

TOWN AND COUNTRY PLANNING ACT 1990 (As Amended)

STATEMENT OF COMMON GROUND

**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**

APPEAL REFERENCE: APP/X1735/W/20/3259067

LPA REF: APP/19/00427

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1.0 INTRODUCTION

1.1 This Statement of Common Ground (SOCG) in respect of the Planning Appeal at Lower Road, Bedhampton, Havant in relation to refusal of Planning Application APP/19/0042 and, has been agreed between the Appellant, Bargate Homes and Havant Borough Council.

1.2 The application the subject of this appeal was registered on 3 May 2019 and refused on 26 March 2020 against Officers recommendation for the following reasons;

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
8. Mitigation Payment to the SWBGS of £329,036.40 for loss of secondary support habitat
7. Permissive paths
8. A contribution towards a Community worker of £12,500
9. Delivery of site access works via a S278 agreement, prior to commencement of development.
10. 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 application the subject of this appeal had been subject to extensive pre-application discussions with the Planning Officers, thorough Community Engagement and an extensive dialogue during the determination of the application to ensure that all technical matters raised had been appropriately resolved in order to enable the Planning Officer to recommend the application for approval.

2.0 THE SITE AND ITS CONTEXT

- 2.1** The appeal site comprises 3.85 hectares of agricultural land to the south of Lower Road, Bedhampton immediately adjoining the urban settlement boundary whilst to the north of Lower Road is found relatively modern residential properties of varying ages which provide the immediate setting to the site. The site does not lie within any area designated for its landscape or heritage importance, although part of the site lies adjacent to the Old Bedhampton Conservation Area known as Character Area 5 - Old Manor Farm which was added to the Conservation Area in September 2019 during the consideration of the appeal application. The Conservation Area Appraisal which was undertaken to support this extension confirms;

C. Old Manor Farm buildings

7.6 These buildings provide insight into the agricultural past of the settlement. Whilst they are no longer in their original agricultural use, they retain some interesting architectural features and the relationship between the buildings is distinctly that of a farmyard arrangement.

Old Manor Farm buildings themselves have been converted to residential use and with respect to the surrounding agricultural land, which includes the appeal site, the CA Appraisal confirms;

7.8 Although these areas form part of the setting to the conservation area, and historic connections can be evidenced from mapping and other sources, they are mainly fields that do not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Therefore, these areas are not included within the revised boundary of the conservation area.

3 RELEVANT PLANNING HISTORY

- 3.1** There is no relevant planning history to the appeal site, although the site is allocated under Policy H20 – Land South of Lower Road of the emerging Havant Local Plan 2036 for the erection of about 50 dwellings.
- 3.2.** There are no current Public Rights of Way across the site. However, a Right of Way is being claimed by local residents and this is a separate matter that will be determined by Hampshire County Council in due course. Notwithstanding this, it is agreed that the proposed layout has been designed to fully accommodate the claimed right of way which lies to the east of any new built development.

4 THE PROPOSALS

- 4.1** The full application the subject of this appeal comprises the erection of 50 dwellings, (including 30% affordable homes) together with a new access from Lower Road, landscaping and Public Open Space.
- 4.2.** A draft Section 106 Agreement has been forwarded to the Council and is in the process of being completed. It is expected that the Agreement will be completed prior to the commencement of the Public Inquiry. Once completed, this will overcome Reason for Refusal 2 in its entirety and consequently, the Council will not seek to defend this reason.

5 PLANNING POLICY

THE DEVELOPMENT PLAN

5.1 In the case of this appeal, the Development Plan comprises;

- The Havant Borough Local Plan (Core Strategy) adopted March 2011 (covering the period 2006 to 2026),
- The Havant Local Plan (Allocations) Local Plan adopted 2014

The Council is relying on the following policies to defend this appeal;

Policy CS11 and Policy CS16 of the Havant Local Plan 2011.

