

TOWN AND COUNTRY PLANNING ACT 1990 (As Amended)

Appeal by Bargate Homes
Against the decision of Havant Borough Council
to
Refuse Full Planning Permission for

Erection of 50 dwellings together with Access, Landscaping and Open Space

on

**Land at Lower Road,
Bedhampton,
Havant
PO3 3NB**

SUMMARY PROOF OF EVIDENCE OF;
DAVID JOBBINS BSc (Hons) Town Planning, Dip TP, Dip EM, MRTPI

PLANNING INSPECTORATE REF: APP/X1735/W/20/3259067

CONTENTS

1.0 INTRODUCTION

2.0 THE PROPOSALS AND SITE DESCRIPTION

3.0 PLANNING POLICY

4.0 PLANNING BALANCE

5.0 THIRD PARTY REPRESENTATIONS

6.0 CONCLUSIONS

1.0 INTRODUCTION

- 1.1** My name is David Jobbins and I represent the Appellant with respect to this appeal. I am a Director of Luken Beck MDP, a Planning Consultancy based in Southampton. I hold a BSc (Hons.) degree in Town Planning, a Diploma in Town Planning, a Diploma in Environmental Management and am a Chartered Town Planner. I summarise my experience in Section 1 of my Proof.

STATEMENT OF TRUTH

- 1.2** The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution, the Royal Town Planning Institute, and I confirm that the opinions expressed are my true and professional opinions.

2.0 THE PROPOSALS AND SITE DESCRIPTION

- 2.1** The full planning application the subject of this appeal comprises the erection of 50 dwellings (including 30% affordable homes) with access from Lower Road together with associated infrastructure and Public Open Space.
- 2.2** The site lies within a highly sustainable location within easy walking/ cycling distance of extensive local facilities, public transport, recreational and employment opportunities. As such the proposals comply with Paragraphs 108 and 110 of the NPPF which seek to maximise sustainable transport modes.
- 2.3** The site does not lie within any area designated for its landscape or heritage importance, although part of the site lies adjacent to an outlying area of the Old Bedhampton Conservation Area known as Character Area 5 - Old Manor Farm.
- 2.4** There are no technical objections to the development or any unacceptable impact upon residential amenity associated. The proposals will not result in a severe highways impact and are acceptable in accordance with Paragraph 109 of the NPPF.

3 PLANNING POLICY

THE DEVELOPMENT PLAN.

3.1 The Development Plan for the purposes of this appeal comprises;

- The Havant Borough Local Plan (Core Strategy) adopted March 2011
- The Havant Local Plan (Allocations) Local Plan adopted 2014

The Council has confirmed that it is only relying on **Policies CS11** and **CS16** of the Core Strategy and **Policy DM20** of the Allocations Local Plan.

3.2 The Council has also approved the Pre-Submission Havant Local Plan 2036 for submission to Examination and therefore weight can be given to the relevant policies of this emerging plan. **Policy H20** allocates the site for the erection of around 50 dwellings whilst **Policy E13** considers the potential impact upon heritage assets in accordance with the NPPF. It is also notable that the Councils Housing Land Supply Update December 2020 relies upon the appeal site to help deliver its housing supply.

3.3 In 2016 the Council adopted a Local Plan Housing Statement, which advised ;

The LPHS was the first step in the review of the Local Plan. The LPHS is a clear position statement as to which sites the council considers could deliver sustainable development to address the borough's housing need up to 2036; providing that the necessary infrastructure is provided alongside new housing.

The LPHS is an interim statement, a stepping stone in the development of the Havant Borough Local Plan 2036 (HBLP). It will be used when making decisions on planning applications for housing sites whilst the HBLP is in production.

3.4 The appeal site was included with Table 2 as Site UE30 and consequently, the Council had already considered the site to be deliverable, developable and free of constraints that cannot be mitigated such that *"sustainable development can be achieved on the site"*.

