

Appeal: APP/D1265/W/23/3336518  
Land to the South of Ringwood Road  
Alderholt, Dorset

LPA: Dorset Council  
Appellant: Dudsbury Homes  
(Southern) Ltd

TECHNICAL NOTE  
ADDENDUM:

Appellant's 5 Year Housing  
Land Supply Assessment

21 June 2024

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## Introduction

- 1.1 This Technical Note Addendum (TNA) on Housing Land Supply (HLS) has been prepared in response to the 'additional evidence', presented as a rebuttal statement, submitted to the inquiry by Dorset Council. It is intended to assist the inquiry, and by setting out the Appellant's response at this stage, reduce the time required for the round table session, in the context of the agreed position that the Council cannot identify a five-year housing land supply.

## Calculating Local Housing Needs

- 1.2 The Appellant's position in respect of the calculation of Local Housing Need has not changed. It has always been the case that:

- the Appellant has referred to the 'uncapped' Standard Methodology Local Housing Need (SM LHN) figure of 543.14 dpa, which is taken from the Council's own evidence base and arrived at as step 2 of the SM (see Dorset's HLS Report figure 3.2).
- Step 3 of the SM introduces a 40% cap, but the cap is referenced to whichever is the higher of, a) the projected household growth or b) annual housing requirement set out in the most recently adopted strategic policies
- The fact that the NPPF has been updated and the Council has reorganised since 2014 is irrelevant, the East Dorset and Christchurch Core Strategy remains the most recently adopted local plan for the area, containing strategic policies. Further, the Core Strategy specifically allowed for flexibility of supply across the area, in order to support delivery. It did not divide the requirement into separate areas as part of the spatial strategy. Whilst an approach of dividing the requirement was discussed at the examination, it was intentionally rejected.
- The Appellant has maintained the position that the cap should be applied with reference to b), because that figure does exist, is 566 dpa (for reasons explained in the evidence), and is higher than the average household growth figure of 327 dpa.
- The consequence of referencing the cap to the higher housing requirement (of 566 homes) is that the full SM LHN of 543 is retained – the figure is essentially uncapped.

- 1.3 The reason for the cap, is not to align the SM figure with the local plan housing requirement (indeed both have been calculated under entirely different methodologies), but to help ensure that the minimum LHN figure calculated using the SM is as deliverable as possible (see NPPG ID: 2a-007-20190220). The PPG further clarifies that whilst the cap reduces the minimum number generated by the SM it does not reduce housing need itself.

- 1.4 Strict interpretation of the guidance supports the approach that a) there is a local plan requirement, and 2) use of that requirement presents a 'higher' SM LHN. This is in accordance with the guidance and NPPF prerogative to boost housing land supply.

## Howe Road

- 1.5 Irrespective of whether plot one (a single plot) has been implemented under the NMA, granted 30 June 2022, the Council's evidence (rebuttal page 4) confirms that no other plots can commence until pre-commencement conditions 5, 6 and 9 have been discharged (nb there is no condition 19 on the RM consent). All of these conditions relate to the impact on existing trees (see appendix 1 below).
- 1.6 There has been no activity with respect to discharging these conditions since the NMA. As highlighted by a snapshot from the RM application page (RM 3/19/0019 was granted 04/07/2019), the last correspondence related to the partial discharge of conditions in 2021.

<input checked="" type="checkbox"/>	<a href="#">04/07/2019 - Decision Notice</a> (unknown size)
<input type="checkbox"/>	<a href="#">15/02/2021 - DIS - C3, C5, C6, C9, C15, C16 - Application form redacted</a> (unknown size)
<input type="checkbox"/>	<a href="#">22/07/2021 - DIS - C5, C6 - BS5837 Tree Report in relation to design, demolition and construction</a> (unknown size)
<input type="checkbox"/>	<a href="#">22/07/2021 - DIS - C5, C6 - Plan No. 202 P1 - Proposed Site Plans showing Indicative Attenuation Layout</a> (unknown size)
<input type="checkbox"/>	<a href="#">22/07/2021 - DIS - C5,C6 - Arboricultural Method Statement</a> (unknown size)
<input type="checkbox"/>	<a href="#">04/08/2021 - DIS - C9 - footpath construction</a> (unknown size)
<input type="checkbox"/>	<a href="#">04/08/2021 - DIS - C15 - Nearside egde specificaiton</a> (unknown size)
<input type="checkbox"/>	<a href="#">04/08/2021 - DIS - C16 - proposed levels</a> (unknown size)
<input type="checkbox"/>	<a href="#">24/12/2021 - DIS C 3 5 6 9 15 16 Response</a> (unknown size)