Policy DM20 of the Havant (Allocations Local) Plan 2014

In addition, there are a number of other documents which are relevant to the determination of this appeal, including;

- The Pre-submission Havant Borough Local Plan 2036 with changes (as approved by Full Council on 9 September) and associated background evidence with specific reference to Policy H20 which allocations the site for the erection of about 50 dwellings on the appeal site;
- The Old Bedhampton Conservation Area Appraisal September 2019
- The Local Plan Housing Statement December 2016 (Now revoked following the publication of the Pre-Submission Havant Local Plan 2036).
- Havant Housing Supply Update December 2019 which relies on the appeal site for making a contribution to the Council's HLS

With respect to the Local Plan Housing Statement 2016, it was advised in respect of the appeal site (referenced as Site UE30) and other sites on which the Council relies to support its 5-year HLS;

3.14 The sites listed in Table 2 have all been considered through the 2016 SHLAA process to be deliverable or developable. As such they are free of constraints that cannot be mitigated, are available for development, and sustainable development could be achieved on the site. Whilst development on these sites would be contrary to Policies CS17 and AL2 which indicate that residential development should be resisted, it is necessary to make a departure from the Adopted Local Plan given the high level of housing need that exists. As such, the Council will support the principle of residential development on the sites ahead of the adoption of the Havant Borough Local Plan 2036, subject to compliance with the remainder of the policies in the Adopted Local Plan and the Guiding Principles in this Housing Statement.

NATIONAL PLANNING POLICY

5.2 It is agreed that the NPPF and NPPG are highly relevant to the determination of this appeal both of which post-date the adoption of the Development Plan.

6 AREAS OF AGREEMENT

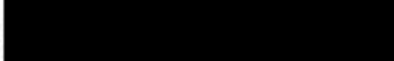
- 6.1 It is agreed that subject to appropriate conditions, there are no technical grounds on which to dismiss the appeal and that all such matters have been resolved during the determination of the application. In addition, it is agreed that no material harm arises to the amenities of existing residents to justify a refusal of planning permission.
- 6.2 It is also agreed that the appeal site lies within a sustainable location close to existing services and employment opportunities. It is further agreed that weight can be given to the emerging Local Plan in accordance with Paragraph 48 of the NPPF. However, the amount of weight to be given is not agreed between the parties.
- 6.3. It is agreed that the appeal proposals contributes towards the following objectives set out within Paragraph 8 of the NPPF, namely Economic and Social. With respect to Environmental objectives, the Council considers that the development does not contribute positively towards this objective. whilst the Appellant believes that substantial Environmental benefits will arise as a result of the appeal proposals.
- 6.4 Regardless of the respective supply positions (Council or Appellant), it is agreed that the Council will not be able to demonstrate a five-year supply of deliverable housing land against the minimum requirement for the five-year period 1st April 2020 to 31st March 2025.

7 AREAS OF DISAGREEMENT

- 7.1 There is disagreement in respect to whether any harm arises to the setting of the adjacent Conservation Area, and, without prejudice to the Appellants position, should less than substantial harm arise, whether the public benefits of the proposals outweigh any such harm.
- 7.2. The weight to be given to the emerging Local Plan and in particular, Policy H20 which allocates the site for the development of around 50 dwellings is not agreed. The Council believe that only limited weight can be given, whilst the Appellant considers significant weight can be applied having regard to the stage that the Plan has reached.
- 7.3. The Appellants consider that, in accordance with Paragraph 11d) of the NPPF, the most important Policies of the Development Plan are out-of-date and therefore the 'tilted balance' is engaged. The Council, however does not agree with this.
- 7.4. The Appellants consider that substantial Environmental benefits will arise as a result of the appeal proposals. The Council does not accept that any Environmental benefits will arise.
- 7.5. The absence of a 5-Year Housing Land Supply is agreed, however, at the time of writing the Council is unable to confirm how much of a shortfall exists. . The Appellants consider that a substantial shortfall exists whereas the Council's position in respect of the degree of shortfall is unknown.

8 PLANNING CONDITIONS

- 8.1** The Planning Conditions set out in the Committee report dated 5 March 2020 are agreed and are attached as Appendix 1 to this Statement of Common Ground and the draft Section 106 Agreement is appended at appendix 2.

Signed: 

Name: Simon Jenkins

On Behalf of Havant Borough Council

Dated ...23 November 2020.....

Signed: 

Name: David Jobbins

On behalf of the Appellant

Dated ...23 November 2020.....