NATIONAL PLANNING POLICY FRAMEWORK 2019 (NPPF)

3.5 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. (Paragraph 7). Paragraph 11 also confirms that decisions should apply a presumption in favour of sustainable development. It further advises that for Plan-making, this means plans should positively seek opportunities to meet the

development needs of their areas and be sufficiently flexible to adapt to rapid change and that, **as a minimum**, they should provide for objectively assessed needs for housing and other uses. For decision-making, this means approving plans that accord with an up-to-date development plan without delay **or, where the policies most important for determining the application are out-of-date, then granting permission** unless policies within the NPPF that protect areas or assets of particular importance provides a clear reason for refusing permission or any adverse impacts of granting approval would demonstrably outweigh any benefits when assessed against the policies in the NPPF as a whole.

3.6 Paragraph 59 makes clear that to support the objective of *“significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...”*

3.7 The NPPF advises that heritage assets should be conserved in a manner appropriate to their significance (Paragraph 184). Furthermore, Paragraphs 185 and 192 confirm that Local Planning Authorities should take into account;

c) the desirability of new development making a positive contribution to local character and distinctiveness.

3.8 Paragraph 196 advises that where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

3.9 In this case, the relevant policies of the Development Plan are out-of-date because;

- The Council has acknowledged that it has a significant shortfall in its HLS such that Paragraph 11, Footnote 7 of the NPPF is engaged and the most relevant policies are out-of-date.
- A number of relevant Policies within the Development Plan are inconsistent with the NPPF and do not provide for the necessary sites to accommodate the identified needs of the Borough or seek to apply the public benefit tests within Paragraph 196 in respect of Heritage Assets.
- The Council is failing to significantly boost housing supply and the appeal site is recognised as being one such site that needs to be delivered to assist in meeting the acute housing need including for affordable housing.

- 3.10** It is agreed that simply because the policies are out-of-date, they cannot be disregarded, but the weight to be given is significantly reduced. I set out in Section 4 of my Proof my view on the most relevant policies and the weight to be applied.

4 THE PLANNING BALANCE

- 4.1.** The ‘tilted balance’ is engaged for the reasons as set out within Paragraph 11d Footnote 7 of the NPPF and the presumption in favour of sustainable development applies. There are no Footnote 6 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied. I have set out a summary of the Public Benefits in my Proof under Section 5 under the headings of Social, Economic and Environmental.
- 4.2** In the light of the above, cumulatively, the benefits of the proposals provide tangible and compelling planning considerations which demonstrably outweigh any conflict with the Development Plan.
- 4.3** With respect to Paragraph 196 of the NPPF, the proposals do not cause harm to the significance of heritage assets, however, notwithstanding this, should the Inspector consider that less than substantial harm to arise, the public benefits are considered to override any less than substantial harm that may arise to such significance.

5 THIRD-PARTY REPRESENTATIONS

- 5.1** There are no technical reasons why the appeal proposals should not proceed and the Planning Officer’s reports provide a useful summary in respect of the Third-Party representations, none of which have regard to, or outweigh the substantial contribution to the three objectives to sustainable development and the need to significantly boost housing supply.

6 CONCLUSIONS

- 6.1** The Council’s decision to refuse planning permission is without merit for the following reasons;
- The Development Plan pre-dates the NPPF and does reflect current guidance, the need to significantly boost housing supply or the tests to be applied when considering heritage assets. The Council does not have a 5-Year Housing Land Supply and there are no

Footnote 6 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.

- The proposals are in full compliance with the emerging Local Plan.
- The appeal proposals will make a substantial and compelling contribution to the three objectives to sustainable development;
- The principal reason for refusal relates to the impact upon the setting of the recently extended Conservation Area, yet the proposals have been purposefully designed to respect its setting and cause no harm to its significance.
- Should it be considered that less than substantial harm arises to heritage assets, it is my firm view that this is significantly and demonstrably outweighed by the public benefits of the proposals such that planning permission can be granted