



Appeal Decision

Hearing and Site Visit conducted on 8 January 2013

by E C Grace DipTP FRTPI FBEng PPIAAS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 January 2013

Appeal Ref: APP/M1710/A/12/2184270

Land north of Trafalgar Rise, Clanfield, Hants PO8 0PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Southcott Homes Ltd against the decision of East Hampshire District Council.
 - The application Ref 54308, dated 15/5/12, was refused by notice dated 13/9/12.
 - The development proposed is erection of 14 dwellings with associated vehicular and pedestrian access, parking and landscaping (as amended by plan received 11/9/12).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention was drawn to an oversight that resulted in one of the owners of the land not being formally served notice of the application and appeal, but it emerges he is Chris Southcott, the son of the owner of the appellant company. In light of that and the fact that retrospective notice has been served and he has submitted a written declaration that he has been kept fully apprised of both the application and appeal and thus not been prejudiced by this oversight, I am content to deal with the appeal as though the requisite notice had been legitimately served. The Council also stated their agreement to such.

Main Issues

3. The main issues in this case are whether the proposal: a) would represent an inappropriate and unwarranted form of residential development in an area of countryside outside the settlement boundary; b) would encroach unacceptably into a designated Local Gap and result in harm to the rural landscape; c) would provide adequate car parking and vehicle manoeuvring space within the layout; and d) makes requisite provision for necessary infrastructure.

Reasons

First Issue

4. The appeal site comprises the residual garden areas of properties that originally fronted onto Drift Road, but which now form part of the curtilages of two of the new dwellings in the recently constructed Trafalgar Rise. However, not all of that garden land has been included in the appeal site, whereby areas to the south containing a residential caravan and a Nissan hut have been excluded, while the proposed northern limit is about 12m short of the present northern boundary fence line and follows no physical feature on the ground.

5. Although the new housing in Trafalgar Rise to the south and the established residential development to the east in Farm View Avenue are within the defined settlement boundary of Clanfield as prescribed in the Local Plan, the appeal site is not. Accordingly, the Council regard it as forming part of the countryside where new dwellings would not be permitted unless there are justified grounds such as essential need for an agricultural worker or as a rural exception site for affordable housing. No such justification has been advanced.
6. The appellant nevertheless maintains the proposal accords with the recent National Planning Policy Framework (NPPF) which carries at its heart a presumption in favour of sustainable development and also reiterates the fundamental planning principle that all development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the appellant argues that the Council do not have a demonstrable 5 year housing land supply as required by the NPPF. Although the Council submitted figures to demonstrate a 5 year housing land supply exists, the appellant indicated these are based on a historic requirement derived from the South East Plan.
7. The development boundary for Clanfield in this vicinity was fixed at the northern limit of the present Trafalgar Rise cul-de-sac in the 2006 Local Plan as the allocation of the large green field reserve housing site at Green Lane for 275 dwellings was considered to satisfy the housing requirement at that time. It is evident though that by April 2007, there was only a three year housing land supply in South Hampshire, due mainly to the absence of allocated "baseline" housing sites in the South Hampshire part of the District Local Plan. Thus in 2008 the Council agreed to release all four reserve housing sites within the South Hampshire part of the District to meet the requirement to demonstrate they had a 5 year housing land supply. Nevertheless, the report also indicated that not all the sites would come forward to meet the 5 year supply and there was every possibility that additional land may need to be identified and brought forward from sites identified in the Strategic Housing Land Availability Assessment (SHLAA).
8. Since then the Council have produced a Joint Core Strategy (JCS) with the South Downs National Park Authority (SDNPA) which was submitted and subject to an Examination last year. However, the Examination has been suspended to enable the Council to review its housing land supply position, following their receipt of a preliminary report from the Inspector which highlighted the intention of the Government to revoke the South East Plan and the NPPF requirement that local planning authorities "use their evidence base to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area ... consistent with the policies set out in this Framework".
9. He indicated that the absence of an up-to-date Strategic Housing Market Assessment (SHMA) was a serious shortcoming and that whilst the authorities were entitled to rely on the housing requirement set out in the SE Plan, circumstances have changed and he was required to assess the soundness of the JCS in the light of a robust evidence base and current national guidance. Moreover, the SE Plan, itself recognises that the number of dwellings allocated is below the forecast growth in households and indicates that planning authorities can test higher numbers through the development plan process.

