

Planning Policy Consultee Comments

Application No:	APP/23/00904
Site Address:	106 West Lane, Hayling Island, PO11 0JW
Development:	Outline application for single storey dwelling to the rear of 106 West Lane.
Case Officer:	Tina Pickup
Comments by:	Josephine Lacey
Date of Comments:	14/3/2024

These comments follow earlier consultee comments dated 21 December 2023.

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough.

In addition, the Council has adopted a Housing Delivery Position Statement. It does not form part of the development plan but it is relevant to this application.

The following Adopted Local Plan policies are of particular relevance:

- CS9 – Housing
- CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- DM8 – Conservation, Protection and Enhancement of Existing Natural Features
- DM13 – Car and Cycle Parking in Residential Development
- AL1 – Presumption in Favour of Sustainable Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

Principle of development

The site lies outside of the urban area as defined by policies CS17 and AL2. These policies seek to restrict development in these locations, except if consistent with policies for the countryside set out in national policy. Paragraph 2.10 of the supporting text in the Allocations Plan does however indicate that proposals for development in the non-urban areas also need to be considered on the basis of NPPF policies on rural areas. The proposal is not considered to meet any of the other exceptions provided for rural development either in national or local policy. As such, a policy objection arises in the context of policies CS17 and AL2 of the Adopted Local Plan.

Previously developed land

It is noted that the definition of previously developed land (PDL) in [Annex 2 of the NPPF](#) excludes 'land in built-up areas such as private residential gardens. However, it is also noted that the Dartford case¹ considered the NPPF definition of PDL and clarified that a garden outside a built-up area can be considered PDL, as long as it complies with other elements of the definition of PDL.

Isolation

In this case, it is noted that the applicant does not consider the development would result in an 'isolated home' under paragraph 84 of the NPPF. The Dartford case considers this matter and indicates in the case that any proposed development within the curtilage of an existing permanent structure, it follows that a new dwelling within that curtilage will not be an "isolated home" (paragraph 15). In any event, the development would not meet any the circumstances set out under paragraph 84 of the NPPF.

¹ Dartford BC v SSLG [2017] EWCA Civ 141

The applicant's agents response to Planning Policy Consultee comments

The agent's response refers to paragraph 124 of the NPPF that states planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. It is noted however that the NPPF does not define "under-utilised land and buildings" but footnote 27 refers to prioritising brownfield and other under-utilised urban sites to ensure homes are built in the right places.

Paragraph 70 of the NPPF is also referred to in the agents response which sets out that local planning authorities should promote a good mix of sites by working with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes under e). This paragraph is not considered relevant, the proposal being a single dwelling as opposed to a larger site being delivered by more than one developer.

Five year housing land supply

The Council's Five Year Housing Land Supply Update (March 2023) indicates the Council has 1.81 years supply with a 20% buffer applied, which is below the five year supply threshold. The lack of five year supply has the potential to trigger a presumption in favour of sustainable development in line with paragraph 11d of the NPPF. The scheme's potential contribution to the 5 year supply must be afforded weight in the overall planning balance, although 1 unit is limited in its potential contribution to the supply.

Brent Geese and Waders

The land in question is noted as adjacent to a Candidate Site for Solent Waders and Brent Geese (see the Solent Wader and Brent Geese Strategy).

The Local Plan includes a strategic policy on environmental protection (CS11) and a specific policy in relation to Brent Geese and Waders (Policy DM23). The Solent Wader and Brent Geese Strategy states that there is the potential for new development on land adjacent to or in close proximity to Solent waders and brent goose sites to impact on the ecological function of the network.

Impact on the natural environment

There are many trees within the application site. The application would need to undergo consultation with a Arboriculturist and Ecologist to review protection and mitigation strategies for trees and the natural environment where necessary, in accordance with Policy DM8 which aims to protect and conserve natural existing features.

Heritage considerations

Whilst the dwelling is not listed, this arts and crafts style dwelling could be considered a non-designated heritage asset. Therefore, consultation with the Council's heritage officer would be necessary to ensure development is compliant with Policy CS11 which aims to protect and enhance special heritage assets within the borough.

Design

The adopted Local Plan requires high quality design in all developments under Policy CS16.

Parking

The proposal would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

Summertime transport implications of development on Hayling Island

Development of the magnitude proposed here does not require a Transport Assessment and the transport implication is likely to be minimal.

Conclusions

Notwithstanding the Council's lack of an up to date five year housing land supply position, the site is outside of the urban area, and would be inconsistent with local and national policies on rural areas. In particular, the proposal does not meet any of the specific circumstances set out by paragraph 84 of the NPPF. Whilst the site would meet the definition of PDL, the development would not be consistent with any national or local policies for the countryside. As such, there remains a policy objection in the context of policies CS17 and AL2 of the Adopted Local Plan. Added to that, there are constraints which the applicant would need to address in terms of the potential impact on the mature trees within the site. There is also a need to consider whether the existing house is of heritage significance.