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- 1.7 Given that the NMA was granted post 2021, no progress is being made towards the discharge of pre-commencement conditions associated with the remaining 28 dwellings. No progress is being made towards the site's delivery. The permission is not deliverable.

## New Road Parley

- 1.8 This site is included in the HLS under two entries of 256 and 40 homes (p.32) totalling 296 homes:

u/c	1 Carrol Avenue & 430 Kingwood, Ferndown	3/19/1306/FUL	Ferndown	15
u/c	Land East of New Road, West Parley (FWP6) – Phase 1	P/RES/2022/03505	Ferndown/West Parley	256
n/s	Land East of New Road, West Parley (FWP6) [remaining Phases on allocation sites]	3/17/3609	West Parley	40

- 1.9 The Council's rebuttal evidence confirms that the two entries are for phase 1 and 40 from phase 2 (annotated as remaining phases). However, phase 1 is for 238 homes (not 256 homes).

- 1.10 Further, the developer email, dated December 2022, assumes 14 completions on site in annual monitoring year 2023/2024. This did not happen.
- 1.11 Additionally, the developer relies on two sales outlets to justify an annual build rate of 80 dpa. However, the phase 1 RM application was consented before the developer's December 2022 email containing the trajectory, and the phase 2 after; February 2022 and May 2023 respectively. Both RMs are made in the name of Bellway Homes – a single developer/outlet. It would appear that circumstances have changed, and the single developer will build out in two consecutive/sequential phases, rather than in parallel. This is supported by the Council's assumption that phase 2 will follow phase 1.
- 1.12 The email has been superseded by the clarification of a single outlet and delayed first completions.
- 1.13 In any event, the Litchfields Report does not support a delivery rate of 80 dpa for this scale of development. Instead (see Council's Appendix C, figure 4.1 – pdf page 78) it confirms a lower to upper quartile of 35dpa – 60dpa on sites of 100 – 499 homes (this site is 386). The mid-point would be 47.5.
- 1.14 With first completions April 2024, four years delivery to 31 March 2028 at 50 dpa, would reduce delivery to 200 homes, supporting the removal of 96 homes from the stated supply.

### **Minor Windfall Sites**

- 1.15 The Council confirms that its windfall allowance relates solely to small unallocated sites. All of its minor permissions are small windfall sites – from the same pool, some having achieved a windfall consent and some still to come.
- 1.16 The overwhelming evidence, provided by the pool of sites with permission and historic rates of delivery confirms a reduced delivery, i.e. whilst the number of permissions (306) supports the ongoing ability to deliver 78.6 dwellings per annum on windfall sites (as per past trends), it does not support the ability to achieve 97.4 homes. The adjusted delivery provides a discount 94 homes from the HLS.
- 1.17 This approach is supported by other appeal decisions, for example an appeal decision dated 10 April 2024 in relation to Mount Royal, Four Marks, Hampshire (ref: 3329928):

*“The Ppg also states a windfall allowance may be justified. Paragraph 72 of the Framework confirms the need for compelling evidence and any allowance should be realistic having regard to strategic land availability assessment, historic windfall and expected future trends. The Council include 112 dwellings as a foreseen windfall allowance. However, this is in addition to small sites with planning permission. In the two years 2026/27 and 2027/28 this would indicate 102 dwellings which far surpasses the windfall completions to date which the Appellant quantifies at 58 dwellings per year<sup>11</sup>. I therefore find that there is not*