10. I view the JCS Inspector's comments as being a material consideration in my determination of this appeal, particularly in view of the oversight the Examination has afforded him of the District's housing requirement. He raised serious questions concerning matters such as overall housing numbers, the delivery of affordable housing and delays to supply for example due to mineral extraction at Whitehill/Bordon and a need to make up that shortfall elsewhere.
11. There is no dispute that there has been a persistent under-delivery of housing in the District, and especially in the southern parishes. Hence, it is appropriate to apply a 20% buffer requirement (as set out in the NPPF), in the assessment of a 5 year housing land supply in this area. I have appraised the figures produced by the Council and the appellant for this Hearing and the additional tables produced at the request of the JCS Inspector (Ref: EHSD021(A)). I conclude that those demonstrating there is a five year housing land supply shortfall appear to be more robust and convincing. In these circumstances I find there are justified grounds for departing from the adopted Local Plan and that the release of the appeal site for housing development is acceptable in principle. Indeed, as this is one of the sites identified in the SHLAA, it would precisely reflect the possible need envisaged by the Council in 2008 when they released all the reserve sites relatively soon after the Local Plan was adopted.

Second Issue

12. Turning to the second issue, the appeal site is identified in the Local Plan as being within a Local Gap between Clanfield and Old Clanfield. The Council thus regard it as contravening Policy C11 which aims to prevent coalescence or loss of separate identity of settlements, and Policy GS3 which seeks to protect the countryside for its intrinsic character and beauty. I note this was an issue that was aired at the Local Plan Inquiry in 2004 when the Inspector stated that the Local Gap here was of limited extent, varying between 250m and 500m in width west to east, and being about 350m at this point. He considered it required protection because of its narrowness and vulnerability and commented that even if development were to be limited to single storey housing its roofs would be viewed from open land to the north and west. Despite this comment, the fact that existing development in Farm View Avenue mainly comprises bungalows or chalet-bungalows and the site slopes up about 3.5m - 4.0m from Trafalgar Rise to the northeast corner, the appeal proposal consists entirely of 2-storey housing, with the largest houses on the highest part of the site.
13. I noticed that on the topic of protecting the environment the JCS Inspector commented that there seemed to be an unquestioned acceptance that all designations including those made at local level are sacrosanct. Nevertheless, the appeal site has hedgerows with trees running along its western and eastern boundaries, which provides a degree of screening and is capable of being reinforced with additional planting where deemed necessary. The Council are concerned that inclusion of the western hedgerow within the rear gardens of Plots 12, 13 and 14 and flank garden of Plot 11, might lead to pressure from future occupants to reduce them in order to maximise sunlight on their gardens during the afternoon and evening. However, the Council's Arboricultural Officer raised no objection subject to works being undertaken in accordance with the submitted Arboricultural Implications Assessment and Method Statement. I am satisfied that a condition could be imposed to require retention of the western hedgerow in accordance with an agreed landscape management plan to ensure it serves to filter and screen views of the proposed development and thereby mitigate its impact upon the remaining Local Gap.

14. There is a further hedgerow with trees to the north beyond the site boundary, which separates it from an area of open space (Sunderton Meadow) owned by the Parish Council. I noticed that part of the planted area to the north has been considerably reduced in width since the submitted aerial photograph of the site was taken and as this lies outside the appeal site and the appellant's control, its future retention would remain uncertain. Thus, although the SDNPA indicated they would have no objection to the proposal providing the trees at the edge of the site are retained and protected from harm, this could not be secured by condition in respect of those trees to the north, despite the appellant's assertion that the hedgerow would be retained. I accept that the central hedgerow running the length of the site could be removed without any material harm to the external appearance of the land.
15. I heard no substantive explanation for the omission of this northern strip of land from the appeal site, nor indeed for the omission of the two areas containing a residential caravan and Nissan hut. To my mind, the failure to adopt a comprehensive approach to the entire land holding would result in an unsatisfactory form of piecemeal development. In particular, I consider the retention of those structures between two separate areas of new housing would appear incongruous and result in harm to the street scene, while uncertainty would remain regarding the future use of the strip of land to the north and the mature planting it contains. Indeed, these features lead me to conclude the site area and layout is contrived, possibly to avoid stepping over the threshold at which an element of affordable housing would be required, particularly as the site is identified in the Council's SHLAA as measuring 0.6ha and capable of accommodating 24 dwellings. Although the appellant argues that a residential density of 30dph is more appropriate for the site that would reduce the total to 18 dwellings and still generate a requirement for an element of affordable housing. The Council are proposing a specific allocation for affordable housing at Clanfield in their Core Strategy, to which the appellant has objected.
16. I would concur with the view of the SDNPA that if the peripheral hedgerows are retained and reinforced, there would be no harm to the wider landscape setting of the National Park, which surrounds the settlement. However, with the omission of the northern parcel of land and hedgerow from the appeal site, I am unable to secure this by condition and in the absence of any other form of protection there would be nothing to prevent the landowners removing it entirely or in part, thereby opening up the site and its largest houses to view from well used public vantage points. I thus conclude the proposal would be likely to result in harm to the open setting of the Local Gap and its rural appearance. The Core Strategy Background Paper on Gaps between Settlements states that when determining the appropriate gap boundaries it is intended they follow recognisable features on the ground such as hedges and field boundaries, which is a criterion met along the western boundary, though clearly not on the northern boundary of the appeal site as proposed.

