designated Local Green Space), would result in the loss of an extremely well-used and highly valued social and recreational facility at the heart of the village. The outstanding countryside views from Holybourne Play Area help connect the village to its rural landscape setting and are a particularly important aspect of the Local Green Space designation.
- The NPPF sets out that Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period. The NPPF is explicit in that once designated, boundaries of designated Local Green Spaces should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans – not through speculative planning applications.
- The proposed replacement represents a significant diminishment in quality and community value. It will be enclosed by, and intrinsically linked to, the residents



of the newly created neighbourhood; rather than serving as a notable facility for the wider village with outstanding countryside views.

- Where the development fails to protect an asset afforded particular importance in the NPPF there is strong reason to refuse the application. NPPF Policy 11d(i), JCS Policies CP1, CP16 and CP17 and Alton Neighbourhood Plan Policy CH5 all direct refusal of the application.

4. Flood Risk and Drainage – Failure to Undertake a Sequential Test - See Supplementary Note D for Elaboration

- JCS Policy CP25 and NPPF Paragraph 173 sets out that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding.
- EHDC's Level 1 Strategic Flood Risk Assessment mapping shows that the application site falls within an area of potential groundwater flooding. Policy CP25 also explicitly identifies the risk of ground water flooding in this location and directs that development should be avoided. This flood risk is further corroborated by the application submissions and by the local evidence presented.
- The risk of flooding has not been adequately justified through identifying that there are no sequentially preferable sites in a logical and robustly identified Sequential Test Area. The proposal would therefore be contrary to both JCS Policy CP25 and the Framework, which both aim to sequentially direct development away from areas at risk of flooding to avoid flood risk to people and property.
- As the sequential test has not been undertaken, the exception test (i.e. whether the site could be made safe for its lifetime) in Paragraph 177 of the Framework is not relevant at this stage.
- The applicant has not completed a sequential test and therefore JCS Policy CP25 and the policies of the NPPF provide a clear reason for refusal. This alone is a matter of sufficient force to outweigh the benefits of the proposal given the strictness with which flooding is addressed in national policy – see Fairlight Cove and Lancaster appeal decisions for case law.
- In the circumstances NPPF Paragraph 11d(i) directs refusal of the application. The tilted balance under paragraph 11d(ii) of the NPPF need not be engaged.



5. Size and Scale of the Development and Impact on the Character of the Village and the Existing Community – See Supplementary Note E for Elaboration

- Disproportionate Scale & Location - The development, by virtue of its size and position outside the settlement boundary, would cause a significant and demonstrable adverse impact on the village's character, identity, and social cohesion.
- Conflict with Spatial Strategy & Settlement Hierarchy - Holybourne is classified as an "other settlement with a policy boundary," intended for only small-scale local development. The proposal for 160 dwellings far exceeds what is proportionate for a village of its scale and service availability.
- Policy Noncompliance – Joint Core Strategy (JCS) - The development undermines the established settlement hierarchy, ignoring the guiding spatial vision and strategic distribution principles that form the golden thread of the JCS.
- Planning Principles – Right Place, Right Scale - Local and national policies emphasise that new housing must be appropriately located and scaled - regardless of housing land supply pressures. It is not a case of development at any cost.
- Tibberton Appeal Precedent - The Tibberton appeal illustrates how a similarly scaled proposal in a small village was rightly refused due to irreversible harm to local character, poor infrastructure alignment, and conflict with planning strategy - despite housing need.

6. Landscape Character and Visual Impact – See Supplementary Note F for Elaboration

- The site lies outside Holybourne's settlement boundary, forming part of the open countryside and contributing to the village's rural setting.
- By introducing incongruous built form into an open and undeveloped area that positively contributes to local landscape character, the proposal would cause significant harm to the character and appearance of the area. It disregards the established scale and identity of Holybourne, failing to respond to the village's capacity for growth and undermining its local distinctiveness.
- The site lies within Local Area 4b.1 (Alton to Bentley North of A31) of EHDC's Landscape Capacity Study (2018). This is a regionally important landscape, with low capacity for change due to its rural character, historic assets, and visual sensitivity.
- The landscape holds high value due to the outstanding countryside views and active community use of the Play Area and footpaths.



- At 160 dwellings, the proposed development significantly exceeds the small scale local development that is anticipated in Holybourne under JCS Policy CP10;
- At 160 dwellings, the proposed development significantly exceeds the small scale development which the EHDC's Landscape Capacity Study identifies could potentially be provided without causing significant and detrimental damage to the regionally important Landscape Character Area;
- The harm identified against the development is substantial and not outweighed by the public benefit of the proposals.
- The Southminster Appeal Decision is directly comparable to the development proposals and reinforces the principle that the resulting landscape harm should be concluded to outweigh public benefit.

7. Failure to Support EHDC's Sustainable Transport Objectives – See Supplementary Note G for Elaboration

- With Holybourne being identified as an “other settlement with a policy boundary”, the additional 160 homes proposed would take the level of growth outside what could be considered ‘small scale local development’ in the context of Holybourne's position within the settlement hierarchy (tier 4), the size of the village and the availability of services.
- Whilst Holybourne does contain some local infrastructure, the vast majority of trips from the development would be external to the village by private car.
- Neither has the applicant made any meaningful assessment of whether the existing services in the village can support an additional 160 homes, representing a 30% increase in the size of the village.
- The development therefore does not support EHDC's sustainable transport objectives in accordance with the overriding principles of sustainable development established via EHDC's application of the settlement hierarchy.
- The application should therefore be refused in accordance with JCS Policies CP1, CP2 and CP10 and NPPF Paragraph 110.

8. Highways Impact – See Supplementary Note H for Elaboration

- The vast majority of trips from the development would be external to the village by private car. In generating considerable growth in external trips, the development would result in a large number of additional journeys through the village and on a poor rural road network with seriously negative consequences for highway safety, congestion, inconvenience and environmental harm.



- The traffic modelling presented in support of the application appears to underestimate the likely impact of the development. An independent and locally calibrated transport assessment should be commissioned, including sensitivity testing and validation against observed conditions.
- The proposed access, given the proximity to Pentons Close, creates a conflict zone, increasing the risk of turning collisions and driver hesitation. This is exacerbated given that vehicles parked along London Road will obstruct forward visibility, making it harder for drivers to see oncoming traffic or pedestrians. The proximity to recreational facilities means frequent pedestrian movement, including children, which heightens the need for clear sightlines and safe crossing points.
- The development would result in an unacceptable impact on highway safety within the wider village and the residual cumulative impacts on the road network would be severe. Whilst mitigation measures are identified, they do not address the key issues and in any event are disproportionate and insensitive to the village's character and conservation status.
- HVA has severe concerns regarding the construction traffic. The application submissions however fail to acknowledge, assess or address the significant impact of construction traffic on the village's constrained road network. This omission is unacceptable and undermines the credibility of the transport assessment.

9. Impacts upon existing Village Infrastructure – See Supplementary Note I for Elaboration

- Holybourne is a rural Level 4 settlement with a limited but vital range of local services. A 160-dwelling proposal represents a 30% increase in village size — well beyond what is considered “small-scale local development” (JCS para 4.9). No Infrastructure Capacity Assessment has been submitted to demonstrate if/how key community facilities could/would support the population increase.
- For example, whilst Andrews Endowed Primary School does have some capacity, it could not accommodate the numbers that would be expected from such a large scale housing estate. Children from the development therefore would be forced to travel outside the village - contrary to sustainable development principles.
- Thames Water data confirms 375 hours of sewage discharge into the River Wey in the past 3 years due to system failure during heavy rain. Existing infrastructure is overburdened; no upgrades have been confirmed or funded. Approval should be withheld until written assurances are provided that upgrades will be delivered



and financed. If appropriate, a Grampian condition could regulate infrastructure delivery timing — subject to full evidence and binding commitments.

- Holybourne's infrastructure cannot accommodate the scale of development proposed. In the absence of detailed capacity evidence and mitigation measures, the scheme would conflict with both local and national planning policies aimed at promoting sustainable, well-supported communities.
- The development should be refused until robust infrastructure solutions are clearly demonstrated.

10. Loss of Best and Most Versatile (BMV) Agricultural Land

- The development would result in the loss of BMV Agricultural Land to which the NPPF attributes economic and other benefits (NPPF paragraph 187). This aspect weighs further against the development.



Statutory Development Plan

The Statutory Development Plan covers the period 2011 to 2028 and comprises:

- The East Hampshire District Local Plan: Joint Core Strategy (JCS) (2014); and
- The Alton Neighbourhood Development Plan (ANP) (as modified April 2021).

The utilisation of the settlement hierarchy to achieve a sustainable pattern of development is the golden thread of the JCS that is set out explicitly in policies CP1 (Presumption in Favour of Sustainable Development) and CP2 (Spatial Strategy); before flowing on to hold together and give value to the remainder of the JCS Policies.

Policy CP10 of the JCS provides the spatial strategy for new housing. It allows for development within settlement policy boundaries where development maintains and enhances character and quality of life.

The settlement hierarchy identifies Holybourne as an “Other Settlement with a settlement policy boundary” outside of the South Down National Park. Policy CP10 allocates a minimum of **150 dwellings to be shared between** Grayshott, Arford, Beech, Bentley, Bentley Station, Bentworth, Bramshott, Griggs Green, Headley, Headley Down, Holt Pound, **Holybourne**, Kingsley, Lindford, Medstead village, Passfield Common, Ropley, Ropley Dean, Upper Froyle, Catherington, Lovedean and other “small rural villages/hamlets within the countryside”.

Moreover, Holybourne is a rural village distinct and separate from Alton, the latter identified as a Market Town at the top end of the Settlement Hierarchy. Whilst in close proximity, the importance of maintaining Holybourne's separate character and identity is explicitly acknowledged within the development plan by way of Policies CP1 (Presumption in Favour of Sustainable Development), CP2 (Spatial Strategy), CP10 (Spatial Strategy for New Housing) and CP23 (the Alton/Holybourne Strategic Gap).

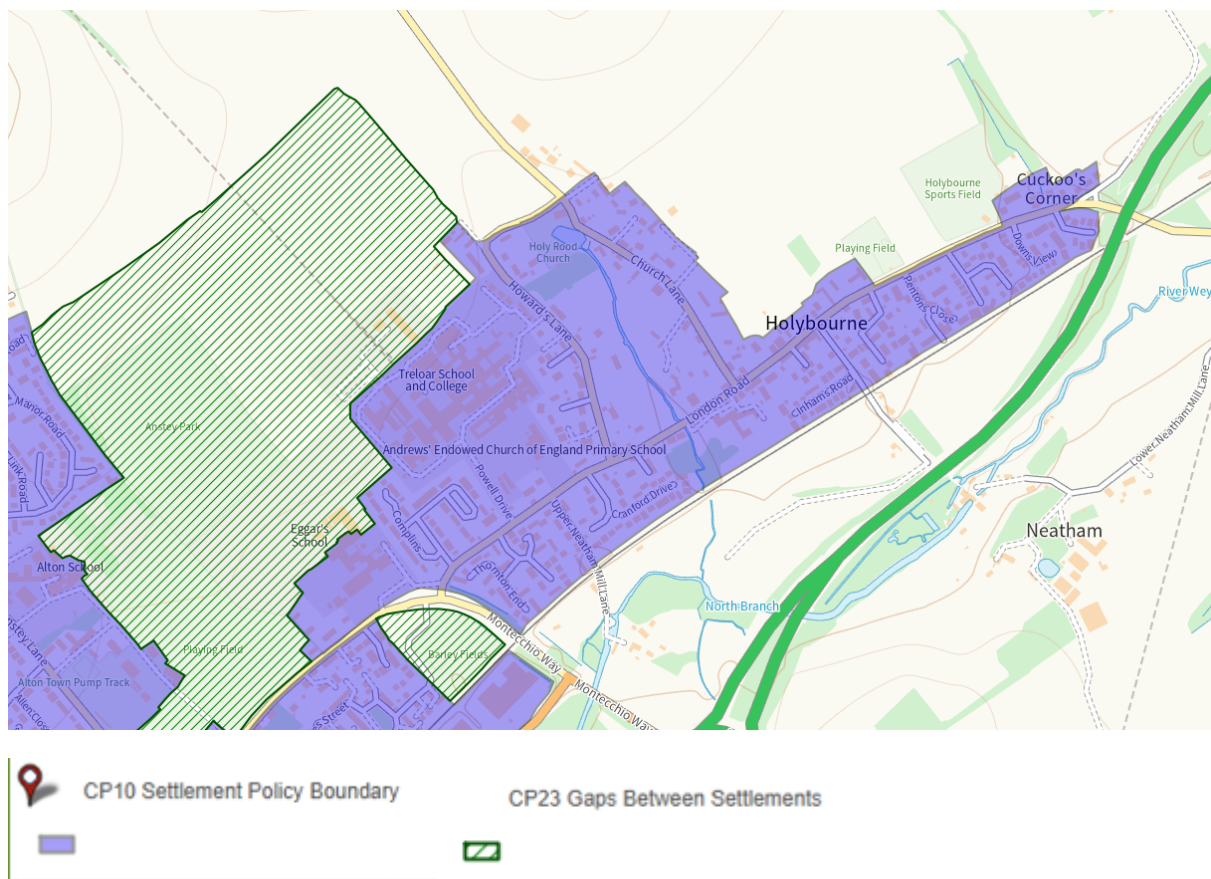
In March 2023 the Council adopted the Housing Outside Settlement Boundaries SPD; which provides an elaboration of saved policies including CP10 on the existing spatial strategy for growth. It sets out that development outside of settlement boundaries will depend upon a community need, reinforcement of settlement role and function, inability to accommodate within the settlement and having local support. It however made no changes to the specific housing numbers identified in Policy CP10 for any of the settlements.

The Alton Neighbourhood Plan sets out a range of non-strategic policies which are intended to guide planning decisions made by the local planning authority in respect of Alton and Holybourne. There are no policies within the Alton Neighbourhood Plan that



would support development upon the application site. To the contrary, Policy CH5 of the Neighbourhood Plan explicitly designates Holybourne Park as a Local Green Space where development will not be permitted other than in “very special circumstances”.

Figure 1: The Holybourne Settlement Boundary (Source: EHDC Mapping system)



The Emerging Local Plan and Emerging Alton Neighbourhood Plan

Both the Local Plan and the Alton Neighbourhood Plan are currently being reviewed. The emerging plans can be afforded very limited weight at this early stage of review.

EHDC Five Year Housing Land Supply

Local planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements. In December 2024 the Government changed the formula for calculating housing numbers. As result of that change, East Hampshire District Council (not including South Downs National Park) can currently only demonstrate 2.7 years of housing land supply; equivalent to a 2,036-dwelling shortfall.



National Planning Policy Framework 2024 (NPPF)

Where EHDC cannot demonstrate a five year supply of deliverable housing sites the policies of the JCS relating to housing supply are deemed out of date. In those circumstances, NPPF Paragraph 11d) directs decision makers to grant permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

NPPF Paragraph 11d(i) - Protection of areas or assets of particular importance

The NPPF footnote to paragraph 11 advises that in respect to 11d(i), the policies referred to are those in the Framework (rather than those in development plans) relating to:

- habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest;
- land designated as Green Belt, **Local Green Space**, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast;
- irreplaceable habitats;
- **designated heritage assets**; and
- **areas at risk of flooding** or coastal change.

As is demonstrably and extensively set out in Supplementary Notes A-D, the development would result in:

1. Substantial harm to the heritage significance of a Scheduled Monument of National Importance;
2. Substantial harm to the historical significance of the Church of the Holy Rood (Grade II* listed), Manor Farm (Grade II listed) and to the Holybourne Conservation Area;
3. Harm to the setting/significance of several other grade II listed buildings;
4. The loss of a well-used and highly valued designated Local Green Space; and
5. A risk of flooding which, given the absence of a sequential test covering a logical and robustly identified Sequential Test Area, has not been adequately justified.



Under NPPF paragraph 11d(i) each of these aspects individually provide good reason to refuse the application, given the strictness with which the matters are addressed in national policy. As such, the tilted balance under paragraph 11d(ii) need not be engaged. When considered cumulatively, it is difficult to see how a decision maker acting reasonably could conclude other than against the development. **As there is clear reason(s) for doing so, the provisions of NPPF paragraph 11d(i) direct refusal of the application.**

With regards to the NPPF 11d(i) matters, attention is drawn to the following appeal decisions (referred to in more detail and appended to the relevant Supplementary Notes):

- APP/A2335/W/23/3326750 – Morecambe, Lancashire – Scheme dismissed due to impact on setting of the Torrisholme Barrow Scheduled Monument
- APP/D3125/W/23/3332089 – Ascott under Wychwood, Oxfordshire – Scheme dismissed due to heritage and landscape impacts.
- APP/U1430/W/21/3283287 – Fairlight Cove, East Sussex – Scheme dismissed due to risk of ground water flooding which was not justified through a Sequential test.
- APP/A2335/W/24/3345416 - Bailragg Lane, Lancaster – Scheme dismissed due to risk of fluvial, surface and ground water flooding which was not justified through a Sequential test.

In each of those appeals, like EHDC, the Local Authorities could not demonstrate 5 year land supplies such that the Paragraph 11d presumption in favour of sustainable development was invoked. However, in all instances the appeals were dismissed. Moreover, the appeal decisions illustrate unequivocally the weight in decision making to be attributed to conflicts with the policies listed under NPPF Paragraph 11d(i). These appeal decisions are directly relevant and comparable to the proposed development in Holybourne and reinforce the position that this application should be refused.

NPPF Paragraph 11d(ii) – The ‘Tilted’ balance... need not be engaged

As set out above, the development proposals are already in conflict with NPPF policies that seek to protect areas or assets of particular importance such that there are strong reasons to refuse the application. The tilted balance therefore need not be engaged under paragraph 11d(ii). It is necessary only to apply the normal balance.

Having regard to this normal balance, there would be further significant and demonstrably harmful impacts of the development that should be given due regard in the decision making process. These are set out above in reasons 5-10.



With regards to these additional objections, attention is drawn to the following appeal decisions:

- APP/H1840/W/23/3320041 – Tibberton, Wychavon District Council – Scheme dismissed due to irreversible harm to local character, poor infrastructure alignment, and conflict with planning strategy - despite housing need.
- APP/X1545/W/24/3351697 – Southminster, Maldon District Council - Despite significant public benefits, the landscape harm was so substantial that it outweighed the benefits.

Like the other appeals listed above with respect to the Paragraph 11d(i) matters, these appeal decisions too are directly relevant and comparable to the proposed development in Holybourne. Importantly however, they evidence that non-para 11d(i) matters too can represent sufficient harm to warrant refusing the application in their own right. These appeal decisions provide further case law to justify why, having regard to national planning policy, the application should be refused.

Planning Balance

HVA acknowledges that in light of the NPPF guidance, the decision maker will need to accept that the delivery of market and affordable housing in the context of a district without a five-year housing supply is a public benefit of high order. It is also acknowledged that there will be some associated economic benefits in terms of job creation during construction and local spending, and some modest benefits from biodiversity net gain.

However, they are all benefits as were similarly presented to and accepted by the Inspectors of the various example appeal decisions that the HVA have included with the submissions. Despite the benefits, the Inspectors all went on to dismiss the appeals.

Quite simply, the public benefits of the proposed development would not outweigh the totality of the harm identified. That harm includes:

- Substantial harm to the heritage significance of a Scheduled Monument of National Importance;
- Substantial harm to the heritage significance of the Church of the Holy Rood (Grade II* listed), Manor Farm (Grade II listed) and to Holybourne Conservation Area;
- Harm to the setting of several other grade II listed buildings;
- The loss of a well-used and highly valued designated Local Green Space;
- A risk of flooding which, given the absence of a sequential test covering a logical and robustly identified Sequential Test Area, has not been adequately justified;



- Significant and demonstrable harm to the character and identify this rural village, to the considerable detriment of the social wellbeing of the existing village community;
- Substantial harm to the landscape character and appearance of the area which forms part of a regionally important Landscape Character Area;
- Failure to support EHDC's sustainable travel objectives for the district;
- Transport impacts;
- Impacts upon Community infrastructure; and
- A loss of BMV Agricultural Land.

The development would demonstrably harm the objectives set out in the Framework. In particular the NPPF attributes great weight to the need to conserve heritage assets and Local Green Spaces in an appropriate manner, and the need to direct development away from areas at risk of flooding. In these regards the exceptional circumstances cases and the public interest tests of the Framework are not met.

The Framework also identifies that the planning system should actively manage patterns of growth in support of sustainable transport objectives (NPPF Paragraph 110). EHDC's method for actively managing growth in accordance with the Framework requirement is via its adopted settlement hierarchy. The urban expansion proposed is manifestly outside what could be considered 'small scale' in the context of Holybourne's position within the settlement hierarchy, the size of the village and the availability of services.

At paragraph 129 the Framework sets out that whilst decisions should support development, this is provided the land is suitable for accommodating it and decisions should take into account the desirability of maintaining an area's prevailing character and setting. At paragraph 135 the framework goes on to state that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Neither of these policy tests are met.

Notwithstanding the housing land supply position, under the development plan and the Framework there remains a need to ensure that housing development is permitted in the right place and of the right scale for that location. It should not be a case of development at all costs. The appended appeal decisions corroborate this approach to resisting inappropriate development where there is strong reason for doing so.

The JCS and the National Planning Policy Framework provide clear reasons for refusing the planning application and there are no material considerations of sufficient weight to dictate that the decision should be taken otherwise.



Impact upon Cuckoo's Corner Roman Settlement Scheduled Monument

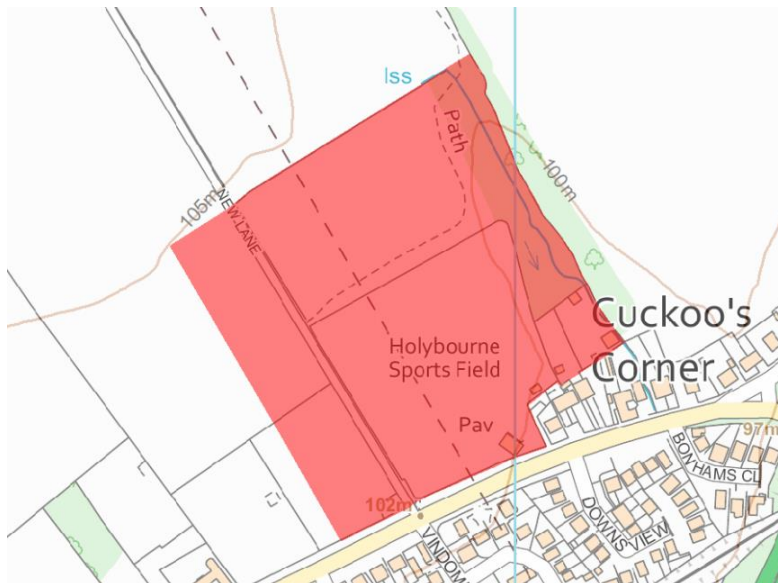
- **The Roman settlement at Cuckoo's Corner is a Scheduled Monument of national importance of the highest order.**
 - **Notwithstanding the risk to underground archaeology at the site, the relocation of a play area and kick about area onto the Scheduled Monument risks trivialising and damaging a nationally significant heritage asset - an act that prioritises convenience over cultural responsibility. The monument's integrity must be respected - not compromised by modern infrastructure.**
 - **The development would also severely impact the setting of the Scheduled Monument – a setting that plays an important role in helping to understand why the Roman settlement was located in this location.**
 - **For the above reasons, the development would result in substantial harm to the significance of the Scheduled Monument. In this context, wholly exceptional justification of the harm, as is required under paragraph 213 of the NPPF, has not been demonstrated.**
 - **The application should be refused under JCS Policy CP30 and NPPF paragraph 11d(i) and the tilted balance under NPPF paragraph 11d(ii) need not be engaged.**
 - **The appended Torrisholme Bowl Barrow appeal decision provides a clear example of the weight that the NPPF attributes to the protection of nationally important Scheduled Monuments and their settings.**
-

Extent of the Scheduled Monument

The Scheduled Monument at Cuckoo's Corner was a Romano-British minor town dating back to the 1st Century. The Scheduled Monument covers Holybourne Sports Field, the area to the north of the sports field, some residential curtilages to the rear of London Road properties and extends west of New Lane into the field adjacent – see figure 1.

The planning application site covers part of the Scheduled Monument plus the land directly adjacent to the north and west of the Scheduled Monument.

Figure 1: Extent of Cuckoo's Corner Roman Site - Source: Historic England Official List Entry



The Scheduled Monument

The settlement at Cuckoo's Corner was a Romano-British minor town (probably a market town) about 20 hectares in extent, dominated by a rectangular defensive enclosure 220m by 160m. There is evidence of occupation from the 1st to the 4th century (the main activity being in the 3rd and 4th centuries) and slight pottery and coin evidence of its continuation into the 5th century.

In AD 43 the area was probably of pro-Roman persuasion. One of the first tasks of the invading army was to establish their supply routes. The road from Chichester to Silchester was probably constructed at this time.

Soon a mansio or posting station was established at Neatham, the crossing point of the River Wey. This housed the Roman administration and became an important market centre. Eventually craftsman and traders settled around the mansio which grew in importance with the construction of a road from Winchester to London. Excavations since 1970 have revealed that along both roads 2nd century timber buildings with foundation trenches were built, which in the 3rd century were replaced by buildings of post construction. Later the whole area was cleared out and gravelled and sill-beam structures built.

In the late 2nd century the mansio was defended with a massive earth bank and double ditch. It is thought this may have resulted from the general political unrest stirred up by Clodius Albinus, although no evidence of military occupation has been found.

Figure 2: Summary plan of Cuckoo's Corner showing the site layout in the 3rd century (left) and plan showing the location of the archaeological excavations and watching briefs 1969-1979 (right). Source: (1986: Millett and Graham: Excavations on the Roman British Small Town at Neatham, Hampshire 1969-1979).



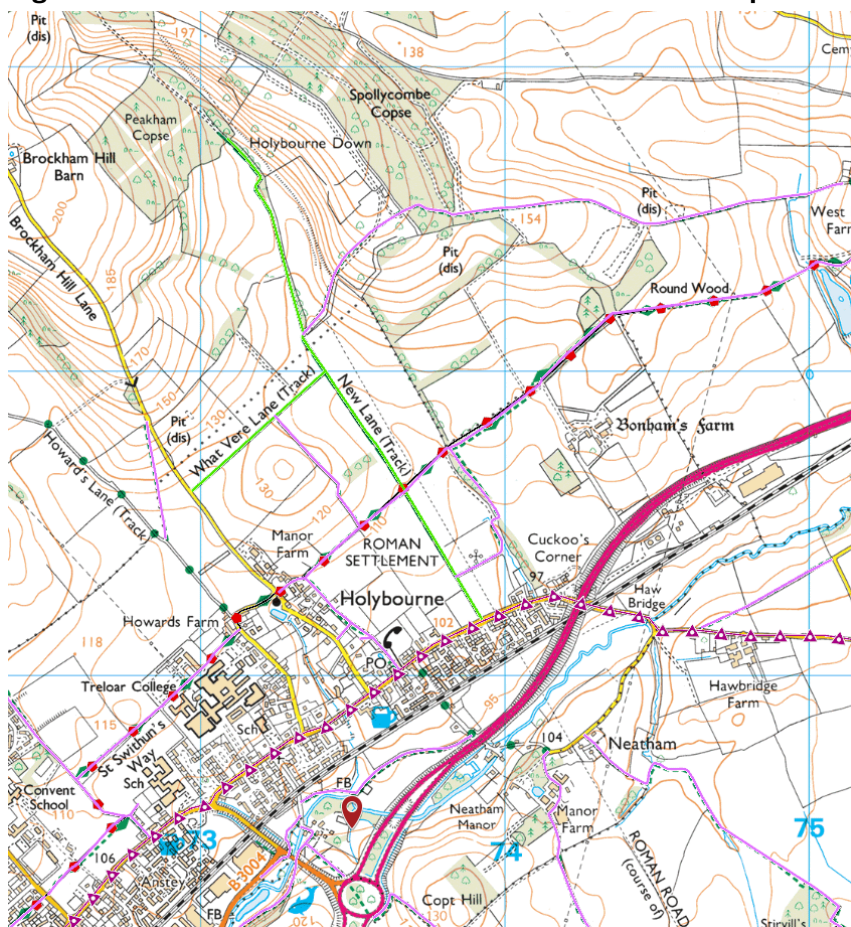
Appreciation of the Scheduled Monument in its Setting

The western and northern setting of the Scheduled Monument comprises undeveloped farmland rising up towards Holybourne Down. The western extent of the Scheduled Monument is currently experienced and appreciated within this undeveloped landscape setting; from views within and across the application site and including from several important publicly accessible vantage points on London Road, from within Holybourne Play Area and along St Swithun's Way to the northwest. The wider landscape views of the Scheduled Monument give an important appreciation of the location of the site at the crossing of the Roman Roads; roads which contributed to the establishment, subsequent growth and importance of the settlement.

The existing London Road runs on the general alignment of the old Winchester to London Road. Whilst the southern side of London Road has seen 20th Century residential development, the openness of the land north of London Road afford full and long-range appreciation of the setting of the monument adjacent to London Road.

The south-north Chichester to Silchester Roman Road route ran up the combe in the landscape, avoiding the steepest parts of the Down and therefore making it the most efficient route way for crossing Holybourne Hill. Indeed, New Lane runs parallel to the north/south alignment of the Chichester/Silchester road probably for that very reason – see figure 3. By reason of the open landscape setting, the topography that would have influenced the route of the Chichester to Silchester Road in this location is clearly appreciable in all of the public views of the western extent of the monument and plays an important role in helping to understand why the settlement was located in this location.

Figure 3: The Scheduled Monument in the wider landscape setting



The railway, bypass and 20th century housing to the south of London Road have all acted to diminish the southern setting of the monument to a greater or lesser degree. However, had it not been for the construction of the bypass in the 1960s then the Roman site may have remained undiscovered. In any event, the 20th century development to the south makes it all the more important to preserve the remaining open setting to the west and north of this designated heritage asset of the highest importance.



Joint Core Strategy Policy

Policy CP30 of the JCS is unequivocal. “Development proposals **must** conserve and, where possible, enhance the district’s historic environment”. All new development **will be required to** conserve, enhance, maintain and manage the district’s heritage assets and their setting including...Scheduled Ancient Monuments.

NPPF and Impact of the Development

The NPPF confirms that a Scheduled Monument is a designated heritage asset of the highest significance. The significance of Cuckoo’s Corner Roman site is both archaeological and historic, being derived from its aesthetic, evidential, historical and communal values. Crucially, as a Scheduled Monument, the Roman site is of national importance.

The application site covers part of the Scheduled Monument plus the land directly adjacent to the west and northwest of the Scheduled Monument.

Figure 4: Proposed Development





Notwithstanding the risk to underground archaeology, the relocation of a play area and kick about area actually onto the Scheduled Monument itself risks trivialising and damaging a nationally significant heritage asset - an act that prioritises convenience over cultural responsibility. Scheduled Monuments are legally protected for their historic and archaeological value. Introducing intensive public use, particularly by children engaging in physical, often unsupervised activity, could lead to erosion, littering, vandalism, and irreparable harm to sensitive features. Far from enhancing public engagement, the installation of a play areas reduces the site to a backdrop for recreation, rather than a place of learning, reflection, and preservation. The monument's integrity must be respected - not compromised by modern infrastructure. Play facilities can and should be located elsewhere, in spaces designed for such use, without encroaching on irreplaceable heritage.

The main housing development, by reason of its geographic location beyond the extent the Scheduled Monument, would not directly affect any underground or above ground archaeological interests within the Scheduled Monument itself. However, because the application site falls within the surrounding landscape in which the Roman Site is experienced, it forms part of its immediate setting.

The setting of the Roman Site has undergone change over time as Holybourne has grown, particularly to the south where residential developments have infilled land between London Road and the railway line. However, the undeveloped extensive rural context to the west, north and east of the Scheduled Monument continues to make a positive contribution to understanding, appreciating and experiencing the historic and cultural significance of this important designated heritage asset, including rationale for its chosen location and subsequent growth and importance.

The application development would introduce significant built form directly adjacent to the Scheduled Monument. In terms of outward views from the Scheduled Monument, views looking west/north-west across the open landscape would be completely lost as a result of the development.

Existing views to the western extent of the Scheduled Monument which are currently appreciated within the wider open landscape setting would also be lost or significantly diminished. In particular, important public views from St Swithun's Way and from the existing play area would be lost; whilst views of the Scheduled Monument from London Road would be drastically reduced and, in any event, would be experienced against the immediate back drop of the new development. Moreover, the development would completely curtail the extent to which the western part of the Roman Site could be appreciated within an open/wider landscape setting.

As a result, there would be a significant reduction in the contribution which the open nature of the application site (including views to the wider landscape) currently makes to the authenticity



of how the remaining emotive and evocative links to the past are experienced. The development would also impinge on the appreciation and understanding of the rationale for the location and subsequent importance of the Roman Site at the crossing point of the two Roman roads. This would substantially affect the ability to appreciate the significance of the Roman Site.

Increased delineation through adjacent development reduces the monument to a fenced-off relic, stripped of its spatial narrative. While proximity of development may indeed enhance delineation, it simultaneously destroys and undermines the monument's historic setting and contextual integrity. The Scheduled Monument's value isn't just in its physical boundaries - it's in its relationship to the surrounding landscape, which holds cultural, visual, and interpretive significance.

It should be noted that the setting of heritage assets in wider countryside is identified within the EHDC Landscape Capacity Study (2018) as a key landscape characteristic in the locality – Landscape Character area 4b.1 (Alton to Bentley North of A31). The urbanisation of the landscape, by reason of introducing 160 dwellings into the immediate setting of the Scheduled Monument, would directly, substantially and permanently harm the historic character of the area; an identified key landscape characteristic in a regionally important landscape that is identified to have medium/low capacity for change.

It can be undisputed that the application proposals would neither preserve the Scheduled Monument itself or its setting. In doing so, the appeal proposal would harm the aesthetic, evidential and historical values of the Scheduled Monument and its nationally important archaeological and historic significance.

In the context of the NPPF, in view of the permanence, nature and extent, the harm should be considered substantial. In such circumstances, **paragraph 213 of the NPPF sets out that the 'clear and convincing justification' of the harm should be 'wholly exceptional'**. No such 'wholly exceptional' justification has been presented nor exists. The substantial harm to the heritage asset is simply not outweighed by the public benefits of the development. The application therefore should be refused under NPPF paragraphs 11d(i), 213 and 214.

Even if it were concluded that the harm is less than substantial, 'clear and convincing justification' of the harm is still required. Great weight still needs to be given in the planning balance to the conservation of the Roman Site as a nationally important Scheduled Monument of the highest significance. In doing so, considerable importance and weight should still be given to the heritage harm – as is evidenced in the Torrisholme Bowl Barrow appeal decision.

Torrisholme Bowl Barrow Appeal Decision: Ref APP/A2335/W/23/3326750: See Appendix A

Attention is drawn to the June 2024 appeal decision relating to a scheme for 129 residential dwellings in Bare, Morecambe – appeal decision appended. At the appeal the Inspector adjudged that the development would result in 'less than substantial' harm to the setting of the

Torrisholme Bowl Barrow Scheduled Monument but nevertheless continued to dismiss the appeal.

Figure 5: Plan showing development location relative to Torrisholme Bowl Barrow



With regards to that appeal scheme it is important to note that, like EHDC, Lancaster Council had an acute housing land supply shortfall. The Inspector also went on to identify and acknowledge the public benefits of the scheme, which included housing delivery, affordable housing, employment creation, etc.; all of which are similar to the benefits that would derive from the Holybourne development scheme. Notwithstanding, the Inspector concluded that the harm to the significance of the Scheduled Monument would not be outweighed. In those circumstances it was concluded that as there is a clear reason for doing so, the provisions of paragraph 11d(i) of the NPPF directed the refusal of the appeal proposal.

By comparison, the Holybourne planning application proposes works actually within the Scheduled Monument itself as well the housing falling within the immediate setting. The proposed housing here is much closer to, and more impactful upon, the setting of the Scheduled Monument than was the case with the Torrisholme Bowl Barrow appeal scheme. As such, it is entirely reasonable to conclude that the harm is to the significance of the Scheduled Monument at Cuckoo's Corner would be substantial.



The Application Submissions

The application submissions seek to assert that the following measures will act to offset the harm, such that the significance of the monument would be enhanced by the implementation of the development:

- The suspension of ploughing on part of the Scheduled Monument will be a beneficial impact
- Signing and waymarking will increase local knowledge and sense of place
- Increased delineation of the Scheduled Monument will improve legibility.

In response:

- The claim that suspending ploughing on part of the Scheduled Monument offsets harm overlooks a deeper concern: why is ploughing ongoing at the moment on such a sensitive heritage asset? A truly responsible landowner should already be recognising the archaeological and cultural significance and acting to protect it, not degrade it through sustained disturbance. The proposed suspension reads less like a proactive conservation effort and more like belated damage control - an attempt to frame minimal action as meaningful mitigation. In this context, the gesture feels performative. It does not undo past harm, and it does little to inspire confidence in long-term stewardship.
- Signing and waymarking, while informative, would be largely cosmetic enhancements. They may enrich public awareness but do not reverse or prevent physical degradation. Education cannot offset material damage.
- Increased delineation through adjacent development risks reducing the monument to a fenced-off relic, stripped of its spatial narrative. While proximity of development may indeed enhance delineation, it simultaneously destroys and undermines the monument's historic setting and contextual integrity. The Scheduled Monument's value isn't just in its physical boundaries - it's in its relationship to the surrounding landscape, which holds cultural, visual, and interpretive significance.

Conclusion

The harm to the significance of the Roman Site in Holybourne, a Scheduled Monument of national importance, by reason of the proposed development, will be substantial. In this context there is no 'wholly exceptional' justification for the identified harm, as required by the NPPF. The Framework therefore directs refusal of the application.

The Torrisholme Bowl Barrow appeal decision gives a firm indication of the considerable importance and weight that should be given in decision making to the protection of Scheduled Monuments. At that appeal the harm was deemed 'less than substantial' but still the Inspector went on to conclude that the harm to the significance of the nationally important Scheduled Monument would not be outweighed by the public benefits of the development.

Both EHDC and Framework policies are engaged and direct refusal of the application.



APPENDIX A

Torrisholme Bowl Barrow Appeal Decision – Ref APP/A2335/W/23/3326750



The Planning Inspectorate

Appeal Decision

Site visit made on 4 June 2024 **by C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/A2335/W/23/3326750 Land east of Fulwood Drive, Bare, Morecambe, Lancashire LA4 6QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Oakmere Homes (Northwest) Ltd against the decision of Lancaster City Council.
 - The application Ref is 21/01341/OUT.
 - The development proposed is described as "outline application for the development of 129 residential dwellings and creation of new access."
-

Decision

1. The appeal is dismissed.

Application for costs

2. The appellant has sought an award of costs against Lancaster City Council (the Council). That application is the subject of a separate Decision.

Preliminary Matters

3. The planning application to which this appeal relates was made in outline with all matters, apart from access, reserved for future determination. I have treated the submitted 'Illustrative Development Framework Plan' as such for the purposes of my determination given the scope of the reserved matters before me.



4. I have relied upon the description of development which was revised at the planning application stage to reflect a reduction in the number of dwellings proposed as that is what the Council's decision was based upon.

Main Issue

5. Although the Council has cited 2 reasons for refusal on the decision notice, given the interconnection between the subjects, the main issue is the effect of the appeal proposal on the 'area of Key Urban Landscape', with particular regard to the setting of the 'Torrisholme Bowl Barrow' which is a Scheduled Monument.