*compelling evidence to assume greater than historic delivery and therefore 53 dwellings should be deleted from the supply.” (para 62, Appendix 2).*

### **Overview**

- 1.18 The further site deletions, of 218 homes (28 at Howe Lane, 96 at Parley, 94 windfalls), reduce the Council’s amended supply of 1854.6 homes to 1,636.6 homes.
- 1.19 Against the Council’s annualised 5-year requirement of 480.8 dwellings this equates to 3.4 years HLS.
- 1.20 Against the Appellants annualised 5-year requirement of 543.14 dwellings this equates to 3 years HLS.

## Appendix 1



**Development Management**

PO Box 9148, Christchurch, Dorset, BH23 9JQ

) 01202 795031

\* [planningteamc@dorsetcouncil.gov.uk](mailto:planningteamc@dorsetcouncil.gov.uk)

8 [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)

**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

Mr J A Spencer  
Oak Tree Cottage  
Howe Lane  
Verwood  
BH31 6JF

**Approval of Reserved Matters**

Application reference no: **3/19/0019/RM**

This permission does not carry any approval or consent which may be required under any enactment, by-law, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc.) other than Section 57 of the *Town and Country Planning Act 1990*.

*Dorset Council* in pursuance of powers under the above-mentioned Act hereby **APPROVES** the following matter(s) which had been reserved for later approval on the grant of Outline Planning Permission:

**Approval for Reserved Matters of Landscape, Appearance and layout.  
Application 3/13/0674/OUT (granted on appeal) for construction of 29  
residential dwellings.**

**at Land to the South of Howe Lane, Verwood, Dorset, BH31 6JF**

in accordance with the approved plans and subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Block and Location Plan 9019/103
  - Full Site Plan 9019/102 C
  - Site Section Indicating Retaining Walls and Raised Patios 9019/126 A
  - Street Scenes and Site Sections 9019/127 A
  - Affordable Housing Allocation Plan 9019/128 A

- Landscape Proposals – Site Plan Sheet 1 of 2 17004/005 C
- Landscape Proposals – Site Plan Sheet 2 of 2 17004/006 B
- Landscape Proposals – Specification 17004/007 C
  
- Floor Plans and Elevations Plot 1 8238/102 B
- Floor Plans and Elevations Plot 2 8238/103 B
- Floor Plans and Elevations Plot 3 8238/104 B
- Floor Plans and Elevations Plot 4 9019/107 A
- Floor Plans and Elevations Plot 5 9019/108
- Floor Plans and Elevations Plot 6 9019/109
- Floor Plans and Elevations Plot 7 9019/110
- Floor Plans and Elevations Plot 8 9019/111
- Floor Plans and Elevations Plot 9 9019/112
- Floor Plans and Elevations Plot 10 9019/113
- Floor Plans and Elevations Plot 11 9019/114
- Floor Plans and Elevations Plot 12 9019/115
- Floor Plans and Elevations Plot 13 9019/116
- Floor Plans and Elevations Plot 14 9019/117
- Floor Plans and Elevations Plot 15-16 9019/118
- Floor Plans and Elevations Plot 17-21 9019/119 A
- Floor Plans and Elevations Plot 22-23 9019/120 A
- Floor Plans and Elevations Plot 24-25 9019/121
- Floor Plans and Elevations Plot 26-27 9019/122
- Floor Plans and Elevations Plot 28 9019/123 A
- Floor Plans and Elevations Plot 29 9019/124

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. All hard and soft landscape works shall be carried out in accordance with the approved plan Landscape Scheme:

- Landscape Proposals – Site Plan Sheet 1 of 2 17004/005 C
- Landscape Proposals – Site Plan Sheet 2 of 2 17004/006 B
- Landscape Proposals – Specification 17004/007 C

The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.



Reason: To ensure the implementation of the scheme is carried out in accordance with the approved plans and to accord with Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

5. Notwithstanding details already submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site.

Reason: To demonstrate that the proposed development can be implemented without detriment to the existing trees that are to be retained on the site.