Third Issue

17. In respect of the third issue, the appellant submitted a revised road layout drawing to address the County Highway Authority's objection regarding the highway margin width within the turning head to cater for the overhang of refuse vehicles. Nevertheless, their objection relating to the provision of tandem parking spaces in front of the garages on Plots 9, 10, 11, 12 and 13 still stands as they consider this arrangement would result in the inconvenience of moving cars on and off the driveways to provide access to the garages.

18. They consider this would be likely to lead to increased use of the highway for the parking of vehicles causing obstruction and highway dangers. I saw that many vehicles park partly on the pavement in the existing highway in Trafalgar Rise and a number of occupants of those properties aired concerns about safety issues arising from the relatively narrow road and obstruction of the pavement and highway by parking. Nevertheless, I was advised the existing road was built to Highway Authority standards by a company that was a previous incarnation of the appellant company (Pride Homes) and that it is shortly to be adopted.
19. The housing mix in the proposed development contains a higher proportion of larger 4 bedroom houses than the existing Trafalgar Rise scheme and it is in respect of these that the County Highway Authority's objection is mainly centred. Although I note that the parking provision complies numerically with the adopted standard, I would agree with the Highway Authority that a triple tandem arrangement (garage with two spaces in front) is far from ideal in practical usage. Moreover, the roadway in the proposed layout that is intended for adoption would mainly function as a turning head, and it would cause disruption and safety hazards if parking were to take place on the carriageway here. Additionally, the Council stated it would not be feasible to enforce kerbside parking restrictions in this locality. Whilst I find this factor on its own would not be decisive, particularly as the parking standards are expressed as maxima and prospective purchasers would be aware of potential shortcomings, it adds weight to the other objections I have found.

Fourth Issue

20. Finally, issue four has been addressed to the Council's satisfaction by the submission of a Unilateral Undertaking. The Council have provided a detailed explanation of the financial payments they require in respect of open space, sustainable transport measures and environmental improvements, which are based on formulae set out in their Guide to Developer Contributions and the Hampshire County Council Transport Contributions Policy. They also set out the specific schemes in and around Clanfield to which the monies would be applied. These include refurbishment and enhancement works at South Lane Meadows, pedestrian improvements along Drift Lane and local tree planting, hedge laying and landscaping schemes. I am satisfied these requirements meet all the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010. However, the Undertaking also includes an administration and monitoring fee, which is based on 10% of the total, but the Council's statement has not sought to justify this in terms of the CIL tests. In response to my questioning at the Hearing the monitoring fee appears to me to be in respect of matters where the authority would be performing its general statutory duty of ensuring compliance and in these circumstances, I do not consider this element of the Undertaking meets the CIL tests and I cannot therefore take it into account.

21. For the reasons given above I conclude that the appeal should be dismissed.

Edward Grace

Inspector

APPEARANCES

FOR THE APPELLANT:

David Neame BSc(Hons) MSc MRTPI	Director, Neame Sutton
Elisabeth Spencer BSc MSc MCIHT	Senior Project Manager, PFA Consulting
Ann Rowland MLI	Director, Landscape Perspectives
Darren Harman	Director, Southcott Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Ellis DipTP	Principal Planning Officer, East Hants DC
Ian Godfrey, BSc MRTPI	Planning Policy Team Leader, East Hants DC
Andrea Miller MSc	Assistant Engineer, Hampshire CC

INTERESTED PERSONS:

Margaret White	Clanfield Parish Council
Nicholas Brown	Local Resident
Adam Ford	Local Resident

DOCUMENTS

- 1 Council's letter of notification
- 2 Correspondence relating to Unilateral Undertaking and ownership
- 3 Retrospective notice served on owner
- 4 Declaration by Chris Southcott
- 5 Unilateral Undertaking
- 6 Core Strategy Documents EHSD021 & EHSD021A - Housing
- 7 Core Strategy Inspector's letter and Preliminary Report 23/11/12
- 8 EHDC's response 26/11/12 (EHSD035)
- 9 Core Strategy Inspector's reply 27/11/12
- 10 Report to Extraordinary Council Meeting 2/1/13 re Joint Core Strategy
- 11 Letter 4/1/13 from EHDC & SDNPA to Inspector requesting suspension of Joint Core Strategy Examination
- 12 Revised Housing Land Supply figures from Neame Sutton
- 13 Extract from Inspector's Local Plan Report (2004) re Local Gap
- 14 e-mail dated 2/1/13 regarding development of land off Lovedean Lane and James Copse Road

PLANS

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| A | Planning Application Drawings |
| B | Dwg. 11-1086-108 : garage plans and elevations |
| C | Dwg. 1182 L90-200E : Landscape strategy |
| E | Extract from Local Plan showing extent of Local Gap |