Reasons

6. The appeal site is undulating farmland which is located on the edge of the developed residential extent of Torrisholme and Bare. Falling within one of the designated areas of Key Urban Landscape (KUL) of the district, the appeal site is an undeveloped, roughly grassed area. It forms part of a much wider area which is identified through Policy EN5 of the Lancaster District Part One:

Strategic Policies and Land Allocations DPD (the SPLA DPD) and Policy DM46 of the Local Plan for Lancaster District Part Two: Review of the Development Management DPD (DMDPD). These policies recognise a KUL as open space that has historically played an important role in defining the character of the district; is integral to the built form of the district; and provides a setting for important features or heritage assets.

7. A principal aim of this particular KUL designation is to protect the undeveloped east and south parts of the setting of the Torrisholme Bowl Barrow Scheduled Monument (the Barrow), which the National Planning Policy Framework (December 2023) (the Framework) confirms at paragraph 206 is a designated heritage asset of the highest significance.
8. The appeal site is located just beyond the prominent drumlin on which the Barrow is situated. It comprises part of a field called 'Standing Stone'. Dating back to between the late Neolithic and late Bronze Age periods, the Barrow is a funerary monument comprising a flat topped circular mound of earth and small stones. Significantly, despite some disturbance to this monument by a field boundary on its eastern side and an Ordnance Survey triangulation station on its summit, the Barrow survives reasonably well.



9. The Barrow provides important information on the diversity of beliefs and social organisations amongst early prehistoric communities. Furthermore, as the Barrow is not known to have been excavated, it is likely to contain undisturbed archaeological deposits within the mound and upon the old land surface beneath. This means that it has potential to provide new information about the history and construction of the site and the people who used it.
10. The significance of the Barrow is both archaeological and historic, being mainly derived from its aesthetic, evidential, historical and communal values. Crucially, as a scheduled monument, the Barrow is of national importance.
11. By virtue of its geographic location beyond the extent of the Barrow, the appeal proposal would not directly affect the underground or above ground archaeological interests within the extent of the Monument itself. However, as the appeal site falls within the surrounding landscape in which the Barrow is experienced, it forms part of its more immediate setting.
12. The setting of the Barrow has undergone change over time as this important asset and its surroundings have evolved. In particular, the growth of Torrisholme, Bare and Morecambe and the nearby road and rail routes have substantially altered its landscape setting. However, the remaining largely undeveloped extensive rural context to the northeast, east and south east continues to make a positive contribution to understanding, appreciating and experiencing the historic and cultural significance of this important designated heritage asset, including the rationale for its chosen prominent location. The KUL seeks to ensure that this setting endures by safeguarding the open nature of that land, which includes the appeal site.
13. The appeal site is relatively low lying and forms the northern portion of the KUL, where it is narrowest and constrained by existing development and the railway line. The submitted Illustrative Development Framework Plan demonstrates that it would be possible to achieve a layout for the lower density proposed whereby the new dwellings would be well-contained between the existing built extent of the settlement and the railway embankment. The

proposed built form could be positioned within the appeal site so as not to fall any closer to the Barrow than the existing built edge. An undeveloped foreground would be retained, albeit reduced, between the proposed dwellings and the foot of the hill on which this scheduled monument sits.
14. From my site observations and the evidence before me, I have assessed there would be intervisibility between the Barrow and the appeal site. In terms of outward views from the monument itself, the extent of existing housing development would appear as a slightly different edge and the openness of the KUL would be reduced accordingly. From northerly vantage points, views over the appeal site towards the



Barrow would continue to be experienced within a mixed urban and rural context. However, the remaining unfettered nature of this part of the existing foreground setting would be reduced, thus curtailing the extent to which the Barrow could be enjoyed within an open setting. The degree of visible built form, and in particular the new roofscape, would be more pronounced in those inward views.

15. From my site observations the appeal proposal would have a low adverse effect on the KUL overall in terms of its contribution to the character of the adjoining urban area. This is because it would assimilate as an extension to the adjoining built form and would be well-contained between that existing built edge of the settlement and the railway line.
16. The appellant has assessed that the appeal proposal would preserve and enhance the open nature of 'the most important parts' of the KUL further to the south. However, the KUL includes all land which has been assessed as being important in terms of its particular purpose as part of the preparation of the development plan. Policy EN5 of the SPLA DPD and Policy DM46 of the DMDPD make no differential in terms of any variance in the importance of its constituent parts. Rather, these policies require that development proposals preserve the open nature of the area and the character and appearance of its surroundings.
17. The Barrow would continue to be experienced and appreciated as an important cultural feature at the summit of the hill. There is potential at the reserved matters stage to secure a layout which enables improved public views of the Barrow from within the appeal site. The proposed interpretation board would enhance the understanding of the heritage significance of the Barrow and could be secured through a suitably worded planning condition.
18. Nonetheless, it remains that the appeal scheme would cause a further reduction in the open, undeveloped component of the setting of the Barrow. It would also cause a change to the character and use across the appeal site, regardless of the proposed positioning of the developed and landscaped areas.
19. Overall, the appeal proposal would not preserve the open nature of the KUL. In doing so, the proposed land take would weaken the integrity and extent of this remaining undeveloped setting. In turn, there would be a significant reduction in the contribution which the open nature of the appeal site currently makes to the authenticity of how the remaining emotive and evocative links to the past are experienced. It would also impinge on the appreciation and understanding of the rationale for the location of the Barrow; a decision which is reflective of the beliefs and social organisations amongst early prehistoric communities. This would affect the ability to appreciate the significance of the Barrow. From my site observations and appreciation of the significance of this nationally important designated heritage asset, it would have a greater adverse effect on the remaining open setting of the Barrow than the appellant's evidence purports. Consequently, the proposed



change would undermine the heritage related purpose of this particular KUL designation.

20. Overall, the appeal proposal would not preserve the setting of the 'Torrisholme Bowl Barrow' scheduled monument. In doing so, the appeal proposal would harm the aesthetic, evidential and historical values of the monument and its nationally important archaeological and historic significance.
21. In the context of the Framework, in view of its permanence, nature and extent, the harm would be less than substantial. Nonetheless, in line with the Framework, in assessing the impact of the proposed development on the significance of this designated heritage asset, I give great weight to the conservation of the Barrow as a nationally important scheduled monument of the highest significance. In doing so, I attribute considerable importance and weight to the identified less than substantial heritage harm.
22. The Framework recognises that the significance of heritage assets can be harmed or lost through development within their setting and that any such harm should have a clear and convincing justification. The Framework also requires that the less than substantial harm to the Barrow is weighed against the public benefits of the proposal.
23. In terms of public benefits, the appeal proposal would significantly boost the supply of housing in this particular part of the Council's jurisdiction. In view of the acute housing land supply shortfall, this is a substantial public benefit.
24. The appeal scheme provides opportunity for the Council to secure an appropriate housing type, mix and scale at the reserved matters stage. This could significantly improve the current open market housing offer in Morecambe by providing quality new homes for a range of different household groups including families, young people, single people, retired households and older people down-sizing from family homes. This is a significant public benefit.
25. The submitted viability evidence confirms that the proposal could support the provision of 27% of proposed dwellings as affordable units. Although this is slightly below the 30% policy target, the benefit of providing 35 affordable homes within the appeal site is a substantial public benefit.
26. In line with the importance that the Framework gives to economic growth, the creation of employment opportunities during the construction phase and revenue generation thereafter is a significant public benefit.
27. The proposed interpretation board would further reveal the significance of the scheduled monument and further public views of it could be secured from within the site. The proposal would also secure long-term biodiversity net-gain



opportunities and the provision of a multi-purpose area of public open space. Each of these outcomes are moderate public benefits.

28. In weighing the heritage harm to the Barrow against all of these public benefits, the harm to the significance of the scheduled monument would not be outweighed. Consequently, the appeal proposal would not accord with the national policy approach to the historic environment. As there is a clear reason for doing so, the provisions of paragraph 11d(i) of the Framework direct the refusal of the appeal proposal.
29. In overall conclusion to this main issue, the appeal proposal would harm the area of Key Urban Landscape, with particular regard to the setting of the Torrisholme Bowl Barrow which is a scheduled monument of the highest significance.
30. The KUL designation and its supporting policies, Policies EN5 and DM46, do not distinguish between designated and non-designated heritage assets. The appeal scheme would undermine the purpose of the designated KUL given that it would not preserve the open nature of the designated area. Consequently, there would be a clear conflict with both Policy EN5 of the SPLA DPD and Policy DM46 of the DMDPD.
31. In terms of compliance with Policy DM39 of the DMDPD, the proposed interpretation board would better reveal the significance of the Barrow. However, overall the appeal scheme would not enhance the setting of this Scheduled Monument. Nonetheless, given its positive wording, and as the proposal is accompanied by detailed supporting heritage evidence, I find no conflict with Policy DM39. Policy DM42 of the DMDPD requires that developments should conserve or enhance the elements which contribute towards the significance of a Scheduled Monument. As the identified harm has not been clearly justified and outweighed by the public benefits of the proposals there would be conflict with that policy.

Other Matters

32. The Standing Stone field system within which the appeal site is located is recorded in the Local Historic Environment Record. The main parties agree that a suitably worded planning condition would secure a scheme of fieldworks to ensure the identification and recording of any non-designated assets present. From the evidence before me, there is no basis to dispute the common ground reached that subject to such a planning condition, the potential existence of non-designated heritage assets within the site would not represent a constraint to the proposed development so as to conflict with Policy DM41 of the DMDPD.
33. Whether Policy EN3 of the SPLA DPD is of relevance is disputed. This is because the appeal site is shown on Inset 1 of the adopted version 2020 of the Strategic Policies and Land Allocations Map to be bound by Policy EN3 as open countryside; Policy EN5 as part of the KUL; and also within the urban area boundary for Morecambe.



The supporting text of the SPLA DPD, at section 1.5 clearly states that although the Local Plan does not have an urban area boundary policy, an urban area boundary is shown on the policies map and is intended only to be helpful in delineating the land within the district which is not subject to Policy EN3. However, it is also clear that the urban boundary has no adopted policy status. This contradiction and uncertainty could only be remedied through a future Local Plan review. In terms of this appeal, my findings on the main issue would be unchanged irrespective of whether or not the appeal site was intended to be bound by Policy EN3 of the SPLA DPD as the appeal proposal would not preserve the open nature of the KUL.

34. For the purposes of my own determination of this appeal, the most important policies are therefore Policy EN5 of the SPLA DPD and Policies DM39, DM41, DM42 and DM46 of the DMDPD.

35. The Council has confirmed sufficient differentials between the appeal scheme and the other planning application referred to by the appellant. Whether or not

the Council has reached decisions on other sites which run counter to the common stance in respect to the KUL and heritage matters that I have reached in this particular instance does not justify the harm that I have found. Neither does it diminish the resulting conflict with both the development plan for the area and the Framework.

Planning Balance

36. The harm to the open nature of the appeal site that would arise from the proposed encroachment into the KUL would conflict with Policies EN5 and DM46. Furthermore, the appeal proposal would not preserve the setting of the Torrisholme Bowl Barrow, a nationally designated heritage asset of the highest significance. That harm has not been justified in line with the national policy approach to heritage and, as such, the Framework directs refusal of the proposal. Moreover, the absence of such justification presents conflict with Policy DM42 of the DMDPD.
37. Although there is no conflict with Policies DM39 and DM41 and there are no other technical constraints before me, in view of the nature and level of the unjustified harm and the subsequent local policy conflict, I conclude that the appeal proposal conflicts with the development plan taken as a whole. Irrespective of the housing land supply shortfall, the weight to be afforded to the conflict with policies EN5, DM46 and DM42, as most important policies for this appeal, is not reduced given their consistency with the national policy approach to heritage assets.
38. Overall, there are no matters before me, including the acute shortfall in the housing land supply position, which indicate that a decision taken contrary to the development plan would be justified.



Habitat Regulations

39. In view of my findings, it is unnecessary for me to undertake an Appropriate Assessment.

Conclusion

40. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR



Impact Upon Other Heritage Assets

- **Policy CP30 of the Joint Core Strategy (JCS) is unequivocal in that all “development proposals must conserve and, where possible, enhance the district’s historic environment”. The development fails in this regard.**
 - **The proposed urbanisation of the rural settings of the Grade II* listed Church of the Holy Rood (a nationally important heritage asset of the highest significance) and the Grade II listed Manor Farm House would substantially harm the significance of the heritage assets. The substantial harm has not been justified as wholly exceptional or exceptional (respectively), nor have the public interest tests been met, in line with the NPPF approach to heritage.**
 - **The proposed urbanisation of the application site would also lead to substantial harm to the setting of Holybourne Village Conservation Area and to harm to the setting of the Grade II listed buildings of Holybourne House, Oak Cottage and The Forge.**
 - **Further harm is identified to the character and appearance of the conservation area with respect to the proposed highways works and to the increases in traffic, both during and post construction.**
 - **The public benefits of the development do not justify or outweigh the harm.**
 - **The NPPF policies relating to heritage assets are engaged under NPPF Paragraph 11d(i) and provide clear and strong reasons for refusing the planning application.**
-

Historical Context

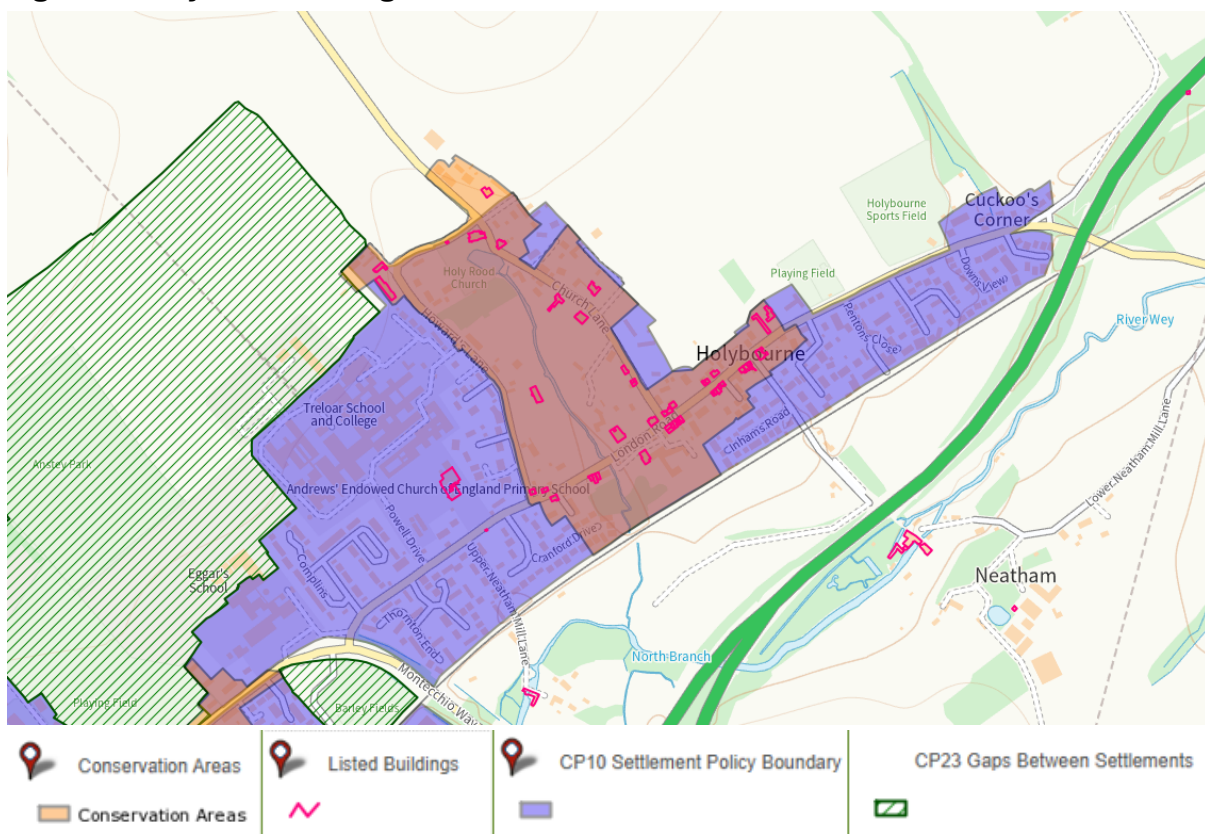
The historic environment of Holybourne is an irreplaceable resource. The heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Developed as a separate village settlement, Holybourne is a discrete and quiet village, to the north east of Alton. Holybourne began to develop into a centre in the early Norman period with the construction of a chapel, the remains of which may be seen today in the west tower of the Church of the Holy Rood. During the late medieval period and into the 20th century Holybourne developed on the basis of traditional rural agriculture.



The village's architectural roots can be traced back to the 16th century, although a large number of buildings in the village are from the 17th and 18th century. The architectural interest of the village can be seen in the conservation area and the listed buildings which sit within. There are also a number of other significant buildings, which are not listed but which add to the village's distinctive character. The Conservation Area itself covers the heart of the village, between Howard's Lane and Church Lane, and from south of London Road to Howard's Farm and Manor Farm to the north. The village also includes Cuckoo's Corner Roman Site to the east; a Scheduled Monument – see separate Supplementary Note for more detail.

Figure 1: Holybourne Village



London Road is the principal road through the centre of the village. This section of the London Road was once part of the A31 and marks the historic route of the Roman road between Winchester and London. The A31 bypass was built in the 1960s.

The railway, constructed in the mid 19th century, delineates the southern extent of the village.

More recent 20th century development has seen the village expand predominantly to the west of the historic core and to the south of London Road (infilling areas between



London Road and the railway line). Throughout this period of expansion the openness to the north and east of the historic village core and the landscape views across to Holybourne Down have been protected and retained; therefore retaining a discernible rural setting that contributes so significantly to the character and appearance of the village.

EHDC Joint Core Strategy (JCS) Policy

Policy CP30 of the JCS is unequivocal. “Development proposals **must** conserve and, where possible, enhance the District’s historic environment”. All new development **will be required to** conserve, enhance, maintain and manage the district’s heritage assets and their setting including...Listed Buildings and Conservation Areas. As is evidenced below, the development wholly fails this policy requirement.

NPPF Policy Context

Where EHDC cannot demonstrate a five year supply of deliverable housing sites the policies of the JCS relating to housing supply are deemed out of date. In those circumstances, NPPF paragraph 11d(i) directs decision makers to grant permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. The NPPF footnote to paragraph 11 advises that in respect to 11d(i), the policies referred to include those related to designated heritage assets.

NPPF Paragraph 213 sets out that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. **Substantial harm** to or loss of:

- a) **grade II listed buildings**, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and **II* listed buildings**, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

NPPF Paragraph 214 sets out that where proposed development will lead to **substantial harm** to (or total loss of significance of) a designated heritage asset, local planning authorities should **refuse consent, unless it can be demonstrated that the**



substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

NPPF Paragraph 215 identifies that where a development proposal will lead to **less than substantial harm** to the significance of a designated heritage asset, this **harm should be weighed against the public benefits of the proposal.**

Heritage Harm

The listed buildings and Holybourne Conservation Area within which they sit are/is preserved well. The sites retain an important connection to their rural/agricultural locality which allows the sites to be experienced as part of that landscape. The setting of the assets are an important aspect of their significance.

Church of the Holy Rood – Grade II* Listed – Substantial Harm

Figure 2: The Church of the Holy Rood in views across the application site



The Church of the Holy Rood boasts a history stretching back to the 12th century. The original church, including the nave, west end, and lower part of the tower, dates from this period. The chancel was added later, completing the structure by the 13th century. Significant alterations and renovations occurred over the centuries, including the rebuilding of the north aisle in 1879 and the installation of new bells in 2009.



The setting of the church is an important aspect of its significance. The church, when constructed, was clearly intended to be experienced in the wider rural landscape as a notable locator in the core of the historic settlement. The surviving rurality of the application site makes a notable contribution to the wider setting of the church. The church steeple is observed and appreciated within this wider rural landscape.

In this regard it is important to acknowledge that the setting of heritage assets in wider countryside is identified within the EHDC Landscape Capacity Study (2018) as a key landscape characteristic of the Landscape Character Area within which the application site is located - area 4b.1: Alton to Bentley North of A31. The landscape views of the spire of the Church of the Holy Rood rising above the trees are specifically mentioned in the Capacity Study and contribute significantly and positively to the prevailing landscape character of this regionally important landscape area. As identified in the Landscape Capacity Study, the area has medium/low capacity for change.

Existing views from within and across the open fields of the application site of the church steeple within the rural landscape are prominent. During the winter months, when the vegetation along the field boundaries is less dense, the church steeple is observed and experienced in the rural landscape from a range of public view points in the existing play area, along New Lane and from St Swithun's Way. During the summer months, views of the church steeple from the very south of the application site (towards London Road) tend to be obscured by field boundary trees. However, the church steeple remains openly appreciated from a broad area within and across the open fields of the application site¹. The church spire is also appreciated with the rurality of the application site within panoramas from footpath 002/32/3 and within wider landscape views from Holybourne Down. Within all of these views its prominence and status as an important parish church, in a rural context, is revealed.

The existing views of the church that allow for the appreciation of the heritage asset within the rural setting to the east would be completely eradicated by the proposed development; substituted instead by a single narrow view corridor from within the development that itself would be dominated by the residential built up foreground. The proposed 'viewing corridor' is, quite simply, superficial and tokenistic. Moreover, the application proposals would severely impact the rural setting of the church by obliterating important views of the church spire in its rural setting. The harm to the significance of the heritage asset is therefore considered substantial or, if less than

¹ The Planning Practice Guidance (para 013) is clear that contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting.

substantial, towards the higher end of that range. In either conclusion, this harm would be to a particularly fine Grade II* listed building for which great weight should be afforded to the asset's conservation in accordance with paragraph 213 of the Framework.

The justification of the substantial harm is not wholly exceptional (NPPF paragraph 213). Neither are the public benefits of the development substantial enough to outweigh the harm identified – given the strictness with which such harm is dealt with under the Framework (NPPF Policies 11d(i), 213 and 214).

Even if the decision maker were to conclude that the harm is less than substantial, it surely must be concluded that the harm would fall to the higher end of the scale of less than substantial. Such harm would still provide strong reason for refusing the development; as is evidenced in the Ascott under Wychwood appeal decision (see below).

Manor Farm House – Grade II Listed – Substantial Harm

Figure 3: Manor Farm House - the fields of the application site extending out in the immediate background would all be developed





Documentary evidence suggests that Holybourne Brook at one stage served as a legal and administrative boundary. The Lay Subsidy Rolls indicate that by 1334 the Manor of Holybourne had been split into Eastbrook and Westbrook. The brook therefore appears to have been a legal and physical boundary between the parts of the medieval settlement.

Manor Farm was the demesne farm of the manor of Holybourne Eastbrook, held in the Lord of the Manor's own hands. The villein tenants, as part of their obligations in return for their own land holdings, had to work regularly on the demesne lands. Originally the Farm House would have been lived in by the Lord of the Manor. From the 1500s onwards it became the norm for the Lords of the Manor who held more than one manor to lease out the farm to a tenant with the proviso that manorial courts could be held there.

The existing Manor Farm House was rebuilt on the site in the late 17th century by the Balden/Baldwin family, with subsequent 18th century alterations undertaken by the Eggar Family. Records show that by the early 19th century that the Eggars were farming a large portion of Holybourne. The photograph above shows the existing building, with the application site's fields extending into the background.

Manor Farm House is now owned and occupied separate from the farm estate. Notwithstanding, given the importance of Manor Farm House as the demesne farm of the manor, its setting has historically and administratively included all the land farmed to the east of Holybourne Brook, including the application site. As can be seen from the photo above, the historic rural setting of the Farm House endures. The application site, which stretches out in the immediate backdrop of the building, makes an important contribution to that setting.

The Planning Practice Guidance (para 013) is clear in that whilst views of or from an asset do often play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors and by our understanding of the historic relationship between places. Moreover, whilst there may not be any existing direct intervisibility of Manor Farm House from the application site, the enduring rurality of the application site and wider rural landscape of the village has a clear historic and aesthetic relationship with Manor Farm House which amplifies its significance.

As the demesne farmhouse, Manor Farm House has been historically significant in influencing the rural evolution of the village and for the surviving rurality of the application site and its contribution to the setting of the village as it is experienced



today. The significant urbanisation of the village, by a scale of development commensurate to what would generally only be expected/permitted in the top tier settlements of the district, would completely transform the rurality and identity of the village. The harm to the heritage significance of Manor Farm House, which has historically sat as the demesne farm of the rural surrounds, will therefore be manifestly substantial in nature.

The justification of the substantial harm is not exceptional (NPPF paragraph 213). Neither are the public benefits of the development substantial enough to outweigh the harm identified – given the strictness with which such harm is dealt with under the Framework (NPPF Policies 11d)i, 213 and 214).

Even if the decision maker were to conclude that the harm is less than substantial, that harm would fall to the higher end of the scale. Such harm would still provide strong reason for refusing the development; as is evidenced in the Ascott under Wychwood appeal decision (see below).

Conservation Area – Substantial Harm

The Conservation Area covers the historic core of the village. Whilst the rural setting of the historic core of the village has been diminished by 20th century development to the west of the village core and to the south of London Road, the open rurality to the north and east of the Conservation Area has survived.

The application site sits directly to east of the Conservation Area. In this location the rural setting of the historic core of the village remains clearly appreciable from important short, medium and long range landscape views from within and across the application site – including views from London Road, Holybourne Play Area, New Lane, St Swithun's Way, footpath 002/32/3 and wider landscape views from Holybourne Down.

The open landscape views from London Road out across the application site to the Downs also give context to the rural village setting, within which the Conservation Area sits at the heart. Along London Road, these views of the wider Downs are only really afforded in this location so are particularly important in establishing the character of the village. The kinetic experience along London Road afforded by the undeveloped application site gives an important appreciation of the wider rural setting of the Conservation Area as you move into (and out of) the heart of the village; where the open



views across the landscape are no longer available but are nevertheless understood to exist because they have just been witnessed.

The proposed development will result in a loss of the agricultural land and introduction of a new built form into the rural landscape. If permitted, the urbanisation of the application site will mean that the only remaining connection from the historic core to the rural landscape setting of the village would be via the land to the north of the Church of the Holy Rood.

It is important to acknowledge that the setting of heritage assets in wider countryside is identified within the EHDC Landscape Capacity Study (2018) as a key landscape characteristic in the locality – Landscape Character area 4b.1 (Alton to Bentley North of A31). The urbanisation of the landscape, by reason of introducing 160 dwellings into the immediate setting of the Conservation Area, would directly, substantially and permanently harm the historic character of the area; an identified key landscape characteristic in a regionally important landscape that has medium/low capacity for change. The application proposals in no way could be described as a “very small amount of development”; the level of change that Landscape Capacity Study identifies could potentially be provided without causing significant and detrimental damage to this regionally important Landscape Character Area.

Moreover, the urbanisation of the application site will disconnect the Conservation Area from the agricultural landscape to the east which will harm how the Conservation Area is appreciated and viewed within the historic rural context of the locality. Given the extensive social history of the village related to farming and agriculture, the harm to the rural setting of the Conservation Area (which covers the historical core of the village) should be considered substantial.

In addition to the harm to the setting of the Conservation Area, the application proposes a number of highways mitigation measures along London Road, part of which falls within the Conservation Area. The works within the Conservation Area propose build-outs for various crossing points and formal marking of parking bays around the shop. The works are engineered solutions that are disproportionate and insensitive to the village's character and conservation status.

In addition, the development would also result in additional traffic through the village, both during construction and thereafter during the occupation. The continued presence of construction vehicles and temporary signage for 4 years will detract from the historic character of the village/Conservation Area and cause environmental degradation. In



terms of occupation, the development represents a 30% increase in housing stock in the village, which will result in a significant increase in vehicle numbers and pedestrians using the network. This additional traffic would further urbanise the rural village and as such will negatively impact the character and appearance of the Conservation Area.

The planning application does not present public benefits of sufficient magnitude to outweigh the substantial harm to the conservation area; such that the Framework policies direct refusal.

Holybourne House – Grade II Listed - Harm

Holybourne House is Grade II listed. It is a 17th Century timber framed building constructed of brick with an old tile roof.

The current openness and rurality of the application site a short distance to the east of Holybourne House is a spatial aspect of its wider setting. Additionally there would be some direct visibility of the application proposal. The development would result in the loss to the current openness of the application site and a reduced sense of rurality as a result of the proposed development illustrated on the submitted Master Plan, even allowing for the proposed areas of open space and landscaping.

Whilst it is accepted that this harm would be less than substantial, it is nevertheless considerable and, in accordance with NPPF paragraph 215, weighs against approving planning permission.

Oak Cottages and The Forge – Both Grade II Listed - Harm

Oak Cottage dates from the 18th Century; perhaps originally comprising 2 cottages. The Forge was built in the 18th century; built as the village forge, the workshop is incorporated within the building which now forms part of the reception hall but still with large double doors enabling carts to enter. Both properties are Grade II listed.

In both instances, like Holybourne House, the current openness and rurality of the application site a short distance from the properties is a spatial aspect of their wider setting and there would be some direct visibility of the application proposals. Harm to the heritage significance would result from the development by reason of the loss to the current openness of the application site and a reduced sense of rurality. This harm is probably to the lower end of the range of less than substantial, but still weighs against the proposals.



Ascott under Wychwood Appeal Decision: APP/D3125/W/23/3332089: See Appendix A

Attention is drawn to the appeal decision at the rural village of Ascott under Wychwood (Oxfordshire); which corroborates the weight in decision making that should be given to the conservation of designated heritage assets.

The development proposed up to 40 dwellings, outside of the settlement boundary. Like EHDC, the LPA could not evidence a 5 year land supply and, in the circumstance, the Inspector acknowledged many of the public benefits similar to those that would derive from the Holybourne application. The application site was however, like the Holybourne application site, located within the rural setting of several listed buildings. These included a grade II* listed church, whose church tower, like the Church of the Holy Rood, was experienced in the wider rural landscape as a notable locator in the core of the historic settlement.

Not surprisingly, the appellant's Heritage Consultant sought to argue that the development would not have caused any harm to the significance of the Grade II* listed church and would have only caused less than substantial harm (to the lower end of the scale) to the wider rural setting and thereby significance of some grade II listed properties adjacent to the site.

The Inspector disagreed and found the harm to the setting of the Grade II* Church to be less than substantial (at the lower end). He also concluded less than substantial harm to the setting of other Grade II listed buildings, ranging from mid to the low range of the scale. However, given the harm included the Grade II* listed church, one of the most nationally important heritage assets, he concluded he could not regard the harm lightly.

The Inspector went on to weigh the 'considerable' cumulative planning benefits of the appeal scheme (those similar to the benefits that would derive from the Holybourne scheme), but did not find that the public benefits would have outweighed the harm to heritage assets. Consequently, the Inspector concluded that the harm to the heritage assets provided a clear reason for refusing the application under limb (i) of paragraph 11(d) of the Framework. The Inspector found that the presumption in favour of sustainable development and the tilted balance under paragraph 11d) of the Framework was not engaged. The Inspector dismissed the appeal accordingly.



This appeal decision demonstrates the importance attributed in national planning policy to maintaining the significance of heritage assets. It provides an important illustration of how the planning policies should be applied to the Holybourne development scheme.

Conclusions

The development would result in substantial harm to the settings of the Grade II* listed Church of the Holy Rood, of the Grade II listed Manor Farm House and of Holybourne Conservation Area. The justification for the substantial harm is not wholly exceptional with respect to the church, or exceptional with respect to the farmhouse (NPPF paragraph 213). Furthermore, the planning application does not present public benefits of sufficient magnitude to outweigh the substantial harm to the heritage assets such that the Framework policies direct refusal (NPPF Paragraph 214).

Harm is also identified to the Conservation Area itself, and to the setting of the Grade II listed properties of Holybourne House, Oak Cottage and The Forge. This harm weighs further against the application proposals in the planning balance (NPPF Paragraph 215).

Given the strictness with which harm to the significance of heritage assets is dealt with under the Framework (NPPF Policies 11d(i), 213, 214 and 215), it follows that the application should be refused on these grounds. This approach is corroborated by the Inspector's decision on the Ascott under Wychwood appeal decision.



APPENDIX A

Ascott under Wychwood Appeal Decision

Ref: APP/D3125/W/23/3332089



Appeal Decision

Inquiry Held on 27-29 February and 5-6 March 2024 Accompanied Site visit made on 6 March 2024 **by David Troy BSc (Hons) MA MRTPI**
an Inspector appointed by the Secretary of State
Decision date: 3rd May 2024

Appeal Ref: APP/D3125/W/23/3332089

Land West of London Lane, Ascott under Wychwood, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Obsidian Strategic Asset Management Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 23/01504/OUT, dated 26 May 2023, was refused by notice dated 31 August 2023.
 - The development proposed is outline planning application with all matters reserved (except for access) for the development of up to 40 residential dwellings (C3 use), including 50% affordable housing, with vehicular access from London Lane. Provision of associated public open space, alongside landscaping, drainage infrastructure, and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters other than access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.



3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023. The main parties have been provided with the opportunity to consider the relevance of the revised Framework to this appeal and I have had regard to any comments made during the Inquiry.
 4. The Council confirmed during the Inquiry that the third reason for the refusal of planning permission relating the flood risk and drainage had been resolved and would not be pursued by the Local Planning Authority, subject to appropriate planning conditions. I will return to this matter later.
 5. I closed the Inquiry in writing on 21 March 2024 following the receipt of a signed and completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The Council confirmed that the submission of the Section 106 Agreement addresses the Council's fourth reason for refusal relating to the absence of a legal agreement to provide affordable housing and contributions towards infrastructure provision for the appeal proposal. I return to this matter in more detail later in this decision.
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6. The inquiry sat for 5 days, with an accompanied site visit on the final day. I also carried out unaccompanied site visits before the inquiry opened, and at other times outside the inquiry sitting period.

Main Issues

7. The main issues in this appeal are:
 - (i) Whether the location of the proposed development is appropriate in principle in terms of the policy approach to housing development in Ascott under Wychwood;
 - (ii) Whether the Council can demonstrate a five year supply of housing land;
 - (iii) The effect of the proposed development on the setting and significance of the designated heritage assets, namely the Grade II* listed Church of the Holy Trinity, Grade II listed Crown Farmhouse and Grade II listed buildings at Nos. 9 & 11 The Green;
 - (iv) The effect of the proposed development on the character and appearance of the area having particular regard to the effect on the Cotswolds Natural Landscape;
 - (v) Whether there are any exceptional circumstances which justify major development with the Cotswolds Natural Landscape and whether such development would be in the public interest; and



- (vi) Whether the policies which are most important for determining the application are out of date due to a lack of a five year supply of housing land or any other reason and, if so, would any adverse impacts of the proposed development significantly and demonstrably outweigh the benefits.

Reasons The Appeal Site and Location of Development

8. The appeal site is a part brownfield, part greenfield site measuring 3.7ha located on the south-eastern edge of the village of Ascott-under-Wychwood. It comprises of previously developed land consisting of a number of farm buildings with associated hardstanding areas, currently in equestrian use and surrounding open paddock land. The site is bordered by residential development to the north-west and north-east on the edge of the village and open countryside to south-west and the south-east. The appeal site falls within the Cotswolds Natural Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)). A Public Right of Way (PRoW) (footpath 111/15/10) runs along the south-west boundary of the site, with an extensive network of PRoWs within the immediate vicinity of the site.
9. With regard to local planning policies, Policy OS2 of the West Oxfordshire Local Plan 2031 (September 2018) (WOLP) sets out the overall spatial strategy for the District based on a settlement hierarchy. Ascott-under-Wychwood is classified as a Village within the WOLP. The policy identifies that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities, subject to compliance with a list of general principles. Amongst these are the requirements that proposals form a logical complement to the existing scale and pattern of development and/or character of the area, while in the Cotswolds Natural Landscape, great weight is given to conserving its landscape and scenic beauty. It further states that proposals for residential development will be considered in accordance with Policy H2 of the WOLP.
10. Policy H2 of the WOLP relates to the delivery of new homes. It identifies that new dwellings in the Villages will be permitted on previously developed land within and adjacent to the built-up area and on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs. Compliance with the general principles of Policy OS2 and any other relevant development plan policies is also required.
11. Policy BC1 addresses development within the Burford-Charlbury sub area, in which Ascott-under-Wychwood is located. It identifies that development outside of the Rural Service Centres will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. Whilst the Council consider there are more sizeable villages within the BurfordCharlbury sub area, with a higher population and range of services, the main parties agreed that Ascott-



under-Wychwood should be considered as a 'larger village' and I considered the appeal scheme on this basis.

12. The village benefits from a range of services, including a private primary school, village shop, community building, church, sports facilities and pub. The site would be well-related to the day-to-day services and facilities in the village and is accessible by a range of transport modes, including a bus service and railway station serving the village.
13. On the basis of its location and accessibility to services and facilities, both main parties consider that the village is a suitable location for some new housing development and new housing would help to maintain the village's vitality by supporting its services and facilities². Based on the evidence before me and my observations during my site visits, I concur with this view. I will consider whether the scale of the proposed development is appropriate for the village in more detail later in this decision.

Five Year Supply of Housing Land

14. Policy H1 of the WOLP sets out the amount and distribution of the housing in the district, making provision for at least 15,950 new homes between 2011 and 2031. This includes 2,750 homes towards meeting Oxford City's unmet needs. Policy H2 of the WOLP sets out a stepped approach to the annual housing requirement over the plan period.
15. The strategic policies in the WOLP are now more than five years old. The Council has undertaken a review and found that the strategic housing Policy H1 and the first strand of Policy H2 need to be updated. In accordance with paragraph 77 and footnote 42 of the Framework, the local housing need figure using the standard method is the basis for calculating the five year housing requirement. The latest local housing need figure calculated for West Oxfordshire is 570 homes per annum.

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16. The Statement of Common Ground (SoCG) between the Council and the appellant on housing land supply confirms a number of matters of agreement³. The relevant five year period for the determination of the appeal is agreed as being 1 April 2023 to 31 March 2028. The main parties agree that there is no need to add a requirement for Oxford City's needs and given performance against the housing delivery test, there is no need to add a buffer. The SoCG therefore sets out

² CD E4 Planning SoCG Paragraph 7.10

³ CD E5 Housing Land Supply SoCG



a five year requirement of 2,850 homes and I consider, in light of the circumstances that exist, that this is a reasonable approach.

17. The Council's position in the SoCG was that there was a supply of 3,111 homes in the five year period (5.46 years supply). The appellant considers that there is a supply of 2,174 homes (3.81 years supply). The disagreement is based on the contribution from five specific sites and a reduction from small sites with planning permission due to application of a lapsed rate. I will now deal with these matters.

The disputed sites

West Eynsham Strategic Development Area (EW2)

18. The West Eynsham Strategic Development Area is an allocated site under Policy EW2 of the WOLP. The site has full planning permission for 237 dwellings on part of the site at Thornbury Green, of which 76 dwellings remain to be completed and there is no dispute between the main parties that these can be delivered within the next five years.
19. However, an outline planning application for 180 dwellings was submitted on part of the larger site at Derrymerrye Farm in 2022. An appeal against nondetermination was lodged but it was subsequently withdrawn in November 2023 and no further application has been made. Improvements to the A40 are required and this is reliant on Housing Investment Funding. Confirmation of such funding has not yet been received and the Council accepts that an outline planning permission would need to await confirmation of this funding.
20. As such, there is currently no planning application and no clear timetable for one being submitted for the Derrymerrye Farm site. There are significant issues that still need to be resolved before planning applications can be submitted. There is considerable uncertainty over the timescales for development and no clear evidence that completions will begin on the site within five years. In the circumstances the site does not meet the Framework's definition of deliverable. The 180 units should therefore be removed from the supply.