6. Notwithstanding details already submitted within the Arboricultural Method Statement, no development shall commence on site until the final design and specification of a) the section of road outside plot 27, including cross sections showing the existing and proposed levels and b) the garages for plots 5-8 and 29 including cross sections showing the existing and proposed levels, have been submitted to and approved in writing by the Local Planning Authority. All structures shall then be installed as per the approved documents.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

7. The installation of tree protection, both fencing and ground protection for the protection of any retained tree shall be undertaken in accordance with the approved plans (Plan 2830-04-19 Tree Survey and Tree Protection Plan M Hinsley dated 26/4/2019) and particulars (Arboricultural Method Statements 2830-12-18 Plots 4-29/JC/MTH/12/18 and 04/19 dated 19/12/2018 and 26/4/2019) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

8. Any excavation work undertaken within the rooting area of trees relating to the application proposals shall be hand dug and no roots in excess of 25mm in diameter shall be severed without the prior consent of the Local Planning Authority.

Reason: In order to prevent damage to trees.

9. Notwithstanding details already submitted with the application, no development shall commence on site until the final construction method statement and specification for the proposed driveway have been submitted to and approved in writing by the Local Planning Authority. The driveway shall then be installed as per the approved documents and this condition shall not be discharged until an arboricultural supervision statement is submitted to and approved in writing by the Local Planning Authority on completion of its installation.

Reason: To prevent trees on site from being damaged

10. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans 'Full Site Plan 9019/102 C' must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment no further windows or doors shall be constructed in the side and rear elevations (such expression to include the roof and wall) of the buildings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid loss of privacy to adjoining properties.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof no extensions or outbuildings shall be constructed without express planning permission first being obtained.

Reason: In the interests of controlling matters which may be detrimental to the original visual concept and the balance of private space provision, and in order to protect the amenities of adjacent residential properties and in order to ensure an appropriate relationship between built form and trees.

13. Before any other operations are commenced the visibility splay areas as shown on Drawing Number 8238/105B shall be cleared to a level not exceeding 06 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.

Reason: In the interests of road safety.

14. The development hereby permitted shall not be occupied or utilised until provision has been made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: In the interests of road safety.

15. Before the development is commenced the proposed access crossing from the nearside edge of the carriageway to the boundary of the highway shall be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

16. Plans and particulars showing:
  - the finished floor levels, related to ordnance datum or fixed point within the site, of the ground floor of the proposed building(s), (and as appropriate the closest adjacent building beyond the site); and
  - the finished levels of the access road relative to the levels of the land adjacent to the access road shall be submitted to, and approved in writing by the Local Planning Authority and development shall not be commenced until these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In order that the Council may be satisfied with the details of the proposal having regard to the existing site levels and those adjacent hereto.

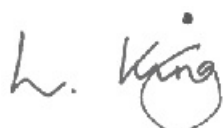
The following Informative Notes are drawn to the Applicant's attention:

1. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
2. The applicant is informed that this decision constitutes an approval of reserved matters under Condition 1 of the planning permission granted by notice dated 20 January 2016; under Appeal Decision ref APP/U1240/W/15/31339; and does not, by itself, constitute a planning permission.
3. The applicant is informed that this decision constitutes an approval of reserved matters under Condition 1 of the planning permission granted by notice dated 20 January 2016; under Appeal Decision ref APP/U1240/W/15/31339; only and does not discharge other conditions listed in this Appeal Decision.
4. This grant of permission is to be read in conjunction with the S106 Agreement signed 15 January 2016 entered into between East Dorset District Council, and Carolyn Anne Macy, John Andrew Spencer and David Ian Spencer.

