

Land at Lower Road, Bedhampton, Havant, PO9 3LJ.

**Executive Summary of the Statement of Case on behalf of
Bedhampton Heritage Alliance (BHA).**

The Statement covers the following

- How the setting, history and range of heritage assets make Old Bedhampton a special place.
- How it functions for different modes of transport and the conflicts this creates.
- How such conflicts will be increased and change perceptions of the area as an attractive place.
- How areas recognised as having heritage assets remain outside the boundary of the Conservation Area but within its setting and worthy of protection.

Conservation Area.

ence of Council meetings that raised awareness of concerns related
and will have contributed to the value placed upon the protection of the setting
of the Conservation Area.

The sequence of Council meetings that raised awareness of concerns related
to the area and will have contributed to the value placed upon the protection
of the heritage here by the members of the Development Management
Committee.

The role of the NPPF in the decision-making and value judgements.

The background to the Conservation Area Review and the impact and
significance of the Council's decision on boundary changes.

Confirmation that public concerns related to the Draft Local Plan and the
harm it will create are still unresolved.

The implications that the recent submission of another application by the
appellants has on the determination of this appeal.

The implications of payments for mitigation measures.

The increase in safety concerns arising from increased traffic movements
permeating the area and the harm that will accompany this.

The loss of high quality land, the reduction in attractiveness of secondary
sites for protected species and the creation of parcels of space left over after
planning (SLOAP) that makes them less viable and vulnerable to future
development that will cause further harm.

The introduction of additional urban features, signage, lighting, pavements,
junction that will erode the rural character of the area.

The failure to integrate with the existing stock and the remote location from
local facilities will inhibit social cohesion.

The inability to deliver any houses within the 5-year timeframe set by the
original Housing Statement.

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1.0 Introduction:

- 1.1 Old Bedhampton is a unique place. It is a village with all the rural hallmarks in the public domain and an open coastal rural setting that wraps around 2/3rds of its core. It has surviving remnants of important links to the coast that were safeguarded at the advent of the railway.**
- 1.2 It sits at a strategic location in the landscape that provides a meeting point for movements along the 4 compass points. Sitting at the end of Portsdown Hill, it is likely to have been the focal point for the original settlement of the village and indeed Havant itself.**
- 1.3 It contains many designated and non-designated heritage assets, that are all part of its rich history and worthy of protection. They provide abundant scope for a range of everyday study of the local history.**
- 1.4 It is a readily accessible different place enjoyed by residents drawn from throughout the Borough. It is a cul-de-sac that has been by-passed by harmful urban development to the north and northwest that has consequently helped to safeguard its amenities and character.**
- 1.5 Vehicular entry is restricted to one single lane and one two-lane points that carry the burden and dangers of increasing traffic growth. For motorists it leads nowhere. Pedestrian and cyclists**

enjoy 8 entry points each with different character and links to the surrounding area. Arrival and departure points creating a sense of place. The majority of visitors enjoy the area on foot.

- 1.6 They experience and enjoy both the sights but also the relative tranquillity of the area and the contrast between their urban habitat and the taste of countryside to savour here. A step back in time to Old Bedhampton plays to all their senses.
- 1.7 Evidence will be presented to show how the proposal will destroy a large segment of this relationship and with it directly and indirectly harm the present and future of the range of heritage assets found throughout the Conservation Area and its setting and more particularly those on the site. The development will detrimentally change the character and amenity throughout the Conservation Area. It will show that the proposal fails to demonstrate that any public benefits it might have do not outweigh the harm it generates.

2.0 The site and its context:

- 2.1 The Alliance is generally content with the descriptions provided.
- 2.2 The Alliance has seen the Statement of Common Ground and the Areas of Disagreement. Some elements are not included. Reference will be made to our heritage consultant's review (Murphy Associates) regarding the historic significance of the non designated heritage assets associated with the site
- 2.3 The site also sits within the setting of the Conservation Area as a whole and the closest (100/150m) and most affected designated asset is the grade II* The Elms.

3.0 Relevant planning history

- 3.1 Attention will be drawn to the decision related to application APP/19/01083 west of the farm buildings when refusal was partially based upon the setting.
- 3.2 The updated position regarding the registration of the Right of Way will be provided together with evidence of the full extent of this thoroughfare and its significance.

4.0 The history of representations and the impact upon DMC decision

- 4.1 The application was determined against a background of previous 'back to front' work on the draft local plan and followed the review of the Conservation Area. Decisions on these works were taken by the Council when all members of the Development Management Committee (DMC) would have been present and heard deputations from the public.
- 4.2 Over time a number of articles, features and letters have been published in the local newspaper that may have come their attention.
- 4.3 There were also deputations to the two DMC meetings. A petition from 1700+ signatories has yet to be debated.