Land north of Hill Rise, Woodstock (EW4)

21. The land north of Hill Rise, Woodstock is an allocated site under Policy EW4 of the WOLP. A hybrid planning permission was granted on appeal in October 2023⁴, with full planning permission for 48 dwellings, and outline planning permission granted for 132 dwellings. Reserved matters for the latter have not been submitted to date. The appellant considers that the 132 dwellings do not pass the test of deliverability and should be removed from the supply.

⁴ CD N7 APP/D3125/W/23/3315391



22. There is a single landowner and developer, Blenheim Strategic Partners, involved in the site. The evidence presented indicates that construction is

anticipated to begin with 15 units delivered in early 2025, 60 units in 2025/26, 60 units in 2026/27 and 45 units in 2027/28⁵. Whilst there appears to be some outstanding issues, the evidence at the Inquiry demonstrates the developer is clearly keen to progress the development and there is no evidence that these matters would be insurmountable, especially as it is not anticipated to come forward until 2025. The site already has full planning permission for 48 dwellings. In the circumstances, the evidence is sufficient to demonstrate that the site is deliverable and that 180 dwellings should remain in the supply.

Land north of Banbury Road, Woodstock (EW5)

23. The land north of Banbury Road, Woodstock is an allocated site under Policy EW5 of the WOLP. An outline application for up to 235 dwellings was granted outline permission in December 2022 subject to the signing of a Section 106 agreement. Whilst the Council confirmed at the Inquiry that the Section 106 agreement had been signed, no decision has been issued.
24. A trajectory was submitted by the developer in September 2022 but there is nothing further in writing from them since then. The developer indicated that after outline permission was granted, they would immediately follow with a reserved matters application but did not expect to be on site for 12-18 months following the granting of outline permission to allow for reserved matters approval and the discharge of planning conditions⁶. This seems very optimistic given that outline permission has not been issued and no reserved matters application has yet been made. In the circumstances the evidence presented is insufficient to support the anticipated delivery of 235 dwellings and the site does not meet the Framework's definition of deliverable. The 235 units should therefore be removed from the supply.

REEMA North and Central site, Carterton (CA1)

25. The REEMA North and Central site is allocated under Policy CA1 of the WOLP and has outline planning permission. The central part of the site has been developed and a reserved matters application for the northern part was approved for 200 dwellings in 2013. The Council maintain that this permission has commenced and is extant, however this has not progressed.

⁵ CD E17 Appendix 5b

⁶ CD E17 Appendix 5b – Appendix B2



26. The Ministry of Defence and the Defence Infrastructure Organisation are the landowners and have confirmed they are working with Taylor Wimpey to bring forward an alternative new full application for a higher number of units. The Council's evidence indicates that this alternative scheme will be pursued instead of the previous approved 2013 reserved matters application. However, no detailed alternative full application has been submitted to date and the appellant considers that, as no firm progress has been made, the 200 dwellings do not pass the test of deliverability and should be removed from the supply.
27. From the evidence presented, including a recent submission from Taylor Wimpey in January 2024, it shows that the developer is keen to progress the development. The developer's detailed timetable for bringing forward the site indicates that construction will begin with 15 units delivered in 2025, 90 units in 2026, 90 units in 2027 and 22 units up to March 2028 (at the end of the Council's relevant five year period). A further 54 units are anticipated at the

end of 2028 to complete the development⁷. It seems to me very unlikely that the outstanding matters will not be resolved before then, especially as a major housebuilder such as Taylor Wimpey has considerable expert and technical resources to hand. I therefore consider the evidence is sufficient to demonstrate that the site is deliverable and that the development will begin within the next five year period.

28. However, whilst the site is cleared, as no full application has been submitted to date, the anticipated start date and completion of 15 units in 2025 does not appear to be realistic. Even if an application is submitted, as anticipated by Taylor Wimpey in March 2024, it is likely to take considerably longer for the application to be determined. In my view, first completions are likely to be in 2026, pushing back the timetable a year, with a contribution of 127 dwellings, rather than 200, by March 2028.
29. I acknowledge the Inspectors different views on whether or not the REEMA north site should be included in a five year supply⁸, but I note these inquiries were completed in 2023. The more up to date evidence that I have been given from the developer was not therefore available. For the reasons given, 127 dwellings should remain in the supply, which is considered more realistic in the circumstances.

Land North of Witney Road, Long Hanborough

30. The site at land North of Witney Road, Long Hanborough has outline planning permission granted for up to 150 homes in February 2023. One of the

⁷ CD E17 Appendix 5b - Appendix B3

⁸ CD N2 - APP/D3125/W/22/3297487 and CD N5 - APP/D3125/W/22/3301202



precommencement conditions on the outline permission has been discharged but a number remain to be discharged. A reserved matters application has not been submitted to date and the appellant considers that the 150 dwellings do not pass the test of deliverability and should be removed from the supply.

31. Whilst the Council referred to on going pre-application discussions, there is no written evidence as to the intended timescale for submitting a reserved matters application or developing the site. Whilst I note the standard time limit requiring the submission of a reserved matters application within two years reflected the expected early delivery but, as set out above, there is little actual evidence of progress. Furthermore, whilst I note that the local developer, Blenheim Strategic Partners are involved and has a good track record of delivery in the area, this does not in itself provide a convincing argument on deliverability in this particular case. In the circumstances the evidence presented is insufficient to support the anticipated delivery of 150 dwellings and the site does not meet the Framework's definition of deliverable. The 150 units should therefore be removed from the supply.

Small sites lapses rate

32. The SoCG on housing land supply between the Council and the appellant indicates that there is a total of 395 homes with planning permission on small sites. There is, however, a dispute on whether a lapse rate should be applied. The appellant argues that a 10% discount should be applied to the overall supply from small sites with planning permission, to reflect the likelihood that

some permissions will lapse, drawing my attention to the Ducklington appeal⁹, where the Inspector agreed that a 10% discount should be applied.

33. Whilst I acknowledge that it is likely that some of those permissions will lapse and development will not take place, the appellant's position does not point to evidence on specific sites where permission has actually lapsed. It simply seeks to apply an assumption that 10% of homes with permission will not be delivered and should be removed from the supply.
34. The definition of "deliverable" in the Framework refers to "sites which do not involve major development and have planning permission... should be considered deliverable until the permission expires, unless there is clear evidence that homes will not be delivered within five years...". There is no reference in the Framework or the Planning Practice Guidance to the application of a generic percentage reduction. Whilst the Inspector in the Burford appeal¹⁰ agreed

⁹ CD N2 - APP/D3125/W/22/3297487

¹⁰ CD N4 APP/D3125/W/22/3293656



with the appellant in that case that a reduction to the supply from small sites should be made, this appears to be based on evidence on specific sites where permission had actually lapsed, rather than a generic assumption to apply a percentage lapse rate. In this case there is no clear evidence that specific small sites with permission will not deliver within five years.

35. Therefore, there is no basis to apply a 10% discount and the supply from small sites with planning permission of 395 should remain in the supply.

Conclusion on five year supply of housing

36. Making the above adjustments, there would be some 2,473 deliverable dwellings over the five year assessment period. The five year requirement is 2,850 homes based on the local housing need figure using the standard methodology. The Council can therefore demonstrate a deliverable housing land supply of some 4.34 years, which amounts to a deficit of around 377 dwellings. The Council therefore cannot demonstrate a five year supply of housing land.
37. As there is no five year supply of deliverable housing land, in accordance with the Framework¹¹, it follows that the restrictive elements of the strategic locational policies for housing that are most important for the determination of this appeal, namely Policies OS2, H2 and BC1 of the WOLP that were agreed by the main parties during the course of the Inquiry, are out-of-date. Those parts of the policies that provide a limitation for housing development are considered to be out of date because they are constraining the ability of the Local Planning Authority, to meet its minimum housing requirements. I will consider this further in the planning balance.

The Effect on the Setting and Significance of Heritage Assets

38. On this main issue there is some common ground between the Council and the appellant¹². No heritage assets would be directly physically affected by the proposed development, such that for many of the heritage assets the main issue relates to their setting¹³ only. With the exception of the Grade II* listed Church of the Holy Trinity, the main parties do not dispute that harm to the

significance of heritage assets would arise as a consequence of the appeal proposal. Furthermore, with the exception of the listed Church, there is common ground that in respect of the heritage significance of each asset the harm would be

¹¹ Paragraph 11(d) and Footnote 8 of the Framework

¹² CD E8 Heritage SoCG

¹³ Applying the definition of 'setting of a heritage asset' at Annex 2 of the Framework



less than substantial. In these cases, it is the degree of any less than substantial harm, which is the matter in dispute.

39. As a precursor to dealing with this main issue, there is some fluidity in the heritage evidence as to the character of the appeal site in terms of the direct impact on the setting of the heritage assets. The heritage evidence before me variably describes the appeal location as either rural, semi-rural or peri-urban. I deal with character and appearance in more detail below as a separate main issue, but for purposes of heritage significance the appeal site is manifestly rural in character. Despite the proximity of development on London Lane, The Green, Heritage Lane and to the north-west and north-east at Shipton Road and High Street, the prevailing character of the appeal site is rural, being pastoral countryside and farm buildings at the edge of the village.
40. To the north-west of the appeal site is a group of buildings clustered around the church. The reason for refusal specifies the designated heritage assets at this location that need to be considered are the Grade II* listed Church of the Holy Trinity, Grade II listed Crown Farmhouse and Grade II listed buildings at Nos. 9 & 11 The Green. These are part of a group of buildings, where some of the earliest buildings in Ascott-under-Wychwood are located.

Grade II* listed Church of the Holy Trinity

41. The Grade II* listed Church of the Holy Trinity, comprising a late 12th Norman Church and tower, that was altered and extended in the 14th/15th Century and renovated and restored in the mid-19th Century by the renowned architect, George Edmund Street. It is a strong example of medieval ecclesiastical architecture constructed prior to other buildings in the centre of the village as the mid-way between the two Norman motte and Bailey castles at Ascott Earl to the west and Ascott d'Oyley to the east¹⁴. The church and graveyard occupy slightly higher land above the surrounding historical streets along The Green and Church View in the core of the village. Consequently, it seems to me that the church was to some extent intended to be experienced in the wider rural landscape as a notable locator in the core of this historic settlement.
42. Whilst the majority of the heritage significance is embodied in the architectural (aesthetic), historic, archaeological and spiritual value of the building and this would remain unaffected, setting is an important aspect of its significance for the reasons set out in the preceding paragraphs. I share the assessment by the appellant and the Council heritage experts that the immediate churchyard environs, historic streets and the buildings in the immediate vicinity of the church are the more sensitive part of the setting and this would remain unaffected.

¹⁴ CD E13A Paragraphs 3.22 and 3.2.8



43. Whilst there is limited direct intervisibility to the appeal site from the church and from the immediate churchyard, there remains a sense of rural openness beyond the properties along The Green when approaching the Church along the path into the churchyard from Church View, along Church View from the northwest and along The Green from the north-east. The church and graveyard in

this location are positioned at a higher level to the road and properties opposite along the Green, giving a higher vantage point looking towards the appeal site.

44. Whilst development from the post-medieval period and 17th Century onwards¹⁵ has enveloped the Church to the north-east, north-west and south-west, the appeal site, despite the intervening presence of the properties along The Green, survives to the south-east as the closest discernible trace of countryside to the church. In various views from within Ascott-under-Wychwood, the church is now mainly experienced in the context of intervening development, with little sense of its origins and long-held position since the medieval period as a relatively isolated rural church. As such I consider the surviving rurality of the appeal site makes a notable contribution to the wider setting of the church. This aspect of setting would be moderately harmed by the perceptible infilling of the appeal land when approaching the church along the path into the churchyard from Church View, along Church View and along The Green, through the gaps between the properties, particularly between Nos 9 and 11 The Green.
45. Public footpath 111/15/10 that approaches the village from the south-east and extends along the south-west boundary of the appeal site provides limited views towards the upper part of the church tower. In these limited views its prominence and status as an important parish church, in a rural context, is revealed. The views from the public footpath were, due to the intervening buildings and vegetation on the edge of the village, limited to glimpses of the tower from broadly at the location of viewpoint 8 in Mr Hyde's' evidence¹⁶. Whilst the current farm buildings at the appeal site already impinge on the views of the church tower, they form part of the rurality in this setting.
46. Whilst the proposed landscape buffer on the south-western part of the appeal site, as shown on the indicative Concept Master Plan for the proposed development, would help preserve the views of the church tower from viewpoint 8, the tower of the church would still be experienced in the context of a more dominant residential built-up foreground with the sense of rurality diminished. In these views the appeal proposal would have a harmful effect, albeit to a limited degree, on the setting of the church by diminishing the views of the church tower in its rural setting. In the case of the appeal site, this has particular significance in being the closest

¹⁵ CD A9 Paragraphs 3.4.10 and 3.4.11

¹⁶ CD E13 B



meaningful area of countryside near to the church and its survival as an edge to clearly demarcate the edge of the historic settlement.

47. Overall, I find there would be less than substantial harm to the setting of the church and this would be at the low end of any range of such harm. I am mindful, however, that this harm would be to a particularly fine Grade II* heritage asset and greater weight that should be afforded to the asset's conservation in accordance with paragraph 205 of the Framework. Accordingly, even a low level of less than substantial harm must weigh heavily against the proposal.

Grade II listed Crown Farmhouse

48. Crown Farmhouse is a Grade II listed building of mid-17th Century origin. The two storey Crown Farmhouse has various associated outbuildings, some are

historic barns and some are modern portal framed farm buildings. The listed farmhouse and historic barns (including Crown Barn) are located outside of the appeal site, whilst the modern farm buildings together with the stone boundary walls within the surrounding paddocks are located within the appeal site. It was agreed by the main parties during the Inquiry that the historic barns and stone boundary walls are curtilage listed structures of Crown Farmhouse and should be assessed as a whole.

49. The heritage significance is derived from the architectural, historic and archaeological value of the farmhouse and associated curtilage listed structures. Whilst the curtilage listed structures and paddock originally formed part of the Crown Farm, they are now in different and separate ownerships and uses to the main listed farmhouse. Whilst the modern farm/equestrian buildings are functional and do not contribute to the significances of the listed structures, the design and layout of the curtilage listed structures are a legible part of the underlying agricultural historic character and the immediate setting of Crown Farmhouse. The experience of this part of the immediate setting contribute strongly to the significance of Crown Farmhouse as a result of its character and historic association. The paddocks form part of the wider setting and contribute to the significance of the Crown Farmhouse and curtilage listed structures as a result of its open rural character and historic association.
50. Whilst there is no direct intervisibility to the appeal site from the Crown Farmhouse and the removal of the modern farm buildings would have a beneficial impact on the setting of the Crown Farmhouse and curtilage listed structures, the proposed development would physically cut through the historic curtilage of the farm. The construction of the appeal proposal on the paddocks would, in my view, have a negative urbanising impact on the wider setting and clear sense of rurality that can be experienced in this location. This sense of rurality would be tangibly reduced by



the proposed development illustrated on the submitted Concept Master Plan, even allowing for the proposed areas of open space and landscaping. Overall, the harm identified to the setting of Crown Farmhouse and curtilage listed structures would be less than substantial and towards the mid-point of such harm.

No. 9 The Green

51. No. 9 The Green is a Grade II listed two storey residential building of early-19th Century origin. Its heritage significance mainly comprises its architectural quality, including the durability of materials used and the quality and detail of its openings; and its historical value reflecting its past function as the old school. The historical buildings along The Green, including the church and its contained garden to the south-east form are part of the immediate setting.
52. I do, however, for similar reasons as set out above for the church, consider that the current openness and rurality of the appeal site a short distance to the south-east of No. 9 The Green is a spatial aspect of its wider setting. Additionally for No. 9 The Green there would be some direct visibility of the appeal proposal from the first floor windows of the property. The appeal proposal would result in the loss to the current openness of the appeal site and a reduced sense of rurality as result of the proposed development illustrated on the submitted Concept Master Plan, even allowing for the proposed areas of open space and landscaping. This less than substantial harm in terms of impact on its setting would be towards the low end of any range of such harm.

No. 11 The Green

53. No. 11 The Green is a Grade II listed two storey residential building of late-18th Century origin. Its heritage significance mainly comprises its architectural quality and its historical value reflecting its past function as part of the farming connection with Crown Farm. In terms of setting as part of its significance there are some parallels to No. 9 The Green in terms of being towards the historic core of the village around the church and the proximity of the appeal site to the south-east in terms of the current openness and rurality provided to the wider setting.
54. In respect of No. 11 The Green, I consider the contribution of the appeal site to the setting to be slightly less because of the presence of Crown Barn and intervening structures immediately to the rear of the listed building. Additionally for No. 11 The Green there would be more limited direct visibility of the appeal proposal from the first floor windows of the property. As such I consider the aspect of setting provided by the appeal site is not as significant to the heritage significance of No. 11 The Green as it is for No. 9 The Green and as such it would be reasonable to conclude that the scale of less than substantial harm would be minimal.



Overall conclusion on heritage

55. For the reasons set out above, there would be less than substantial harm to the significance of various heritage assets. The harm to the setting of the Grade II listed Crown Farmhouse and curtilage listed structures would be at the midpoint of less than substantial harm. The harm to the setting of the Grade II* listed Church of the Holy Trinity and Grade II listed building at No. 9 The Green would be at the low end of less than substantial harm. The less than substantial harm to the setting of No. 11 The Green would be slightly lower than those above. Given these include the Grade II* listed church that degree of harm, to one of the most nationally important heritage assets, is not to be regarded lightly.
56. Heritage assets are an irreplaceable resource, and the last vestiges of the area's rural qualities, providing an important demarcation between the medieval core and the historic edge of the settlement of Ascott-underWychwood, contributing to the heritage significance in terms of the setting of the listed buildings, would be irrevocably eroded to an unacceptable degree through the appeal proposal.
57. Importantly, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving a listed building or its setting. This is a stern test and as such it is incumbent that I attach considerable importance and weight to the harm that has been identified.
58. The proposal would therefore conflict with Policies EH9, EH11 and EH13 of the WOLP which seek to protect the historic environment and in particular ensure development proposal preserve or enhance the historic interest and setting of the heritage assets and respect and build on pre-existing historic character in respect of landscape and townscapes.
59. Paragraph 195 of the Framework states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The Framework states at paragraph 205 that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 205 goes on to say that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm either directly or from development within its setting, should require clear and convincing justification.
60. In this appeal, the harm to all heritage assets would be less than substantial, and so paragraph 208 of the Framework states that such harm should be weighed against the public benefits associated with the proposal. I will consider this further in my overall heritage and planning balance.



Effect on the character and appearance of the area including the Cotswolds Natural Landscape

Appeal site and Policy context

61. The appeal site on the settlement edge lies on the south-eastern valley slope of the River Evenlode valley. It comprises a number of large farm buildings of different ages, with associated hardstanding areas, currently in equestrian use and surrounding open paddocks used for grazing of horses. The open grassland paddocks are subdivided by a mix of post and rail and electric tape fencing, with a stone wall separating the farmyard and buildings from the paddocks beyond. To the north-west and north-east are the long rear gardens of existing residential properties at The Green and London Lane bordered by a mix of stone walls and timber post and rail fencing, including a recently completed development of four dwellings at Foresters Court. The paddocks slope gently up from the edge of the village providing an open and spacious rural character to the area, which is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens, open countryside and Cotswolds Natural Landscape.
62. Details of layout, appearance and scale have been reserved at this stage, although I have been presented with an indicative layout of what could be built at the site. It was indicated in the evidence presented to the Inquiry, that the proposed dwellings would likely be two storeys in height, to appear in keeping with the existing buildings and village setting. The submitted layout also shows a public open space and landscape areas proposed to the south-west, southeast and north-east of the site. Indicative details of the species composition and arrangements of the public open space and landscaped areas have also been provided. The access to the site would be via a narrow strip of land between No. 12 London Lane and the Foresters Court development.
63. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst other areas, AONB's which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 183 of the Framework goes on to state that planning permission should be refused for major development in these designated areas other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
64. The WOLP addresses development in the Cotswolds Natural Landscape through Policy EH1. This policy identifies that the Cotswolds Conservation Board's Management Plan and Guidance documents are material considerations in decision making relevant to the Cotswolds Natural Landscape. It further states that major development will not be permitted within the AONB other than in



exceptional circumstances, as required by national policy and guidance. The policy is supportive of development proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.

65. WOLP Policies EH2 (Landscape Character), EH13 (Historic Landscape Character) and OS4 (High Quality Design) are also referred to in the Council's reasons for the refusal of planning permission. These policies are similar in their approach to the design of development and its impact on the landscape. Of particular relevance to this appeal is that these policies, amongst other things, require that new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive of the surrounding, local landscape and historic landscape character.
66. The Council's West Oxfordshire Design Guide 2016, which has classified the village of Ascott-under-Wychwood as falling within the Limestone Wolds Architectural Character Area where distinctive features include creamy limestone, limestone slates, long fronts, narrow gables and steep pitched roofs. It also describes the village as having a linear form and an enclosed setting following the line of the River Evenlode and that it is comprised of two former hamlets¹⁷.

Settlement Pattern

67. The majority of the appeal site is outside the existing confine of the village. However, the Council accepted during the Inquiry that the previously developed land part of the site may be regarded as being within the village, but it is of a very different character to the rest of the village. I concur with this view. The farm buildings associated with Crown Farm have been in this location for a long time¹⁸ and clearly reads as part of the surrounding agricultural landscape rather than as part of the housing. The incursion of the built form of the farm buildings into the open countryside is historic, alongwith the open gap provided by the paddocks to the rear of the residential development along The Green and London Lane.
68. There is some variation in settlement pattern across the village. The houses to the east of the village in Ascott d'Oyley are arranged in a coherent linear pattern, predominantly with a street frontage. In Ascott Earl to the west, there is a mixture of linear pattern of development and some instances of development at depth, including some designed estates along Shipton Road and small cul-de-sac development at Orchard Close. However, the existing houses at The Green and London Lane immediately adjacent to the appeal site follow the historic linear street pattern around the historic medieval core of the village and are arranged in a

¹⁷ CD G3 Pages 6 and 13

¹⁸ CD A9 Figure 4 1771 map of village and Figure 2 Extract from 1840 Parish Tithe Map



coherent linear pattern, predominantly with a street frontage adjacent to a grass verge or footpath. Due to its spatial distinction from the linear frontage character evident immediately adjacent to

the site, the proposal would standalone and be arranged to some noticeable depth as a backland form of development and I consider this below.

Landscape assessments

69. The appeal site and the surrounding area are subject to several sub-regional and local landscape character assessments. The Cotswolds AONB Landscape Character Assessment 2002 identifies the appeal site as being located within Lower Evenlode Valley Landscape Character Area (LCA 16b) of the wider 'Broad Floodplain Valley' landscape character type (LT 16)¹⁹. Key relevant characteristics define the character type as a broad area of gently sloping valley form with a strong sense of enclosure with a distinct pastoral, intimate and riparian character along the valley floor and a string of settlements along the valley sides, including Ascott-under-Wychwood.
70. At a more local level, the West Oxfordshire Landscape Assessment 1998 (WOLA) provides more localised landscape character assessment at the district level. The evidence presented at the Inquiry indicates that the existing developed part of the site with the large agricultural buildings and hardstanding area associated with Crown Farm were excluded from the WOLA classification. Although there was some disagreement as to the extent of the south-western paddock that lies within the LCA or settlement, much of the remainder of the paddocks on the appeal site lies within the Lower Evenlode Valley LCA as identified in the WOLA which, amongst other things, sets out key characteristics as large scale smoothly rolling farmland very open and exposed character and having high intervisibility along the valley sides²⁰.
71. The WOLA notes that the area has a highly attractive and unspoilt character but with some localised variations in quality. It also notes that there are a number of factors that can potentially threaten landscape quality. Expansion and 'suburbanisation' of rural settlements and roads are identified as examples of such threats²¹.

¹⁹ CD E6 - Landscape and Visual SoCG (February 2024) Paragraphs 4.2 and 4.3

²⁰ CD E6 Paragraphs 4.4 and 4.5

²¹ CD J1 Page 45



Effect on landscape

72. There is no dispute between the parties that the proposal constitutes major development for the purposes of paragraph 182 of the Framework. The landscape and visual impact of proposed development on the site have been considered in the appellant's Landscape and Visual Impact Assessment (LVIA), as well as by the Council and the Cotswolds Landscape National Broad (CLNB). Whilst there is a degree of commonality in aspects of these LVIAs, there are variances in the assessment of the magnitude of change and the significance of the impact of development. This is not uncommon in considering a subjective analysis of landscape and visual impact and I have taken all of these relevant LVIAs into account in reaching my views below.
73. Overall, the site has been assessed by the appellant as having a medium/high landscape value, applying the objective criteria set out in accordance with the Landscape Institute Guidance for Landscape and Visual Impact Assessment Third Edition (GLVIA3) and medium/high susceptibility to change ²². In light of my own assessment I have no reason to disagree. Similarly, I do not dispute

the appellant's LVIA view that the landscape sensitivity of the appeal site and its immediate environs is medium/high. In this range, based on the evidence and my observations during my site visits, I consider that the landscape value, susceptibility to change and landscape sensitivity of the area around the previously developed land and farm buildings on the appeal site would fall into the medium category and the open paddock land would fall into the high.

74. Whatever 'value' is attached to the appeal site itself, it still forms part of the overall high value protected landscape of the Cotswolds Natural Landscape and is a localised component of the landscape setting of Ascott-under-Wychwood within the sensitive Lower Evenlode Valley Landscape Area. The site cannot be developed without a total change to the baseline situation.
75. I have considered the visual form of the current edge of the village at the rear of Crown Farm. The proposed development would have a notability different appearance and feel to the existing farm buildings and previously developed hardstanding areas. This like similar structures in the locality, have a functional and utilitarian appearance and form part of the rural landscape. It is bordered by a mix of stone walls, timber post and rail fencing and a stand of tall mature trees which combine with the surrounding open pastureland, form a predominantly rural backdrop around the rear of Crown Farm, particularly when viewed from PRoW 111/15/10 to the south.

²² CD A17 Pages 14-18



76. The indicative layout illustrates new housing positioned further back than the existing modern portal framed farm buildings, on land currently occupied by a number of small paddocks that together with the existing tall mature trees soften the edge of the existing farm buildings and hardstanding areas. By contrast, the proposed development would conspicuously extend the settled village edge of Ascott-under-Wychwood in the landscape.
77. Unlike the development at the Foresters Court, where the Inspector allowed a much smaller scheme for five dwellings fronting directly onto London Lane, I consider that the proposed development, owing to its scale and indicative cul-de-sac nature, would not acceptably visually integrate into its surroundings. It would appear as a backland form development that, owing to its extent and suburban form, would adversely change the character of the village. This would jar with the established grain of linear development along London Lane and The Green, be visually separated from other cul-de-sacs to the west of the village, and blur how the village currently blends more naturally into the surrounding rural landscape of the Cotswolds Natural Landscape.
78. Whilst the proposed development would provide some screening to the rear of The Green and London Lane as part of the proposed Landscape Strategy²³, I do not consider this to be of such significance to be afforded substantial weight. The proposed open space, landscaping and planting around the periphery of the site would provide some degree of screening and to some extent 'soften' the approach to the village in views from the south and east. However, owing to the local topography, the built development and the landscaping would be at a lower level than the higher ground to the south-east of the site. Consequently, whilst there would be some screening after 15 years, as illustrated in the photomontages provided by the appellant²⁴, it is highly likely that views of the built development would still be attainable. Furthermore,

given the two-storey design of the proposed dwellings, the roof tops are likely to be visible above the planting on maturity in views from the higher ground to the south-east.

79. The proposed Landscape Strategy would have a degree of positive benefit on maturity by providing a less abrupt edge to the settlement. However, I am not persuaded that the Landscape Strategy would be effective in the short to medium term and even on maturity it is unlikely to eliminate some views of the development. Overall, I consider that whilst the adverse effects would reduce to some degree there would still be significant harm in the longer term.

²³ CD A10 and CD E12 B

²⁴ CD E12 B



80. The provision of the large area of public open space and landscape buffer themselves on the paddocks to the south-western and south-eastern edges of the site would change the open rural character of the area. These areas are proposed to mitigate the harm that would be caused by the built development. However, the proposed public open space and planting itself would introduce further landscape change and would alter the appearance of the existing agrarian landscape. Consequently, the positive attributes of the scheme provided in the Landscape Strategy do not alter my view that the proposed development would represent a highly adverse magnitude of change on the landscape, contrary to Policies OS2, OS4, EH1 and EH2 of the WOLP.

Historic Landscape

81. The remaining stone walls separating the farmyard and buildings from the paddocks beyond would be retained as part of the proposed built development as illustrated on the Concept Master plan and the proposed Landscaping Strategy. As such this part of the historic landscape would be preserved as part of the development.
82. In addition, the appeal site would be close to the core of the historic village, where I observed during my site visit, the presence of ridge and furrow is readily visible and is clearly identified in the main parties evidence on the paddocks adjacent to the village on undeveloped parts of the appeal site²⁵.
83. Whilst not necessarily a rare feature and only visible within and immediately adjacent to the site from the surrounding properties, it is still a physical remnant of medieval and historical farming practices, which makes valuable contribution to the agricultural setting and historical landscape around this part of the village. The proposed built development as illustrated on the Concept Master Plan would result in the permanent loss of the ridge and furrow on the north-eastern part of the appeal site and would fail to preserve the historical qualities of the landscape, contrary to Policy EH13 of the WOLP.

Effect on visual amenity

84. Turning now to the visual impacts of the proposal. It is clear from the evidence the LVIA's including a number of photomontages represented through a series of viewpoints in the appellant's LVIA and from my observations during my site visits that, given the topography of the site and the immediate surroundings, the appeal site, in visual terms, would not be highly visible in the wider landscape. The long-range viewpoints presented in the appellant's LVIA, show that the appeal site is predominately screened by vegetation or topography.

The visual impacts of the proposed development would be experienced on a

²⁵ CD A9 paragraph 3.4.17 and Figure 4 Aerial photo 2012 of site and CD E18 A Figures 49-51



more local level from a limited stretch of London Lane by the proposed accessway into the site (Viewpoint 2), along the PRoW 111/15/10 to the south and south-west and in medium views from the areas of higher ground along the B4437 to the south east of the site (Viewpoint 8). It is matter of agreement between the main parties that all these views will be localised²⁶ and I concur with this assessment.

85. In medium views from the areas of higher ground along the B4437 to the south east of the site (Viewpoint 8), the appeal site is visible, but based on the intervening distance and nature of the topography, I consider that the screening provided by the landscaping strategy after 15 years, it is likely that views for motorists and walkers would have a minimal adverse visual impact in the medium to long term of the built development from this location.
86. However, views of the appeal site become quite apparent along PRoW 111/15/10 travelling north-west approaching the village. At viewpoint 7, approximately 205m to the south of the site²⁷, the appellant's LVIA categorise that the proposal would have a moderate adverse level of effect in Year 1 and a negligible adverse effect on the visual amenity in Year 15. Whilst I recognise that the proposed Landscape Strategy provide some visual containment, the degree of visibility will vary according to the seasons. The current open and undeveloped parts of the site, together with the adjoining fields, provides a contribution to the visual quality of and an important contribution to, the rural open landscape setting of the village. Although they would be set down within the local topography, the proposed dwellings cumulatively would result in an increased built form on the site that would compromise the sense of space and openness of the area. Overall, I consider this harm from this viewpoint would have a significant adverse level of visual impact on the area.
87. At Viewpoint 2, immediately adjacent to the proposed accessway into the site, the appellant's LVIA categorises that the proposal would have a moderate/ minor adverse level of effect in Year 1 and a negligible adverse effect on the visual amenity in Year 15 over the short section of the road in passing the site. Whilst I recognise that the existing dwellings and structures and the proposed boundary wall provide some visual containment and functional and utilitarian appearance of the modern portal framed farming buildings on the appeal site are visible, they are framed by the existing open paddock in the foreground and the line of tall trees on the edge of the Crown Farm in the background. This provides an open and verdant character and a contribution to the visual quality of and a contribution to, the rural open landscape setting of the village.
88. These shortcomings would be exacerbated by the appeal site's elevated position above the road and the rising topography of the appeal site,

²⁶ CD E6 Landscape Paragraphs 5.4 and 5.5

²⁷ CD E6 Landscape Paragraph 5.5



where the proposal would be visible over short distances by motorist and walkers, including walkers using the Wychwood Way walking route that passes the site along London Lane. This harm would occur, regardless of whether or not the buildings could be more effectively screened from the road, through the provision of additional landscaping on the appeal site, that would take some time to mature to provide effective screening in this location. Overall, I consider this harm from viewpoint 2 would have a significant adverse level of visual impact on the area.

89. In coming to this conclusion on viewpoint 2, I have considered the fallback position on the appeal site and the appellant's options to build the dwelling allowed as part of the Foresters Court development on the proposed accessway into the site²⁸. Based on the evidence before me, there is a reasonable likelihood that the dwelling would be built if this appeal is dismissed. Be that as it may, in my view, the scale and form of such a development would not be as substantial as the proposal now before me and would have more limited impact on the character and appearance of the area and the open rural setting of the village. I therefore accord this matter moderate weight in making this decision.

Overall conclusion on character and appearance

90. For the reasons set out above, I find that the proposed development would cause unacceptable harm in both landscape and visual terms on the character and appearance of the area. The proposed development would be of an inappropriate scale to its context and would not form a logical complement of the existing scale and pattern of development or the character of the area. The proposal would not respect the historic and landscape character of the locality and conserve or enhance the intrinsic character, quality of the area, including Cotswolds Natural Landscape.
91. Importantly, the enactment of the Levelling Up and Regeneration Act 2023 has strengthened the statutory duty of the relevant authorities under Section 85(1) of the Countryside and Rights of Way 2000 to further the purpose of conserving and enhancing the natural beauty of an AONB²⁸. I attach considerable importance and great weight to the harm that has been identified.
92. The proposal would therefore conflict the relevant provisions of Policies OS2, OS4, EH1, EH2, EH13 and BC1 of the WOLP and the West Oxfordshire Design Guide 2016. Crucially, the Framework seeks to achieve well-designed and beautiful places as part of the overarching social and environmental objectives of the planning system. Notably, paragraph 135 of the Framework establishes that planning decisions should ensure that developments will add to the overall quality of the area; are sympathetic to local character and history including the

²⁸ CD N20 Appeal Ref: APP/D3125/W/17/3179654 – Land westt of London Lane, Ascott-Upon-Wychwood

²⁸ CD ID.7 Council's Closing Statement Paragraph 3



surrounding built environment and landscape setting. It is also contrary to paragraph 182 of the Framework and the guidelines provided in the Cotswolds AONB Management Plan.

93. Having identified that there would be harm to the special qualities of the Cotswolds Natural Landscape, it is necessary to consider the tests identified in paragraph 183 of the Framework. In particular, whether there would be any exceptional circumstances that are relevant to the consideration of the overall planning balance and whether it can be demonstrated that the development is in the public interest.

Whether or not there are Exceptional Circumstances

94. The development plan, particularly through policies OS2, H2, EH1 and BC1 read in combination, only permits development harmful to the Cotswolds Natural Landscape on previously developed land within and adjacent to the built up area and on undeveloped land adjacent to villages in the Burford-Charlbury sub area in exceptional circumstances and where convincing

evidence is provided to demonstrate that the development is necessary to meet an identified local housing need. Whilst there are other benefits of the scheme, which I consider later in this decision, the primary benefits identified by the appellant are those relating to the provision of market and affordable housing.

95. There is disagreement between the main parties as to what may constitute 'local housing need' and whether this should be considered at a settlement or sub-area level. The supporting text to Policy H2 of the WOLP identifies in paragraph 5.39 that "Within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site".
96. Policy BC1 identifies that development will be steered to the larger villages and will be limited to meeting local housing needs. The supporting text of Policy BC1, at paragraph 9.6.29, states that it will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or sub-area (e.g. meeting identified local housing needs) and which would clearly outweigh any likely harms, including heritage and landscape harm. The supporting text then mirrors national policy requirements, as set out in paragraph 183 of the Framework, for major development within the AONB stating that housing proposals which constitute 'major development' will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest.



97. The Council has referred to the Inspectors decisions at Stonesfield²⁹ and Ascott-under-Wychwood³⁰. I can see no reason to depart from the approach taken by the Inspectors in these cases. Therefore, in considering housing need within the context of the policy framework in the development plan, I take the view that local housing need means need of a specific settlement. However, as outlined earlier, as there is no five year housing land supply, those parts of the policies OS2, H2 and BC1 that provide a limitation for housing development are considered to be out of date.
98. In any event, the appellant has provided evidence that there are specific local housing needs on a settlement, sub-area and district wide basis. The SoCG between the main parties on housing land supply demonstrates there has been a substantial shortfall of 1,316 new homes against the WOLP housing trajectory between 2017 and 2023. Further, over the next five years, a substantial shortfall of 3,602 dwellings by 1st April 2028 against the WOLP trajectory is anticipated as a result of the under-delivery on the strategic growth location and strategic development areas allocated in the WOLP³¹.
99. The SoCG between the main parties on affordable housing demonstrates an accrued shortfall of 587 affordable homes since April 2013 against the Council's Strategic Housing Market Assessment 2014 estimate of affordable need for the district. The shortfall in affordable housing assessed against the estimated affordable housing needs over the next five years (up to 31st March 2028) in
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- the Council's Housing and Economic Needs Assessment 2022 is set to increase further to 519 affordable homes per annum. This is coupled with worsening affordability indicators in West Oxfordshire for any household seeking an affordable home³¹. The Council's housing register shows a substantial level of affordable housing need across the parishes in the Burford-Charlbury sub area and Cotswolds Natural Landscape³², with 33 households showing a preference for affordable housing in the Ascott-under-Wychwood at 31st March 2023³³.
100. Although there is disagreement between the main parties on whether or not sufficient information has been provided to meet the local housing needs in the context of this appeal, there are clear benefits as already stated and a need for the type of development proposed which is supported by local and national planning policy. Consideration of the tests identified in paragraph 183 of the Framework on

²⁹ CD N42 Appeal Ref: APP/D3125/W/18/3209551 – Land north of Woodstock Road, Stonesfield

³⁰ CD N19 Appeal Ref: APP/D3125/W/21/3285075 – Land East of London Lane, Ascott-Under-Wychwood

³¹ CD E5 Planning SoCG Tables 1.2 and 1.4

³² CD E7 Affordable Housing SoCG Paragraphs 7.11-7.14

³³ CD E16 B Appendix AG8 Parishes in the Appellant's Study Area

³⁴ CD E16 A Figure 8.1



what constitute exceptional circumstance and public interest is matter of planning judgement and the decision maker has a broad discretion³⁴.

101. I accept that there is a significant need for the delivery of more market and affordable homes due to the significant unmet need for housing in West Oxfordshire and chronic shortfall of affordable housing in the district. I have also found that there is no five year housing land supply for the district at this time indicating a need for housing generally. Furthermore, there is nothing substantive before me to demonstrate that this need could be met in some other way. Therefore, these factors are significant reasons in the public interest carrying substantial weight for allowing the development.
102. However, this must be weighed against the harm to public interest by virtue of harm to the landscape and scenic beauty of the Cotswold Natural Landscape, as identified in my reasoning above, and which I have found could not be adequately moderated. The Cotswolds Natural Landscape is a finite resource and, as per the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in the AONBs which have the highest status of protection in relation to these issues. As a further consideration, harm to heritage assets is also not in the public interest, as set out in the Framework, these should be conserved so they can be enjoyed for their contribution to the quality of life of existing and future generations. Again, great weight should be given to the conservation of such assets.
103. On balance, therefore, I do not consider that exceptional circumstances have been demonstrated to justify a development of this scale in the Cotswolds Natural Landscape. Consequently, the proposed development would be contrary to Policies OS2, EH1 and BC1 of the WOLP in relation to development proposals within the Cotswolds Natural Landscape. Again, as per the Framework, this provides a clear reason for refusing the development.
104. I have been directed to various case law and appeal decisions which the appellant advocates support their views on what constitutes exceptional circumstances and public interest for the purposes of paragraph 183 of the Framework. However, whilst I recognise that the list of factors that can form part of the exceptional circumstance and public interest is not a closed list and

the decision maker has a broad discretion as to what can form part of those considerations, each case is considered on its own individual facts. The decision makers in each case weigh differing matters into the balance, each of which are

³⁴ CD N40 Wealden v. SSCLG AND Knight Development Ltd [2017] EWCA Civ 39



relevant to the developments they concern and do not alter my findings above based upon the particular circumstances of this appeal.