5. For the avoidance of doubt and based on the description of the submitted application, the following are not considered and must be submitted as a separate discharge of condition application:
  - Tree Root Protection Plan 391751-101 rev B
  - Tree Survey and Tree Protection Plan 2830-04-19 (dated 26/4/2019)
  - Arboricultural Method Statements 2830-12-18 Plots 4-29/JC/MTH/12/18 and 04/19 dated 19/12/2018 and 26/4/2019 in particular paragraph 9.3.
  - Technical Recommendation TR17-2127 RUR CEL Oak Tree Cottage V3 dated 3/10/2018 Geosynthetics
  
  - Proposed Plan showing Impermeable Areas 1248/201 P1
  - Indicative Attenuation Layout 1248/202 P1
    - Scheme 2895808 PLOTS 2-27 Oak Tree Cottage Site, Howe Lane, Verwood BH31 6JF (dated 15/11/2017)
  - Drainage Calculation Sheet 1248 (dated December 2018)
  
  - 1248 Construction Phase Plan Wills Design Partnership Dec 2018
  
6. The applicant is advised that, notwithstanding this consent, if it is intended that the first 12 metres only of the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Estate Road Construction (adopted or private) Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.
  
7. As the new road layout beyond the first 12 metres does not meet with the Highway Authority's road adoption standards for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
  
8. The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.
  
9. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

The applicant's attention is drawn to the need to comply with all conditions imposed on this permission. There may be conditions that require the submission of additional details and these may be needed before the commencement of the approved development. Failure to comply with all conditions may result in the Council serving a breach of condition notice against which there is no right of appeal. Note that legislation requires the payment of a fee in respect of requests to discharge conditions.

Signed

A handwritten signature in black ink that reads "L. King". The signature is written in a cursive style with a dot above the 'i' in King.

*Lynda King*  
*Nominated Officer*

Decision Date: 4 July 2019

## NOTES TO THE APPLICANT

### **Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 39 and 40 of the National Planning Policy Framework (February 2019)**

In accordance with the above, Dorset Council has worked with the applicant in a positive and proactive way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved within applications in accordance with its Development Management Charter. In responding to pre-application enquires and determining formal applications, Dorset Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

#### **Policy considerations and reasons**

In reaching this decision the policies in the Development Plan for the area, which currently comprises the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, were taken into account. Saved policies within the East Dorset Local Plan 2002 were also taken into account. These include specifically the following policies:

KS1	Presumption in favour of sustainable development
KS12	Parking Provision
HE1	Valuing and Conserving our Historic Environment
HE2	Design of new development
HE3	Landscape Quality
LN1	The Size and Type of New Dwellings
LN2	Design, Layout and Density of New Housing Development
LN3	Provision of Affordable Housing
ME1	Safeguarding biodiversity and geodiversity
ME2	Protection of the Dorset Heathlands

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. The appeal will be dealt with, on behalf of the Secretary of State, by The Planning Inspectorate.
- If you want to appeal your Local Planning Authority's decision then you must do so within 6 months of the date of this Notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.
- Appeals must be made using the Appeals Casework Portal which is available at <http://www.planningportal.gov.uk/planning/appeals/> alternatively, please call The Planning Inspectorate on 0303 444 5000.
- The Planning Inspectorate can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.
- The Planning Inspectorate need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.
- In practice the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

### **Purchase Notice**

If either the local planning authority or the Planning Inspectorate refuse permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



## Planning Services

County Hall, Colliton Park  
Dorchester, Dorset, DT1 1XJ

) 01305 838336- **Development Management**

) 01305 224289- **Minerals & Waste**

8 [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)

Mr Neil McKeon  
Pure Town Planning  
Studio 2 The Focus Building  
1 Crimea Road  
Bournemouth  
BH9 1AP

**Date:** 01 July 2022

**Ref:** P/NMA/2022/03717

**Case Officer:** Naomi Shinkins

**Team:** Eastern Team

) 01202 228809

\* [naomi.shinkins@dorsetcouncil.gov.uk](mailto:naomi.shinkins@dorsetcouncil.gov.uk)

Town and Country Planning Act 1990  
Town and Country Planning  
(Development Management Procedure) (England) Order 2015

## Planning Decision Notice

### Non Material Amendment

**Application Number:** P/NMA/2022/03717

**Case Officer:** Naomi Shinkins

**Applicant:** Mr J Spencer

**Location:** Oak Tree Cottage Howe Lane Verwood Dorset BH31 6JF

**Description:** Non material amendment to approved P/A 3/13/0674/OUT (granted on appeal) for construction of 29 residential dwellings. Non material amendment to conditions 5, 6 and 9 to allow the commencement of plot 1 only.

