

APPEAL BY BARGATE HOMES, LAND AT LOWER ROAD, BEDHAMPTON

PINS REFERENCE: APP/X1735/W/20/3259067

OPENING STATEMENT ON BEHALF OF HAVANT BOROUGH COUNCIL

- 1 There can be no denying the vital importance attaching to the need to significantly boost the delivery of new homes. In a modern and civilised society access to a decent and affordable home is a basic human right, and it is generally accepted that every local authority needs to do more to ensure this ideal is realised. New housing development also helps to boost economic growth and drive prosperity. The delivery of more homes, now, without excuses or delay is thus a central plank of the Government's strategy to recover from the pandemic which has gripped the country for the last 11 months.
- 2 Havant Borough Council takes those matters seriously. It has a Framework compliant Local Plan and has submitted a more up to date plan for examination, which will take place in late spring or early summer this year. That activity underlines an important principle. Housing delivery is important, but the government does not support more building at any cost. Development must be sustainable. The purpose of a local plan is to translate the general principles of the National Planning Policy Framework into concrete policies and proposals which reflect local circumstances and aspirations. Consequently, sustainable development is, by definition, that which accords with a development plan.
- 3 Why does this matter?
- 4 The Secretary of State's policy is that the Council's capacity to significantly boost the supply of land for housing is to be measured in terms of whether it is able to demonstrate a 5 year supply of land for housing and the score it achieves in the government's housing delivery test. As the Appellant will tell you, and as the Council must concede, in the last 12 months it could have done better. The Council assesses housing land supply as 4.1 years. That is a significant shortfall compared with the government's target. Housing delivery also stalled whilst the Council and Natural England were compelled to devise a mechanism for controlling the release of nutrients from new development into protected European Sites in the Solent.

- 5 The Council has tackled those issues energetically and effectively. The new local plan will remedy the shortfall of housing land by the summer. And the brake on new housing development in river catchments that feed the Solent has been resolved.
- 6 How exactly do the facts I have described bear on this appeal?
- 7 On the face of it, the Appellant has a problem. It proposes the development of land outside the Urban Area Boundary and in what is defined as an Undeveloped Gap between Havant and Bedhampton. Its scheme does not comply with policies that control development in that location. Therefore, it is contrary to the spatial strategy of the development plan.
- 8 That is just the beginning of its problems. The Appellant's site is allocated in the pre-submission draft local plan for about 50 dwellings. The draft proposal appears to have prompted it to make a planning application for that scale of development. That was ill-advised. There can be no proper basis for relying on the draft proposal. The plan is not at an advanced stage for the purposes of development management, and in any event the draft proposal is subject to an avalanche of well-founded objections. Moreover, the draft proposal carries a prominent "health warning", which tells anyone interested in the site that a parallel re-appraisal of the Bedhampton Conservation Area might result in the Council submitting proposed changes to the examining inspector about the allocation. The Conservation Area boundary has been amended; it now incorporates the historic buildings of Manor Farm, which adjoin the northern edge of the appeal site. It has become "Character Area 5" of the Bedhampton Conservation Area.
- 9 The appeal site is an important part of the setting of Character Area 5, and makes a valuable contribution to the understanding of its significance. However, before the Conservation Area was extended to encompass Manor Farm, the latter was recognised by the Appellant as a "visible historic feature" and identified by the Council as a building of "local historic interest". In other words, it was an undesignated heritage asset, with significance which was derived from the very same setting.
- 10 Good design is at the heart of sustainable development. It might therefore have been expected that the scheme would be evolved to ensure the setting of the undesignated heritage asset would not be compromised to the extent it diminished the building's significance. Even if that task had been overlooked or poorly executed it might also have been expected that the design of the scheme would be revisited following the designation of the Conservation Area. It will be shown that the Appellant neglected these

obligations. Its design takes no account of the contribution the appeal site makes to the setting and significance of Character Area 5. The result is less than substantial harm to the designated heritage asset.

- 11 The Appellant claims the public benefits of its scheme outweighs the harm it causes. The delivery of market and affordable housing must certainly be accorded substantial weight. However, it will be shown that for the most part the other “benefits” claimed for the scheme are merely aspects of any competent proposal, unevidenced or over-egged.
- 12 Consequently, the Council was not persuaded that the “great weight” it is enjoined by the court and the Secretary of State to attach to the harm caused to the Conservation Area was outweighed by its public benefits. They also found that the scheme thereby conflicted with policies CS11, CS16 and DM20 of the development plan.
- 13 The Council will therefore invite you to conclude the appeal should be dismissed on the grounds:-
 - (1) The Appellant’s scheme is plainly contrary to the development plan.
 - (2) In the circumstances I have described, the “tilted balance” of NPPF 11d is not engaged as a material consideration that weighs in favour of the scheme.
 - (3) More particularly, the harm that would be caused to the significance of the Conservation Area is not outweighed by the need to deliver more housing and other public benefits of the scheme.
 - (4) Dealing specifically with the issues of the supply of housing land and housing delivery, there is clear evidence that those considerations will be addressed decisively in the very near future.
 - (5) Thus, even if the site might be a sustainable location for housing development, planning permission ought to be refused for a poor design, which demonstrably fails to protect or enhance the significance of a designated heritage asset. For that reason, as well as the others I have cited, the appeal proposals will be shown to be unsustainable.

TIMOTHY LEADER

1st February 2021