Other Matters

Flood risk and Drainage

105. The majority of the site is located in Flood Zone 1 as defined in the Environment Agency's Flood Mapping for the area, where there is a low probability of fluvial flooding. The risk from groundwater springs is identified as low, with no springs being located within the appeal site³⁵. The Environment Agency's mapping also identifies that the majority of the site has a very low risk of surface water flooding. A small proportion of the site has a higher risk of surface water flooding, which coincides with the existing pond in the southern part of the site. The development of the site would inevitably increase the need for appropriate measures to deal with potential flood risk. The appellant has provided a Flood Risk Assessment setting out mitigation measures for the site.
106. These flood risk measures have been updated at the Inquiry and during the course of this appeal through a technical note from the appellant in respect of flood risk and drainage. The Council agree that the evidence provided would resolve its concerns relating to flood risk and drainage and overcomes the third reason for the refusal of planning permission. I am mindful that the Lead Local Flood Authority and the Council's Drainage Engineers raised no objections to the proposal, subject to planning conditions being attached to cover appropriate mitigation measures. These measures include setting minimum finished floor levels and a sustainable surface water drainage system together with future management and maintenance of the drainage proposed. The identified measures represent a moderate benefit of the appeal proposal.

Section 106 Agreement and Planning Obligations

107. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
108. The signed and completed Section 106 Agreement provided by the appellant secures the delivery of 20 affordable units of a range of types and tenures as part of the appeal scheme to meet the prioritised needs for affordable housing in the

³⁵ CD E11A Paragraphs 6.8 and 6.9



District. This is in accordance with the Council's requirements to provide 50% of the total dwellings as affordable homes as per Policy H3 of the WOLP.

109. The significance of this particular appeal scheme's level of contribution to boosting an appropriate mix of affordable housing in the district is not disputed by the Council and it is agreed that it should be afforded weight as a

material consideration³⁶. The submitted legal agreement contains planning obligations which are capable of securing the appropriate level and mix of affordable housing, management of the nomination rights and local criteria to support the delivery of the affordable homes for local people in the area. The legal agreement is a mechanism to ensure that the appeal scheme delivers the important housing benefits of the appeal proposal.

110. The Section 106 Agreement between the appellant, West Oxfordshire District Council and Oxfordshire County Council includes obligations relating to financial contributions towards secondary school facilities in Burford, Special Educational Needs Provision and sustainable transport measures to support public transport services serving Ascott Upon Wychwood.
111. The Section 106 Agreement includes various provisions and obligations that cover the Public Rights of Way improvements, household waste recycling improvements, outdoor sports pitches in the vicinity of the site, together with highway works and provision, on-going management and maintenance of the public open space associated the development.
112. The Council agree that the completed and signed Section 106 Agreement would resolve its concerns relating to the pressure on the local infrastructure within the district and overcomes the fourth reason for the refusal of planning permission. There is no substantive other evidence before me which would indicate that the available services and facilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require the provisions of the planning obligations.
113. Having regard to the above, and based on the evidence before me, I am satisfied that the proposed contributions set out above are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and CIL Regulations. The contributions in the Section 106 Agreement and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees,

³⁶ CD E4 Planning SoCG Paragraph 7.34



appeal statements, CIL compliance statements and the Statements of Common Ground between the main parties. However, as these contributions towards local infrastructure would be mitigation, they do not constitute material benefits.

Overall Heritage and Planning Balance

114. As set out above there is no five year supply of deliverable housing land and the relevant development plan policies for the supply of housing that are most important for determining the application, namely Policies OS2, H2 and BC1 of the WOLP, are out-of-date. In terms of the application of paragraph 11(d) of the Framework and whether planning permission should be granted (subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004) I turn first to limb (i) of the paragraph.
115. In respect of heritage matters, the less than substantial harm identified, should be weighed against the public benefits of the proposal in accordance with paragraph 208 of the Framework. I have found that the less than substantial harm to the setting of Grade II* listed Church of the Holy Trinity and Grade II listed buildings at Nos. 9 & 11 The Green would be at the lower

end of any spectrum of less than substantial harm. The harm to the significance of the Grade II Crown Farmhouse and curtilage listed structures would be firmly in the middle of any range of less than substantial harm.

116. There are agreed public benefits between the main parties to the appeal scheme³⁷. These include the provision of market and affordable housing and ongoing housing supply shortfall and extremely bleak outlook for local affordable housing provision, in the context of a district with no five year housing land supply. There are also associated economic benefits in terms of job creation during construction and local spending, and some modest benefits from additional public open space within the development, any biodiversity net gain, upgrade of the PROWs within the local vicinity and the re-use of the previously developed land on part of the site.
117. Whilst the cumulative benefits of the appeal scheme are considerable and there would be limited heritage benefits from the removal of the modern portal framed farm buildings on the site, I do not find the public benefits would outweigh the identified harm to heritage assets.
118. Consequently, when considering limb (i) of paragraph 11(d) of the Framework I am drawn to footnote 7 as to whether there are policies that provide a clear reason for

³⁷ CD E4 Planning SoCG Paragraph 7.42



refusing the development proposed. In this case both Natural Landscape/AONB and heritage assets policies, as referred to in footnote 7, are engaged and provide clear reasons for refusing the appeal proposal. Consequently, the presumption in favour of sustainable development and the tilted balance under paragraph 11d) of the Framework is not engaged in this appeal and with it, potential support from Policy OS1 of the WOLP.

119. I have considered the various benefits put forward by the appellant that the proposal would bring, through making an important contribution to supply and mix of housing in the area, to which I attribute significant weight. The Framework promotes sustainable development in rural areas, and the housing would make a positive contribution to the supply of housing and supporting the vitality of the village and the surrounding rural communities, that weigh in favour of the proposal. Given the level of affordable housing need, this has social benefits carrying substantial weight.
120. The appellant also considers that the proposal would boost the local economy through providing construction jobs, local investment and supporting local services and facilities through new residents are matters to which I attach moderate weight. In environmental terms, the appellant states that the scheme's effective use of previously developed land, open space, landscaping strategy, biodiversity enhancement, sustainable urban drainage and the sustainable transport measures including the upgrade of the PRow's would amount to environmental benefits, to which I attach moderate weight.
121. However, I have found above that taken overall the development would cause significant harm to the character and appearance of the area including the Cotswold Natural Landscape and the setting of the adjacent designated heritage assets. In this case, the scheme would harm the objectives set out in the Framework and the great weight should be given to conserving and enhancing landscape and scenic beauty in Cotswolds Natural Landscape and heritage assets in an appropriate manner. Moreover, the exceptional

circumstances case and the public interest test as identified in paragraph 183 of the Framework is not met.

122. In addition, the out-of-datedness of the most important policies, however, does not alter the statutory primacy of the development plan nor indicate they carry no weight. The policies that seek to ensure development protect the character, landscape and historic environment are central to this decision. I attribute full weight to the degree to which the development conflicts with the relevant provisions of Policies OS2, OS4, EH1, EH2, EH9, EH11, EH13 and BC1 of the WOLP, which insofar as they are pursuing good design and development that respect the character and quality of an area and conserve and enhance the built,



historic and natural environment including Cotswolds Natural Landscape, hold a considerable degree of conformity with the policies in the Framework.

123. Overall, I consider that the proposal conflicts with the development plan as a whole, taking in account those policies that both oppose and support the proposed development. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration and I have considered all of the policies in the Framework. I have judged the adverse impacts would be sufficient to outweigh the scheme's benefits and, in this case, I have found policies in the Framework that protect designated heritage assets and the Cotswolds Natural Landscape provide clear reasons for refusing the development proposed. In the circumstances of this appeal, I do not find material considerations indicate that my decision should be taken otherwise than in accordance with the development plan.

Conclusion

124. For the reasons given above, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR



Loss of Holybourne Play Area; a Designated Local Green Space

- **The development, by reason of the loss of Holybourne Play Area (a designated Local Green Space), would result in the loss of an extremely well-used and highly valued social and recreational facility at the heart of the village. The outstanding countryside views from Holybourne Play Area help connect the village to its rural landscape setting and are a particularly important aspect of the Local Green Space designation.**
 - **The NPPF sets out that Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period. The NPPF is explicit in that once designated, boundaries of designated Local Green Spaces should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans – not through speculative planning applications.**
 - **The proposed replacement represents a significant diminishment in quality and community value. It will be enclosed by, and intrinsically linked to, the residents of the newly created neighbourhood; rather than serving as a notable facility for the wider village with outstanding countryside views.**
 - **Where the development fails to protect an asset afforded particular importance in the NPPF there is strong reason to refuse the application. NPPF Policy 11d(i), JCS Policies CP1, CP16 and CP17 and Alton Neighbourhood Plan Policy CH5 all direct refusal of the application.**
-

Holybourne Play Area is a village facility and is openly accessible to all. It benefits from outstanding countryside views that connect it to the wider landscape setting and which help define the rural character of the village. It provides value to the health and well-being of the community by being set apart from the existing housing nearby. It serves as a safe common ground where villagers come together, fostering social interactions and community bonding. People meet here, share conversations, and build connections. This sense of community is invaluable for combating feelings of isolation and loneliness, especially in a village setting.

The Alton Neighbourhood Plan identifies Holybourne Play Area as:

“The only publicly accessible recreational area near the centre of the village from which to enjoy nature and admire the outstanding views northwards to Holybourne Down, the nearest alternative play area being a mile away. It holds particular significance for its local community, including children from several



local schools, and the many visitors with families and groups of all ages taking advantage of adjacent free parking.”



Development Plan Policy

Holybourne Play Area is a designated Local Green Space under Policy CH5 of the adopted Alton Neighbourhood Development Plan.

Joint Core Strategy Policy CP1 (Presumption in favour of sustainable development) sets out that even where the relevant policies of the development plan are out of date at the time of decision making, those specific policies in the NPPF which indicate that development should be restricted will continue to hold significant weight. The NPPF Policies referred to in JCS CP1 explicitly include those that relate to the protection of land designated as Local Green Space.

Policy CH5 of the Alton Neighbourhood Plan designates and therefore protects valued areas of Local Green Space from development, except in very special circumstances. This policy is aligned with East Hampshire JCS policies CP1, CP16 (Protection of Social Infrastructure) and CP17 (Protection of Open Space, Sport and Recreation).

The areas of Local Green Space identified in the Neighbourhood Plan for protection have all been found to meet the specific tests which are set out within the NPPF; namely they are close to where people live, special to local people and only constitute



local areas of land. Moreover, the Neighbourhood Plan identifies that whilst new development will need to meet the open space needs of the new residents, “it is equally important that existing public open spaces are retained”.

National Planning Policy Framework (2024)

NPPF Paragraph 11 sets out the presumption in favour of sustainable development. For decision making this means where the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the framework that protect areas or assets of particular importance provides strong reasons for refusing the development. In this regard, designated Local Green Spaces are explicitly identified as protected areas/assets of particular importance.

NPPF paragraph 106 sets out that “the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them”... and that... **“Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period”.**

At paragraph 108, the NPPF states that decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of the Framework. Chapter 13 sets out the following:

- The Government attaches great importance to Green Belts (vis-a-vis Local Green Spaces) – NPPF paragraph 142; and
- **Once established, Green Belt (vis-à-vis Local Green Space) boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans** – NPPF paragraph 145.

Proposed Replacement

The existing Local Green Space is demonstrably a significantly important and valued village facility, openly accessible to all. It is used extensively by villagers and attracts visitors from wider afield who appreciate the open countryside views and take advantage of the adjacent free parking. The designated Local Green Space would be lost as a result of the development.

The replacement open spaces proposed under the development proposals will, by contrast, be enclosed by, and intrinsically linked to, the residents of the newly created “neighbourhood”. The spaces will not benefit from the outstanding countryside views and the wider community/village will not have the same sense of access and



'ownership' of the spaces as it does with the existing Play Area on London Road. Rather than providing a space for the whole community, its main purpose would be to soften and buffer the development in views from London Road and New Lane. In recreational terms, it would predominantly benefit future residents of the application scheme rather than providing a notable facility for the wider village as the existing Local Green Space does.

Conclusion

Holybourne Play Area has been identified as an asset of particular importance to the community; such importance as has warranted its designation as a Local Green Space. Under the NPPF, Local Green Spaces are afforded equivalent protection to that of Green Belt. NPPF Paragraph 145 is explicit in that once established, boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans – not through ad hoc speculative planning decisions on individual development sites.

Moreover, the development fails to protect an asset afforded particular importance in the framework and development plan such that there is strong reason to refuse the application. NPPF Policy 11d, JCS Policies CP1, CP16 and CP17 and Alton Neighbourhood Plan Policy CH5 are all engaged and all direct refusal of the application.



Flood Risk and Drainage – Failure to undertake a Sequential Test

- **JCS Policy CP25 and NPPF Paragraph 173 sets out that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding.**
- **EHDC's Level 1 Strategic Flood Risk Assessment mapping shows that the application site falls within an area of potential groundwater flooding. Policy CP25 also explicitly identifies the risk of ground water flooding in this location and directs that development should be avoided. This flood risk is further corroborated by the application submissions and by the local evidence presented.**
- **The risk of flooding has not been adequately justified through identifying that there are no sequentially preferable sites in a logical and robustly identified Sequential Test Area. The proposal would therefore be contrary to both JCS Policy CP25 and the Framework, which both aim to sequentially direct development away from areas at risk of flooding to avoid flood risk to people and property.**
- **As the sequential test has not been undertaken, the exception test (i.e. whether the site could be made safe for its lifetime) in Paragraph 177 of the Framework is not relevant at this stage.**
- **The applicant has not completed a sequential test and therefore JCS Policy CP25 and the policies of the NPPF provide a clear reason for refusal. This alone is a matter of sufficient force to outweigh the benefits of the proposal given the strictness with which flooding is addressed in national policy – see Fairlight Cove and Lancaster appeal decisions for case law.**
- **In the circumstances NPPF Paragraph 11d(i) directs refusal of the application. The tilted balance under paragraph 11d(ii) of the NPPF need not be engaged.**

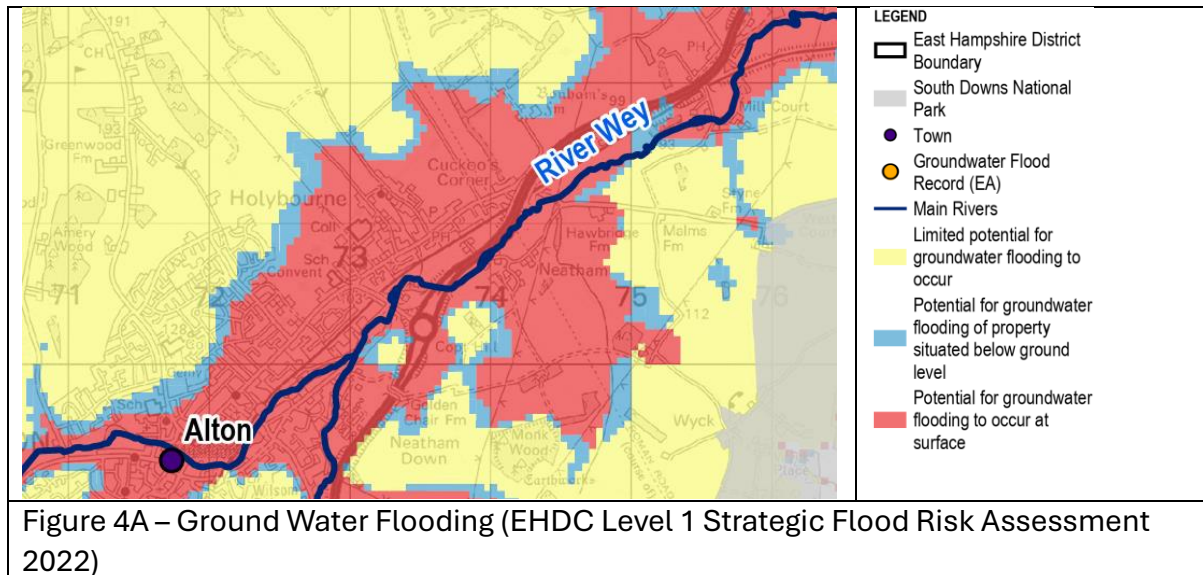
The Site and Risk of Flooding

The site is outside of Flood Zones 2 and 3; so is at low risk of flooding from rivers and the sea.

The application site is however located on a chalk bedrock with naturally high groundwater and identified lavant springs. EHDC's Level 1 Strategic Flood Risk Assessment identifies that groundwater poses a significant risk of flooding predominantly associated with the extensive chalk bedrock geology. The application site sits within an area identified within the Strategic Flood Risk Assessment as having potential for ground water flooding to occur at the surface – see figure 4A below. EHDC's Level 1 Strategic Flood Risk Assessment mapping also indicates that the site has a risk

of surface water flooding; with flood incidents having been recorded on London Road and within the gardens of properties locally.

Figure 1: EHDC Level 1 Strategic Flood Risk Assessment: Identified Risk of Ground Water Flooding.



Holybourne is home to four main spring fed streams, one of which sits directly within the application site – known locally as Stream Acre Field. This area hosts a significant lavant spring and the field acts as a natural sponge regulating the flow before the water passes through the gardens at the Old Forge. In addition, other smaller lavant springs appear on the application site and shift location, mainly during periods of heavy rainfall when the ground becomes saturated.

Some Holybourne residents undertook a study between February 2024 and June 2025 to explore the village's springs and streams and where they go through the village before ending up in the River Wey; the details of which are shown on figure 2. Further detail of this work can be shared with EHDC and HCC if that would be beneficial. The research undertaken corroborates the SFRA and local knowledge that the site is at significant risk from ground water flooding. This is further evidenced by the videos included in appendix A.

Figure 2: Holybourne's Springs and Streams



The suitability of the site for the proposal with reference to flood policies

JCS Policy CP25 identifies that development at risk of flooding, now and in the future, as identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment will be permitted provided that it meets the sequential and exception test as outline in Government guidance. Policy CP25 however goes on to state:

"Specific areas in the district, which overlay the chalk geology, can be prone to groundwater flooding as shown on the Council's Strategic Flood Risk Assessment maps. Rivers in East Hampshire which are sourced in the chalk area are the River Meon, River Wey and Lavant Stream, and thus groundwater fed. Development should be avoided in areas at risk from, susceptible to, or which have a history of groundwater flooding."

The application site sits within one of the specific chalk areas referred to above. **JCS Policy CP25 therefore explicitly directs that development should be avoided in this location.**



The government guidance referred to in JCS Policy CP25 is the NPPF, which also sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

NPPF Paragraph 173 directs that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding.

Environment Agency Standing Advice sets out when a sequential test is needed and when development is exempt. It states a Test is required for any proposed building, access and escape route, land raising or other vulnerable element in Flood Zone 1 where the SFRA shows it will be at increased risk of flooding. EHDC's SFRA demonstrates that the site is at risk of flooding from ground and surface water sources – see figure 4a of that document (figure 1 above).

Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. **NPPF Paragraph 174 explicitly states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.**

The application submissions confirm that groundwater flooding is a source/form of flooding at the site and the applicant has proceeded to engineer a drainage strategy to seek to mitigate it. The application scheme however is not supported by a sequential test that has listed other sites in a robustly defined sequential test area (STA), and then considered if they are of a lower flood risk and reasonably available. Accordingly, the applicant has failed to establish that there are no sequentially preferable sites that are reasonably available.

As the sequential test has not been undertaken, the proposal would therefore be at odds with the Framework. The exception test (i.e. whether the site could be made safe for its lifetime) in Paragraph 177 of the Framework is not relevant at this stage. Moreover, proposing works that would potentially mitigate the risk of flooding, confuses the Sequential and Exception Test as set out in the Framework and expanded upon in the PPG. The Exception Test should only be applied, when, following the application of a Sequential Test, it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding.

It is acknowledged that there are environmental constraints to the expansion of Holybourne, including the Alton/Holybourne Strategic Gap, the Scheduled Monument(s), the important landscape/historic setting of the village, the A31 and the railway line. It is also recognised that these may limit the availability of other suitable



sites in and around the village. However, this would need to be investigated as part of the sequential test.

In any event, the sequential test area should not be limited to Holybourne and its immediate environs; and not just to the applicant's landholdings either. This is because JCS Policy CP10 sets out the requirement to provide a minimum of 150 homes in total in villages (outside of the National Park) across the district. Holybourne itself has not been allocated a specific proportion of those 150 homes, which is shared across over 21 villages similarly positioned within the settlement hierarchy. At 160 dwellings, the proposed urban extension is grossly excessive when compared to the level of growth planned for Holybourne under the current Development Plan. For a scheme of this magnitude, the Sequential Test should be looking District wide. It follows that a sequential test would not be a mere paper exercise that the application site would inevitably address satisfactorily.

The position of the Environment Agency and the Lead Local Flood Authority is not known at the time of drafting. However, even in the event that the applicant can demonstrate a technical solution to their satisfaction, it remains that the absence of an objection from those parties is not determinative in this instance. As the sequential test has not been undertaken, the exception test in Paragraph 177 of the Framework is not relevant at this stage. This approach in National Flooding Policy position is substantiated by the following appeal decisions.

Fairlight Cove, East Sussex - Appeal Decision (Appel Reference APP/U1430/W/21/3283287) – See Appendix B

The appended appeal decision at Fairlight Cove clearly illustrates the strictness with which flooding should be addressed in decision making.

East Sussex, like EHDC, were unable to demonstrate a 5-year land supply. The appeal related to a scheme for 43 residential units, presenting much of the same public benefits as can be listed against the Holybourne application; benefits that in the Fairlight Cove appeal may have been sufficient to outweigh limited conflict with policies and some limited residual harm to an AONB.

However, the proposal would have been at risk of ground water flooding and the risk had not been justified through a sequential test as required by the Framework. This alone was a matter of sufficient force to outweigh the benefits of the proposal given the strictness with which flooding is addressed in national policy.

Where the appellant had not completed a sequential test, the NPPF Policies provided clear reason for refusal. The Inspector therefore had no cause to apply the 'tilted'



balance in paragraph 11d(ii) of the Framework and the normal balance was applied. The Inspector proceeded to dismiss the appeal.

Bailragg Lane, Lancaster - Appeal Decision (APP/A2335/W/24/3345416) – See Appendix C

The Bailragg Lane appeal decision (appended) further corroborates the importance in national flood risk policy to first steer development away from areas at risk of flooding.

The scheme proposed up to 644 new dwellings, a local centre and a community hall on a site at risk of flooding. Like both EHDC and East Sussex (the Fairlight Cove appeal above), Lancaster were unable to demonstrate a 5-year housing land supply.

The Inspector noted the various benefits of the development and, in all regards other than flooding, concluded that the planning balance weighed in favour of the development.

Notwithstanding, the Inspector went on to dismiss the appeal because the appellant had failed to undertake a Sequential Test. In doing so the Inspector acknowledged that the proposed surface water drainage strategy had the potential to result in betterment; through regulating surface water run off flows through the use of attenuation basins and tanks. The Inspector also accepted that this would have had post development benefits as it would have reduced peak flows which contribute to existing flooding downstream and ensure the development does not increase the risk of flooding elsewhere.

However, a Sequential Test should have been undertaken in line with NPPF Policy, but none was. The Inspector therefore concluded that this provided a strong reason for refusing the development under NPPF Paragraph 11d(i). None of the parties at the appeal could point the Inspector to an appeal decision where NPPF Para 11d(i) (Footnote 7) had been engaged and yet permission had been granted. The Inspector concluded that **“such an approach would be unprecedented and would undermine national flood risk policy”**.

The Proposed Drainage Strategy

As set out above, the sequential test has not been undertaken which means that the exception test (i.e. whether the site could be made safe for its lifetime) is not engaged.

Notwithstanding, Holybourne Village Association has significant doubt that the risk from ground water flooding can be appropriately mitigated by the drainage strategy proposed. By building over the ground water springs, the underground flow of water would simply be displaced and would come up in another location on the site or in the village. And by building over the fields, the ability of the fields to hold the ground water and naturally mitigate the off-site flood risk would be lost. In any event, it would be



impossible to accurately quantify how much water would emanate from the ground water springs without prolonged surveys over many years; such surveys as should surely be required to accurately design and size the SUDs and offsite drainage infrastructure required to mitigate the flood risk.

Whilst it is clear that some investigations have been undertaken by the developers, the contractors drilling the bore holes to assess the water depth could not get their equipment into the area where the spring was as it was too wet so they surveyed the outer edge of the field which was drier. Reliance on those surveys alone to design a SUDs system for the development is surely flawed.

It is also interesting to compare and contrast the results of the Redbrown's groundwater surveys conducted in 2025 with contemporaneous video evidence. In report 65215264-SWE-XX-XX-T-J-0001 Holybourne Groundwater Flooding Assessment, the report measures groundwater depths relating to boreholes BH104 and BH105 to be, at a minimum, of 0.38m below ground level. Reference to the video link below, taken on the 13th January 2025, shows that during the same monitoring period a significant portion of the field was already flooded and acting as an attenuation area for the locality as a whole.

<https://youtube.com/shorts/j7oKq075Khg?feature=share>

Holybourne Village Association (HVA) however do acknowledge that we do not currently hold the technical expertise to fully challenge the drainage strategy. In that regard, the village will be wholly reliant upon EHDC to protect it from the flood risks. If EHDC do ignore planning policy and choose to support the development, it should be wholly confident that the risk of flooding is mitigated. HVA therefore reserves its position on the adequacy of the drainage strategy at this time. HVA will however scrutinise all consultee responses that EHDC receive back and, in the event that EHDC do support the application, will expect robust justification for doing so. HVA may choose to employ its own drainage engineer to advise at that time.

Conclusion

It can only be concluded that the site would be at risk of flooding and this risk has not been adequately justified through identifying that there are no sequentially preferable sites in a logical and robustly identified Sequential Test Area. The proposal would therefore be contrary to the Framework, which aims to sequentially direct development away from areas at risk of flooding to avoid flood risk to people and property.

As the sequential test has not been undertaken, the exception test in Paragraph 177 of the Framework is not relevant at this stage.



Failure to justify the flood risk through a sequential test provides a clear reason for refusal such that both JCS Policy CP 25 and NPPF paragraph 11d(i) directs refusal of the application.

The Fairlight Cove and Lancaster appeal decisions illustrate the strictness with which flooding is addressed in national policy. In both instances the sites were at risk of flooding and in both instances therefore a Sequential Test should have been undertaken in line with NPPF Policy. The Inspectors concluded that the **failure to undertake a Sequential Test provides a strong reason for refusing the development proposed under NPPF Paragraph 11d(i). To conclude otherwise would undermine national flood risk policy.**



APPENDIX A

Videos Evidencing Flood Risk from Ground Water Flooding in the Lavant Field

- <https://youtube.com/shorts/j7oKq075Khg?feature=share> - Taken on the 13th January 2025, shows that, during Redbrown's monitoring period, a significant portion of the field was already flooded and acting as an attenuation area for the locality as a whole.
- <https://youtube.com/shorts/L4THPdvFV5E> - March 2024
- <https://youtube.com/shorts/Xi31UqJCaOM?feature=share>
- <https://youtube.com/shorts/VdBAAdN1FtHY?si=kcL7MBJqNcpcjfdN> which shows the Stream Acres field acting as a sponge in early April 2025
- <https://youtube.com/shorts/Ura--l1KmoQ?si=L6F6hQlK64AVv4kS> and in mid-May when the water level was at 165mm with slight flow.
- <https://youtube.com/shorts/sF29U5-SanM?si=ZnfEl6hCoGyk-gyR> showing where the developer's contractors tried and gave up digging due to the water/mud.
- <https://youtu.be/ulizE-EAme0> showing the Lavant Spring on 31/1/2025
- <https://youtu.be/X1jQRQcf0M8> during April 2025 including the depth of water in that field and the pond weed.
- https://youtube.com/shorts/pkLLAjzlvYk?si=9Aq8DiHviRinEvn_ showing at the end of January the spring was flowing, creating a large pond and the water depth had reached 600mm.



APPENDIX B

Fairlight Cove, East Sussex - Appeal Decision

Appel Reference

APP/U1430/W/21/3283287)



Appeal Decision

Hearing held on 19 July 2022

Site visit made on 19 July 2022 by Graham

Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2022

Appeal Ref: APP/U1430/W/21/3283287

**Land east of Waites Lane at Wakeham's Farm, Pett Level Road ,
Fairlight**

Cove, East Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Damon Turner of Welbeck Strategic Land III against the decision of Rother District Council.
 - The application Ref RR/2020/151/P, dated 17 January 2020, was refused by notice dated 22 March 2021.
 - The development proposed is described as 'Outline: Development of up to 43 residential units (including 40% affordable), including new vehicular access from Pett Level Road'.
-

Decision

1. The appeal is dismissed.



Application for Costs

2. An application for an award of costs was made by Welbeck Strategic Land III against Rother District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access into the site¹. I have assessed the proposal on this basis. I was advised at the hearing that although not marked as such, drawings SK12 Revision E and SK14 Revision C should be treated as illustrative. As such, I have considered the drawings on this basis and treated them as simply being an illustration of how the proposal could ultimately be configured.
4. A revised version of the National Planning Policy Framework (the 'Framework') has been published since the Council issued its decision. All parties had an opportunity to address this in their submissions. As a result, no party would be prejudiced by me having regard to the new version of the Framework.
5. A screening direction was issued on the 20 April 2022 that confirmed the proposal is not Environmental Impact Assessment development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

¹ But not accessibility within the site or internal circulation routes

Background and Main Issues

6. Through its statement of case, the Council withdrew several of its objections to the proposal. These being the effect of the appeal scheme on healthcare/community facilities and the adequacy of the foul drainage system. I appreciate that interested parties have maintained their objections in respect of these matters, but I have not addressed them as discrete main issues because the appeal has failed for other reasons.
7. That said, and despite the lack of objection from the Council, interested parties have raised concerns about the appropriateness of the appeal scheme given the groundwater conditions at the appeal site. Accordingly, I raised this point with the Council and appellant before the hearing was opened. In so doing, I advised them that I wished to discuss whether a sequential test is required and if Policy FAC2 of the Development and Site Allocations Local Plan 2019 (DaSA) is consistent with the



Framework, and its requirement for a sequential approach to development on land at risk of flooding from any source. I have addressed this matter as a main issue given the evidence I heard.

8. Thus, the main issues in this appeal are:

- Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan;
- Whether the appeal site is a suitable location for the proposal, having regard to policies relating to development in areas at risk of flooding;
- Whether the proposal would conserve and enhance the natural beauty of the High Weald Area of Outstanding Natural Beauty (AONB);
- The effect of the proposed development on the character and appearance of Fairlight Cove; and
- The effect of the proposal on social and community cohesion.

Reasons

The suitability of the location with reference to the spatial strategy

9. To maintain the existing settlement pattern and the role of main service centres and permit the sensitive evolution of smaller settlements, Policy OSS1 of the Rother Core Strategy 2014 (CS) sets out a strategy for the overall spatial distribution of residential development in the district in a hierarchy. The intention is to (a) focus most new development at Bexhill, (b) provide for some development in the market towns of Battle and Rye, (c) facilitate the limited growth of villages that contain a range of services and then (d) allow small scale infill and redevelopment in other villages.
10. Unlike other settlements in the district¹, Fairlight Cove is not listed in the CS as a Rural Service Centre or Local Service Village. That said, the Council confirmed at the hearing that Fairlight Cove should be treated as a Category C village where Policy OSS1 states limited growth is to be facilitated. This is because it is a relatively sizeable village that has a settlement boundary and some services, albeit of a limited range, which includes a village hall, church,

recreation ground, farm shop, country park and bus service. Moreover, the village is also very close to Hastings.

¹ See Figure 9 of the CS



11. What constitutes limited growth is not defined and can be nuanced. The term should be read in the context of Policy RA1 of the CS. This policy explains that to meet housing needs and ensure the continued vitality and viability of villages, 1,670 homes will be delivered in villages over the plan period. To achieve this, the homes will be located in accordance with Figure 12 of the CS, subject to refinement in the DaSA. Fairlight Cove was distributed 37 homes comprising an extant allocation remaining from the 2006 Local Plan and potential new sites identified from the SHLAA². This was revised up in the DaSA to approximately 46 homes across allocations FAC1 (16 homes) and FAC2 (approximately 30 homes).
12. Policy FAC2 allocates the appeal site for approximately 30 homes with at least 50% being age restricted. It is not entirely clear how the figure of 30 was arrived at, but it seemed to be a judgment based on the landscape impacts of developing the site, a point I will return to. What is clearer is that the flexibility in numbers provided by the term 'approximately' was because a serviced plot for a doctor's surgery may not be required, and therefore some housing could be provided in lieu of this. The area identified for the doctor's surgery and its parking could accommodate around 4-5 modest homes³ so it would be reasonable to interpret 'approximately 30 homes' as potentially meaning up to 35 homes or thereabouts.
13. The appeal scheme would not include the doctor's surgery as the Clinical Commissioning Group (CCG) have confirmed that it is not necessary. As a result, there would be no conflict with Policy FAC2 on this account. This is because the provision of the doctor's surgery was only a requirement if confirmed by the CCG through a business case. However, the provision of 43 homes would exceed what is allocated, even when accounting for the nonprovision of the doctor's surgery. It would also result in the number of homes residually distributed to Fairlight Cove in Policy RA1, and subsequently allocated in the DaSA, being exceeded. Accordingly, there would be a conflict with Policies RA1 and FAC2 as a whole.
14. However, the provision of 43 homes and the exceedance of the allocation needs to be considered in the context of the spatial strategy as a whole, with Fairlight Cove being a Category C village where limited growth is permitted under Policy OSS1. I have not seen substantive evidence to demonstrate the additional homes proposed would take the level of growth outside what could be considered 'limited' in the context of what is already allocated, the size of the village and the availability of services. Moreover, by way of comparison, the number of homes would not be excessive when compared to the 'limited' level of growth planned through Figure 12 at other Category C villages. There may be reasons for the higher housing distribution at other villages, but I have seen no rationale for limiting the distribution at Fairlight Cove to 46 homes. Moreover, the appeal site is within the settlement

² Strategic Housing Land Availability Assessment

³ When comparing superseded drawing PL-01 Rev D with SK12 Rev E. The Council suggested that perhaps eight homes could be accommodated but this would be a stretch given the scheme density overall.



boundary of the village, where Policy OSS2 of the CS supports most forms of development.

-
15. In conclusion, the appeal scheme would conflict with Policies RA1 and FAC2 because it would exceed the number of homes distributed and allocated. However, the scale of development would not conflict with other aspects of the spatial strategy, including those Policies in the CS from which Policies RA1 and FAC2 flow. Thus, the evidence before me suggests the conflict with Policies RA1 and FAC2 should carry only limited weight against the appeal scheme.

The suitability of the appeal site for the proposal with reference to flood policies

16. The appellant's Flood Risk Assessment (FRA) explains that the appeal site is situated on loamy and clayey soils with naturally high groundwater. It goes on to explain that ground investigations, including groundwater monitoring, found that the resting groundwater level varied across the site from 1.50m below ground level (bgl) to 2.10m bgl. The FRA concludes that the risk of groundwater flooding may be moderate in areas across the site with Figure 3.3 indicating that around 50% is at risk. This is consistent with the findings of the Lead Local Flood Authority (LLFA).
17. Paragraph 161 of the Framework explains that to avoid flood risk to people and property, development plans should apply a sequential, risk-based approach to the location of development when taking account of all sources of flooding. This should be done by applying the sequential test. Paragraph 162 of the Framework explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Paragraph 162 also includes an instructional policy that development should not be allocated or approved if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
18. Substantive evidence is not before me to demonstrate groundwater flooding is not a source/form of flooding for the purposes of Paragraphs 161 and 162 of the Framework. At the hearing, the appellant seemed to accept it was. Thus, it seems to me that for the purposes of applying the policies in the Framework relating to flooding, areas at risk from all sources of flooding should be included, that groundwater flooding is a source of flood risk and that sources of flooding other than from rivers and the sea need to be considered when applying the sequential approach to the location of development. I am mindful that the application was submitted in 2020 and therefore before the Framework was revised. However, the appeal was submitted after the Framework was amended and I must make my decision in the context of the most up to date planning policy.



19. The appeal scheme is not supported by a sequential test that has listed other sites in a robustly defined sequential test area (STA), and then considered if they are of a lower flood risk and reasonably available. Accordingly, the appellant has failed to establish that there are no sequentially preferable sites that are reasonably available. As the sequential test has not been undertaken, the exception test in Paragraph 163 of the Framework is not relevant at this stage. This would have considered, amongst other matters, whether the site could be made safe for its lifetime by, for example, conditions being imposed that required the homes to be raised out of the ground. The proposal would therefore be at odds with the Framework.
20. In reaching this view I am mindful that there are environmental constraints to the expansion of Fairlight Cove, including the cliff edge, a Strategic Gap and the High Weald AONB. This may limit the availability of other suitable sites in

and around the village. However, this would need to be investigated as part of the sequential test. Moreover, I cannot assume at this stage that the sequential test area should be limited to Fairlight Cove and its immediate environs. This is because Policy RA1 of the CS seeks to provide 1,670 homes in the villages across the district. Some of these homes are distributed to Fairlight Cove, but the appeal scheme would exceed that number. Moreover, it is unclear whether Fairlight Cove/the appeal site would have been distributed the same number of homes when applying the current flood policies in the Framework. Thus, I am not satisfied a sequential test would be a mere paper exercise that the appeal site would inevitably address satisfactorily.
21. Paragraph 166 of the Framework states that the sequential test does not need to be applied for development on sites which have been allocated. However, that would only apply if the site was allocated following a sequential test at the plan making stage which considered flooding from all sources, including ground water in this instance. There is nothing before me to suggest the allocation at the appeal site was sequentially tested in this way. As a result, Policy FAC2 is inconsistent with the Framework as it is predicated on a Strategic Flood Risk Assessment dating from 2008 that undertook some sequential testing but not in relation to groundwater.
22. Neither the Environment Agency nor the Lead Local Flood Authority have objected to the proposal. They would have been notified of the appeal, but they have not been asked to specifically comment on the scheme in light of the amendments to the Framework. As a result, the absence of an objection is not determinative in this instance.
23. I therefore conclude that the proposal would be at risk of flooding and this risk has not been adequately justified through an absence of sequentially preferable sites in a logical and robustly identified STA. The proposal would therefore be contrary to



the Framework, which aims to sequentially direct development away from areas at risk of flooding to avoid flood risk to people and property. In this respect it's difficult to see how the proposal could adhere to Policies EN7 and PC1 of the CS.

Whether the proposal would conserve and enhance the AONB

24. The High Weald AONB Management Plan sets out the defining components of character that make the High Weald distinct and homogenous. This includes a deeply incised, ridged and faulted landform of clays and sandstone with numerous ghyll streams, historic settlements and routeways, an abundance of ancient woodland and small, irregular and productive fields bounded by hedgerows and woods. The High Wealden Coast Character Area⁴ exhibits many of these features and is generally unspoilt and tranquil. However, there has been some hedge loss around Fairlight, which has an urban fringe in places.