- 4.4 The content of these deputations and publicity will have raised awareness of the controversy surrounding the proposed development and the sensitivity of this location. This will have been endorsed by pre-committee site visits. This over 4 years flow of concern will be confirmed.
- 4.5 DMC Members will have personally appreciated not only the visual impact but will have experienced the amenities and ambiance, good and bad, of the area. They will have been able to assess the value they place on these heritage assets. This will have contributed to their judgement of harm. Inescapably it will have raised expectations that to justify anything that happens here it would need to be exceptional and provide significant positive public benefits to the area.
- 4.6 The variations between the two deputations to DMC and the recorded minutes will be noted.

5.0 The Local Plan Policy Context:

- 5.1 The Adopted Local Plan policies preclude development of the site and the EiP (Allocations) Inspector specifically excluded development here for as little as 15 houses based upon the harm not being outweighed by any benefit. The current Local Plan does not support this departure.
- 5.2 In these circumstances the application then falls to be primarily determined against the provisions of the NPPF. This requires an assessment of harm against public benefit: a value judgement which the DMC members made.
- 5.3 The Alliance recognise that it is not the purpose of this Inquiry to determine the soundness of the Draft Local Plan but the appellants have suggested that much weight should be afforded to it even before it is submitted for an Examination in Public (EiP). For this reason, evidence will be provided, as briefly as possible, concerning the soundness of the Draft.
- 5.4 It will show how the plan-making process did not follow normal practice. Crucially, it was not fully evidence based and, what little there was, was flawed. Evidence related to highways is still not available. The Sustainability Appraisal was consequently suspect.
- 5.5 Developers have been encouraged to take an 'Act of Faith' to try to provide a guaranteed 5-year housing land supply focussed upon the development of Greenfield land. DCM adjourned their debate and first meeting to allow time to gather missing information.
- 5.6 Reliance upon the Draft Local Plan will bring into consideration the policies within it. Policy E13 to protect unavoidable harm to designated and non-designated heritage assets and Policy H20 to develop land at Lower Road that will inflict avoidable harm within the whole Conservation Area and particularly on the grade II*, 'The Elms'. These two policies contradict each other and highlight the lack of soundness of the Draft.

- 5.7 Draft H20 also fails to recognise the II* designation of the Elms. It also fails to recognise the Conservation Area to the west and its setting. It falls within the realm of protection identified in the NPPF.
- 5.8 E13 seeks to avoid any harm to designated and non-designated heritage assets and if unavoidable a clear and convincing justification. The application contained no substantial public benefits and no case has been presented in the Heritage Statement or Design and Access Statement regarding the balance of harm and public benefit.
- 5.9 Preparation of the Draft Plan has taken some time but the passage of time alone does not afford any greater weight to it or address its soundness. If any weight were to be attached to it at all it would support a refusal of the appeal.

6.0 The role of the National Planning Policy Framework (NPPF)

- 6.1 The Supreme Court has given judgment on the status of the NPPF. It confirms its role as a golden thread running through the planning system. One role is to step in when policies are out of date to support proposals unless any adverse impacts would significantly and demonstrably outweigh the benefits. This is the situation here and is reflected in Reason 1 of the decision notice.
- 6.2 In relation to conserving and enhancing the historic environment, the NPPF also confirms the need to consider non-designated assets and, where these are directly or indirectly affected, to apply a balanced judgement to the scale of harm or loss and their significance. Significance is defined as the value to this and future generations because of its heritage interest not only from its physical presence but also from its setting.
- 6.3 Planning is both a Science and an Art and in this context Value is subjective and personal and will have been applied individually and collectively by members of the DMC in reaching their 'tilted balance' related to Reason 1, which is their right and duty.
- 6.4 The NPPF glossary includes Grade II* buildings such as The Elms within the assets requiring special regard.

7.0 The Conservation Area Review:

- 7.1 The Sustainability Appraisal of the first draft of the Local Plan relied upon a consultancy's Landscape Character and Capacity Study that failed to recognise
 - (i) The non-native alien nature of the shelterbelt east of the site.
 - (ii) The sunken lane character of Lower Road and
 - (iii) The presence crossing the site of the ancient Narrow Marsh Lane
- 7.2 Having failed to get the consultants to amend their report, the Alliance commissioned a landscape study from Lizard Landscape Design and Ecology that confirmed these elements. Although this did not prompt HBC to revise the Sustainability Appraisal it prompted an examination of the Conservation Area Guidance. It

was out of date and the policy team had not previously consulted their conservation officer.

