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Dear Sir/Madam

Appeal by Mr Simon Harding against refusal for 5 No. 1 bedroom retirement bungalows at East Leigh House, Barton's Road, Havant, PO9 5NA

Planning Inspectorate Refence: APP/X1735/W/20/3265594

Further to your letter dated 29th April 2021 and the LPA's appeal statement, the appellant would be pleased if the Inspector could take the following further comments into account, in response to the LPA's appeal statement.

Paragraph 5.1 (and subsequent Paragraph 5.22) – The Appellant has now signed the legal agreement and made the necessary mitigation payment, thereby ensuring that the proposal is nitrogen neutral. It is therefore acknowledged by the Appellant that the LPA is withdrawing reason 1 on the decision notice.

Paragraph 5.2 – The appellant's appeal statement did not suggest that the Listed Building itself would languish if permission were not forthcoming, it stated that its 'setting' would languish.

Paragraph 5.3 – The communal amenity space retained by East Leigh House, should the appeal be granted, remains in excess of 840m² and is to be shared with the occupants of the recently approved 6 No 1 bedroom flats. As can be seen from the location plan, East Leigh House and its environs is within the same ownership of the applicant. It is respectfully suggested that such a generous amenity space is more than sufficient to meet the need of the current and future occupiers of East Leigh House.

Paragraph 5.4 – Whilst the photograph provided in Appendix D of the LPA's appeal statement is useful in showing the historic setting of the heritage asset, it unfortunately does not show the current setting, given the permitted planning applications relating to the North (APP/15/01103) and South (APP/18/00453) of the site. It is respectfully requested that the Inspector conducts a site visit to familiarise him/herself with the site and the unacceptable level of damage that has been caused to the setting of the listed building resulting from the development to the south of the site. The appeal proposal looks to create a new, more intimate setting that is permanently appropriate for a building of this age.

Paragraph 5.8 – it is noted by the Appellant that the LPA acknowledges the current shortfall in the Five Year Housing Supply Position. As the LPA has stated its intention to withdraw its objection on Habitat Regulation grounds (nitrates and recreational pressure issues), the presumption in favour of sustainable development now applies.

Paragraph 5.28 – As stated above, the legal agreement has been signed and the mitigation payment made and therefore the reasons for refusal relating to this element of the LPA's objections is no longer valid.

Paragraph 5.29 – The statutory consultee has stated that the harm caused to the setting of the historical asset is less than substantial. **Paragraph 196** of the National Planning Policy Framework states;

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use.'

The Appellant refutes that 'significant harm' is caused to the listed building, which would even contradict the level of harm attributed by the LPA's specialist heritage advisor. The appellant contends that no harm, only an enhancement would be achieved by the proposals. Even if the Inspector considered that 'less than substantial harm' is caused by the proposals, this is more than outweighed by the substantial weight that can be applied to the social, economic and environmental benefits listed in the appeal statement as well as the additional benefit of providing 5 units of a specialist form of housing against an acknowledged wider lack of housing supply in the Borough.

Paragraph 5.30 – In relation to private residential amenity, given that the residents of East Leigh House and the new bungalows will share in excess of 840m² of communal amenity space, it is refuted that harm is caused as a result of loss of communal amenity space to East Leigh House. It is also refuted that the proposed bungalows have inadequate private amenity when the whole of the historic garden is available for their use.

Paragraph 5.40 – The LPA seek to cast doubt on the likelihood that the communal amenity space will be shared with East Leigh House. Whilst additional clarification could have been provided at the application stage, the case officer did not approach the applicant to clarify this matter. The remaining area of East Leigh House and its environs is retained in the ownership of the applicant and the shared amenity area was included within the 'blue line' of the location plan. It is confirmed that the communal amenity space will be shared, and the LPA has no evidence or reason to suggest otherwise.

Conditions

In relation to the proposed conditions:

- Condition 3 - the appellant would request that the age limit for these homes be reduced to 55/50 this is when a pension can legally be accessed. Early retirement might otherwise exclude certain sectors of the population from these bungalows. In addition, there is no 'warden's accommodation' so this wording

should be removed from the condition. It is noted that the reasoning for this condition accepts the need for such retirement housing within the Borough of Havant.

- Condition 9 appears unnecessary as other legal mechanisms control foul water connections.
- Condition 10 appears unnecessary as the driveways are already in place.

In conclusion, the LPA have a shortfall in their five year land supply and therefore Paragraph 11 of the NPPF presumes in favour of sustainable development. The development, in providing 5, wheelchair accessible, retirement bungalows in a form that provides a new, intimate and appropriate setting for the historic building which repairs the damage done as a result of the development of the strategic-sized housing site adjacent, is highly sustainable. The appellant accepts the conditions proposed by the LPA, subject to the amendments suggested above.

The appellant therefore continues to respectfully request that the appeal is allowed.

Yours faithfully



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Director
Wessex Planning Ltd