25. The appeal site encompasses a reasonably small field currently given over to grass the eastern boundary of which is marked by a mature hedgerow. The land within the field falls to the south towards a ghyll stream flanked by woodland. As a result, the appeal site exhibits some of the landscape features listed in the management plan. That said, it is unlike the irregular fields to the north of Fairlight Cove because it has a generally rectangular shape and a more modern structure and appearance. It is also flanked on three sides by

residential development that presents a stark urban fringe interface due to the boundary treatment and visibility of housing. This reduces the landscape sensitivity and value of the appeal site.

26. The above analysis is consistent with a report (LAWF)⁵ prepared by East Sussex County Council in 2018. It concluded that the appeal site (Sub Area B1) does not have strong evidence of the key components of natural beauty identified in the High Weald AONB Management Plan. This finding was mainly down to the modern shape of the field, its intensive agricultural use and the proximity of surrounding residential development, which is also generally modern in character. Sub Area B1 was therefore found to be of low to medium landscape and visual sensitivity and medium to high value. The overall judgement was that there would be medium capacity for some well-designed, high-quality development of an appropriate density and scale within the field. The report does not provide a suggested quantum of development.

27. Being a green field site of some value, it would be difficult to conclude there would be no harm to the AONB from developing it for housing. The LVIA (in Para 5.5)

⁴ See the East Sussex County Landscape Character Assessment, which defines this landscape character area.

⁵ Landscape Assessment of Wakeham's Farm, Fairlight Cove



acknowledges this to an extent by explaining that the appeal site would be perceived as part of the residential area of the village once developed, as opposed to the countryside, which is the case now. However, given that the AONB covers a large part of the district the Council has had to balance the benefits of housing delivery set out in the Framework with the conservation of the High Weald. In this respect, the appeal site is likely to be one of the least-worse options for providing housing in a protected landscape. Accordingly, it was allocated for approximately 30 homes. The Council took the view that this level of development could be accommodated whilst leaving space for a well-designed, high-quality scheme of an appropriate density and scale in accordance with the LAWF.

28. The appeal scheme, at up to 43 homes, would exceed the allocation. Although not major development within the meaning of Paragraph 177 of the Framework for the reasons set out by the Council, the proposal would still be denser and more compact than a scheme in line with the allocation. This would have some noticeable consequences including a narrower eastern buffer than if fewer homes were proposed and a tighter overall configuration. This in turn would reduce space for landscaping and likely require more two storey buildings. The latter would result in a more dominant roof scape with less scope for feature trees to break it up. As a result, the proposed development would appear as a compact and stark housing estate from Viewpoints 10a and 10b identified in the LVIA and Viewpoints 3 and 8 in the LAWF, in addition to views from nearby properties. It would also mean the transition from village to countryside would not be as soft as a scheme proposing 30-35 homes.
29. The density of the appeal scheme would be around 25 dwellings per hectare, which is not high. It's also important to note that a balance needs to be struck between making an efficient use of land whilst responding to local character, especially as a large proportion of the district is in the High Weald AONB so the availability of suitable land for development is likely to be more constrained. However, great weight is to be afforded to the conservation of the AONB and this outweighs the need to make an efficient use of land when doing so would result in harm to this nationally protected landscape.
30. Strengthening the existing gappy hedgerow on the eastern boundary of the appeal site and providing a 24m landscaped buffer would provide mitigation over time and the access, which would be located in land parcel B2, could also be successfully screened and softened by additional planting. Moreover, the illustrative layout demonstrates some positive qualities. For example, there would be space for some tree planting, cars could be subtly placed, properties could face the eastern boundary and the roof scape would not appear discordantly jumbled if the properties were arranged in discernible building lines. There would also be scope for carefully composed street scene, a high proportion of single storey properties



and the dwellings could be finished in locally distinctive materials and designs appropriate to the High Weald. The latter would be especially important to ensure the development would not appear as a generic estate. It was also confirmed at the hearing that street lighting would not be necessary, and the proposal would not urbanise Pett Level Road and Battery Hill any more than is envisaged in Policy FAC2.

31. I therefore share the view in the LVIA that the effect on the landscape character of the AONB and the High Weald Coast would be moderately adverse at Year 1 with the impact on the site being substantially adverse. This would reduce over time if the mitigation set out in the preceding paragraph is secured. However, the planting along the eastern boundary would take time to mature, the effectiveness in the winter has not been demonstrated and some of the viewpoints identified above are from elevated locations. As a result, there would still be some minor negative residual visual effects at Year 15 because a compact housing estate would still be a visible feature of the site. Moreover, I am not entirely satisfied the edge of the village would be softer with the proposal, especially in the short to medium term, as the site in its current state provides an undeveloped buffer between the village edge and Land Parcel B2.
32. However, the scheme would be seen in the context of existing built development and in a reasonably narrow visual envelope. It is therefore understandable that the High Weald AONB Joint Advisory Unit and East Sussex County Council did not raise objections to the proposal. Nevertheless, I find that the proposal, which would be a more compact and intense form of development than allocated, would result in some minor residual harm to the landscape character and visual amenity of the AONB. These impacts would be inherent in a scheme of this size. Although minor, the adverse impacts of the proposal would not conserve and enhance the AONB contrary to the expectations of s85 of the Countryside and Rights of Way Act. Accordingly, the appeal scheme would be at odds with the requirements in Policies EN1, EN3, OSS3 and OSS4 of the CS and DEN1 and DEN2 of the DsSA aimed at conserving the character and quality of the landscape of the AONB.

The effect on the character and appearance of Fairlight Cove

33. Much of Fairlight Cove dates from the 20th Century. Some streets, such as Meadow Way and Knowle Road, exhibit an estate type character due to the repeated house types, reasonably uniform plots and standard road widths and pavements. Others, such as Farley Way and Lower Waites Lane have a more rural and organic character due to a mixture of house types, the provision of verdant front gardens and narrow lanes. Most areas of the settlement incorporate high levels of planting that provide a verdant character. The settlement therefore has areas of both suburban and semi-rural character.
34. The scale of properties varies throughout the settlement, but there is a high proportion of bungalows and properties with the first floor in the roof. Most tend to



face the road in discernible building lines set behind generous front gardens that often includes landscaping.

35. It is fair to say that the illustrative sketch layout shows properties set within smaller plots than those around the appeal site. This is mainly due to the use of semidetached forms. The smaller plots would be particularly noticeable due to the absence of generous front gardens. As a result, the proposal would likely have a more compact character and appearance when compared to other streets and areas in the village.
36. However, aspects of the illustrative layout have some promise because it reflects some of the characteristics in the village. For example, the narrow roads and extent of planting in the front gardens could provide a similar feel to streets such as Farley Way. The arrangement of the houses in discernible building lines is also characteristic of the village's form and structure. The mixture of one and two storey properties would give an organic feel and would not appear out of place, although the ultimate height would need to be carefully considered to prevent stridently tall additions like those on the corner of Battery Hill and Waites Lane⁶. Some of the plot widths could also be comparable to those to the immediate west of the site and the rear gardens could be large enough for some tree planting. The entrance into the site would also have a verdant character.
37. It is also important to note that the sketch scheme has some potential to incorporate place making. For example, Plots 28-30 could address the site entrance and punctuate a vista into the site. This could be a pleasing element if the buildings were designed well with appropriate forms and detailing that flow from the relevant design guide⁸. Furthermore, car parking would be behind the building lines creating the space for the soft landscaped front gardens as well as a planting node. All of which could create an attractive street scene. The layout would also allow for street trees, which is now a requirement of the Framework and the use of a perimeter block structure with active edges would create a vibrant and sociable street⁷. Overall, whilst the proposal would not conserve the landscape, it would be sympathetic to the character, form and appearance of Fairlight Cove. As a result, there would be no conflict, in respect of this matter, with Policies EN3 and OSS4 of the CS.

The effect of the proposal on social and community cohesion

38. The Council would have carefully considered whether approximately 30 homes would be severed from the settlement when allocating the site. It is therefore surprising that the Council has taken issue with the location of the proposal relative

⁶ All the more so if the houses would be built out of the ground due to the risk of groundwater flooding ⁸ High Weald Housing Design Guide

⁷ Although the properties in Plots 17 and 20 would probably need to be reoriented to ensure their backs did not address the street as currently indicated



to the settlement, services and the existing community. Nevertheless, the proposed homes would be surrounded on three sides by existing development and would be a short walk from local facilities. The walk to the village hall may be longer for some than others but it would not be excessive, being around 15 minutes for the future residents furthest from the site access.

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39. The walk from the appeal site to the village hall and other facilities would involve occupants of the appeal scheme having to negotiate the route along Battery Hill. The road is subject to a 40mph speed limit and pedestrians would need to cross twice. Moreover, the pavement narrows in sections due, in part, to overhanging vegetation. However, the proposal would provide crossing points and visibility is generally good along Battery Hill. Cutting back the vegetation would provide a footpath of adequate width against relevant standards. Thus, the Local Highway Authority has understandably not objected to the proposal due to inadequate or unsafe pedestrian accessibility. As a result, the route is not such that it would discourage most residents from walking into the village.
40. The supporting text to Policy FAC2 indicates that a western link would improve the permeability of the scheme, but this is not a requirement of Policy FAC2 and is therefore not a justifiable reason to refuse the appeal scheme. In conclusion, the proposal would provide safe pedestrian access into the village, and this would support social and community cohesion. As a result, there would be no conflict with Policies CO6 or TR3 of the CS.

Other Considerations

41. The proposal would deliver 43 homes on an allocated site at a point in time when the housing supply deficit in the district is acute at only 2.89 years, which is about half of where it needs to be. In this context the delivery of housing carries considerable weight in favour of the proposal. Similarly, there is a clear need for affordable housing and the proposal would deliver 40% of the homes as such through the planning obligation. Likewise, the provision of needed housing for older persons, accessible homes and two custom and self-build plots, would also be a significant benefit to housing choice.
42. Future occupants of the appeal scheme would support the vitality of the village by providing community/social capital. They could also support the retention of services and facilities by spending locally. However, evidence has not been submitted that outlines the practical local effect of this, for example there is nothing to suggest nearby services are failing for lack of patronage. The proposal would also provide moderate support to the construction industry.



43. The appeal scheme would provide amenity space, but it would be quite small and unlikely to be a destination. Its main purpose is to soften and buffer the development from the open landscape to the east. In recreational terms it would therefore benefit future residents of the appeal scheme rather than providing a notable facility for the wider village. It would be a benefit of limited weight as a result.
44. The proposal would provide payments under the Community Infrastructure Levy and towards healthcare services, but substantive evidence is not before me to demonstrate these funds would be used to deliver wider public benefits, as opposed to simply mitigating the impacts on infrastructure arising from the scheme. The same would apply to Council tax receipts. I was advised at the hearing that in the circumstances there would be no New Homes Bonus.
45. The proposal would provide housing in a location where services could be accessed by sustainable transport, especially if the travel plan is successful. The improvements to bus facilities and the walking route along Battery Hill would benefit the village more generally. There would also be a net enhancement to biodiversity and the surface water drainage system would manage runoff in a consistent way. These are benefits of moderate weight.

Other Matters

46. Southern Water (SW) has confirmed that there would be capacity within the existing system for the foul drainage flows associated with the proposed development. There is some debate regarding whether the flows calculated by the appellant are accurate, but SW had previously stated there would be capacity for a much larger development than that now proposed.
47. However, the comprehensive evidence presented by interested parties demonstrates that there is an existing issue with the foul drainage system at times of heavy rain when surface water gets into the foul drainage system and pollutes flood water. Correspondence between SW and local residents acknowledges this problem and seems to imply that it needs to be remedied.
This is an existing problem, so it is not for the appellant to put it right.
However, the appeal scheme should not make matters worse. The appeal scheme would be designed to ensure surface water runoff is retained at current green field rates, but it is unclear whether foul water discharge from the development could ultimately end up in the adjoining stream in times of rainfall and contribute to pollution and flooding.
48. Appendix 4 of the Council's appeal statement includes correspondence with SW in response to two questions. The first question asks what is being done by SW to improve the existing system to ensure it can take the proposed



development. In response, SW explains that modelling and surveys shows that the system can become overloaded in rainfall and the modelling will be used to determine the extent of sewer upsizing to allow the additional flows to be accommodated. SW are also investigating opportunities to remove surface water connections from the foul system to relieve flows. It is further confirmed that the upgrades required will move to a detailed design stage ready for delivery to allow the new flows to be accommodated. SW also explains that funds would be available for this through the infrastructure charge to allow the necessary upgrades to be delivered, with the trigger point being the planning application being received.

49. As a result, the evidence before me would suggest that upgrades to the system are required for the foul water flows from the development to be accommodated. Had the scheme been otherwise acceptable then a condition could have been imposed along the lines advocated in the PPG⁸. This would likely have required the completion of the upgrades referred to by SW prior to the occupation of the development. As a result, there would be no conflict with Policy SRM2 of the CS.
50. Given my overall conclusion, the appeal scheme would have no effect on any European Site/Special Protection Area and therefore I have not considered this matter further. Similarly, I am aware of the concerns raised by interested parties, including highway safety and the effect on living conditions, but I have not addressed these as the appeal has failed on the main issues.
51. There is a dispute between the Council and appellant as to the appropriateness of Paragraph 14 in the Planning Obligation. It seems to me that the definition

of affordable housing for rent set out in the Framework should be used unless an alternative can be justified with clear evidence. The Council did not provide substantive evidence at the hearing to justify its preferred approach.

Therefore, I prefer the appellant's wording on the balance of the submissions.

Planning Balance

52. The proposal could be compatible with the general character of the settlement and would not harm community cohesion. However, it would be at odds with aspects of the spatial strategy, result in some residual harm to the AONB and fail to follow a sequential approach to flood risk. Accordingly, the proposal would be at odds with the development plan taken as a whole. A scheme should be determined in accordance with the development plan unless material considerations indicate otherwise.

⁸ Paragraph: 020 Reference ID: 34-020-20140306



53. The Council are currently unable to demonstrate a five-year housing land supply and the shortfall is serious at around only 2.89 years. In such circumstances Paragraph 11 of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposal. In this respect, Footnote 7 of the Framework lists the relevant policies, including those relating to flooding.
54. I have already explained that the policies of the Framework are, in this instance, instructive and state that a sequential approach/test should be followed, and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The appellant has not completed a sequential test and therefore the policies of the Framework provide a clear reason for refusal. As a result, the 'tilted' balance in Paragraph 11d)ii of the Framework is not relevant on this occasion. It is therefore necessary to undertake the normal balance.
55. The appeal scheme would result in a limited conflict with Policies RA1 and FAC2 and some limited residual harm to the AONB contrary to Policies EN1, EN3, OSS3 and OSS4 of the CS and DEN1 and DEN2 of the DsSA. The latter is a matter of great weight against the proposal. In the circumstances, the benefits of the appeal scheme would carry weight of a high order that may well have been sufficient to outweigh these adverse impacts. However, the proposal would also be at risk of groundwater flooding, and this has not been justified through a sequential test contrary to the Framework. This alone is a matter of sufficient force to outweigh the benefits of the proposal given the strictness with which flooding is addressed in national policy. It therefore follows that the benefits of the scheme would not outweigh the totality of harm I have identified. Accordingly, the appeal has failed.

Conclusion

56. For the reasons set out above, the appeal is dismissed.

Graham Chamberlain
INSPECTOR



APPENDIX C

Bailragg Lane (Lancaster) Appeal Decision

Appel Reference

APP/A2335/W/24/3345416



Planning Inspectorate

Appeal Decisions

Inquiry held on 15-18 October and 22 October 2024 Site visit made on 15 October 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

Appeal A Ref: APP/A2335/W/24/3345416 Land at Bailrigg Lane, Lancaster, Lancashire, LA1 4PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Lancaster City Council.
 - The application Ref is 19/01135/OUT.
 - The development proposed is for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.
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Appeal B Ref: APP/A2335/W/24/3345417 Land north east of Bailrigg Lane, Bailrigg, Lancaster, Lancashire, LA1 4XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Gladman Developments Ltd against the decision of Lancaster City Council.
- The application Ref is 19/01137/FUL.
- The development proposed is the construction of an access link road between Bailrigg Lane and the Health Innovation Campus.



Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A is submitted in outline with all matters reserved except for access. A Development Framework Plan has been submitted which shows how the appeal site could be developed. It is agreed in the Planning Statement of Common Ground (SoCG) that this is illustrative, and I have considered it accordingly. As part of the Environmental Statement, two Parameter Plans were submitted, one of which showed an indicative internal layout and bus route¹. There was some debate at the Inquiry as to whether this plan was illustrative. Nevertheless, the appellant is content to have this drawing referenced in any plans condition should the appeal be allowed.

¹ CD2.18

4. Within an agreed timeframe after the Inquiry, the appellant submitted a final section 106 agreement in relation to Appeal A. This secures the provision of affordable housing and financial contributions towards a range of matters including highway improvements, a travel plan, off site sports facilities, on site open space and its management, a community hall and biodiversity net gain. The agreement also includes a blue pencil clause for the provision of a contribution towards health care provision. I discuss this further below.
5. The Council refused outline planning permission for Appeal A for four reasons relating to the provision of highways infrastructure, high quality urban design, shadow flicker and flood risk. Before the event the Council withdrew reasons for refusal 1 and 3, relating to highways infrastructure and shadow flicker following the consideration of further evidence submitted by the appellant. Accordingly, the Inquiry focused on the issues of high-quality urban design and flood risk.
6. In relation to the matter of urban design, in their Closing Statement, the Council stated that their witness had conceded on this point and therefore the Council would not pursue it further. I note the Council's position on this issue at the close of the Inquiry, however, I am not satisfied that this matter has been adequately addressed. As such, I consider it further below.



7. In Appeal B, part of the reason for refusal related to the lack of mitigation for the loss of hedgerow on Bailrigg Lane. This particular matter was also withdrawn by the Council before the event and therefore I do not address it. **Main Issues**
8. Given the above, I consider the main issues in this case are as follows:
9. In respect of Appeal A
 - Whether the proposal would provide innovative, high quality urban design and sense of place, addressing the topography constraints of the site and its influence on site layout, water management, landscaping, energy and noise mitigation; and
 - Whether the site is sequentially preferable in terms of flood risk.
10. In respect of Appeal B
 - Whether the proposed link road in isolation would have a significant adverse effect on highway safety.
11. In respect of both Appeals
 - Whether the proposals would cause harm to the setting of nearby heritage assets in particular the Grade II listed Bailrigg Farmhouse, and also archaeological interests; and
 - Whether the proposals would, alone or in combination with other plans and projects, cause harm to the integrity of nearby European protected sites.

Reasons

Background

12. The appeal site, in respect of Appeal A, lies to the north of Bailrigg Lane to the south of Scotforth, a suburb located to the south of Lancaster. It comprises approximately 39.3 hectares of land consisting of pastoral fields separated by hedgerows and areas of woodland. A public footpath runs north south through the centre of the site. High voltage power lines traverse the southern part of the site in an east west direction. Ou Beck runs from the northern end of the site to the rear of houses on Knowle Hill Crescent and Barnacre Close and then south through low lying land at the centre of the site before turning south west through Bailrigg.
13. The site is bounded by existing residential development to the north and north west with the small hamlet of Bailrigg to the south and Lancaster University beyond. Bailrigg House and Bailrigg Farmhouse, both Grade II listed buildings lie to the south west of the site. Morecambe Bay Special Area of Conservation (SAC) and



Ramsar site, and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) is situated around 2.2km to the northwest.

14. It is proposed that access to the site be taken from two points. Firstly, through the extension of the Health Innovation Campus access road, Sir John Fisher Way to the south, the subject of Appeal B, and secondly from a new junction with Hala Hill to the north.

Principle of Development

15. The development plan consists of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations Development Plan Document (DPD) (July 2020) (LP1) and the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD (July 2020) (LP2).
16. The appeal site is located within the Lancaster South Broad Location for Growth (BLfG) (including Bailrigg Garden Village), as defined by Policies SG1 and SG3 of LP1. Policy SG1 outlines that the BLfG would provide a mixed use development of at least 3500 new homes, of which 1250 would be provided within the Plan period. Most of the housing would be provided in the proposed Garden Village. The Council's intention was to prepare a Lancaster South Area Action Plan DPD to guide and plan for the proposed growth.
17. In 2020, the Council in partnership with Lancashire County Council, were successful in securing Housing Infrastructure Fund (HIF) monies to facilitate new highway infrastructure to support the proposed growth, including a reconfigured junction 33 of the M6, and a new link road to connect south Lancaster to the motorway. In 2023, due to rising costs, the County Council decided to return the HIF funding to Central Government. This triggered a review by the City Council which culminated in a decision to stop work on the Area Action Plan and carry out a full review of the Local Plan instead. The Council's Local Development Scheme suggests the Plan will not be adopted until 2026.
18. Relevant to these appeals, is that Policy SG1 enables development to come forward in the BLfG in advance of the Area Action Plan, providing that three criteria are met. Firstly, it is required that there be no prejudice to the wider Garden Village, including its infrastructure requirements, and that proposals would not undermine the integrated and coordinated approach to the wider Garden Village development. Secondly the development should conform with,

and further, the Key Growth Principles (KGP) in Policy SG1 and, thirdly, that the opportunities for sustainable transport modes should be fully considered and the residual impacts upon the transport network should not be severe.



19. Turning to the first criterion, it is unknown at this time if the Local Plan Review will continue to propose a BLfG in South Lancaster. It is also unknown whether the Garden Village proposal will continue to be pursued. Accordingly, the appeal proposal could not, in my view, prejudice the delivery of the Garden Village when there is no certainty that it will take place.
20. The second criterion references the 15 KGPs set out in the policy. It has to be said that not all of them are applicable to these appeals as they relate to the delivery of the Garden Village or proposals to expand the University. The Council highlighted six KGPs that they considered the scheme failed to meet. These relate to design, creating a sense of place, creating a healthy cohesive community, high quality open spaces, minimising climate change impacts and managing flood risk. These matters I deal with later in these decisions.
21. The third and final criterion relates to the opportunities for sustainable transport and the impacts on the highway network. Following further evidence and modelling by the appellant, an updated position statement was provided by National Highways⁹ confirming the view that the predicted level of queuing from the A6 onto the strategic road network ie. M6 junction 33, is reduced with the mitigation proposed. They raised no objection subject to conditions. On this basis the Council confirmed that it would no longer defend the first reason for refusal in respect of Appeal A. I am satisfied that the residual impacts on the highway network would not be severe, and the proposal would be acceptable in this regard.
22. In terms of sustainable transport measures, the proposal in Appeal A would retain the existing public right of way through the centre of the site and would provide additional pedestrian and cycle routes linking to the existing network. It is also proposed that the primary vehicular access into the site will be designed to accommodate a bus route through the development. Given the above, I find that the appeal scheme has fully considered the opportunities for sustainable transport modes.

High quality urban design (Appeal A)

23. As stated above, Policy SG1 of LP1, sets out a number of KGP's which essentially relate to high quality design. The Council's second reason for refusal in respect of Appeal A expresses concern that the number of dwellings proposed, and the constraints of the site would not provide a high quality design and overall sense of place. It goes on to state that the application does not refer to distinctiveness and innovation which does not give confidence that the high bar of design in Policy SG1 would be achieved.

⁹

CD4.9

7³

CD2.6



24. The original planning application was accompanied by a Design and Access Statement as well as a Parameters Plan and a Development Framework Plan. In May 2021 a Design Principles document was prepared to demonstrate how the proposals were consistent with the high-quality urban design aspirations of Policy SG1. A revised document was submitted in February 2022³ before the scheme was presented to the 'Places Matter' Design Review Panel in March
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2022. Following the panel's report¹⁰, a Design Code¹¹ was prepared in June 2022 to support the outline planning application. The Council's evidence makes a number of criticisms of the submitted Design Code.
25. Before I address those criticisms, I shall consider the status of the Design Code. The Council made much of the fact that there was nothing to suggest that the Design Code was illustrative. Therefore, following the advice in Planning Practice Guidance¹², a decision maker must treat it as part of the application and cannot condition this for future approval. The Council argued that it therefore followed that if the Design Code was found to be deficient then the scheme as submitted should not be approved.
26. The purpose of the Design Code as stated in the document⁷ is to further demonstrate how a high-quality new neighbourhood for 644 homes, new community uses and 17.7 hectares of green infrastructure will be achieved at the site.
27. Design is an overarching concept that is pertinent to all reserved matters. Therefore, the Design Code's purpose is not to make the reserved matters design choices e.g. layout, landscaping, appearance but instead to provide clear guidance for those decisions to be made. The Design Code forms a supporting technical document which bearing in mind this is an outline application, it will form a material consideration for future reserved matters applications.
28. Topography is an important feature of the site. This was clearly evident from my site visit. It will be a key driver which will dictate, to a large extent, the proposed layout. The drumlin top is proposed to be protected within an area of open space, from where there are opportunities for long distance views. Valley floors are to be free from development and sustainable drainage features are proposed to be located in these low areas of the site. The new dwellings are proposed to be sited on the valley slopes with streets having a north south bias, reflecting that of the existing residential development to the north. The primary street structure traverses the

¹⁰ CD2.23

¹¹ CD2.13

¹² PPG Paragraph
035 ⁷ CD2.13 para
1.1



- site contours to provide a gentle climb or descent with no gradients exceeding 1 in 12.
29. I agree with the Council that the Design Code could have included illustrations or cross sections, such as those included in the rebuttal proof of the appellant's design witness, to visually demonstrate what was being described in the text. However, I am generally satisfied that the submitted Design and Access Statement and the Design Code sufficiently take topography into account and provide design principles to inform detailed design and layout at reserved matters stage.
30. The site occupies just over 39 hectares and over 17 hectares are proposed to be open space. The appellant advises the net density of development amounts to around 32 dwellings per hectare. There is nothing in the evidence that suggests to me the 644 dwellings proposed could not be accommodated on the site. It is notable that the Council conceded in cross examination that the site could satisfactorily accommodate the number of dwellings proposed.
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31. The second KGP of Policy SG1 seeks to achieve a sense of place and create a sense of community for new residents. The appeal scheme adopts a landscape led design approach taking account of the character of the site, its topography and the opportunities for green infrastructure. The Design Code envisages the development of three Neighbourhood Quarters, each with a distinctive character achieved through the architectural treatment of the homes, coupled with their relationship to the site features and open space. These are referred to as Drumlin, Ou Beck and Beechwoods. Their development, along with the proposed landscape structure will create a strong sense of place.
32. The water management strategy for the site involves the creation of attenuation ponds at the natural low points in the site. I will address the flood risk issues later but in terms of sense of place, these features can be visually attractive, enhance biodiversity and become integral parts of the green infrastructure.
33. The creation of a sense of community can be achieved through the multifunctional open space, including play areas, allotments and off lead dog walking zone, promoting active and healthy lifestyles. Together with the proposed local centre with retail and community uses, these elements would create a sense of community.
34. In terms of distinctiveness and innovation, the fourteenth KGP seeks to ensure innovative urban design in terms of layout and density and the specific design of new buildings, including the application of new technologies. The eleventh KGP looks to ensure development is resilient and adaptable to climate change. The proposal is in outline. The reserved matters submission will provide details of layout, building design, materials, the use of appropriate technologies and the



orientation of buildings to maximise solar gain. It is appropriate that these design issues and consideration of whether they meet the policy objectives, takes place at this later stage.

35. Whilst not specifically mentioned in the reasons for refusal, the Council, in written evidence, questioned the level of car parking to be provided on site and the potential for car parking to dominate the street scene. The submitted scheme is proposed to adhere to the Council's current car parking standards. I accept that these are a maximum and lesser car parking could be provided. I consider that this, along with the siting of car parking and its impact on the street scene, could be considered further at reserved matters stage.
36. The site is in a sustainable location and there are opportunities for travel other than the car. The development would provide pedestrian and cycle pathways, and the primary access has been designed to accommodate a bus service. A Framework Travel Plan is included in the Transport Assessment to encourage sustainable travel and a more detailed document can be the subject of a condition on any approval.
37. The Environmental Statement accompanying the planning application assesses noise issues from the adjacent motorway. It concludes that internal noise in the dwellings can be addressed through upgraded glazing specifications and/or alternative means of ventilation. External noise in gardens and play areas is identified as an issue requiring mitigation. The Parameters Plan illustrates an acoustic barrier on the eastern site boundary with the motorway. Whilst the Council confirmed in oral evidence that they have no objection to a fence from a visual or landscape perspective, they have concerns in terms of its design and effect on place making.
38. I agree that a fence would be a prominent feature especially as the motorway is elevated above the appeal site. However, it is not clear to me how it can be acceptable in visual and landscape terms when its design must be integral to that assessment. The appellant suggested different designs could be considered, for example a green wall and attention given to landscaping to soften its appearance. I am satisfied that this could be the subject of a condition requiring the submission of details at reserved matters stage.
39. Given the above, I am satisfied that the proposal would provide an innovative, high quality urban design and sense of place, addressing the topography constraints of the site and its influence on site layout, water management, landscaping, energy and noise mitigation. The scheme is compliant with LP1 Policy SG1 and LP2 Policy DM29 which seek to achieve suitable development incorporating positive urban design contributing to the identity and character of the area.



40. It is clear from the Council's evidence that they lack confidence that the scheme would be innovative and of a sufficiently high-quality design. The Design Code in their view does not go far enough to explain how this would be achieved and provide guidance for the reserved matters stage. However, should the Council still not be satisfied with the scheme at this later stage they would have the ability to negotiate revisions to the scheme and if necessary, refuse an application for reserved matters on this basis.

Flood Risk (Appeal A)

41. The National Planning Policy Framework (the Framework) in paragraph 165 seeks to ensure that development is steered away from areas at the highest risk of flooding. It sets out in paragraph 168 that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. A sequential risk based approach should be applied, the Sequential Test, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid where possible flood risk to people and property. Only where other sites are not available, is the proposal subject to a further Exception Test to demonstrate that the sustainability benefits of the development would outweigh flood risk and that the site would be safe from flooding for its lifetime.
42. It is clear from the Framework that the strategic flood risk assessment (SFRA) provides the basis for applying the test. The Environment Agency Flood Zone Maps show that most of the appeal site in Appeal A is within Flood Zone 1 (low risk) however there is a very small area of land on the western boundary next to Burrow Beck in Flood Zones 2 and 3 (medium to high risk).
43. Planning Practice Guidance¹³ gives advice on how the Sequential Test should be applied to planning applications. It states that it should be applied to major and non-major development where the site is in an area at low risk from all sources of flooding unless the SFRA or other information indicates there may be a risk of flooding in the future. In this case, the SFRA⁹ demonstrates that

there is a risk of flooding from fluvial, surface water and groundwater sources in various parts of the site.

44. The appellant has prepared a site-specific flood risk assessment (FRA)¹⁴. This confirms fluvial and surface water flood risk on the site. I am advised by the appellant that national fluvial mapping is generally limited to catchments larger than 5 km sq. so that Burrow Beck is covered by the Environment Agency hydraulic

¹³ PPG Flood Risk and Climate Change Paragraph: 027 Reference ID: 7-027-20220825 ⁹ CD12.3

¹⁴ CD2.17



model, but Ou Beck is not. The FRA demonstrates the fluvial flood zone associated with this watercourse, which hydraulic modelling shows includes areas of Flood Zone 2, 3a and 3b. Therefore, there is an area of medium to high flood risk with the western site boundary by Burrow Beck and also through the middle of the development from Ou Beck and its tributaries. In terms of groundwater flooding, the FRA assesses this as negligible risk at the surface due to topography and ground conditions. I have no reason to disagree with the appellant's Assessment. Its findings are not challenged by the Council.

45. There was much discussion at the Inquiry as to which assessment should be used to assess flood risk and trigger a Sequential Test; whether the SFRA should be considered in isolation, whether the FRA should be the determining assessment or whether both should be considered.
46. The SFRA recognises that its mapping has limitations. For example, in relation to groundwater flood risk, it tells developers to carry out their own assessment to check whether there is a flood risk from this source. This has been undertaken by the appellant in the submitted FRA. Furthermore, as I have already mentioned above, the flood zone associated with Ou Beck is picked up in the FRA but is not in the SFRA mapping which relies on the Environment Agency Flood Maps.
47. The Planning Practice Guidance (PPG) advises the use of the SFRA and other information¹⁵ in making an assessment as to whether the sequential test should be applied to a planning application. The FRA clearly falls into the 'other information' category. Bearing in mind the strategic higher-level nature of the SFRA, it appears reasonable and sensible to me that where a more detailed site-specific FRA is available that it should be taken into account.
48. The decision as to whether a sequential test is required lies with the decision maker. This has been confirmed in case law.¹²
49. Environment Agency Standing Advice sets out when a sequential test is needed and when development is exempt. It states a Test is required for any proposed building, access and escape route, land raising or other vulnerable element in Flood Zone 1 where the SFRA shows it will be at increased risk of flooding.
50. The submitted Parameters Plan shows that the scheme can be laid out so that the proposed dwellings can be located outside the areas of flood risk. However, the internal access road would need to go through areas of surface water flood risk as it crossed Ou Beck to the south of the site and the former culverted motorway drainage system for the M6 to the north. In oral evidence

¹⁵ PPG Flood Risk and Climate Change, third bullet point Paragraph: 027 Reference ID: 7-027-20220825 ¹² CD16.4 and 16.5 Wathen -Fayed v SSLUHC [2023] EWHC (Admin) and Substation Action Save East Suffolk Ltd v SSESNZ [2024] EWCA Civ 12



the appellant's flood risk witness expressed the view that the reference to 'access' in the Standing Advice meant only the main access point and not to internal access roads. However, an internal access road would be a vital link to enable residents to escape the site in a flood event. It therefore follows that internal access must not be vulnerable to flooding.

51. I understand that the proposed crossings would comprise the raised covering, essentially a bridging, of the watercourses concerned. Due to the elevation of the crossing points, the appellant argued that the access route would not be at risk of flooding.
52. The appellant takes support for this position from the PPG¹⁶, which states that measures to avoid flood risk vertically can be taken, by locating the most vulnerable uses on upper storeys, and by raising finished floor and/or ground levels.
53. However, flood risk mapping is generally seen in a two-dimensional perspective. It covers a particular defined area and does not take account of height. So even if a road is elevated and a bridging point provided over a culverted watercourse, it is still located within an area of flood risk.
54. The aim of the Sequential Test is to first steer development away from areas at risk of flooding. The PPG states that avoiding flood risk through the Sequential Test is the most effective way of addressing flood risk because it places the least reliance on measures to mitigate flood risk.
55. The conclusion of the appellant's FRA takes account of a range of mitigation measures, including realigning Ou Beck, opening culverts into open channel and the removal of undersized culverts. However, proposing works that would potentially mitigate the risk of flooding, confuses the Sequential and Exception Test as set out in the Framework and expanded upon in the PPG. The Exception Test should only be applied, when, following the application of a Sequential Test, it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding.
56. The PPG¹⁷ is clear that even where an FRA shows that development can be made safe throughout its lifetime without increased risk of flooding elsewhere, as is the case here, the Sequential Test still needs to be satisfied. I accept that the appellant has adopted a sequential approach by proposing built development outside the mapped extent of flooding. However given the above, I conclude that a Sequential Test is required.

¹⁶ PPG Paragraph: 004 Reference ID: 7-004-20220825

¹⁷ PPG Paragraph : 023 Reference ID: 7—23-20220825



57. I acknowledge that the proposed surface water drainage strategy has the potential to result in betterment. It is proposed to regulate surface water run off flows through the use of attenuation basins and tanks so that run off will be attenuated on site up to and including the 1 in 100 year plus 50% climate change event. This would have post development benefits as it would reduce peak flows which contribute to existing flooding downstream and ensure the development does not increase the risk of flooding elsewhere. Furthermore, the proposed re alignment of Ou Beck from the rear gardens of properties on Knowle Hill Crescent and Barnacre Close would assist to alleviate the current risk of flooding. These improvements form a positive aspect of the scheme

providing wider sustainability benefits. Whilst they do not alter my finding that a Sequential Test is required, I take account of them in the planning balance.

58. I note that there has been no objection to the development from the Environment Agency or the Lead Local Flood Authority. This is not relevant to whether or not the Sequential Test is required, this is a matter for the decision maker.
59. The appellant has brought my attention to an earlier SFRA¹⁸ prepared in 2017 in support of the Local Plan. This document undertook a sequential assessment of a number of potential sites to be allocated in the then emerging Local Plan, one of which was the appeal site. Whilst the site was not allocated in the Plan, the assessment concluded that the site would be suitable for development subject to consideration of site layout and design. Whilst not the position in this case, the PPG makes it clear that when a site has been allocated for development and been subject to the sequential test at plan making stage, a further sequential test at application stage will not be required.
60. The 2017 SFRA has been superseded by the 2021 version. Accordingly, whilst this part of the site's planning history is informative, I must have regard to the findings of the most up to date assessment in my consideration of this issue.
61. Both parties referred to a recent appeal decision for a site nearby in Galgate¹⁹ where the issue of flood risk and the need for a Sequential Test was raised. The circumstances of the case are different to the appeal before me, in that the appellant agreed that a Sequential Test was required and in fact one was provided. In any event, it is matter of planning judgment depending on the context of each case and the submitted evidence, whether a Sequential Test is required.
62. In light of my findings, the appeal proposal would fail to comply with Policy DM33 of LP2 which requires new development to satisfy the requirements of the sequential test and exception test, where necessary, in accordance with national

¹⁸ CD 12.1

¹⁹ CD 16.2 Appeal Ref APP/A2335/W/23/3326187 Land West of Highland Brow, Galgate



planning policy. It also fails to comply with the objectives of the Framework and the PPG to avoid inappropriate development in areas at risk of flooding.

Whether the proposed link road in isolation would have a significant adverse effect on highway safety (Appeal B).

63. The reason for refusal for Appeal B, the link road, is inextricably linked to Appeal A, the outline planning application for up to 644 dwellings. In the SoCG the parties agree that the reason for refusal for Appeal B would be addressed if Appeal A was allowed. Whilst not specifically stated, the converse must also apply. If Appeal A is to be dismissed, then so should Appeal B.
64. Appeal B has not been considered in isolation to Appeal A. If the outline application were to be dismissed and the link road development allowed, the provision of restrictions on Bailrigg Lane would be in doubt, as they would be at the discretion of the Highway Authority. This could result in a link from the University to the north along Bailrigg Lane connecting to the A6. Given the limited width of the lane and lack of footways, the increased traffic would be in

conflict with pedestrian and cyclists. Thus, the proposed link road in isolation would create a highway safety issue.

65. Therefore, if I dismiss Appeal A, I must also dismiss Appeal B.

Heritage Matters (Appeal A and B)

66. The proposed developments have the potential to cause harm to the settings of the Grade II listed Bailrigg Farmhouse and Bailrigg House.
67. Bailrigg House was once a large private residence but is now converted to offices. Constructed between 1899 and 1902, the facade of the house is a mixture of red brick, stone and timber frame in a Tudor revival style. Its significance derives largely from its built form and fabric. There is no intervisibility between the House and the appeal site as a result of structures and a significant area of existing woodland. Its setting would therefore be preserved.
68. Bailrigg Farmhouse, built in 1718 is constructed of sandstone rubble and has a slate roof. It has been extended and altered including the provision of a rear porch and single storey extension connecting it to an adjacent cottage. Its significance derives from its built fabric which holds evidential, historic and aesthetic values. The Farmhouse and its outbuildings have now been converted to residential use. There is a historic functional link between the Farm complex and the appeal sites, but this has now been severed.



