



HAVANT BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (APPEALS) (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000 SI 2000 No 1624**

**Appeal by Bargate Homes against the refusal by Havant Borough Council for the erection
of 50 dwellings together with access, landscaping and open space at Lower Road,
Bedhampton, PO3 3NB**

Planning Inspectorate Reference: APP/X1735/W/20/3259067

Havant Borough Council Reference: APP/19/00427

STATEMENT OF CASE ON BEHALF OF HAVANT BOROUGH COUNCIL

1 Introduction

- 1.1 The application that is the subject of this appeal was registered on 3 May 2019. It sought full planning for:

“The erection of 50 dwellings with new access, landscaping and Public Open Space”

on land south of Lower Road, Bedhampton, Havant

- 1.2 Planning permission was refused by Members of the Planning Committee by notice dated 26 March 2020 for the following reason(s):

1. The proposed development would adversely affect the open character and appearance of the setting to this part of the Old Bedhampton Conservation Area by reason of the scale of the development and the loss of agricultural land which provides a setting to the Conservation Area. These adverse effects are not outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

2. Binding arrangements are not in place to secure the following aspects of the development, as a result of which it is not considered that the development could be undertaken in a satisfactory manner:

1. Affordable Housing

2. S106 monitoring fee

3. Open Space, orchard, children’s allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space is managed in a Nutrient Neutral manner.

4. Solent Recreation Mitigation Strategy contribution currently £33,975.70

5. SUDS bond

6. A contribution towards Health of £8,000

7. Mitigation Payment to the SWBGS of £329,036.40 for loss of secondary support habitat

8. Permissive paths

9. A contribution towards a Community worker of £12,500

10 Delivery of site access works via a S278 agreement, prior to commencement of development.

11 Financial contribution of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling.

The carrying out of the development in the absence of such provision would result in an unsatisfactory and unsustainable form of development having due regard to Policies CS1, CS7, CS8, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM13 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011; Policies DM20, DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014; the Conservation of Habitats and Species Regulations 2017 (as amended); and the National Planning Policy Framework.

- 1.3 The proposal is for a cul-de-sac development with dwellings of traditional design, ranging in size from 2 bed to 4 bed and in height from single to 2 storeys. 30% of the dwellings would be affordable. Vehicular access would be off Lower Road and would take the form of a single vehicular access. Pedestrian and cycle links would connect the site to Lower Road with proposed connection around the communal open space, which would provide a community orchard, and children's allotments, with opportunities for outdoor activity.
- 1.4 The development would provide a variety of dwellings ranging from 2 to 4 bedrooms in size comprising 22 x 2 bed, 18 x 3 bed and 10 x 4 bed. The majority of the development would consist of 2 storey houses, with some single storey bungalows (5) adjacent to the northern boundary with Old Manor Farm.

2 Site and Surroundings

- 2.1 The site is located on Lower Road in Bedhampton to the west of Havant town centre and to the north of Langstone Harbour and comprises approximately 3.8ha of arable agricultural land (classification of Grades 1 and 2). It is located approximately 1km west of Bedhampton railway station, Bidbury Mead Recreation Ground and Bidbury school.
- 2.2 Bedhampton is predominantly a low rise residential area, of varying styles and materials. With the exception of the Old Manor Farm development, the development that has taken place is mostly north of the development site.
- 2.3 To the east of the site, beyond an existing mature line of conifer trees which enclose the eastern boundary, the area is designated as a Conservation Area (CA) – the Old Bedhampton Conservation Area. This area to the east comprises the main part of the Conservation Area and is divided into two by the railway line which was constructed in 1847. The boundary of the Conservation Area has recently been reviewed and now includes the Old Manor Farm site, which adjoins the northern boundary of the site.
- 2.4 The Conservation Area includes a number of listed buildings, including The Old Rectory, The Manor and Bidbury House. Part of the site (north facing) fronts onto Lower Road with the remaining northern boundary abutting the small development of farm buildings that have been converted into residential dwellings (Old Manor Farm). The western boundary is not defined and is part of the open field. The southern boundary faces the railway line with some landscaping whilst further to the south is the A27 (Havant Bypass).
- 2.5 The site boundary to Lower Road comprises mature hedging, broken by a gap in the north east corner to provide access. Along Lower Road, adjacent to the site are a number of dwellings which vary greatly in their vernacular style. Dwellings range from small period terraced cottages to large detached two storey houses, with a number of single storey and chalet style bungalows
- 2.6 To the east of the site is the Old Bedhampton Conservation Area, divided into two by the railway line which was constructed in 1847. Compared to the density of Bedhampton as a whole the density of the Conservation Area is relatively low and features a number of character buildings. The materials found in the Conservation Area are predominantly brick with tiled roofs, some with parapet detailing as with The Old Rectory and Bidbury House. Most buildings do not exceed 2.5 storeys and generally feature a pitched roof structure.