- 7.3 To fill the void, the Borough agreed that the Alliance commission a review in accordance with their brief, shortlist of consultancies, agreed selection and right to accept or reject the findings.
- 7.4 Regrettably the work was tragically delayed. Pressure to progress the Draft Local Plan resulted in a decision by HBC, to prejudge the final report and to exclude the land within the setting south of Lower Road within the boundary.
- 7.5 On completion of the Review the consultant recommended public consultation on possible extensions including land up to and including Narrow Marsh Lane, either side of 'sunken lane' Lower Road, the former farm buildings and workers cottages to the north. This was not done but at the Council meeting members included the farm buildings.
- 7.6 The dialogue surrounding these events established that, in HBC's view, when compared to others within Hampshire, the recognised 'sunken lane' character of Lower Road was not sufficiently remarkable. The Alliance pointed out the road forms parts of an extended network through the Conservation Area including Bidbury and Kingscroft Lanes which are now included in the extended boundaries.
- 7.7 Regarding Narrow Marsh Lane the Borough's view was that since it was not a registered Right of Way and had no significant built environment impact it did not justify a boundary extension. The Alliance believes that it dates from pre-historic times and could mark a significant marker of the origin of Bedhampton and possibly Havant itself. As a remnant of a significant pre-settlement ancient lane, its full width and setting should be safeguarded regardless of whether it is a registered Right of Way.

8.0 The proposals: Harm v Public Benefit

- 8.1 This is the focus of the Alliance objections. They follow the summary of the consultation on the Pre-Submission Plan. Each topic envisages harm nothing relates to any public benefit. Together all the issues also have a cumulative impact.
- 8.2 The appellants have recently submitted a fresh application making small changes to the layout in the northwest corner ostensibly to overcome the grounds for refusal. This suggests that they admit the appeal proposals do not sufficiently take into account the harm to this relationship with the setting of the Conservation Area.
- 8.3 Reason 2 on the decision notice includes a number of references to a collection of substantial mitigation measures. By definition, mitigation is designed to compensate for harm. Somewhere else may get some benefit from the expenditure of these funds but the harm is inflicted at the site and its surroundings. No mitigation is proposed for the increase in safety hazards at the Brookside Road entrance or on the bends.

- 8.4 The village is self-contained. It is rural in character with substantial sections of highway devoid of footpaths. Any traffic that enters does not pass through. Safety concerns already exist, near misses, unreported accidents and perceived dangers arising from the shared use of the public realm. Any increase will add to these problems and spread throughout the whole of the Conservation Area. The proposals try to justify a capacity for growth without resolving the harms to safety.
- 8.5 Conflict with greater vehicle movements will reduce the attractiveness for walkers and cyclists and impact generally on the attractiveness of the area for recreation and well-being. Greater disturbance of the tranquil setting, loss of rural character and sense of place and distinctiveness. A reduced quality of life will occur for all visitors.
- 8.6 High quality land will be lost and secondary sites for protective species will be lost. Light pollution will be introduced to the area.
- 8.7 Pressure on social infrastructure will increase affecting the whole surroundings. There is no integration with the existing dwellings. There will be little or no community and social integration. The layout provides potential points for later expansion. This will further weaken the ability to protect and enhance the heritage assets.
- 8.8 An enclosed suburban housing design screened on all sides contributes nothing to the rural character of the village. A design based upon infilling makes no positive contribution to the Conservation Area. The remote location is on the extremes of convenient access to local facilities. This is not a good location for social housing.
- 8.9 The justification for including the site, based upon the ability to develop Greenfield land quickly to meet the 5-year need, is lost. Starting now, it will not be possible to deliver any housing within the original timeframe. This is the sole site that detrimentally affects heritage assets both physically and environmentally.

9.0 Conclusions:

- 9.1 The origins of this proposal lie in the rushed and ill conceived preparation of a new Local Plan that is yet to be Examined in Public and found sound. The proposal permanently harms a special place within the Borough that retains much designated and non-designated heritage that is much enjoyed by visitors drawn from a wide catchment.
- 9.2 The current statutory plan follows the advice of the EiP Inspector and does not support the proposal. The NPPF requires an analysis of harm and public benefit. In reaching their decision, the DMC members exercised such a value judgement. Seeking to rely upon the emerging plan brings with it similar policies to protect and enhance heritage assets that would not support the proposal. The passage of time alone does not add weight to the draft plan.