69. To the north and east, modern residential development and planting prevent intervisibility between the appeal sites and the listed building. Looking to the south, views are mostly obstructed by an intervening residential property and modern garages. The appeal schemes propose additional planting which would further prevent views towards and from the proposed development. The proposal would result in very minor harm that is less than substantial.
70. The parties agree in the Planning SoCG that there are no heritage grounds for withholding planning permission. It is agreed that the development would cause less than substantial harm to the setting of Bailrigg Farmhouse but that any such harm would be outweighed by the benefits of the proposal. I undertake the heritage balance with the planning balance, later in these decisions.
71. In terms of archaeology, it is likely that due to the sites continued agricultural use, probably since the medieval period, any remains would be of low heritage significance. A suitably worded planning condition on any approvals could require further investigation as part of each phase of development.

Integrity of nearby European protected sites (Appeals A and B)

72. International designations within 10km of the site include Bowland Fells SPA, Calf Hill and Cragg Woods SAC and the Morecambe Bay SAC/Ramsar. One national statutory designation, the Lune Estuary SSSI is within 3km of the Site (it forms part of the Morecambe Bay SPA/SAC/Ramsar).
73. The likely significant effects of the proposed developments on the integrity of the above sites include increased recreational disturbance, disturbance of bird species both within and outside the designated sites as well as water quality impacts. As the competent authority, I must therefore carry out an appropriate assessment of the effects of the developments as required by the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)
74. The Council have identified a number of mitigation measures in their Local Plan Habitat Regulations Assessment which are applicable to the appeal developments. These include the provision of homeowner packs containing information about the Morecambe Bay sites and their high ecological sensitivities. In addition, areas of lower sensitivity for recreation would be identified for residents. More than 17 hectares of public open space are proposed in the Appeal A which would provide opportunities for recreation in the immediate vicinity, providing an alternative to the highly sensitive protected sites.



75. Issues of water quality can be addressed through a Construction and Environment Management Plan. This would include measures such as maintaining appropriate buffers to watercourses, physical spill controls, sustainable urban drainage (SuDS) provision and maintenance to manage surface water run-off.
76. The above mitigation measures are intended to avoid or reduce development effects of the proposed developments. They can be ensured through the imposition of appropriate conditions should the appeals be allowed. The schemes would then result in no adverse impact on the integrity of any European site, either alone or in combination with other plans or projects. The developments would therefore comply with paragraph 186 of the Framework and LP1 Policy ENV7 which seek to protect designated sites from development proposals that have a detrimental impact on their designation.

Other Matters

Separation to Bailrigg village

77. The sixth KGP of Policy SG1 seeks the creation of sufficient areas of highquality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across south Lancaster to the benefit of the local environment and residents. It goes on to require that such places and routes should make distinct areas of separation between new development and various defined places, including Bailrigg Village. LP1 Policy EN6 explains the intention to provide Areas of Separation to the south of Lancaster as part of the proposed Bailrigg Garden Village.
78. Scotforth Parish Council in their representation make reference to a Landscape Character Assessment Study undertaken to support the Neighbourhood Plan. This outlines a suggested Area of Separation which it states would provide protection from inappropriate development and stop the coalescence of settlements namely Lancaster and Bailrigg and Bailrigg and the University and prevent wider change in the landscape character. Figure 8 of the document illustrates an Area of Separation extending north to the power lines which cross the appeal site, east to the motorway and to the University boundary to the south.
79. The Development Framework Plan and Parameters Plan illustrate the provision of open space including allotments, SuDS features, footpaths and cycle routes new woodland and planting around Bailrigg Village. It extends further to the north than suggested by the Landscape Study but does not extend as far to the east and south.
80. I bear in mind that Policies SG1 and EN6 are in the context of delivering the Garden Village, of which the appeal scheme is not a part. Nevertheless, I consider that the



proposed development provides an appropriate degree of separation to Bailrigg Village meeting the objectives of the above policies.

Highway Issues

81. Local residents have expressed concern the impact on the local highway network. Specifically, concern had been raised about the proposed access alterations to Bailrigg Village, rat running through the proposed development to avoid the A6 and also to safety concerns as a result of the increased traffic generation on Hala Hill.
82. As part of the access strategy, it is proposed to carry out alterations at the western end of Bailrigg Lane, closing it off to vehicular traffic from the A6. This would mean that vehicles to and from the village would be directed to the access road and the route through the Health Innovation Centre on to the A6. Pedestrians and cyclist would be unaffected. A priority-controlled crossroads was originally proposed where the proposed spine road crosses Bailrigg Lane but due to safety reasons the Highway Authority required it to be altered to a priority junction.
83. With regard to the potential for rat running, whilst it is difficult to quantify to what extent this may occur, capacity assessments demonstrate that there would be no capacity issue if this did take place. The spine road through the site is proposed to be a width of 6.5 metres and there would be no highway safety issues.
84. The secondary access at Hala Hill would comprise a priority-controlled junction with a carriageway width of 6.5 metres and a 3-metre-wide footway/cycleway on either side. I acknowledge that this access is close to the bend on Blea Tarn Road. The proposal has been the subject of a Stage 1 Safety Audit at the request of the Highway Authority and no objections to it have been raised. I accept that there may be existing issues with speeding vehicles on Blea Tarn Road, together with limited visibility for vehicles emerging from side roads creating highway safety concerns. Accident data analysis demonstrates that the safety record in the vicinity of the site is acceptable and there is no evidence before me to suggest that the proposal would alter this position.
85. I am satisfied that the proposal not raise unacceptable highway safety issues and that the residual impacts on the highway network would not be severe. In this regard the scheme complies with the Framework and LP2 Policy DM29 which seeks to ensure that highway safety and efficiency is maintained or improved.

Planning Obligation

86. The appellant submitted a section 106 agreement in relation to Appeal A. This secures the provision of affordable housing and financial contributions towards a range of matters including highway improvements, a travel plan, off site sports



facilities, on site open space and its management, a community hall and biodiversity net gain. The agreement also includes a blue pencil clause with regard to a contribution towards health care provision. As the appeal is to be dismissed, it is not necessary for me to consider the obligation any further.

Planning Balance

87. The appeal site in Appeal A forms a sustainable and suitable location for development. It would not prejudice the delivery of Bailrigg Garden Village, given the uncertainty that this proposal will come forward.
88. The Council agrees that it is unable to demonstrate a 5-year supply of housing. In fact, the housing land supply position equates to 2.4 years. Data from the Council's Housing Land Monitoring Report 2023/24 shows a shortfall of 761 dwellings. The delays and infrastructure challenges to the implementation of the proposed Bailrigg Garden Village, have clearly contributed to this position. The proposed development in Appeal A appeal would provide up to 451 new market homes.
89. The situation with regard to the delivery of affordable homes is also acute. Just 287 affordable homes have been delivered in the past 7 years leading to an affordable housing shortfall of 2300 homes. Appeal A would provide up to 193 affordable homes.
90. In light of the significant need for market and affordable homes in Lancaster, I attribute substantial weight to the contribution of Appeal A in this regard.
91. The proposal would also provide around 17.7 hectares of new green infrastructure and open space including the provision of allotments, children's play areas, and off lead dog walking area. The provision of green infrastructure is a requirement of Local Plan Policies SG1, DM27 and DM43, therefore I afford this aspect of the scheme in Appeal A limited weight.
92. Appeal A would also provide a new community hall which the Parish Council would be given the opportunity to manage as well as a retail use within the proposed local centre. This would benefit both new and existing residents in the locality and therefore attracts moderate weight.
93. In terms of economic benefits, I am advised by the appellant that the proposals would bring an estimated construction spend of £76.5 million, supporting both direct and indirect jobs in the area. New residents would spend in the local economy. As some economic benefits will be for a limited time only during construction, overall, I attribute them moderate weight.



94. Turning to environmental benefits, the proposal in Appeal A would create new areas of planting and landscaping as well as SuDS features providing enhancement to biodiversity. Irrespective of my finding in regard to the Sequential Test, I recognise that the scheme proposed in Appeal A would also provide betterment in terms of a reduction in flood risk for those living close to Ou Beck and also downstream. This weighs in favour of the proposed developments.
95. The schemes provide the opportunity for sustainable travel with new pedestrian and cycle routes through the site connecting to the existing network. Whilst this provision is required to meet policy objectives, it would extend and improve connectivity in the area for the benefit of new and existing residents. I attribute these measures limited weight.
96. Against the above, are the adverse impacts of the schemes. In terms of landscape harm, this would be limited as the schemes involve built development on a greenfield site.
97. I have already found that the proposal would cause less than substantial harm to nearby heritage assets, namely Bailrigg Farmhouse. Paragraph 208 of the Framework requires that in these circumstances the harm must be weighed against the public benefits of the proposal. I find that having regard to the benefits outlined above, the harm is outweighed. This position is a matter of agreement between the parties.
98. In light of the lack of a 5-year housing land supply, the titled balance in paragraph 11d) of the Framework is engaged. However, as I have found that a Sequential Test is required and none has been submitted, in line with Footnote 7, this provides a clear reason for refusing the development proposed. The failure to provide a Sequential Test is also in conflict with Policy DM33 of the LP2, Policy SP8 of LP1 and section 14 of the Framework.
99. The appellant has submitted that if I determine that a Sequential Test is required and Footnote 7 engaged, this forms a material consideration and one factor in the planning balance. It is further argued that no harm results from this policy failure, since there is no risk of flooding to the development due to the design, layout and mitigation measures proposed and a betterment would be provided should the development proceed. The parties could not point me to an appeal decision where Footnote 7 had been engaged and yet permission had been granted. Such an approach would be unprecedented and would undermine national flood risk policy.
100. In the case of Appeal A, the overriding consideration is the failure to undertake a Sequential Test. Appeal A conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As I am dismissing Appeal A, I also dismiss Appeal B.



Conclusion

101. For the reasons given above, and having had regard to all other matters raised, I dismiss these appeals.

Helen Hockenhull

INSPECTOR



Size and Scale of the Development and Impact on the Character of the Village and the Existing Community

- **Disproportionate Scale & Location**
The development, by virtue of its size and position outside the settlement boundary, would cause a significant and demonstrable adverse impact on the village's character, identity, and social cohesion.
 - **Conflict with Spatial Strategy & Settlement Hierarchy**
Holybourne is classified as an "other settlement with a policy boundary," intended for only small-scale local development. The proposal for 160 dwellings far exceeds what is proportionate for a village of its scale and service availability.
 - **Policy Noncompliance – Joint Core Strategy (JCS)**
The development undermines the established settlement hierarchy, ignoring the guiding spatial vision and strategic distribution principles that form the golden thread of the JCS.
 - **Planning Principles – Right Place, Right Scale**
Local and national policies emphasise that new housing must be appropriately located and scaled - regardless of housing land supply pressures. It is not a case of development at any cost.
 - **Tibberton Appeal Precedent**
The Tibberton appeal illustrates how a similarly scaled proposal in a small village was rightly refused due to irreversible harm to local character, poor infrastructure alignment, and conflict with planning strategy - despite housing need.
-



Holybourne is a rural village with a defined settlement boundary and a limited yet vital range of local services, including a village hall, church, sports ground, playground, shop, pub, theatre, pre-school, and primary school. Although located close to the market town of Alton, Holybourne has a distinctly separate identity and character, cherished by its residents.

At the 2021 Census, Holybourne had a population of approximately 1,300. Within the settlement boundary, there are around 525 households, alongside residents at Treloars and the Lawns who are also an important part of the community.

The proposed development of 160 new dwellings represents a near 30% increase in the size of the village - an expansion more typical of growth allocated to major towns within the district. Applied here, it would fundamentally alter the character of this historic rural settlement, eroding its identity and overwhelming its well-established and tightly-knit community.

The JCS and the Settlement Hierarchy

The overarching spatial vision and objectives of East Hampshire District Council's Joint Core Strategy (JCS) are laid out in Chapter 3. The JCS emphasises that "distinct areas of the district will be carefully managed to achieve sustainable communities within a high quality natural and built environment," and that "the district's rich biodiversity, historic environment and diverse countryside and landscape will be conserved and enhanced".



A core planning principle is the retention of individual settlement character and identity, which helps preserve a strong sense of place for both residents and visitors.

Paragraph 4.2 of the JCS highlights sustainable development as a guiding theme of both the Council's strategy and national planning policy. To ensure this is achieved, development must be distributed proportionately, guided by the settlement hierarchy - a framework embedded throughout the JCS via Policies CP1 (Presumption in Favour of Sustainable Development) and CP2 (Spatial Strategy). This hierarchy acts as the golden thread uniting all subsequent policies.

Set out in Paragraph 4.11, the hierarchy classifies towns, villages, and rural settlements according to their role in meeting housing, economic, and service needs. The classification criteria include the size of the existing settlements and accessibility to services and facilities, balanced with environmental constraints.

JCS Policy CP2 sets a minimum district-wide housing requirement of 10,060 dwellings between 2011 and 2028. The housing distribution strategy - anchored in the settlement hierarchy - is then articulated in Policy CP10. For settlements outside the South Downs National Park, the strategy allocates:

- Whitehill & Bordon (Strategic Allocation): 2,725 dwellings within the plan period;
- Alton (Market Town): 700 dwellings;
- Level 2 villages (e.g., Liphook, Horndean): up to 700 dwellings collectively;
- Level 3 villages (e.g., Four Marks, Clanfield): varied allocations;
- Level 4 villages (e.g., Holybourne): a combined minimum of 150 dwellings across 20+ villages.

Holybourne is designated a Level 4 "settlement with a settlement boundary" containing a "limited range of services", suitable only for "small-scale local development" (JCS para 4.9).

Given that under the JCS it was envisaged that 150 dwellings were to be shared among at least 21 villages (including Grayshott), the average contribution per village equates to approximately 7 dwellings over the entire plan period - potentially lower if Level 5 rural hamlets also contribute.

Size and Scale of the Proposed Development

The proposed 160 dwellings at this site represent an increase of 2,240% compared to Holybourne's average apportionment of the housing allocation for level 4 villages. This figure starkly illustrates the disproportionate nature of the development when weighed against the JCS's clearly defined spatial strategy and sustainability goals.



While quantitative comparisons can appear reductive, they're crucial in this context. The settlement hierarchy is designed to guide scale sensitive development - particularly in Level 4 villages like Holybourne. A scheme of 160 dwellings would result in a dramatic increase in both housing stock and population, outstripping what could reasonably be described as "small scale."

The development's scale would be entirely out of context with the village's current size, services, and infrastructure capacity. Moreover, it would erode the historic and rural character of Holybourne and undermine the very principles that anchor the Joint Core Strategy - chiefly its aim to protect vibrant, appropriately sized communities through considered spatial planning.

Impact Upon the Community of the Village

Holybourne is a rural village with a distinct and separate identity from the neighbouring market town of Alton. Residents describe it as a safe and tranquil community, where people feel comfortable moving about on foot and where the intimacy of scale fosters familiarity and connection. Its character is shaped not only by its modest size and physical separation, but also by its proximity to the open countryside and green spaces that envelop the village - spaces that are fundamental to the health and wellbeing of its community.

These green areas offer villagers an essential retreat. They provide opportunities to connect with nature, decompress from the stresses of daily life, and engage in physical activity. Numerous studies have shown that access to natural environments enhances mental health, reducing levels of stress, anxiety, and depression. The ability to step outside and experience quiet, rural green space is not a luxury in Holybourne - it is a cornerstone of everyday life.

The existing park, located at the heart of the village, is a community asset and social hub. It is freely accessible and used by all residents, fostering meaningful interactions across generations and backgrounds. By contrast, the green spaces proposed within the development will be encircled by the new dwellings and inherently associated with their residents. These will not be truly communal; they will lack the shared ownership and open character of existing facilities.

At 160 dwellings, the development represents a transformation of scale more akin to an urban extension - a level of growth that would only be expected in a top-tier settlement. For a village such as Holybourne, this growth is entirely disproportionate. It threatens to overwhelm the identity of the village, subsume its rural character, and undermine community cohesion. In doing so, it runs directly counter to the JCS's guiding principles



to “manage the distinct areas of the district” and to preserve “high quality natural and built environments.”

For these reasons, the application should be refused.

Tibberton Appeal Decision – A Relevant Precedent – Ref: APP/H1840/W/23/3320041

See appendix A for full decision letter.

The Tibberton appeal decision (Wychavon District Council) highlights the importance of ensuring development is appropriately scaled and situated. Tibberton, a category 3 village of approximately 300 homes, was facing an application for 100 dwellings—akin in scale to Holybourne's proposed expansion.

Notably, Wychavon District Council was also operating under a housing land supply shortfall. The Inspector acknowledged the scheme's benefits, including housing delivery, affordable units, and employment - benefits echoed in the Holybourne proposal.

However, the Inspector concluded that such benefits could be realised elsewhere, in locations better suited to absorb development without undue harm. Crucially, the decision emphasized that housing delivery must be **"in the right place and of the right scale"**. It is not a case of development at any cost.

The Inspector attributed significant weight to the irreversible change the development would impose: its scale, its encroachment into open countryside, its misalignment with the character of the village, and the lack of suitable infrastructure. The appeal was dismissed, with the Inspector finding that the adverse impacts would significantly and demonstrably outweigh the benefits.

These findings are directly relevant to the proposed development in Holybourne and reinforce the position that this application should be refused.



APPENDIX A

Tibberton Appeal Decision

Ref: APP/H1840/W/23/3320041



Appeal Decision

Hearing held on 8 August 2023

Site visit made on 8 August 2023 **by**

Andrew McGlone BSc MCD

MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/H1840/W/23/3320041 Land at Evelench Lane, Tibberton WR9 7NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr Michael Gooch on behalf of Mactaggart and Mickel Homes England Ltd and John Alison Land and Research Ltd against Wychavon District Council.
- The application Ref W/22/01565/OUT, is dated 8 July 2022.
- The development proposed is an outline planning application with all matters reserved except for access for a development of up to 100 dwellings (Use Class C3), green infrastructure, car parking, drainage works, and other associated infrastructure works.

Decision

1. The appeal is dismissed and outline planning permission with all matters reserved except for access for a development of up to 100 dwellings (Use Class C3), green infrastructure, car parking, drainage works, and other associated infrastructure works is refused.



Preliminary Matters

2. The planning application submitted is in outline form with all matters reserved for future consideration, except for access. I have had regard to the illustrative masterplan insofar as it shows how the proposed development could potentially be delivered on the appeal site. The planning application was not determined by the Council, but in considering this appeal I have had regard to their view that planning permission ought to be refused and the four putative reasons for refusal that it has identified within its Statement of Case.
3. In relation to the second of those, the Statement of Common Ground Addendum confirms the main party's agreement that the proposal will not give rise to concerns with trip generation, trip distribution, a traffic impact on the Grade II listed canal bridge or capacity issues at the Plough Road/proposed site access junction. Further, a Road Safety Audit (RSA) has been carried out. The RSA recommends several changes to the site access plan. Although a scheme should not evolve during the appeal process, the changes on plan Ref: 3253.10F are minor and do not materially alter the development proposed or the proposed means of access from Plough Road. Thus, my consideration of the appeal scheme based on this revised plan would not cause prejudice to the Council or interested parties. The Council agrees with the appellant that, subject to this plan and the imposition of planning conditions and planning obligations, the proposed development would provide a safe and suitable access for all users. I concur with that assessment.
4. A signed and complete s106 planning agreement (s106 agreement) was submitted by the appellant shortly after the Hearing closed. I will consider the

planning obligations and the s106 agreement later in my decision.

Main Issues

5. The main issues in this case are: a) whether the proposed development accords with the spatial strategy of the development plan, having regard to the size of Tibberton, local character, location and the availability of infrastructure; and b) whether the proposal would make adequate provision for affordable housing, education, public open space and children's play facilities, highway improvement works and transport, healthcare, biodiversity and protected species, and access to, and the resurfacing of the canal towpath.



Reasons

Spatial strategy for development

6. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) outlines the Development Strategy for South Worcestershire. SWDP Policy 3 outlines that housing provision will be made for about 28,400 dwellings (net) during the plan period. This overall housing provision is then broken down into sub areas. The area subtotal for Wychavon is 10,600 dwellings, split as 7,300 market homes and 3,300 affordable homes.
7. The appeal site lies next to, but outside of the development boundary for Tibberton, a Category 3 Village which provides a limited range of facilities and services. Development beyond the development boundary is within the open countryside and will be strictly controlled and limited to dwellings for specified purposes listed in other development plan policies. The appeal scheme is not a proposal that falls within one of those purposes. On that basis, conflict arises with the Development Strategy set by the SWDP Policy 2 C.
8. Nevertheless, Policy SWDP 2 F also outlines that development proposals should be of an appropriate scale and type with regard to the size of the settlement, local landscape character, location and the availability of infrastructure. While only access details are before me, SWDP Policies 21 and 25 are relevant to the acceptability of the development in principle having regard to local landscape character. Specifically, part B ii and v of SWDP Policy 21 seek proposals to complement the character of an area and the distinct identity and character of settlements. Part A of SWDP Policy 21 is also part of the assessment of character in that it requires all development to integrate effectively with its surroundings in terms of form and function and reinforce local distinctiveness.
9. Tibberton is located to the east of the city of Worcester and to the south of Droitwich Spa. The village comprises around 300 houses and has a population of around 600 people based on the 2011 census. Facilities in Tibberton include a first school, a village hall and two public houses. Two unmarked bus stops, located next to and opposite Speed the Plough public house, offer a connection to and from Worcester on Monday to Saturday with two morning services and three return services in the afternoon/early evening. There is no public transport to Droitwich Spa. Both Worcester and Droitwich Spa offer a full range of services and facilities for people. Existing residents in Tibberton use these to cater for their everyday needs.
10. The site is an open, undeveloped field used intermittently for grazing of livestock. Several public rights of way (PRoW) extend across the site. Dwellings are to the west of the site on Plough Lane, together with the Speed the Plough public house. Arable



fields are to the north and east. The Birmingham and Gloucester Railway line is elevated and to the east of the site. The Birmingham and Worcester Canal is to the north. A Grade II listed bridge crosses over the canal to the northwest of the site. The site is well contained by boundary hedgerows and trees of varying quality. A Tree Preservation Order covers the whole site and every tree within it.

11. The site is located to the east of the village envelope which is predominately characterised by historic or older linear development along either or both sides of Plough Lane, Foredraught Lane and Church Lane. More recently, housing was added on Hawthorn Rise to the west of Plough Lane. This has, to some extent, infilled the space between Plough Lane and Foredraught Lane and led to a shift in the pattern of development, but it is predominately linear in form. Despite the more recent additions, the appeal site provides an immediate visual link to the open countryside from within the village envelope. The multiple PRoW across the site and the use of these by the local population mean that the site offers a functional link to the wider countryside for onward recreational journeys using the wider PRoW network.
12. The proposed residential dwellings would respond to the type of development found in Tibberton. The site's location next to the development boundary could be viewed as a logical extension to Tibberton, but the size of the appeal site is considerable. While the site could accommodate the development proposed, the quantity of it is likely to mean that development would be spread across a large portion of the site. Although any potential layout could include good-sized areas of greenspace, the PRoW's and landscaping to strengthen existing vegetation and soften the proposed dwellings, the scale of development would result in the significant expansion of Tibberton to the east of Plough Lane.
13. The SWDP does not specify a numerical value or outline a guide to help inform the consideration of scale in terms of the size of Tibberton. Although looking at a numeric or percentage increase may be too simple, it is a key factor in this case. This is because when the Development Strategy and the role that Category 3 Villages within the settlement hierarchy are considered, the proposal would result in a substantial uplift in the number of homes and people in Tibberton. The scale of development proposed would be disproportionate and out of context with the existing settlement's size.
14. Of course, the proposal would help deliver housing, but Tibberton has already accepted the 21 new homes identified in SWDP Policy 59. Further housing development can potentially come forward through that policy, but the appeal scheme does not meet any of the criteria for doing so. There is also no substantive



assessment before me demonstrating that the proposal as a whole would meet an identified local need.

15. The scale of the proposal must also be looked with regards to the availability of infrastructure. There are limited facilities and services within Tibberton for the current population, yet alone for the number of future residents that would result from the appeal proposal. People would need to travel to be able to satisfy their day to day needs, and given the limited bus service, most journeys would be by private vehicle. Future residents who are keen and able may wish to make use of the canal towpath as an off-road route to reach employment opportunities on the edge of Worcester by foot or bicycle. However, those journeys would be less appealing during the hours of darkness and inclement weather, so it is a route predominantly for leisure purposes. I also consider that it would not change the dependency future residents would have on their own vehicles to access everyday facilities and services, save for children accessing education given the provision within the s106 agreement around transport to and from several places of education which would mitigate the development's impact.
16. Even recognising that there are generally less sustainable transport solutions in rural areas, or at the least that they can vary, the infrastructure to support the scale and type of development proposed does not exist in Tibberton, and the appeal site is not well located for future residents to access the infrastructure needed to support their day to day needs. The proposal would not integrate effectively with its surroundings in terms of function.
17. I have had regard to the Landscape and Visual Appraisal. Inevitably, developing the site would cause a change in the land's character from an open, pastoral, low-lying field that adjoins an irregular field pattern. Change is not, however, synonymous with harm, but the proposal would cause a permanent change to the character of the land, nonetheless. Yet, it would not be an infill development as the appellant suggested at the Hearing. It would, instead, be a sizeable extension to the village to the north and east, even if a large part of the site is set aside for open space, walking trails, wildflower meadow and allotments, as they are likely to have a managed appearance compared to the current open field.
18. Those elements, if located on the edges of the appeal site away from the existing development boundary, could create a suitable transitional edge to the development and the landscape character around the edge of Tibberton. But to achieve that, the dwellings would likely need to be located together and closer to the linear development on the eastern side of Plough Lane. Given the scale of the development proposed, I am not of the view that the proposal could respond to that form of development, the predominate characteristic in Tibberton. Although the site



is well contained by existing boundaries and further landscaping could be introduced, the proposal would materially harm local character. This harm would be evident from the various PRow across the site and the nearby area, but also from Plough Lane.

19. For these reasons, the proposal would not be of an appropriate scale with regard to the size of the settlement, local landscape character, location and the availability of infrastructure.
20. However, taking a step back, the SWDP was adopted in 2016 and it has not been the subject of a review. It is now more than five years old, and the Council accepts that it cannot currently demonstrate the minimum five-year supply of deliverable housing sites required through paragraph 74 of the National Planning Policy Framework (the Framework). It says that it can demonstrate a 3.81 year supply, whereas the appellant says that the deliverable supply is 3.15 years. I agree with the appellant that the difference in the two figures is not determinative in this case as the shortfall is significant regardless. But I shall proceed based on the worst-case scenario, which is that of the appellant's figure, but noting that there are no decision-making consequences as a result of the latest Housing Delivery Test (HDT).
21. The Council is now preparing the South Worcestershire Development Plan Review (emerging plan) which will update the SWDP and look at its vision, objectives, spatial strategy and policies. The emerging plan will involve site allocations and policies to provide a framework for development up to 2041. The precise timeline for the adoption of the emerging plan is unclear, but its submission at the end of the summer seems to be optimistic, given the emerging plan is to go before full council before it is submitted for examination. Regardless, there are unresolved objections to parts of the plan, including site allocations in Tibberton. Therefore, the emerging plan is in its early stages and little weight can be afforded to it.
22. So, while it may be proposed in the emerging plan to upgrade Tibberton in the settlement hierarchy, that strategy and the evidence that underpins it has yet to be tested at examination. A similar change to the settlement hierarchy is indicated for Crowle, but that is a matter for the local plan process to consider.
23. Part of the appeal site is proposed to be allocated, but the development proposed in the scheme before me is of a very different scale to that indicated in the emerging plan (up to 25 dwellings). This has also yet to be tested at examination, so it carries little weight.
24. The Council say that the current shortfall below the minimum supply of deliverable housing sites is only temporary, but it is supported by permissions granted for housing development outside of the settlement boundaries in the open countryside, contrary to Policy SWDP 2. The exact circumstances in which these



decisions were taken are not wholly clear, but they have helped boost the supply of housing and the Council relies upon them as part of its supply of housing sites. The Council also explained at the Hearing that greenfield sites will need to be relied upon to meet the District's housing need. Without those sites, even on the Council's own case, the shortfall would be greater still. As sites in the countryside are being relied upon to deliver the housing needed in the District, it leads me to consider that Policy SWDP 2 is out-of-date.

25. The appellant points to two recent resolutions by the Planning Committee to approve schemes for 32 and 62 dwellings on sites outside of the development boundary for Crowle, a nearby village to Tibberton. However, both resolutions are subject to s106 agreements being finalised, and as such, decision notices have yet to be issued. Hence, they carry little weight and both resolutions were reached having carried out the tilted balance, noting each scheme's conflict with SWDP Policy 2. In any event, for the reasons explained, the titled balance is to be applied in this case.
26. I conclude, in respect of this issue, that the proposed development would not accord with the Development Strategy of the development plan, having regard to the size of Tibberton, local character, location and the availability of infrastructure. The material harm arising from the conflict with Policies SWDP 2, 21 and 25 would be substantial. SWDP Policy 2 seeks, among other things, to deliver residential development in accordance with the Development Strategy and Settlement Hierarchy, except for specific exceptions. Proposals should also be of an appropriate scale, having regard to the size of the settlement, local landscape character (SWLP Policy 25), location and the availability of infrastructure. Policy SWDP 21 seeks development to integrate effectively with its surroundings, in terms of form and function, and reinforce local distinctiveness, and this policy is consistent with the Framework.

Planning contributions

27. The completed s106 agreement would secure financial contributions towards the impacts of the development on local infrastructure, including in respect of education, healthcare, off-site built sports facilities, off-site formal sports facilities, highway improvement works and school transport. The s106 agreement also includes mechanisms to secure the delivery of affordable housing, biodiversity net gain, a curlew mitigation strategy, and on-site public open space and children's play facilities and its subsequent management and maintenance. The contributions that would be secured through the s106 agreement would meet the statutory tests set out in the Framework and in Regulation 122 of the CIL Regulations. As such, they are material considerations in this appeal.



Other Matters

Heritage and archaeology

28. Although not a refusal for refusal, I have a statutory duty to consider the effect on heritage assets. The Grade II listed canal bridge to the north-west of the site on Plough Lane provides a well-used route in and out of the village. The bridge's historical significance derives from its association with the Worcester and Birmingham Canal and its onward links to the Birmingham Canal Navigations and the River Severn. The bridge also lies within the Worcester and Birmingham Canal Conservation Area ("the CA") which extends along the length and width of the canal in the vicinity of the appeal site.
29. The canal was used to supply coal from the Black Country to the south-west Midlands. The significance of the CA is therefore historical, and due to the route and accessibility of it by boat, on foot or bicycle, it has a varied long setting relating to the canal itself, but also the historical, social and industrial evolution of the towns and villages along its route.
30. The appeal site is not part of the setting of the canal bridge or the CA. However, the proposed development would bring about journeys by different modes of transport over the bridge or under it and along the canal towpath.
31. The bridge has a 3.5 tonne weight limit and there are no other restrictions on its use. In fact, the bridge functions as a road connecting the village to the north. A condition could ensure that any construction traffic does not use the bridge to or from the site, but some extra vehicle movements would occur. However, there would not be a material increase based on the assessments before me. Vehicles also travel across the bridge at low speeds due to the width of the bridge and the bend in the road to the north of it. Changes have also been made in recent years to the road layout to the north of the bridge to help drivers avoid striking the bridge when they approach it from the north. There would be no change to the route of the towpath below or how people principally enjoy the canal, and the proposed accessibility improvements would mean future residents could continue to make use of the canal towpath.
32. I am therefore of the view that the proposal would not alter the bridge's relationship, function or people's experience of it. Nor would the proposal affect the significance or setting of the CA. Hence, the proposal would have a neutral effect on the significance of the listed canal bridge and the CA.
33. Having regard to the evidence, I agree with the main parties that, subject to a suitably worded planning condition to secure a programme of archaeological investigation, the proposals would conserve all archaeological remains of all periods in accordance with Policy SWDP 6.

Best and most versatile land



34. The Agricultural Land Survey confirms that approximately 3.35 hectares or 42% of the appeal site comprises of Grade 3a land. This grade of land is one of the top three grades of Best and Most Versatile (BMV) land for versatility and suitability for growing crops. The proposal would result in the loss of this Grade 3a land, and the appellant has not shown that the proposal could not be located on non-BMV land. Therefore, given the size of the loss, the proposal would conflict with Policy SWDP 13 Part H. Criterion ii of Policy SWDP 13 considers the benefits of development like Framework paragraph 174 b), but it requires both criterion to be met.
35. Despite the policy conflict, the main parties agree Policy SWDP 13 is inconsistent with the Framework as it reflects an earlier version of the Framework that sought to minimise the loss of BMV to development. The current version of the Framework is instead focussed on recognising the economic and other benefits of BMV land. I therefore agree with the main party's assessment about the policy. However, moderate harm arises from the conflict with this policy due to the loss of BMV land, despite the makeup of the District, without a detailed assessment of whether the proposed development could be located elsewhere.

Flood risk and drainage

36. The appeal site is predominantly within Flood Zone 1. The north eastern part of the site is within an area of higher risk from surface water flooding, but the site is of sufficient size to be able to accommodate the amount of development proposed without leading to flood risk issues. Detailed designs could come forward as part of any reserved matters submission.
37. Although the issue of foul drainage was not a putative reason for refusal raised by the Council, Severn Trent Water have confirmed, after carrying out modelling, that the proposed development will not have an adverse impact on the existing foul sewage network, and that there is sufficient capacity within that network to accommodate the proposed development. So, although, interested parties have raised concerns about drainage, I have no reason to disagree with the view of Severn Trent Water on this issue.

Pollution

38. Concerns about noise, light and air pollution can be overcome by planning conditions to ensure residents' living conditions are not adversely affected both during any construction and after it. The trips that would be generated as a result of the proposal do not require mitigation measures.

Planning Balance

The Development Plan



39. I have found substantial harm in respect of the proposal's conflict with Policies SWDP 2, 21 and 25. There would also be moderate harm from the proposal's conflict with Policy SWDP 13 in relation to BMV although that policy is inconsistent with the provisions of the Framework.
40. There would be no conflict with Policies SWDP 6 and 24 due to my findings about the designated heritage assets and archaeology. The s106 agreement secures contributions required by Policies SWDP 5, 15, 22 and 39, together with Framework paragraphs 95, 96, 110, and 179 to 182. The obligations in respect of affordable homes, highway improvement works, and biodiversity net gain would provide the local community with benefits that weigh in favour of the proposed development. The other obligations would mitigate the appeal scheme's effect, and thus, they do not weigh in favour or against the proposal.
41. Assessing the appeal scheme against the development plan is the starting point for decision-making. Due to the tilted balance found in Policy SWDP 1, I will consider whether the proposal would be contrary to the development plan when taken as a whole later in my decision, but given the harm that I found in respect of it, and the provisions of the Framework, I will consider whether there are material considerations that could indicate that a decision should be made otherwise than in accordance with the development plan.

The benefits of the appeal scheme

42. The affordable housing contribution would exceed the figure identified locally, and the proposal would help contribute to the wider need for affordable homes in the District. The contribution is policy compliant, and I consider that this matter carries considerable weight in favour of the appeal scheme given the need for affordable housing across the District.
43. The provision of market housing would help to significantly boost the supply of housing in the District against the backdrop of a supply figure that falls below the minimum threshold of five years set by the Framework. The proposal would also assist in terms of housing mix, by helping widen housing choice. The proposed units could be delivered in the short term, and planning conditions could ensure this. Thus, I attach considerable weight in favour of the proposal to the provision of market housing.
44. A large proportion of the appeal site would provide green infrastructure. This would be over and above the 40% required by Policy SWDP 5, and that provision could include amenity greenspace and allotment space above the standard sought by Policy SWDP 39, helping address the shortfall identified in the area. Furthermore, the proposal would see an increase in children's play space, again to address a need. The facilities would chiefly be used by future residents, but given that there would be an over-provision, they carry limited to moderate positive weight. The green infrastructure would also be used by existing residents, but I only attach limited positive weight to this given the existing recreational use of the land



and the location of many existing residents in relation to the proposed green infrastructure.

45. Economically, the proposal would result in expenditure on the development and its construction and the creation of new jobs. New residents would also spend money in the local economy, though any benefit would principally be felt in Worcester and Droitwich Spa, not Tibberton due to the location of facilities and services. These would provide a mix of time-limited and permanent economic benefits. I consider that they jointly carry moderate weight given the scale of the proposed development.
46. The highway improvement works would improve accessibility to the canal towpath and the safety of road users along Plough Road and at its junction with Evelench Lane. As these improvements would benefit the existing population also, they carry limited positive weight rather than just mitigating the effects of the proposal. The community car park would allow for school pick up and drop offs away from Plough Lane, but the new access would affect the amount of parking already available at the public house, which seems to be used for school pick ups and drop offs and by persons using the PRoW network. As such, the benefit of the community car park would be limited in my opinion.
47. The obligation to secure biodiversity net gain carries limited positive weight in my opinion, because those net gains would enhance the natural environment. The contributions towards local infrastructure are necessary to offset the impacts of the development. The same applies to the curlew mitigation strategy. They therefore carry neutral weight.

Conclusion on the Planning Balance

48. The most important policies for determining this appeal are SWDP 2, 13, 21 and 25. When taken together, for the reasons outlined in my first main issue, they are deemed out-of-date. There is also no conflict insofar as the various policies relating to the obligations found in the s106 agreement.
49. Given this and as a consequence of my findings in respect of the heritage assets, the tilted balance as set out in Framework paragraph 11d)ii) is to be applied. I have set out the weight that the scheme's social, economic, and environmental benefits carry in favour of the appeal scheme.
50. The wording of Policy SWDP 1 D reflects an earlier version of the Framework. Despite the difference in the wording, notably the phrases 'relevant policies' and 'policies which are most important', the policy is consistent with the thrust and consequences for decision making. The most important policies in this case are also the relevant policies in the context of Policy SWDP 1. The outcome is



that my assessment remains to consider the benefits of the appeal scheme, but also its harm.

51. Weighing the two up is not a mathematical outcome; it is an overall judgement. Despite the proposal's benefits, many of them could theoretically be delivered through a similar scheme in another location where better infrastructure is available to support it and where it does not harm the size or character of the settlement. There is also a need to ensure, notwithstanding the housing land supply position, that housing development is permitted in the right place and of the right scale for that location. It is not a case of development at all costs.
52. The proposal would cause permanent and irreversible change due to its scale, location in the open countryside next to Tibberton, the character of the village and because there is a lack of sufficient infrastructure to support the scale of development proposed. I am mindful that sites in the open countryside have been granted planning permission and that they may well be needed to address the District's housing supply position. When this is balanced against the harm that the proposal would cause, it leads me to consider that significant weight should be attached to the conflict with the development plan policies relating to the Development Strategy. There would also be moderate weight to the degree of conflict caused with SWDP 13 in spite of its inconsistency.
53. In this case, due to the harm that the proposal would cause, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would, as a result conflict with Policy SWDP 1 and would be contrary to the development plan when taken as a whole.

Overall Conclusion

54. There are therefore no material considerations to indicate that this decision should be made otherwise than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

Andrew McGlone

INSPECTOR



Landscape Character and Visual Impact

- **The site lies outside Holybourne's settlement boundary, forming part of the open countryside and contributing to the village's rural setting.**
 - **By introducing incongruous built form into an open and undeveloped area that positively contributes to local landscape character, the proposal would cause significant harm to the character and appearance of the area. It disregards the established scale and identity of Holybourne, failing to respond to the village's capacity for growth and undermining its local distinctiveness.**
 - **The site lies within Local Area 4b.1 (Alton to Bentley North of A31) of EHDC's Landscape Capacity Study (2018). This is a regionally important landscape, with low capacity for change due to its rural character, historic assets, and visual sensitivity.**
 - **The landscape holds high value due to the outstanding countryside views and active community use of the Play Area and footpaths.**
 - **At 160 dwellings, the proposed development significantly exceeds the small scale local development that is anticipated in Holybourne under JCS Policy CP10;**
 - **At 160 dwellings, the proposed development significantly exceeds the small scale development which the EHDC's Landscape Capacity Study identifies could potentially be provided without causing significant and detrimental damage to the regionally important Landscape Character Area;**
 - **The harm identified against the development is substantial and not outweighed by the public benefit of the proposals.**
 - **The Southminster Appeal Decision is directly comparable to the development proposals and reinforces the principle that the resulting landscape harm should be concluded to outweigh public benefit.**
-

Introduction: Landscape and Visual Impact

The application site lies beyond Holybourne's well-defined settlement boundary and is recognisably part of the open countryside. It contributes meaningfully to the rural setting of the village, forming a visible and valued component of the surrounding landscape. The "outstanding countryside views" from Holybourne Play Area are not just a scenic bonus - they're a defining feature of its Local Green Space designation under Policy CH5 of the Alton Neighbourhood Development Plan. These views contribute directly to the area's recreational value, sense of place, and community well-being.