3 Planning History

3.1 No relevant planning history

4 Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 4.2 The Development Plan:
Havant Borough Local Plan (Core Strategy) 2006- 2026 adopted March 2011
Havant Borough Local Plan (Allocations) adopted July 2014
- 4.3 The relevant policies were set out in the appeal questionnaire and the Statement of Common Ground.
Other material considerations:
- 4.4 Five Year Housing Land Supply Update – December 2019.
Whilst the table at paragraph 2.8 of the above document indicates that the Local Planning Authority (LPA) has a five year housing supply of 5.4 years, the Council considers that it is unable to demonstrate a five year housing land supply at present.
- 4.5 The Old Bedhampton Conservation Area Appraisal (including Appendix 4 map showing proposed extensions to the Conservation Area) adopted September 2019.
- 4.6 Pre-submission Havant Borough Local Plan 2036. A consultation version is out at present consulting on proposed changes. The consultation runs from 3rd November 2020 until 17th December 2020. Policy H20 relates to the appeal site.
- 4.7 The Local Development Scheme – November 2020. This shows that the Local Plan is proposed to be submitted in Q1 in 2021 with an aim to have the plan adopted by the end of 2021. It shows the current consultation exercise within the table at paragraph 16.
- 4.8 Havant Borough Council Borough Design Guide SPD – December 2011
- 4.9 Havant Borough Council Parking SPD
- 4.10 The Town and Country Planning (Listed Building and Conservation Areas) Act 1990.
- 4.11 National Planning Guidance (NPG) – in particular sections referring to calculation of five year housing land supply, historic environment and planning obligations.
- 4.12 National Planning Policy Framework (NPPF) – February 2019, in particular Sections 2, 3, 4, 5 and 16.
- 4.13 The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition, 2017).ail

5 Case for the Local Authority – Reasons for Refusal

- 5.1 The Local Authority will not seek to defend its five year housing land supply position and accepts that it is not able to demonstrate a five year housing land supply.
- 5.2 Reference will be made to paragraph 11 of the NPPF, in particular bullet points c) and d). This refers to the “tilted balance” if a Local Authority cannot demonstrate a five year housing land supply. Evidence will be given that having regard to footnote 6 and bullet point d) I, that the tilted balance is not applicable having regard to the key issue in this appeal, the protection of a designated heritage asset, namely the Old Bedhampton Conservation Area.
- 5.3 Evidence will be given in relation to the weight to be given to the emerging Local Plan and in particular the proposed policy H20, having regard to paragraph 48 of the NPPF and the timetable for the emerging Plan as set out in the LDS.
- 5.4 Evidence will also be provided in relation to the weight to be given to the existing development plan notwithstanding its adoption in 2011 prior to the publication of the NPPF. It is considered that policies CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) and CS16 (High Quality Design) of the Core Strategy are broadly in conformity with the NPPF, notwithstanding the lack of reference to a “balancing exercise” and should be given substantial weight. It is considered that policy DM20 (Historic Assets) of the Allocations document is in accordance with the NPPF and NPG.
- 5.5 It will be argued that even if it is considered the policies are out of date, the development causes less than substantial harm to the designated heritage asset the Old Bedhampton Conservation Area. Evidence will be given on the character and appearance of the conservation area, and the contribution made by the conservation area’s setting to that character and appearance, utilising the staged approach set out in Historic England’s guidance *‘The Setting of Heritage Assets: Good Practice Advice Note 3’* (2017) as a basis. Evidence will be given as to the degree of harm caused by the proposed development on the conservation area’s character and appearance via development within its setting, and that this degree of harm to the designated heritage asset is not outweighed by the public benefits of the proposal, as required by paragraph 196 of the NPPF.
- 5.6 Evidence will be given to the weight to be given to the public benefits of the scheme as well as to the weight to be given to the harm. Reference will be made to the statutory test set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, together with relevant case law, including (but not limited to):
- R.(James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019].
- 5.7 It is understood that the appellant will agree a S106 Agreement with the Local Planning Authority to address the second reason for refusal. The Local Planning Authority reserves the right to comment on the S106 Agreement once its contents are known.

6 List of Conditions

- 6.1 The Local Planning Authority will seek to agree a list of conditions with the appellant in advance of the Inquiry.