- 9.3 Values derive from many sources and experiences and are not simply visual. All the senses come to bear. Tranquillity, feelings of well-being, threats to safety, recreation, a sense of place and belonging, a historic association.
- 9.4 The proposal is a result of poor planning and poor design. There is a duty to protect and enhance heritage assets. No effort has been made by the appellants to evaluate what, if any, public benefit outweighs the considerable harm. No enhancement of the Conservation Area is evident. The appeal should fail and the site removed from the Draft Plan.
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Conditions:

- (i) In any discussion regarding possible conditions, if the appeal were allowed, the Alliance would wish to see two related matters brought under control either by enforceable planning condition or a legal agreement introduced for the purpose and reasons set out below.
- (ii) The proposals are based upon and rely on the introduction of screen planting on 3 sides and the retention of the residual hedging along the Lower Road frontage. The management of these would become the responsibility of a management company run by volunteers who may be pressured by occupiers to reduce the levels of screening or its removal to open up views from the adjacent dwellings, which would increase the urban intrusiveness of the development. This needs to be prevented.
- (iii) The proposed layout places the rear of several properties to face east, south and west around the perimeter of the development. To overcome the relative small size of the dwellings, residents may seek use permitted development (PD) rights to increase the size of their property and take advantage of sunlight and/or views of the surrounding landscape especially towards Langstone Harbour. Until screen planting reaches maturity, this will result in decades of intrusive visual clutter with a variety of dormers, balconies and two storey extensions seen in views from the surrounding footpaths, highway network and railway. PD rights should be removed from these properties.

Documents/Maps/Plans.

- **Statement from Lizard Landscape Design and Ecology 9/7/2018**
- **Extracts from Judgement of The Supreme Court 10th May 2017**
- **Extract from Chartered Institute for Archaeologists “Code of Conduct: Principle 1 Rules.”**
- **Extracts from CifA “Standard and guidance for stewardship for the historic environment.”**
- **Miscellaneous Documents**
 - (i) **Extract from Inspectors Report 7th July 2014.**
 - (ii) **Extract from Decision Notice APP/19/01083.**
 - (iii) **Listing text for “The Elms”**
 - (iv) **Note of meeting re Conservation Area Review 13/8/2018.**
 - (v) **Email from Dr Dominic Fontana 28 Oct 2020.**
- **Extracts from Consultant’s Conservation Area Review (CAR) 25/10/2018.**
- **Extract from report to Council 25th September 2019.**
- **BHA Deputation to Council re Conservation Area Review (CAR) 25/9/2019.**
- **Councillor Rees deputation re CAR 25/9/2019.**
- **Draft Local Plan Documents**
 - (i) **Extract from post consultation leaflet.**
 - (ii) **Extract regarding potential changes.**
 - (iii) **Extract of summary of main issues raised.**
 - (iv) **Written deputation to HBC Cabinet 1/7/2020.**
 - (v) **Verbal deputation to HBC Cabinet 1/7/2020.**
 - (vi) **Written deputation to HBC Council 9/9/2020.**
 - (vii) **Verbal deputation to HBC Council 9/9/2020.**
- **Deputations to Development Management Committee re APP/19/00427**
 - (ii) **Development Management Committee January 23rd 2020.**
 - (iii) **Development Management Committee March 5th 2020.**
- **3 Statements**
 - (i) **Richard Pratt obo Manor Trust.**
 - (ii) **Dr Richard Jones Bidbury House.**
 - (iii) **Margaret Gray**

Reference will also be made to

- (iv) the documents identified in the appellant's Appeal Statement and Statement of Case, to plans and drawings submitted with the application and
- (v) to selected representations made to Havant Borough Council identified in the Council's questionnaire return.
- (vi) NPPF Paragraphs 11d, 108, 176, 180, 184, 189-190, 194 – 199.

Bargate documents:

Amended Proposed Site Layout Rev S1-1376477

Amended Drainage Strategy Layout –1281268

Heritage Statement – 1171674

Heritage Statement Addendum – 1212150

Design and Access Statement Part 1-1171632

Design and Access Statement Part 2-1171633

"Heritage assets and their setting: Views from a practitioner" Dr N Barker.

HBC documents:

REPS1: pp 1-5, p9, pp11-13, pp14-15 & pp105-107.

REPS2A: pp8-11, pp27-28 & pp29-30.

REPS2B: pp2-4, pp6-7, pp10-12, pp14-15, pp19-20, pp23-24, pp26-31 & pp34-36.

REPS2C: All.

REPS2D: pp6-14 & pp15-20.

REPS2E: pp4-10 & pp23-33.

REPS2F: pp6-9 & pp12-28.

REPS2G: p6, p8 & p13.

REPS2H: pp9-21.

REPS2I: pp1-4, pp5-13 & pp27-31.

REPS2J: pp23-32.

Minutes of Development Management Committee Jan 23rd 2020.

Minutes of Development Management Committee March 5th 2020.

Draft Local Plan Policy E13

Draft Local Plan Policy H20