The proposed development of 160 dwellings would represent a 30% increase in the village's housing stock, resulting in a substantial and visually intrusive extension of built



form into open countryside. This scale of development would have an encroaching and urbanising effect, fundamentally at odds with the site's current character and the wider rural landscape.

By introducing incongruous built form into an open and undeveloped area that so positively contributes to local landscape character, the proposal would cause substantial harm to the character and appearance of the area. It disregards the established scale and identity of Holybourne, failing to respond to the village's capacity for growth and undermining its local distinctiveness.

EHDC's Joint Core Strategy Policies

“The district is rightly proud of the character and attractive appearance of the countryside and its protection is essential. The distinct and varied landscape provides a very attractive rural setting that defines the whole area, providing opportunities for agriculture, forestry, recreation and tourism and supporting rural communities and economies”. (Joint Core Strategy Paragraph 7.8)

JCS Policy CP10 – Spatial Strategy for Housing

Supports development within settlement boundaries that maintains and enhances character and quality of life. Holybourne, as a Tier 4 settlement, is identified for small-scale local development, not large-scale expansion.

Housing Outside Settlement Boundaries SPD (2023)

Clarifies that development outside boundaries must meet community need, reinforce settlement role, be unable to be accommodated within the boundary, and have local support. This proposal fails on all counts.

JCS Policy CP19 – Development in the Countryside

Restricts development to that required for agriculture, forestry, or rural enterprises. The proposal does not meet these criteria.

JCS Policy CP20 – Landscape

Seeks to conserve and enhance local distinctiveness and tranquillity. The development would erode both.

JCS Policy CP29 – Design

Requires development to respect character, identity, and context. The urban scale of the proposal is incompatible with the rural village setting.

JCS Policy CP28 – Green Infrastructure

Requires enhancement of green infrastructure networks. The proposal offers no meaningful contribution in this regard.

EHDC's Landscape Capacity Study

EHDC's landscape capacity study (Terra Firma Consultancy: 2018) assesses the relative capacity of the landscape to accommodate housing development in the areas of the district, outside the South Downs National Park (SDNP), and outside of the established settlement boundaries, without causing significant and detrimental damage to the district's fine landscapes. The Study assesses the value and capacity of Local Areas. The boundaries of these Local Areas are based on landscape character areas identified in the East Hampshire District Landscape Character Assessment 2006 using historic landscape character types as guides to sub-divide character areas for a more refined assessment of the sensitivity of the landscape. The application site lies within landscape area 4b.1 (Alton to Bentley North of A31).

Figure 1: Area 4b.1: Alton to Bentley North of A31 (Source: EHDC Landscape Capacity Study 2018)

Local Area map:

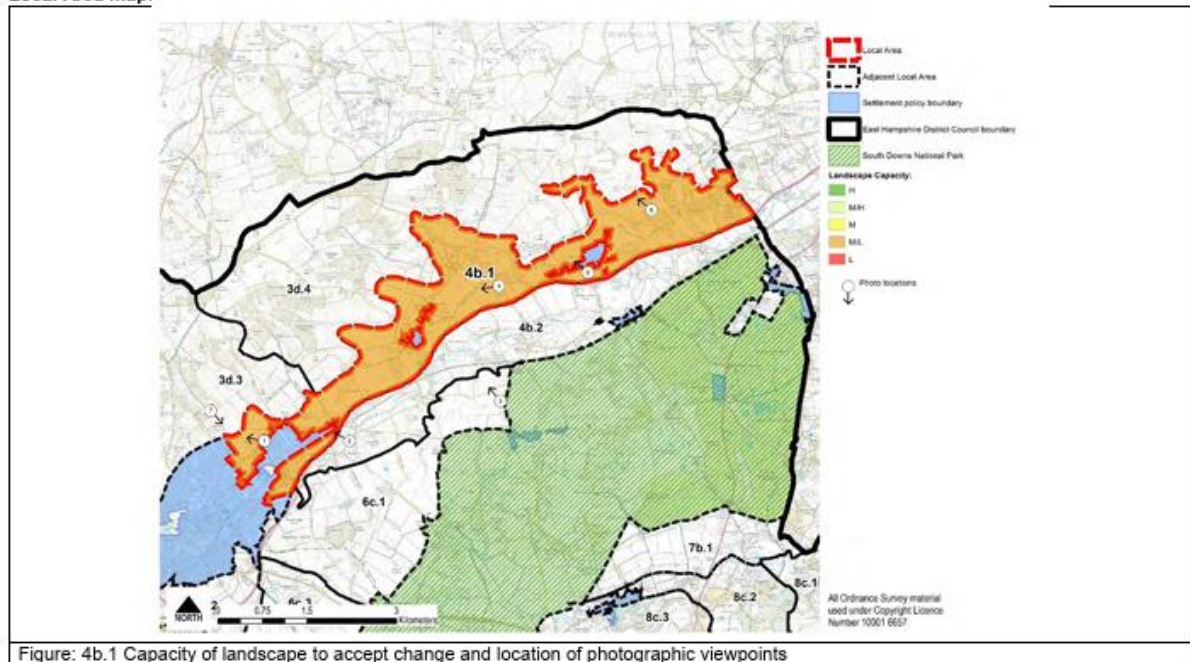


Figure: 4b.1 Capacity of landscape to accept change and location of photographic viewpoints

Local Area 4b.1 is a linear area stretching along the side of the Wey Valley from the eastern edge of Alton north-east to the district boundary. The A31 forms the southern edge, with the valley bottom beyond. The area is predominantly rural and unsettled. The western edge of the local area wraps around and between eastern Alton and Holybourne and forms the lower slopes of the lower south-facing valley slope of the River Wey, with higher ground rising to the north.

EHDC's landscape capacity study identifies local area 4b.1 as having a 'medium' landscape value – i.e. **it is of regional importance**. Arguably, using the landscape



capacity study definitions, the landscape area of 4b.1 around the Scheduled Monument (i.e. the application site) should be medium/high value, given the national importance of the heritage asset. However, only regional importance is assumed for the purposes of this note.

Of particular relevance, the assessment identifies that for area 4b.1 the following characteristics are particularly important:

Key sensitive visual characteristics	• View receptors on St Swithun's Way (regional recreational footpath), in conservation areas and in setting of SDNP; • Skyline views and open views across generally unsettled valley; • Views to church spire at Holy Rood
Key landscape characteristics	• Valley side landform which is integral to the area's character; • Woodland, including ancient woodland; • SINCE habitat; • Historic character including setting of conservation areas and heritage assets in wider countryside; and • Tranquillity
Key Settlement characteristics	• Rural, predominantly unsettled character; • Opportunity to enhance some raw settlement edges; • Continuity of linear valley side character; and • Historic settlement pattern of villages

The assessment concludes:

“Local area 4b.1 has a **medium / low capacity, constrained by its strong rural character and its role as an integral part of the Wey Valley landscape and rural setting of Alton, Holybourne, the Froyles and Bentley and their conservation areas.** There are important views from conservation areas and public footpaths, including St Swithun's Way, and offers views across the Wey Valley to the SDNP and the downs to the north. The area has a clear sense of history and contains characteristics typical of the nearby SDNP. It is possible that a **very small amount of development could be accommodated** within or around existing settlements or clusters of built form or building conversions provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape, respecting the historic settlement pattern and local distinctiveness, although great care would need to be taken to avoid any landscape or visual harm. **The area should otherwise remain undeveloped.**”



Landscape and Visual Impact

Unequivocally, the proposed development cannot be classified as “very small” and cannot be described as “sensitively integrating into the landscape, respecting the historic settlement pattern and local distinctiveness”.

Having regard to EHDC's Landscape Capacity Study, it is apparent that the proposed development would cause substantial landscape and visual harm by reason of the following:

- Significantly and negatively impacting upon sensitive view receptors on St Swithun's Way (a regional recreation path), in Holybourne Play Area and in conservation areas;
- Substantially impacting upon skyline views and open views across generally unsettled valley – views which contribute considerably to the character and identity of Holybourne and which are of particular importance to the existing residents/community;
- The loss of important views of the Church of the Holy Rood (Grade II* Listed) within its wider rural landscape setting;
- The erosion of the historic character and setting of heritage assets in the wider countryside, including the Cuckoo's Corner Scheduled Monument, the Church of the Holy Rood (Grade II* Listed), Manor Farm (Grade II Listed), Holybourne House (Grade II Listed), Oak Cottage (Grade II Listed), The Forge (Grade II Listed) and Holybourne Conservation Area – see Supplementary Notes A and B;
- Significant reduction in tranquillity – both during construction but also following completion, by reason of the size of development and the significant urbanisation of the village and the existing countryside/landscape;
- A significant and irreversible diminution of the rural, predominantly unsettled character of the area; and
- The erosion and loss of the historic settlement pattern of the village.

In summary, the proposed development would result in a substantial and unjustified intrusion into a landscape identified as having low capacity for change. It would erode the visual, historic, and tranquil qualities that define Holybourne's countryside setting and directly contradict the strategic guidance set out in EHDC's Landscape Capacity Study.

Local/Community Impact

The rural landscape of the village and countryside views are particularly important to the local community. The value of the landscape is high because people are purposely



using the Play Area and the foot paths in this location to appreciate it; with all of the other associated health benefits that access to the countryside brings.

The rural setting of the historic core of the village remains clearly appreciable from important short, medium and long range landscape views across the application site – including views from London Road, Holybourne Play Area, New Lane, St Swithun's Way, footpath 002/32/3 and wider landscape views from Holybourne Down. The urbanisation of the application site will disconnect the historic core of the village from the agricultural landscape to the east which will harm how the village is appreciated and viewed within the historic rural context of the locality.

Holybourne Play Area is openly accessible to all at the heart of the village. It currently benefits from outstanding countryside views that connects it to the wider landscape setting which helps define the rural the character of the village. Importantly, it is a designated Local Green Space under Policy CH5 of the Alton Neighbourhood Development Plan (see supplementary note C).

Holybourne Play Area is the only publicly accessible recreational area near the centre of the village from which to enjoy nature and admire the outstanding views northwards to Holybourne Down, the nearest alternative play area being a mile away. It holds particular significance for its local community, including children from several local schools, and the many visitors with families and groups of all ages taking advantage of adjacent free parking. The loss of the Play Area would significantly diminish the ability of the local community to appreciate and connect to the wider rural landscape setting of the village; an integral element of the existing Play Area which provides value to the health and well-being of the community.

It is also the case that the PROWs most affected by the development are those that provide the easiest, quickest and most accessible routes into the countryside for those residents who do not want to (or cannot) continue up Holybourne Down or onward along St Swithun's Way. The footpaths that encircle the development site (002/501/3&4, St Swithun's Way and 002/33) are all relatively flat and accessible in this location, providing an immediate escape into and appreciation of the wider rural landscape setting of the village. In addition footpath 002/32/3 to the north provides elevated views down to the village. This landscape, from which the community most regularly appreciate the rural setting of the village and conservation area, will be severely and irreversibly urbanised by the new development.

These PROWs are particularly important to the village given Redbrown's ongoing systematic closing of all permissive footpaths across their estate that have historically been available to the community.

Figure 1: Footpaths around Holybourne



The development will also be clearly visible and dominant in wider landscape views of the village from elevated positions on Holybourne Hill – including in the foreground of views of the village from footpath 094/27/1 and in the back ground of views of the village from footpath 094/33/1. These are both important and well traversed public rights of way from where the setting of Holybourne in the wider rural landscape can be appreciated.

Southminster Appel Decision – Ref: APP/X1545/W/24/3351697 – See Appendix A

The Southminster appeal decision (Maldon District Council) underscores the critical role of landscape impact in planning and development decision-making.

Southminster was threatened by a 220 dwelling development at the edge of the village. Like EHDC, Maldon District Council could not demonstrate a 5 year land supply. Notwithstanding, the Inspector went on to dismiss the appeal.

Key points to highlight include:

1. **Substantial Weight to Landscape Harm:** The Inspector attributed "very substantial weight" to the adverse impacts on the rural character and appearance of the area. The loss of open, undeveloped countryside and the intrusion of urban development into a sensitive rural landscape were central to the decision.



2. **Conflict with Policies:** The proposal conflicted with local policies and the NPPF, which emphasize the need for development to respect and enhance the character, local context, and intrinsic beauty of the countryside.
3. **Visual Amenity:** The development would harm views from various perspectives, including residential properties, public roads, and footpaths. The Inspector noted that landscaping and open space provisions would not sufficiently mitigate these visual impacts.
4. **Cumulative Impact:** The proposal's urbanizing effects, including the access road, housing layout, and infrastructure, were deemed incongruous with the rural setting, further diminishing the area's character.
5. **Planning Balance:** Despite significant public benefits, the landscape harm was so substantial that it outweighed the benefits, demonstrating that landscape considerations can be decisive in planning decisions.

This case highlights that preserving the character and beauty of the landscape is a fundamental principle in planning, and developments that fail to respect this can face rejection, even when they offer other benefits.

These findings are directly relevant to the proposed development in Holybourne and reinforce the position that this application should be refused.

Landscape and Visual Impact Conclusion

At 160 dwellings, the proposed development significantly exceeds the small scale local development that is anticipated in Holybourne under JCS Policy CP10. It also exceeds the small scale development which the EHDC's Landscape Capacity Study identifies could potentially be provided without causing significant and detrimental damage to the regionally important Landscape Character Area within which the application site is located.

The proposed development, by virtue of resulting in incongruous development within an open and rural site which contributes positively towards landscape character, would have had a significant detrimental effect on the character and appearance of the area. It therefore fails local and NPPF planning policies which would require that development should: be well related to the existing built form of the settlement and respect the existing scale and character of the village; contribute positively to the identity and character of the area having regard to local distinctiveness and character; and be in scale and keeping with the landscape character and preserve the locality's distinct sense of place.



It follows that the harm identified against the development is substantial and provides compelling reason to refuse the application. Whilst it is acknowledged that the application does include public benefit, that benefit does not weigh sufficiently against the substantial landscape and visual harm identified; individually, but even more so when the totality of the harm deriving from the development is taken into account in the planning balance.



APPENDIX A

Southminster Appeal Decision

Ref APP/X1545/W/24/3351697



Planning Inspectorate

Appeal Decision

Hearing held on 26 February 2025

Site visit made on 27 February 2025

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/X1545/W/24/3351697 The Land North of Homefield and West of Tillingham Road, Southminster CM0 7DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against the decision of Maldon District Council.
 - The application Ref is 23/01244/OUTM.
 - The development proposed is outline application for a residential development of up to 220 dwellings and associated infrastructure, public open space, and highways access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except for access. It was agreed at the Hearing that adherence to the parameters plan would be sought by condition, and I have considered this plan accordingly. I have had regard to the illustrative landscape strategy plan and the development framework plan relating to the other reserved matters on an indicative but informative basis.



3. In advance of the Hearing, the Council confirmed that it would not be defending reason 1 of its reasons for refusing planning permission. This is due to a change in circumstances in respect of the Council's housing land supply following the December 2024 update to the National Planning Policy Framework (the Framework). Based on the new Standard Method, and a required additional 5% buffer, the Council's housing land supply stands at 2.70 years for the purpose of this appeal.
 4. A legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (s106 agreement) was discussed at the Hearing with a final signed and executed version dated 10 March 2025 submitted after the Hearing closed.
 5. Reasons for refusal 3, 4 and 5 related to the absence of a completed s106 agreement to secure affordable housing, transport infrastructure, health care, education, library services, the provision and maintenance of open space, and mitigation for recreational disturbance to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence. These matters have now been resolved through the submitted agreement and the reasons for refusal are no longer pursued. The s106 agreement is considered later in my decision.
-

Main Issues

6. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - the setting of nearby grade II listed buildings Sheepcote and Home Farmhouse and the special interest and significance of the Cropmark site SW of Oldmoor scheduled ancient monument.

Reasons

The Development Plan and planning policy context

7. The Development Plan includes the Maldon District Local Development Plan (2014-2029), adopted in July 2017 (Local Plan). Policy S2 confirms that most of the new strategic growth will be delivered through sustainable extensions to Maldon, Heybridge, and Burnham-on-Crouch in the form of Garden Suburbs and Strategic Allocations. A proportion of new development will be directed to the rural villages to support rural housing needs, local services and facilities and the rural economy.



8. Policy S8 sets out the settlement hierarchy where Southminster is identified as a larger village with a limited range of services and opportunities for employment, retail and education serving a limited local catchment and containing a lower level of access to public transport. Sustainable development within defined settlement boundaries is supported. Outside settlement boundaries development is restricted to a limited number of categories.
9. The appeal site comprises agricultural land which lies to the north side of Southminster. It is outside, but adjacent to, the defined settlement boundary for the village. As such it is countryside for the purposes of the Council's spatial strategy where planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it meets one of the categories set out in Policy S8, none of which would be fulfilled by residential development.
10. The appeal proposal would conflict with the spatial strategy as a whole. However, Policy S8 must be out of date given the shortfall in housing land supply. Furthermore, the Council has withdrawn its reason for refusal 1 and does not contend that there is conflict with Policies S2 or S8.
11. Moreover, because of the lack of a 5-year housing land supply and footnote 8 to the Framework the most important policies for determining the appeal are out of date. In such circumstances Policy S1 of the Local Plan makes statutory provision by reflecting the presumption in favour of sustainable development contained within the Framework. In this case there are policies in the Framework relating to habitat sites and designated heritage assets that are engaged. It is only if these do not represent a strong reason for dismissing the appeal that paragraph 11d) ii. applies. I return to this later in my decision.

Character and appearance

12. The appeal site comprises 19.1 hectares of arable land on the north side of Southminster. The village edge is next to the southern side of the site with houses on Homefield and North End adjacent to the southern boundary, properties facing Tillingham Road/Cripplegate to the east and a graveyard and properties facing North End and Sheepcotes Lane to the west. Beyond the houses the eastern site boundary follows Tillingham Road with the site boundary defined by a mature and mostly continuous hedge. As Tillingham Road bends sharply, the appeal site continues to its most northerly point as a vegetated edge adjacent to agricultural land that extends eastwards.
13. To the west side beyond the village extent the appeal site sits adjacent to Sheepcotes Lane, a rural lane and bridleway. Here, the appeal site is slightly higher than the lane and the boundary is mainly open. To the west of the appeal site



beyond Sheepcotes Lane is primarily open farmland with the edge of the settlement in the periphery to the south. The watercourse with its well-defined edge of trees and hedging forms the extent of the appeal site to the north. Beyond the northern site boundary, the land rises to Foxhall Road with the intervening land being largely undeveloped agricultural fields. Characteristics of the host landscape are its undulating landform, its arable land use, and hedged boundaries with individual trees as well as small copses and wooded areas.

14. The residential properties on the boundary of the site to the south and east side have a degree of urbanising influence on the southernmost section of the appeal site. However, large parts of the site's east and west boundaries and the northern boundary sit next to open undeveloped land and consequently the appeal site has a strong rural character. It is an integral part of the characteristic undulating arable host landscape. Furthermore, the existing mature planting in gardens and to the graveyard boundary softens the built edge of the village and reinforces the appeal site's rural context.
15. I am mindful that whilst layout remains to be determined, as identified on the parameters plan, the development would be able to deliver a significant area of open space. Nonetheless, the proposals indicate that 6.31 ha of the site is identified as developable area, and the balance of the land is to be used for associated open space, and green and blue infrastructure.
16. The topography of the site has been a key consideration in the formation of the parameters plan, the indicative landscape strategy, and the development framework plan. The land generally falls away to the watercourse on the northern boundary. There is a notable change in the gradient across the field south to north with the southern part at a lesser gradient and considered to be a similar elevation to existing adjacent residential development. Having regard to the site levels the parameters plan indicates that housing would be concentrated on the southern part of the site with the extent of the housing defined by a new walking route and planting. The extent of the proposed housing is in a similar location to a historic field boundary, but there is no longer any boundary evident on site so that the new walking route and planting would seemingly cut across the centre of the agricultural field.
17. The proposed principal access would be via Tillingham Road. This would require some vegetation removal despite the existing agricultural access already providing a gap in the hedge line. From my observations Tillingham Road at this point has a rural character with grass verges to the road frontage and no street lighting along it. The access would extend the developed edge of the settlement. The proposed dwellings are indicated to be set back from the road frontage with open space



close to the road. This is consistent with the parameters plan which shows a green edge to the road frontage. Consequently, the access road would appear relatively isolated and disconnected from the village.

18. The siting of dwellings beyond and set back from the line of the existing frontage development would be incongruous in extending the built form away from the Tillingham Road frontage and exceeding the established edge of the village. Development would be to the centre of the field where the prominence of the dwellings would be exacerbated by the open undeveloped fields to the west and east.
19. Even if development is restricted to a maximum height of 9 metres and of a similar density to the village, dwellings would appear particularly prominent in the landscape considering that the land slopes away at a steeper gradient towards the northern boundary. In addition, the steeper land would cater for the drainage attenuation solution for the housing, provide accessible open space for the development and the village including walking routes and play space together with any necessary infrastructure to make the open space usable. As an outline application these details remain unclear, but infrastructure requirements together with extensive landscaping to define and contain the development would all change the rural agricultural character of the landscape, obtrusively projecting the extent of the development to a significant area beyond the village in a way that is incongruous with its current form and layout.
20. The result would be a conspicuous intrusion of settlement into open, undulating arable farmland landscape with a limited and poor relationship to any adjoining development. The retention of large areas to accommodate less intensively occupied open space and infrastructure would not ameliorate the landscape harm arising from the loss of an undeveloped area of countryside on the edge of Southminster. Accordingly, I share the Council's assessment that the appeal site has a high sensitivity to change and the resultant effect of the development on the character of the landscape would be substantial and adverse.
21. Regarding matters of visual amenity; several properties on Homefield face the appeal site and have open views of the rural landscape. Although the land falls away to the north the proposed development would be prominent and rural views would be lost. The effect of the development on these properties would be substantially adverse and would be unlikely to be moderated to any noticeable extent by landscaping and open areas incorporated into the proposed development.
22. Views of the site from the rear of properties facing Cripplegate would be filtered by existing garden boundaries and vegetation at ground floor but would be more open at first floor. Views to the rural landscape northwards and to the village edge to the



south would be oblique. The rural views are not expansive, and the adverse effects of development would consequently be moderately adverse.

23. Elsewhere within the village the appeal site is seen between buildings. In some views absence of development draws in the rural context beyond the village but none of these glimpsed views contribute significantly to the street scene and the effect of development on such views would be minimally adverse.
24. When approaching the village from the north along Tillingham Road the rural character and extent of the appeal site is prominent within the field of vision.

Notwithstanding that the dwellings would be mostly set back from the Tillingham Road frontage with intervening open space and landscaping, the loss of the open agricultural field will be highly perceptible. The openness on the approach to Southminster along Tillingham Road is particularly appreciated because the bend in the road provides an opportunity to experience views over the site. The loss of agricultural landscape would be keenly and harmfully experienced by road users where development in the foreground would noticeably erode the rural context of the village, foreshorten views over the rural landscape and contrast harmfully with the immediate open agricultural surroundings.

25. The required highway junction and associated change to the speed limit signage, visibility splays and footpaths would be notable urbanising features along the lane. The new access point would afford direct views into the built development and the houses would be visible above the roadside vegetation. New planting may moderate some of the consequences of the development over time, but the visual effects of the development would remain moderate adverse.
26. Further East from footpath Southminster 4, views of the appeal site would be filtered by existing and proposed landscaping, even so, the upper part of dwellings would be visible and the wider sense of openness from viewpoints along the footpath across the landscape would be adversely encroached upon.
27. Sheepcotes Lane is an access route and a bridleway. It was acknowledged at the Hearing that the route is well used, and I observed this at my site visit. The boundary of the appeal site with Sheepcotes Lane is relatively open. Here the lane has a tranquil rural ambience with appealing long distant, rural views to the north, east, and west. The edge of the settlement is visible in views when travelling southwards but existing landscaping filters these and the site appears primarily rural in character when looking towards the village from the lane.
28. The appeal proposal would conspicuously diminish rural views from the lane through a combination of visible built form and the indicative landscaping. The associated development of the open space with paths and landscape features would further reduce openness and tranquillity. I acknowledge that the intervening



landform and Sheepcote would predominantly limit the visibility of the development on the bridleway to the north, but the development would nevertheless harmfully erode the rural experience for users of the path further south. The effects would be substantially adverse. Planting may filter some impacts of the development over time, but the effects on the lanes rural qualities would remain significantly adverse.

29. There are views to the windfarm in the middle distance to the east, but the presence of these large, isolated utilitarian features, in this location, does not diminish the quality of the landscape or the views across it.
30. From Foxhall Road the village edge is seen set back with the appeal site in the foreground. The land slopes down to the north with the northern field boundary significantly less visible in the landscape. From Foxhall Road views of the new houses would be available across the intervening fields. I do not agree that in such views, development would be seen as a continuation of the existing built-up area. Rather, because of the extent of the development and the topography of the land, the development would appear to notably extend into open undeveloped countryside. The indicative landscaping on the northern boundary would be at a lower level and would do little to filter views of the development, and the landscaping across the field centre would only minimally soften the development over time given the height and density proposed.
31. While there are no footpaths along Foxhall Road, and views towards the appeal site would on the whole be seen from cars moving east west within the landscape, the proposed development would be detrimental to the rural outlook from Foxhall Road. In other perspectives from Steeple Road, Badnocks Cottages and the more distant views from footpath Southminster 1, landscaping would lessen the visual impact over time but there would remain a residual, perceptible erosion of the wider rural context of the village in these views.
32. I conclude that even taking account of the indicative landscape and development framework plan, and having regard to the fact that other than the parameters plan all details remain to be determined, the identified adverse impacts to the character of the host landscape and the harmful visual effects from various perspectives would very substantially harm the character and appearance of the area. Therefore, the development would be contrary to Policies S1 part 12 and D2 of the Local Plan where these policies seek to ensure that developments respect and enhance the character and local context and make a positive contribution in terms of landscape setting, and where it seeks to maintain the rural character of the district without compromising the identity of its individual settlements.
33. These policies are consistent with the Framework where it seeks to ensure that development is sympathetic to local character and history, including the



surrounding built environment and landscape setting, and that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Heritage assets

34. The duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
35. There are no heritage assets on the appeal site itself, but there are a number nearby. These include the following grade II listed buildings, Home Farmhouse, The Laurels, 2 North End, Southminster former police station and associated coach house, Spratt's Farmhouse and Sheepcote. The Cropmark site SW of Oldmoor Scheduled Ancient Monument is to the east of the appeal site. I saw all of these heritage assets at my site visits, and I have been able to consider their relationship with the appeal site.
36. The relevant issue is the effect of the proposed development on the significance of these heritage assets. This is defined in the Framework as the value of the asset because of its heritage interest. It may be archaeological, architectural, artistic, or historic. In this case it is the effect on the setting of the heritage assets that is at issue and how the proposed changes would thereby affect their significance. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. It indicates that it may change over time and may make a positive, neutral, or negative contribution to the asset's significance.
37. In respect of The Laurels, 2 North End, Southminster former police station and Spratt's farmhouse I agree with the parties that the proposed development would not be within their setting. Furthermore, there are a number of non-designated heritage assets close to the site. Neither party considers that the appeal site contributes to the significance of these non-designated heritage assets or their setting and having visited the site I see no reason to disagree.

Home Farmhouse

38. Home Farmhouse and its gardens adjoin part of the southwestern side of the appeal site. Its significance relates principally to its architectural interest as an example of an ancient farmhouse which has evolved organically over the centuries.
39. The immediate setting of Home Farmhouse comprises its gardens. The appeal site abuts the rear garden and historically formed part of Home Farm. Although the



visual relationship between the farmhouse and the appeal site has been eroded by later housing, the farmhouse derives value from its wider rural setting. The appeal proposal would result in considerable change to the view from the rear garden. The parameters plan indicates that bungalows would be placed to the rear of the farmhouse. This would limit the harm to the appreciation of the farmhouse when viewed from North End because the perception of the built form would be more limited. The form of the development would be subject to control at reserved matter stage although the principles on the parameters plan would be subject to a condition. Nevertheless, the connection of the farmhouse to the wider rural landscape would be lost and in this respect the development would be detrimental to its significance.

40. Consequently, there would be less than substantial harm to the significance of Home Farmhouse by virtue of the proposed development within its setting. The fact that the historical significance of the building predominantly lies in its fabric, which would not be affected, plus the mitigation measures in terms of the form of the development proposed, would result in a low level of less than substantial harm.

Sheepcote

41. Sheepcote is located to the north of the appeal site accessed via Sheepcotes Lane. It sits apart from the Southminster surrounded by arable fields. Sheepcote derives its significance from its architectural interest due to its timber framing and period architectural features. It also derives significance from archaeological interest as far as it retains evidence of the buildings original design.
42. The appeal site forms part of the extended setting of Sheepcote by virtue of its proximity to and intervisibility with the listed building. Its arable character reinforces the isolation of Sheepcote and makes a positive contribution towards its significance.
43. Sheepcote is some distance north of the development. Although there may be some glimpsed views of the development from the upper windows of the property arable fields would be retained around the listed building and views are to be retained towards Sheepcote from Tillingham Road. Even so, such views would be more urban and extending development and recreational uses close to Sheepcote would reduce the properties isolation resulting in harm to its significance. The harm would be less than substantial in nature and at the low end of the spectrum.

Scheduled Monument

44. The Cropmark site SW of Oldmoor Scheduled Ancient Monument is a substantial site which sits adjacent to New Moor Farm extending across Tillingham Road into the field to the east of the appeal site. The scheduled monument is below ground and its significance derives from its archaeological and evidential interest. Sited



between the low lying Dengie Marshes and the higher, drier ground between the river Blackwater and Crouch, the site of the ancient monument would have provided its prehistoric and roman inhabitants with the rich sources of food from both landscapes.

45. The landscape character of the area provides a strong sense of openness with long views to the west towards the appeal site including its relationship with the valley and farmland. This enables the scheduled monument's place in the landscape to be readily experienced and appreciated. This is particularly apparent in views from the public footpath (footpath 4) which is on a line close to part of the monument to its east side. The appeal site is a component of the open, rural landscape around the scheduled monument that makes a major contribution to its setting.
46. The desk-based assessment and geophysical surveys have identified a range of historic environment assets within the proposed development area comprising possible enclosures and linear features that may form the hinterland to the Scheduled cropmark complex, a historic farmstead and a brickfield have also been identified from the historic maps. While the county archaeologist acknowledges that linear features may form the hinterland to the scheduled monument, there is agreement that the archaeology deposits could be protected through a full archaeological investigation, ground works, evaluation, and post excavation assessment.
47. The parameters plan proposes that the development be set back from the Tillingham Road frontage. This would maintain views across the site to the north although the appeal site would appear more urban and the relationship with the valley and farmland would be eroded. Consequently, part of the open rural landscape around the monument would be lost.
48. At the Hearing it was agreed that the set back of the development and measures to further residents' and visitors' appreciation of the site's heritage could be secured by condition. In this context, I agree with Historic England that, in the Framework terms the harm to the special interest and significance of the ancient monument including its setting would be less than substantial.
49. Overall, with regard to designated heritage assets, the proposed development would result in less than substantial harm to Home Farmhouse and Sheepcote. I have had regard to the duty under the act even so I have found that harm would be at the low end of the scale. There would also be less than substantial harm to the special interest and significance of the Cropmark site SW of Oldmoor Scheduled Ancient Monument because of development in its setting. The Framework makes clear that less than substantial harm to the significance of a designated heritage assets should be weighed against the public benefits of the proposal, bearing in mind that great weight is to be given to the asset's



conservation this is consistent with Policy D3 of the Local Plan. I return to this matter below.

European Designated sites

50. The appeal site is within RAMS zone of influence and the proposed development falls within the scope of the RAMS as relevant development. I am the Competent Authority required under Regulation 63 of the Habitats Regulations to consider whether the appeal development either alone or in combination with other plans and projects would have a likely significant effect on the integrity of a designated European Site.
51. The Special Areas of Conservation, Special Protection Areas and Ramsar sites are extensive areas of estuaries and intertidal sand and silt flats, including several islands, shingle and shell beaches and extensive areas of salt marsh which support nationally important breeding and non-breeding birds and a full and representative sequence of saltmarsh plant communities, their qualifying features. The conservation objectives are to seek to ensure that the disturbance of qualifying features is not increased.
52. As the proposal is for an additional up to 220 dwellings and given the appeal site's distance to the European designated sites, the parties agree that it is unlikely that that future occupants of the site would access the European sites for recreational purposes in notable numbers. I agree that the numbers are likely to be small but in combination with other developments there would be potential for additional activity to have a likely significant effect on the European sites. Therefore, the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
53. A per dwelling contribution to fund Essex Coast Rams is proposed within the s106 agreement. At the Hearing it was agreed that a condition to ensure specific mitigation measures including the provision of walking routes, signage, and information regarding the sensitivities of the European sites would be necessary. With the contribution insured in the s106 agreement and the details of the onsite open space required by condition, I am satisfied that mitigation measures have been secured. As such, the integrity of the sites would be maintained.
54. As I have concluded that the effects of the development can be mitigated, in terms of paragraph 11d) i. of the Framework, there is not a strong reason to resist the proposed development regarding irreplaceable habitats.

S106 agreement

55. The s106 agreement would place various obligations on the District Council, the County Council and those with an interest in the land. I am required to consider whether these obligations meet the statutory requirements in Regulation 122 of



the Community Infrastructure Levy Regulations (the CIL Regulations) and the policy tests in paragraph 58 of the Framework. Were I to conclude that they do not, the s106 agreement contains a provision that any such obligations are not binding and would not be taken into account in this decision.

56. The proposed 40% affordable housing would exceed the 30% set out in the development plan policy for this part of the district. The additional 10% reflects the appellant's acknowledgment of the need for such housing. The s106 contains provisions to secure an appropriate tenure mix for the affordable units and to ensure that rented properties are occupied by individuals with a local housing need. The affordable housing obligation would meet the necessary tests and ensure the proposal would accord with Policy H1 of the Local Plan.
57. The application description includes the provision of public open space, and the parameters plan confirms that a large area of the appeal site would be open space. The indicative landscape strategy illustrates the location of specific provision for a Locally Equipped Area for Play and details of features required as part of the mitigation toward maintaining the integrity of the European Designated Sites. Layout and landscaping are reserved matters, but the agreement would secure the laying out, maintenance and management of the open space. The open space provisions in the agreement would meet the CIL tests and ensure accordance with Policy N3 of the Local Plan and mitigation required to accord with RAMs.
58. The requirement for an Essex Coast Rams contribution is discussed elsewhere within this decision. The contribution is required to maintain the integrity of European designated sites and is calculated in accordance with the mitigation strategy.
59. With regard to primary health care provision, the health partners of the Mid and South Essex Integrated Care System (the ICS) have identified that there is already a deficit in primary health care facilities in the area and the development would add to the deficit. The costs of providing for the population generated by the development is based on a calculation of the primary care floorspace needed to support the additional population. The ICS uses recognised parameters for the calculation of household size, space requirement for primary and community care services and a recognised cost multiplier. Based on these the ICS identify the need for 36.2 square metres of additional floor space and the capital required to create this additional floor space at £109,100. The s106 secures this contribution which I am satisfied would meet the relevant tests.
60. In addition to the above contribution the s106 agreement secures a contribution of £400,000 towards the provision of a new Southminster medical centre. I understand that permission has been granted for the health centre and land for its construction provided. However, evidence submitted by the owners of the land indicates that the new medical centre would be unlikely to come forward because there is a funding gap and financial constraints on the NHS. The landowners



confirm that the £400,000 would make a meaningful contribution towards bringing the new facility forward and assist in overcoming the funding gap for the NHS. It would improve the prospects of achieving a viable medical centre development, but it would not entirely address the shortfall in funding.

61. The appellant argues that the £400,000 is necessary to mitigate the impacts of the increased demand for health care provision from the development and sets out the clearly significant shortfall in provision across the whole of the District with Southminster particularly deficient in capacity. However, the ICS advice that the contribution of £109,000 would be the sum necessary to make the development acceptable in planning terms. The appellant considers the delivery of the new health centre facility would be more beneficial and appropriate as a mitigation for the population generated by the development than a contribution based on additional floorspace at the existing medical centre. However, the sum of £400,00 has not been identified as necessary or directly related to the development. The ICS has calculated that figure to be £109,000 using an agreed methodology and this sum is an obligation in the s106 agreement.
62. In terms of being fairly and reasonably related in scale and kind to the development. There is no specific capital project cost associated with the £400,000. While the appellant contends it is proportionate, might support the delivery of the medical facility and secure improvement which might not otherwise arise there is no specific justification for the £400,000 payment. Consequently, I have not taken the Southminster Health Centre obligation into account.
63. There is a confirmed presence of Great Crested Newts in one offsite pond within 250 metres of the appeal site. A district licensing scheme is in place for Essex, led by the Natural England, and as such, this provides an option to ensure that mitigation and licensing requirements for the proposed development are fully addressed. An application can be made to join the district licensing scheme, with a conservation payment to be made towards offsite habitat creation to secure a licence and allow works to proceed. Through this mechanism, the long-term favourable conservation status of the local Great Crested Newt population will be maintained. The payment towards the district licensing scheme within the s106 of £6,817 would meet the CIL tests.
64. The requirement to provide a residential travel plan and an annual monitoring fee until one year after the development is fully occupied accords with policy T1 of the Local Plan and meets the relevant tests.
65. To support the delivery of a more sustainable transport network and to maximise the use of public transport Essex County Council are seeking a contribution of £600,000 to provide additional bus services that would improve bus links from new and existing bus stops near the site to Maldon, Burnham-on-Crouch and Bradwellon -sea.



66. The bus contribution would support an hourly Burnham to Maldon service via Bradwell Monday to Saturday for 3 years and a 2 hourly service on a Sunday for 5 years. Clarification of the costs involved in providing the additional bus service was provided at the Hearing. I am satisfied that the contribution accords with Policy T1 of the Local Plan and meets the CIL tests.
67. Essex County Council has sought financial contributions towards early years, primary school, and secondary school provision. The County Council set out that the existing school and early years facilities do not have the capacity to accommodate the demand for additional school places resulting from the development. The contributions sought and the requirements in the s106 agreement are in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (the Guide) revised 2024.
68. In addition, the in catchment secondary school is more than 3 miles from the appeal site and pupils would be entitled to free school travel. Therefore, a contribution towards school transport is also sought in accordance with the Guide. The contributions accord with Policy I1 of the Local Plan.
69. A contribution of £77.80 per dwelling is sought towards library provision for upgrading of existing facilities at the closest Library to the Development (Southminster) to include, but not limited to, additional furniture, technology, and stock and to expand the reach of the mobile library and outreach services. The basis for the contribution is set out in the Guide and I am satisfied the contribution meets the CIL tests.
70. Skylark is a priority species¹. The ecology survey identified 3 breeding pairs of skylarks within the appeal site. As their habitat (arable) is being lost under the proposals, appropriate compensation is secured through the s106 agreement in the form of offsite Skylark plots and a mitigation strategy. These compensation measures would mitigate for the loss of Skylark habitat within the appeal site and would be implemented from commencement of the development for a period of 30 years. The obligation complies with Policy N2 of the Local Plan.
71. There is an obligation to pay a fee of £4900 (£700 per obligation) to the County Council and £3750 to the District Council for monitoring the s106 obligations. Given the number of obligations this would appear to be a reasonable figure and so I consider the monitoring fee obligations would meet the necessary tests.
72. Taking account of all the information provided to the Hearing, and for the reasons I have given, overall, I am satisfied that, with the exception of the Southminster Health Centre contribution, the planning obligations in the s106 agreement are necessary to make the development acceptable in planning terms, directly related

¹ as defined in accordance with the Natural Environment and Rural Communities (NERC) Act 2006



to the development and are fairly and reasonably related in scale and kind to the appeal development. They meet the statutory and policy requirements. I am therefore able to take them into account in my decision.

