

The Planning Inspectorate
Room 3/05
Temple Quay House
2 The Square
Bristol BS1 6PN

Your ref: APP/X1735/W/15/3124785

8th September, 2015

Attention: Neale Oliver

Dear Sir,

**Appeal by Mr James Tate
re 16 Latchmore Forest Grove, Waterlooville, Hampshire PO8 8XG.
Comments on the Statement of Havant Borough Council.**

Thank you for your letter dated 27th August; in accordance with the timetable set down therein, we are pleased to present our comments on the Statement of Havant Borough Council.

One naturally welcomes the Borough Council's acknowledgement (at 8.1) that '*...the appeal site is in a sustainable location and the principle of development is supported*'. In that light, one calls to mind the statement set down in para.49 of the National Planning Policy Framework that '*Housing applications should be considered in the context of the presumption in favour of sustainable development*'.

Paragraph 3.1 Paragraph 4.12 of the Grounds of Appeal drew attention to the revelation in Havant Borough Council's Annual Monitoring Report (AMR) for 2014 that there has been '*...a notable reduction compared to previous trends*' in the delivery of one- and two-bedroomed dwellings. Market trend analysis serves no useful purpose unless it brings about a change of direction when an imbalance has been identified. James Tate proposes the erection of a two-bedroomed bungalow, the delivery of which would make a modest yet valued contribution to redressing the imbalance that has been identified. The Officers' report on planning application APP/14/01166 (Appendix 3 to the Grounds of Appeal) gave no attention to the findings of the AMR and, although para.4.12 of the Grounds of Appeal contended that James Tate's proposal should have been welcomed rather than spurned, there is no rebuttal of the point in the Statement of Havant Borough Council. The absence of rebuttal leads one to conclude that the Borough Council has implicitly acknowledged the accuracy of the submission.

Paragraph 3.1 Paragraph 1.3 of the Grounds of Appeal recorded that the flat-roofed 'store' at the southeast corner of No.16 has already been demolished.

Paragraph 4.1 The Officers' report on planning application (reproduced as Appendix 3 to the Grounds of Appeal) recorded that the 'Policy Considerations' which had influenced their decision included four policies of the adopted Core Strategy (CS11, CS16, CS21 and DM13); no attention was given to Policy CS17 re 'Concentration and Distribution of Development within the Urban Areas'. It is particularly noteworthy that Core Strategy Policy CS17 has now been acknowledged as being '*...particularly relevant to the determination of this appeal*'. The Borough Council seeks the penny and the bun – its Officers failed to give attention to Policy CS17 in their consideration of the application but, the oversight having been exposed, they now seek to utilise CS17 against James Tate's proposal. Policy CS17 is relevant and the achievement of a two-bedroomed bungalow would play a modest yet vital part in delivery of the adopted strategy.

Paragraph 6.2 On the subject of 'Residential Backland and Infill Developments', paragraph 5.25 of the Havant Borough Design Guide states that '*Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets*'. When Core Strategy CS17 calls, inter alia, for new housing to be concentrated in Waterlooville and the value of backland sites is explicitly recognised, it is perhaps inevitable that backland development will

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come to be permitted in localities where there may previously have been none. That said, permissions have been granted in the vicinity of this appeal site, at 18-20 Forest Avenue, 109 London Road and 111 London Road – in the latter case, Inspector Maile commented '*Given the variety of house types within the locality, the form and layout of the proposed bungalows in this backland location is appropriate and would not adversely impact upon the character and appearance of the surrounding area*'..

Paragraph 7.1 The local planning authority purports that it was unaware that the appeal site was previously a pet shop. In January 2006, Havant Borough Council's Environmental Health Manager issued licence no.PS00012/06 to 'Keep a Pet Shop' at 16 Latchmore Forest Grove.

Paragraph 7.2 Paragraphs 2.1 and 2.2 of the Grounds of Appeal drew attention to the hardstanding areas permitted by Inspector Hitchings in 2004 (01/51181/001) that came to be subsequently endorsed by Havant Borough Council itself under 04/64661/003. It is not accepted that the access and parking arrangement that forms part of the appeal proposal would demonstrably harm the character or appearance of Latchmore Forest Grove.

Paragraph 7.5 One has difficulty in accepting an assurance that Local Plan Policy CS17 was in the forefront of the Officers' minds in their consideration of application APP/14/01166 when it did not come to be included in the list of 'Policy Considerations' in their report.

Paragraph 7.6 One naturally welcomes confirmation that 'The development of the site for residential purposes is acceptable and supported in principle' but it is apparent that the Officers of Havant Borough Council focussed on detailed matters of little consequence, in order to justify a negative decision.

Paragraph 7.8 Figure 5.1 of the Havant Borough Design Guide shows, for clarification of its 'Back-to-back distances', a '20m minimum distance between first floor habitable room windows'; clearly, when attention must be given to a back-to-back distance for a bungalow proposal (which has no first-floor habitable room windows), the 20m criterion does not apply. It is contended that, on its own merits, 17.7 metres between the new bungalow and Nos.14B and 16 Latchmore Forest Grove would be a satisfactory distance, which would deliver a reasonable standard of outlook, privacy and light.

Contrary to the charges laid down in the decision notice for application APP/14/01166, it is submitted that the two-bedroomed bungalow now proposed would make a modest but valued positive contribution towards satisfaction of the acknowledged need for small dwellings, in a manner that would not harm the mixed residential character of the locality or the amenities of neighbours. The Secretary of State for Communities and Local Government is again respectfully requested to allow this appeal and grant planning permission for development which accords with the requirements of the development plan and is supported by the Housing Supplementary Planning Document and the Annual Monitoring Report, which are material considerations that were accorded no attention by the Officers in the exercise of their delegated powers.

Yours faithfully



Robert Tutton
Director