Benefits of the Development

Housing land supply

73. The parties agree that the Council does not have a 5-year housing land supply. Following the publication of the revised version of the Framework incorporating a new standard method for calculation of housing land supply the local housing need for the Council area increased to 569 dwellings per annum an increase of 293 dwellings per annum against the previous standard method.
 74. Based on the updated housing need, the parties agree in the Statement of Common Grounds that for the purposes of this appeal the latest supply position is 2.7 years, a shortfall of 1,375 dwellings over the 5-year period.
 75. At the Hearing it was confirmed that the appellant has an option to buy the site and should planning permission be granted for the development, most of the scheme would be delivered in the next 5 years. Therefore, the evidence is that the appeal scheme can be delivered in a relatively short time frame and provide a notable boost to the supply of housing where there is a significant shortfall in the supply of housing land.
 76. Regarding the housing mix, Policy H2 of the Local Plan requires that the housing mix shall reflect local housing need and demand in both market and affordable housing, particularly the need for an ageing population. This is consistent with the approach in the Framework. The planning practice guidance further identifies that the need to provide for older people is critical.
-
77. The proposal is in outline with matters of detail to be agreed at reserved matters stage including the mix of dwellings to be provided. The parameters plan sets out that an area of the site would be primarily bungalows for the elderly and developed at a lower density, with the indicated extent is to be finalised at the reserved matters stage. The housing mix is a matter to be resolved at detailed design stage and it is to be expected that the mix would reflect the needs of the community in accordance with the Local Plan policy including older people. The parameters plan does not identify that the numbers of bungalows would be greater than one would expect as part of a mixed development. Nor can I be sure that such properties would be bought by older people in the absence of a specific mechanism to ensure that would be so.



78. Nevertheless, overall, I attach substantial weight to the delivery of housing that would contribute to supply and provide for a mix of dwellings, including for older people, to meet local needs.

Affordable housing

79. The scheme includes the provision of 40% affordable housing, 10% above the policy requirement in the development plan. The affordable housing is secured through the s106 agreement and would provide a development plan compliant tenure split of 75% social rent and 25% intermediate housing.
80. The appellant sets out a comprehensive assessment of the provision of affordable housing within the district. The parties agree that there has been a 480 dwelling affordable housing shortfall accumulated since 2020/21. When the shortfall is factored into the 2021 Local Housing Needs Assessment identified need of 209 affordable homes per annum for the period 2020 to 2040, the number of affordable homes the Council will need to complete increases to 305 net affordable homes per annum over the period.
81. Assuming that all sites in the April 2024 5-year housing land supply statement were to come forward with a policy compliant level of affordable housing there is a possible supply of 139 new affordable dwellings per annum. If the past delivery rate is applied, then this falls to 73 new affordable dwellings per annum. Fewer affordable homes than would be provided by this scheme.
82. The appellant's evidence also sets out that house prices and rents have increased across the lower quartile of the housing market, while at the same time the stock of affordable homes is failing to keep pace with the level of demand so that buying and renting in Maldon is out of reach of more people. In addition, there is a specific need for affordable housing in Southminster, with 60 people on the housing register identifying a preference for Southminster (March 2024).
83. In light of the evidence, the provision of up to 88 affordable dwellings is an important benefit which attracts substantial weight in favour of the scheme and accords with paragraph 66 of the Framework. I have had regard to the various appeal decisions brought to my attention on this matter. My approach in this decision is consistent with these.

Economic benefits

84. There would be a contribution to the economy during the construction period from the jobs created and uplift in local spend. In addition, the employment and skills plan demonstrates how engagement with the local labour market would provide apprenticeships and other opportunities for local people. Implementation of the



skills plan would contribute to the local economy by developing local skills and providing employment.

85. There are local shops and some services within Southminster village enough to provide for day-to-day needs. However, the range of facilities is more limited than in the larger settlements within the Local Plan area which limits the economic benefit of the development to the village economy. Even so, the wider economy would benefit from the provision of additional housing particularly with the upgrade to bus routes and the availability of a train connection. The proposals would also have the potential to reduce the Council's spending on temporary accommodation because of the proposed affordable social rented properties to be provided to those with a local connection. However, given the size of the development and the location of the site away from the main towns within Maldon District I conclude that the economic benefits of the scheme would be moderate.

Access to services and facilities

86. The parties agree that the appeal site is within an appropriate walking and cycling distance to bus stops, railway station and a range of other services and facilities. The improvements to bus services and proposed pedestrian connections to the village centre would support accessibility. The range of facilities within the village are limited. Access to a greater range of shops, services and employment would necessitate a bus ride, train ride or car journey. The improvements to bus services and bus stops would make the possibility of accessing larger settlements a realistic prospect and would also be available for wider public use. The accessibility of the site would be consistent with the relevant policies, in particular paragraphs 110 and 115 of the Framework, and attracts significant weight.

Open space

87. The indicative plans show how the scheme could be laid out to provide open space, including play space, cycling, and walking routes and a community orchard. Layout of the site is a reserved matter so the details of where and whether all these facilities would be provided is yet to be decided. Nevertheless, some of the open space would be necessary to support the new dwellings and new walking routes would in part be to mitigate the likely significant effects to European designated sites. These elements are secured by condition and the wider amount of overall open space is identified on the parameters plan which the appellant is seeking to agree by condition.
88. I agree that the open space is some distance from many houses within the village, but it is next to Sheepcotes Lane, an attractive rural lane for walking and footpaths within the appeal site could provide an extended circular walking route. However, I also saw the existing facilities within Southminster at my site visit and I heard from



the Local member for Southminster that the existing amenity spaces within the village are underutilised. I acknowledge that open space in Maldon may be inconsistently distributed and below standards in some areas, but I have little to suggest an overall deficiency in Southminster. All things considered I give limited weight to the provision of open space within the appeal scheme.

Biodiversity net gain (BNG)

89. The Appellant's BNG assessment indicates that there would be considerable gains in habitat units, hedgerow units and river units on the appeal site. It is common ground that the appeal scheme could make provision for 82.06% habitat units, 30.3% in hedgerow units, and 16% in water course units. These are significant gains as at the present time there is no requirement for anything beyond a positive outcome.
90. While I acknowledge that following the principles set out in the landscape strategy plan and in the Aspect BNG document December 2023 could provide gains of a high order a condition requiring specific percentage of gain by condition would be difficult to enforce. Furthermore, achieving such gains is based on several assumptions about landscape design, future management, and hedgerow retention. I am satisfied that the site would provide significant positive gains to biodiversity, however, given that landscaping is a reserved matter and having regard to the assumptions made about the post development habitats I attribute moderate weight to the provision of BNG.
91. Drawing all the above matters together, it seems to me that the appeal proposal would offer a wide range of public benefits. While individually the weight that I have given them varies, when taken together I consider that the package of benefits can be given substantial weight on the positive side of the planning balance.
92. As I have not found that the contribution to the provision of the health centre to meet the relevant CIL tests this would not be an economic benefit of the scheme but even if it had met the tests and contributed to the benefits of the scheme it would not have changed my overall weighting in respect of the scheme's benefits.

Heritage Balance

93. As I have already set out there would be less than substantial harm, on the lower end of any spectrum, to Home Farmhouse and Sheepcote. There would also be less than substantial harm to the Cropmark site SW of Oldmoor Scheduled Ancient Monument. Such harm should be weighed against the public benefits of the proposal. Even where harm would be at the lower end of less than substantial this harm must be given great weight. In any case, I apply no such scale to the less than substantial harm to the scheduled ancient monument. The Framework identifies scheduled monuments as assets of the highest significance and the



Framework is clear that the more important the asset the greater the weight should be.

94. The public benefits would be those benefits I have set out earlier in my decision and I have concluded that collectively these carry substantial weight. Given that the parameters plan would form part of the planning conditions and would secure development being set back from the Tillingham Road frontage, albeit over an area of land that would appear more urban in the context of its proposed use, I am satisfied that the public benefits outweigh the identified harm to heritage assets even when giving great importance and weight to such matters. In my judgement heritage assets do not therefore provide a strong reason for refusing the development proposed.
95. The appeal scheme would comply with the historic environment conservation and enhancement policies of the Framework in so much as they provide the opportunity for any less than substantial harm identified to a designated heritage asset to be outweighed by the public benefits of a development proposal. There would also be compliance with Policy D3 of the Local Plan where it seeks to balance harm against benefits.

Planning Balance and Conclusion

96. The parties agree that the most important policies for determining the application are Policies S1, S2, S8 and D1. In the absence of a 5-year housing land supply with a supply of only 2.7 years, the Council does not allege any conflict with the spatial strategy in Policies S2 and S8. The appeal site is outside the defined settlement boundaries within the Countryside. However, due to the housing land supply position Policies S2 and S8 are out of date. I therefore ascribe very limited weight to the adverse impacts arising from the conflict with these spatial strategy policies.
97. Nevertheless, for the reasons I have set out there would be harm to the character and appearance of the area and the development would conflict with Policies S1 and D1 of the Local Plan. These policies are consistent with the Framework and conflict between the proposal and Policies S1 and D1 attracts very substantial weight.
98. Considering the application of paragraph 11 d) of the Framework, for the reasons I indicated earlier in this decision heritage assets and habitat sites do not provide a strong reason for refusing the proposed development as per paragraph 11 d) i. This means that it is necessary to consider whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies in the Framework for directing development to sustainable



locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

99. The appeal proposal would result in substantial adverse impacts to the character of the host landscape and harmful visual effects from various perspectives which would very substantially harm the character and appearance of the area. The Framework seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting and contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside. The adverse impacts of the development attract very substantial weight. I have also identified less than substantial harm to the significance of designated heritage assets to which the Framework requires I give great weight.
100. The package of public benefits that would flow from the appeal proposal would weigh substantially in favour of the appeal and I recognise that the benefits meet many of the Framework objectives. However, in this case, the harms identified in the previous paragraph would weigh very heavily against the appeal proposal. In my judgement, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In reaching this judgement I have had particular regard to key policies referred to in footnote 9 of the Framework. Key policies have been considered in my reasoning and have informed the planning balance that I have applied. Therefore, the presumption in favour of development does not apply.
101. The planning balance in the Framework is given statutory force in the development plan and the proposals would also conflict with Policy S1 of the Local Plan and would conflict with the development plan as a whole.
102. My overall conclusion is that the proposal conflicts with the development plan and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR



Failure to Support EHDC's Sustainable Transport Objectives

- **With Holybourne being identified as an “other settlement with a policy boundary”, the additional 160 homes proposed would take the level of growth outside what could be considered ‘small scale local development’ in the context of Holybourne’s position within the settlement hierarchy (tier 4), the size of the village and the availability of services.**
 - **Whilst Holybourne does contain some local infrastructure, the vast majority of trips from the development would be external to the village by private car.**
 - **Neither has the applicant made any meaningful assessment of whether the existing services in the village can support an additional 160 homes, representing a 30% increase in the size of the village.**
 - **The development therefore does not support EHDC’s sustainable transport objectives in accordance with the overriding principles of sustainable development established via EHDC’s application of the settlement hierarchy.**
 - **The application should therefore be refused in accordance with JCS Policies CP1, CP2 and CP10 and NPPF Paragraph 110.**
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The National Planning Policy Framework (NPPF) identifies that the planning system should actively manage patterns of growth in support of sustainable transport objectives (NPPF Paragraph 110). EHDC’s method for actively managing growth in accordance with the Framework requirement is via its adopted settlement hierarchy. As set out in the adopted Development Plan, Holybourne is a Tier 4 Settlement within the Settlement Hierarchy.

Holybourne does contain some local infrastructure, which would allow a proportion of trips from the development to remain in Holybourne. However, it is not the overtly accessible location that is being portrayed in the application documents. The vast majority of trips from the development would be external to the village by private car. Moreover, the rural village is not a sustainable location for a major urban extension of the scale proposed.

Sustrans identifies that 10 minutes is generally the threshold time-period that people are willing to walk to access key destinations. On this basis, Sustrans recommends applying ‘20-minute neighbourhood principles’ when planning development to maximise opportunities for people to reach as many daily facilities as possible within 10mins (a 20 min round trip).

The Alton Design Code (AECOM: Alton Design Guidance and Codes: Jan 2024) also identifies that while Alton is well-connected to the capital via rail, bus connectivity

within the parish is limited. Bus services between Alton town centre and Holybourne run three times per day for three days a week, with residents having to rely on private transportation. The bus trip from Holybourne into Alton takes 6 minutes, but the return journey is a much lengthier rural route which takes about 34 minutes. Holybourne residents are very much car reliant.

According to Google, Andrews Endowed Primary School is a 10 minute walk from Pentons Close (directly opposite the application site) – see image below. The walk would be longer still from the properties further into the application site.

Figure 1: 10 Minute Walk from Entrance to Application Site.

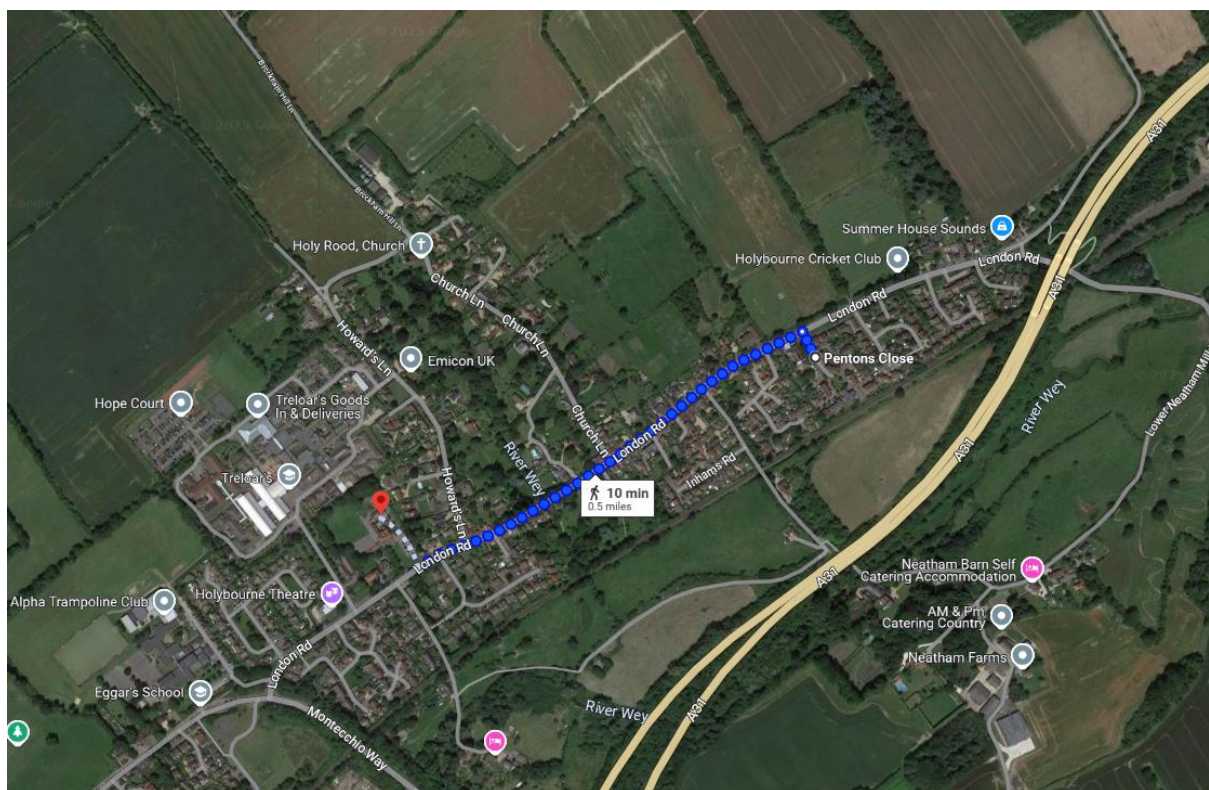


Table 1 below identifies the key facilities identified in the East Hampshire's Living Locally Accessibility Study that are located within and beyond the application site's "20 minute walkable neighbourhood" – i.e. within a 10 minute [google] walk from the application site (a 20 minute round trip). The list of facilities outside of the 20 minute walkable neighbourhood far outweighs the list of facilities within a 10 minute walking radius of the site; as is only to be expected of a settlement in the lower tier of EHDC's Settlement Hierarchy.



Table 1: Facilities within and outside of a Walkable Neighbourhood from the application site

Within 10 minute walk	Outside of the 20-minute neighbourhood
1. Holybourne Play Area; 2. Post Office and Village shop; 3. Pub; 4. Village Hall; 5. Church of Holy Rood; and 6. Andrews Endowed Primary School. 7. Bus stops – although with a limited bus service - see commentary above about reliance on private transportation;	1. Railway station; 2. Hair and beauty salon; 3. Vets and animal hospital; 4. Banks and building societies; 5. Cash machines; 6. Fire station; 7. Police station; 8. Significant employment opportunities; 9. Shopping centres or retail parks; 10. Grocers, farm shops and pick your own; 11. Supermarket chains; 12. Food banks; 13. Fast food and takeaway outlets; 14. Fish and chip shops; 15. Bakeries; 16. Butchers; 17. Clinics and health centres; 18. Chemists and pharmacies; 19. Gymnasiums, sports halls and leisure centres; 20. Hospitals; 21. Dental Surgeries; 22. Optometrists and Opticians; 23. Swimming Pools; 24. Tennis facilities; 25. Golf Ranges, courses, clubs and professionals; 26. Climbing; 27. Athletics; 28. Squash courts; 29. Nursery; 30. Secondary School; 31. Further Education Establishment; 32. Independent and preparatory schools; 33. Special schools and colleges; 34. Higher education establishments; 35. Restaurants; 36. Café, snack bars and tea rooms;



	37. Shooting facilities; 38. Libraries; 39. Bowling Facilities; 40. Snooker and pool halls; 41. Cinemas; 42. Social clubs; 43. Conference and exhibition centres; 44. Theatres and concert halls; 45. Art galleries; and 46. Museums.
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It must also be noted that merely listing existing services and then asserting a location's sustainability - without any meaningful assessment of whether those services can support an additional 160 homes, representing a 30% increase in the size of the village - is fundamentally flawed. This is particularly concerning given that Andrews Endowed Primary School, while having some surplus capacity, cannot accommodate the number of children likely to result from a development of this scale. Furthermore, the village has only a small hall with limited facilities, which is already in regular use by the existing community. Neither has any other evidence been provided to demonstrate that other essential services—such as the pub, village shop, or utilities—can absorb the increased demand, raising serious concerns about the long-term sustainability and impact of the proposal.

It is clearly evident that, when applying the 20-minute walkable neighbourhood concept and considering the likely capacity constraints of existing infrastructure, future residents of the proposed development would be heavily reliant on cars to access most day-to-day services and facilities. Given that Holybourne is identified as an “other settlement with a policy boundary,” the addition of 160 homes would represent a scale of growth that exceeds what could reasonably be considered ‘small-scale local development’—particularly in the context of Holybourne's position within the settlement hierarchy, its modest size, and the limited availability of local services.

The development therefore does not support EHDC's sustainable transport objectives in accordance with the overriding principles of sustainable development established via EHDC's application of the settlement hierarchy. The application should therefore be refused in accordance with JCS Policies CP1, CP2 and CP10 and NPPF Paragraph 110.



Highways Impact

- **The vast majority of trips from the development would be external to the village by private car. In generating considerable growth in external trips, the development would result in a large number of additional journeys through the village and on a poor rural road network with seriously negative consequences for highway safety, congestion, inconvenience and environmental harm.**
 - **The traffic modelling presented in support of the application appears to underestimate the likely impact of the development. An independent and locally calibrated transport assessment should be commissioned, including sensitivity testing and validation against observed conditions.**
 - **The proposed access, given the proximity to Pentons Close, creates a conflict zone, increasing the risk of turning collisions and driver hesitation. This is exacerbated given that vehicles parked along London Road will obstruct forward visibility, making it harder for drivers to see oncoming traffic or pedestrians. The proximity to recreational facilities means frequent pedestrian movement, including children, which heightens the need for clear sightlines and safe crossing points.**
 - **The development would result in an unacceptable impact upon highway safety within the wider village and the residual cumulative impacts on the road network would be severe. Whilst mitigation measures are identified, they do not address the key issues and in any event are disproportionate and insensitive to the village's character and conservation status.**
 - **The application documents also wholly fail to acknowledge or address the significant impact of construction traffic on the village's constrained road network. This omission is unacceptable and undermines the credibility of the transport assessment.**
-

Holybourne Village Association objects to the planning application on the grounds of traffic impact and highway safety, which we believe pose serious risks to the existing community and infrastructure.

Holybourne is a Tier 4 Settlement that does contain some local infrastructure, which would allow a proportion of trips from the development to remain in Holybourne. However, the vast majority of trips would be external to the village by private car. In generating considerable growth in external trips, the development would result in a large number of additional journeys through the village and on a poor rural road network with seriously negative consequences for highway safety, congestion, inconvenience



and environmental harm. The impact on the road network would not be adequately mitigated by the interventions proposed by this scheme, in terms of both highway mitigation and sustainable transport measures.

The network leaving Holybourne from the east (London Road towards Binstead) and north (Brockham Hill) comprises narrow, irregular minor roads and country lanes; whilst through the village London Road is often constrained by on street parking which acts to narrow the carriageway to one lane for large stretches and limits forward visibility. The existing network includes a mix of cars, agricultural vehicles, delivery vehicles and the existing (albeit infrequent) bus service that runs through the village; together with walkers, wheelchair users, runners and cyclists. Large sections of the network in all directions from the application site therefore are restricted to single lane and the pinch points do not just affect two large vehicles, cars also need to regularly slow and stop for oncoming vehicles.

The proposed development represents a 30% increase in housing stock in the village, which will result in a significant increase in vehicle numbers and pedestrians using the network. Based on national averages, this could mean 300–400 additional cars using the village roads daily.

Flawed Traffic Modelling by Developer

In the first instance, Holybourne Village Association considers that the traffic modelling conducted by Redbrown and their consultants is fundamentally flawed, leading to a significant underestimation of the development's impact on the local road network.

The developer's model relies on three critical assumptions:

- Trip Rate per Dwelling: The number of vehicle trips generated per household.
- Traffic Direction: The proportion of vehicles turning northeast toward Binsted vs. southwest toward Alton.
- A transition to sustainable travel

Real-world observations (see note at foot of this document) of three existing residential areas (totalling 111 dwellings) directly opposite the proposed site reveal that:

- The actual trip rate is 45% higher than assumed.
- The directional split of traffic is materially different, with more vehicles turning southwest (towards Alton) than predicted in the application submission (93% vs 81%).



In addition, real-world lived experience of life in this satellite village is that there is no evidence of any shift to sustainable travel modes (other than EVs).

These discrepancies suggest that the developer's model is unreliable and invalid. Southwest traffic flows during the peak hour are likely to increase by 82 car journeys rather than 36 estimated by the developer – more than double the developer estimate.

The consequences of the underestimation are threefold:

- Inadequate mitigation measures: Traffic calming and infrastructure upgrades may be based on incorrect data.
- Compromised road safety: Especially in areas with narrow pavements and poor visibility.
- Planning misjudgement: The development may be deemed acceptable based on flawed evidence.

The traffic modelling presented in support of the application appears to underestimate the likely impact of the development. It fails to account for the constrained nature of the village's road network, the high reliance on private vehicles, and the existing congestion caused by on-street parking. We request therefore that an independent and locally calibrated transport assessment be commissioned, including sensitivity testing and validation against observed conditions.

Proposed Site Access

The proposed access is located slightly offset from the access to Pentons Close, creating a conflict point on a road already constrained by parked vehicles associated with existing residents and nearby recreational facilities. These parked cars significantly impede forward visibility, compromising the safety of turning movements and pedestrian crossings. Whilst the application demonstrates that the relevant visibility splays at the site entrance can physically be achieved, those take no account of the significant parking along London Road that occurs in this location; including by existing residents, families visiting the play area, users of the cricket club, patrons of Town and Country Cars and ramblers.

It should be noted that the park, given the outstanding countryside views, is a popular destination play area for visitors well beyond Holybourne who take advantage of the free parking along London Road. If, as the application submissions so vehemently assert (HVA do not agree), the replacement play area is to be of the equivalent quality to the space that already exists, then it follows that the facility will be equally as frequented by visitors who will also be looking to take advantage of the free parking along this stretch of London Road.



It should also be noted that in addition to the regular sporting activities that occur at the Cricket Club which attract car visitors, the Cricket Club is the venue for many village events further adding to on street parking along this stretch of London Road.

Of particular concern is the following:

- **Opposing Accesses:** Locating a new junction only slightly offset from the Pentons Close access creates a conflict zone, increasing the risk of turning collisions and driver hesitation.
- **Parked Cars and Visibility:** Vehicles parked along the road already obstruct forward visibility in this location, making it harder for drivers to see oncoming traffic or pedestrians. This situation will only get worse if the developer adds another access to the locality and additional vehicular traffic and pedestrians.
- **High Pedestrian Activity:** The proximity to recreational facilities means frequent pedestrian movement, including children, which heightens the need for clear sightlines and safe crossing points.
- **Non-compliance with Visibility Standards:** UK highway design guidance requires minimum forward visibility distances based on speed limits (e.g. 25m for 20mph zones, 43m for 30mph). Parked cars will reduce visibility well below these thresholds, especially for drivers emerging from junctions. The safety of the access will therefore be regularly compromised.

Impact on the Village

The main road through the village already experiences congestion due to on-street parking, effectively reducing it to a single carriageway for long stretches in many places. The pavements are narrow in places, often forcing pedestrians to step into the road to pass one another. In areas where pedestrians already step into the road due to narrow or absent pavements, increasing both the number of pedestrians and vehicular traffic on the network by 30% means more frequent interactions with vehicles, raising the likelihood of accidents. This will especially be the case during school runs and peak commuting hours.

The village's road network was simply not designed for high traffic volumes and lacks the capacity for safe expansion. The development risks urbanising a rural settlement, undermining its character and placing undue pressure on infrastructure.

The Applicant has sought to draw from the networks' previous accident record the conclusion that the network operates safely, and that no unacceptable highway safety aspect would arise from the scheme. But as the proposal would significantly increase



the number of pedestrians and vehicles using this network, it would raise the number of potential conflicts.

The intention to improve road safety along the full stretch of London Road is noted. However, the proposed measures appear disproportionate and insensitive to the village's character and conservation status. Providing a small stretch of shared cycle/pedestrian path between Complins and Traloars has little tangible benefit but would, by reason of the loss of the vegetated verges to accommodate the widening of the existing path, significantly diminish the existing verdant approach into the village along London Road. In addition the build-outs, excessive signage, and formal marking of parking bays around the shop risks further suburbanising the village and undermining the historic character of the area.

The various works are identified as a mitigation strategy for introducing the 160 new homes into the village. However, the build-outs will physically narrow the road, creating further pinch points on the network that force vehicles to slow down or give way. These will be problematic on roads already narrowed by parked cars. Where Holybourne already has high on-street parking, build-outs will exacerbate bottlenecks, leading to delays, queuing and driver frustration at during peak times. Frequent stop-start movements and unclear priority at build-outs would likely lead to driver confusion or risky overtaking, especially if visibility is poor.

The application submissions also make no assessment on the impact on the development upon Church Lane; both in terms of additional vehicle numbers and pedestrian safety. Church Lane is a single, poorly lit, non-paved lane within the Conservation Area and leading to Brockham Hill Lane – a single track lane out of the village towards Odiham and Basingstoke. Church Lane is however also regularly used as a walking route by villagers enjoying the village and wheelchair users from Treloars. The increase in both pedestrians and vehicular traffic using this route as would result from the development has not been assessed; but would inevitably increase potential conflicts and probability of accident.

At the junction with London Road, vulnerable pedestrians already need to dangerously project their mobility aids or pushchairs into the carriageway of Church Lane before being able to see clearly. This is an existing situation that, whilst not ideal, has been the case in Holybourne for many years. More recently, the provision of yellow lines to prevent parking on the southern side of London Road directly opposite junction have sought to address safety concerns. However, the application proposal would give rise to an intensification of both vehicle and pedestrian movements on the network, and this too would increase the probability of conflict and accident.



The development would result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe. Whilst mitigation measures are identified, they do not address the key issues and in any event are disproportionate and insensitive to the village's character and conservation status.

Construction Traffic Impacts

The application submissions wholly fail to acknowledge or address the significant impact of construction traffic on the village's constrained road network. The Transport Assessment is entirely silent with regards to construction phase of the development.

No Construction Environmental Management Plan (CEMP) or Construction Traffic Management Plan (CTMP) has been submitted, leaving serious questions about whether disruption, safety, and environmental harm can/will be mitigated. Given the village's narrow roads, on-street parking, and conservation status, this omission is unacceptable and undermines the credibility of the transport assessment.

Over a four year period of construction the impact would be substantial. Heavy goods vehicles (HGVs), machinery deliveries, and site worker traffic can cause noise, dust, vibration, and congestion, especially in small rural villages like Holybourne where the roads are often restricted to single carriageway. Increased movement of large vehicles poses heightened danger to pedestrians, cyclists, and schoolchildren - particularly where pavements through the village are narrow or absent. In addition, repeated HGV use over a prolonged period can degrade road surfaces, leading to potholes and long-term maintenance costs for the local authority. Furthermore, the continued presence of construction vehicles and temporary signage will detract from the historic character of the village/Conservation Area and cause environmental degradation.

These all represent significant impacts and should be fully assessed.

NPPF Planning Policy

The development would have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe. Paragraph 116 of the NPPF therefore provides to prevent or refuse the planning application on highways grounds.



Note: HVA Impact Survey

Objective:

To obtain a measure of the accuracy of PBA's modelling of the impact of the development on the highway, the HVA measured the rate at which motor vehicles exited Rakemakers, Pentons Close and Vindomis Close between 0800 and 0900 on a weekday, and whether they turned southwest through the village or northeast towards Binsted.

Method

A manual count of motor vehicles exiting Rakemakers, Pentons Close and Vindomis was made between 0800 and 0900 on Monday May 19th 2025. The total number of motor vehicles exiting was recorded and whether they turned left (southwest) or right (northeast).

Results

Road	Dwellings	Vehicles Exiting	Southwest Turns	North East Turns
Rakemakers/Smithy	33	20	19	1
Pentons	44	22	20	2
Vindomis	34	19	18	1
Total	111	61	57	4
Motorist Trip Rate (departures only)		0.550		
Vehicular Distribution			93.4%	6.6%

Conclusion

- PBA's key assumptions of a trip rate of 0.378 and 81% southwest turns are unreliable and invalid; the real-world figures are 0.550 and 93%.
- PBA's desk-based modelling predicts that 160 new homes will generate an incremental **36** southwest vehicle trips between 0800 and 0900 (section 7.4 of the Transport Assessment). PBA arrive at this figure by using a trip departure rate of 0.378 and a southwest turn rate of 81%. They then project a further 25% decrease due to moves to sustainable travel.
- **Observable traffic flows in the real world** indicate that 160 new homes would currently generate an incremental **82** motor vehicle movements southwest through the village between 0800 and 0900.



- There is no evidence of any increase in moves to sustainable transport in Holybourne.
- It is reasonable to conclude that PBA's desk-based analysis has significantly underestimated the impact of the development on the highway during the AM peak.



Impacts upon existing Village Infrastructure

- **Holybourne is a rural Level 4 settlement with a limited but vital range of local services. A 160-dwelling proposal represents a 30% increase in village size — well beyond what is considered “small-scale local development” (JCS para 4.9). No Infrastructure Capacity Assessment has been submitted to demonstrate if / how key community facilities could / would support the population increase.**
 - **Current capacity at Andrews Endowed Primary School cannot accommodate all of the pupils from the proposed development without forcing travel outside the village - contrary to sustainable development principles.**
 - **Thames Water data confirms 375 hours of sewage discharge into the River Wey in the past 3 years due to system failure during heavy rain. Existing infrastructure is overburdened; no upgrades have been confirmed or funded. Approval should be withheld until written assurances are provided that upgrades will be delivered and financed. If appropriate, a Grampian condition could regulate infrastructure delivery timing — subject to full evidence and binding commitments.**
 - **Holybourne’s infrastructure cannot accommodate the scale of development proposed. In the absence of detailed capacity evidence and mitigation measures, the scheme would conflict with both local and national planning policies aimed at promoting sustainable, well-supported communities.**
 - **The development should be refused until robust infrastructure solutions are clearly demonstrated.**
-

Holybourne is a rural village with a defined settlement boundary and a limited but essential set of local services—including a village hall, church, sports ground, playground, shop, pub, theatre, pre-school, and primary school. While geographically close to Alton, Holybourne retains a distinctly separate identity and character, valued deeply by its residents.



Community Facilities

The proposed 160 dwellings would increase the village size by approximately 30%. As a Level 4 settlement in the District's Core Strategy hierarchy, Holybourne is only deemed suitable for "small-scale local development" (JCS para 4.9). This scale of growth is disproportionate and falls outside what the settlement can reasonably support.

While the applicant argues that the site is within walking distance of existing village facilities, no Infrastructure Capacity Assessment has been submitted. Without this, it is impossible to determine whether those facilities can accommodate a 30% rise in population - or whether mitigation measures or upgrades would be required and should be secured as part of the planning application.

Primary School Capacity

A key example underscoring the need for a robust Infrastructure Capacity Assessment in support of development of this magnitude is the capacity of Andrews Endowed Primary School; the proximity and access to which is cited in the application submissions as an indicator of the sustainability of the location.

DfE national pupil yield data estimates that 160 dwellings would generate approximately 40 primary-aged children. Andrews Endowed Primary School is the only primary school in the village and within reasonable walking distance of the site. It is a single-form entry school with a capacity of 210 pupils.

According to gov.uk information and historic Ofsted reports, since 2006 the school has been operating with a spare capacity ranging between 10 and 29; although caution should be taken with the capacity figure from 2025, as this is abnormally higher than the previous years.

Table 1: Historic School Roll & Capacity Data for Andrews Endowed Primary School

	School Capacity	Number of Pupils on School Roll	Spare Capacity
2025 (Gov.uk)	210	181	29
2023 (Ofsted)	210	200	10
2021 (Ofsted)	210	197	13
2016 (Ofsted)	210	195	15
2012 (Ofsted)	210	197	13
2006 (Ofsted)	210	194	16

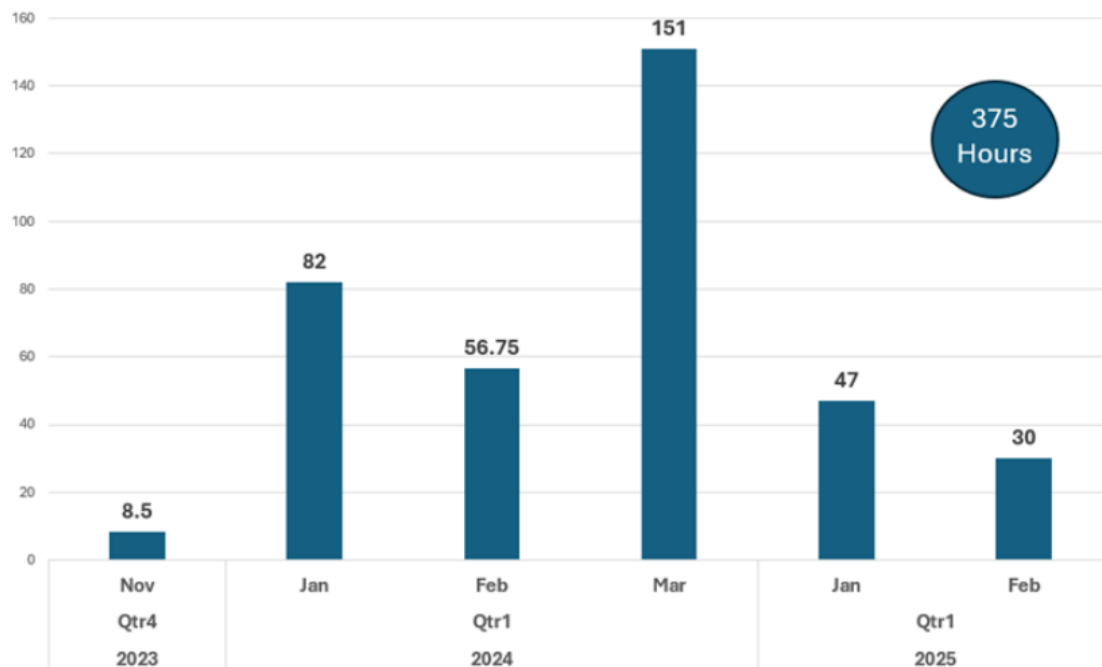
Using the DfE's pupil yield information suggests that 40 houses would yield 10 primary school aged children (=2023 capacity), 64 housing would yield 16 children (= average capacity) and 116 houses would yield 29 children (=2025 capacity). Moreover, whilst it is



evident that Andrews Endowed could support some additional development in the village, that development would need to be at a much more modest scale than is proposed. The application would therefore risk oversubscribing the village school, forcing children to travel to Alton for education - which runs counter to sustainable development principles.

Water & Sewage Infrastructure

JCS Policy CP26 requires developments to demonstrate adequate water and wastewater capacity. Current Thames Water data shows that Holybourne's foul drainage system has failed repeatedly during heavy rainfall, with 375 hours of sewage discharged into the River Wey over the past three years due to pumping station overload.



Thames Water Data

Sewage Discharges (Hours) Holybourne Pumping Station:2022-2024



As JCS para 7.53 states, “housing development will be directed initially towards those catchments that still have capacity.” On this basis, EHDC should be directing growth away from Holybourne.

It is acknowledged that resolving existing infrastructure issues is not the sole responsibility of the applicant. However, the proposed development must not worsen current failures. Approval should not be granted until Thames Water confirms, in writing:

1. What upgrades will be made to ensure the development can be accommodated; and
2. How those upgrades will be fully programmed and funded.

No works should commence until the Council receives binding assurances that these upgrades will be delivered in full. Subject to satisfactory evidence and commitments, a Grampian condition could potentially be applied to regulate infrastructure delivery.

Holybourne's sewage infrastructure is already stretched. Adding 160 homes without careful consideration and verified mitigation risks exacerbating existing shortfalls - and undermines the principles of sustainable, policy-led growth.

Conclusion

The proposed development represents a scale of growth that is inappropriate for a village of Holybourne's character, position in the settlement hierarchy, and infrastructure capacity. In the absence of a detailed Infrastructure Capacity Assessment, and with substantial existing limitations across primary education, foul drainage, and community services, the development cannot be considered sustainable.

Until such time as sufficient evidence, commitments, and mitigation measures are in place to demonstrate that Holybourne can accommodate this level of development without adverse impact, this proposal must be resisted. It is essential that growth across East Hampshire aligns not only with housing need, but with the principles of sustainable, well-supported communities set out in both the Joint Core Strategy and national planning policy.