**Decision Date:** 30 June 2022

Dorset Council **approves** the non material change to planning permission P/A 3/13/0674/OUT, as detailed in this application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This permission does not cover Building Regulations Approval or any other Byelaw, Order or Regulation.

Please see our website [www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/contacts/building-control-contacts](http://www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/contacts/building-control-contacts) for more details about making a building regulation application and contacting our Building Control Team.

This permission is subject to conditions set out over the page.

The applicant's attention is drawn to the need to comply with all conditions imposed on this permission. There may be conditions that require additional details to be submitted and this may be needed before work can start on the development. Failure to comply with all conditions may result in the Council serving a breach of condition notice, of which, there is no right of appeal. Note that legislation requires the payment of a fee in respect of requests to discharge conditions.



There is a Community Infrastructure Levy (CIL) Liability notice attached to this permission. Your CIL liability notice will follow separately. A CIL payment may need to be paid however you need to follow the strict process in order to comply with the requirements of CIL procedure.

Signed



*Mike Garrity*

**Head of Planning**

**Economic Growth and Infrastructure**

**The granting of the non-material amendment is subject to the following conditions:**

1. The existing condition 5 imposed in relation to planning application 3/19/0019/RM is varied and replaced with the following condition:

With the exception of plot 1 only as set out in the approved drawing 'Full Site Plan 9019/102 C', notwithstanding details already submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site.

Reason: To demonstrate that the proposed development can be implemented without detriment to the existing trees that are to be retained on the site

2. The existing condition 6 imposed in relation to planning application 3/19/0019/RM is varied and replaced with the following condition:

With the exception of plot 1 only as set out in the approved drawing 'Full Site Plan 9019/102 C', notwithstanding details already submitted within the Arboricultural Method Statement, no development shall commence on site until the final design and specification of a) the section of road outside plot 27, including cross sections showing the existing and proposed levels and b) the garages for plots 5-8 and 29 including cross sections showing the existing and proposed levels, have been submitted to and approved in writing by the Local Planning Authority. All structures shall then be installed as per the approved documents.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy

3. The existing condition 9 imposed in relation to planning application 3/19/0019/RM is varied and replaced with the following condition:

With the exception of plot 1 only as set out in the approved drawing 'Full Site Plan 9019/102 C', notwithstanding details already submitted with the application, no development shall commence on site until the final construction method statement and specification for the proposed driveway have been submitted to and approved in writing by the Local Planning Authority. The driveway shall then be installed as per the approved documents and this condition shall not be discharged until an arboricultural supervision statement is submitted to and approved in writing by the Local Planning Authority on completion of its installation

Reason: To prevent trees on site from being damaged

**Informatives:**

1. No new planning permission has been created. The original planning permission ref: 3/19/0019/RM still stands and this amendment should be read in conjunction with the requirements and Conditions set out in that Decision Notice.

## Appendix 2



## Appeal Decision

Inquiry held on 6, 7, 8 and 9 February 2024

Site visit made on 6 February 2024

**by J P Longmuir BA(Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> April 2024

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**Appeal Ref: APP/M1710/W/23/3329928**

**Mount Royal, 46 Lymington Bottom, Four Marks, Alton, Hampshire GU34 5AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gladman Developments Ltd against East Hampshire District Council.
  - The application Ref 56082/004 is dated 24 March 2023.
  - The development proposed is outline planning application for demolition of 46 Lymington Bottom, Four Marks and the erection of up to 60 dwellings with vehicular access point, public open space, landscaping and sustainable drainage systems (SuDS). All matters reserved except for means.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of 46 Lymington Bottom, Four Marks and the erection of up to 60 dwellings with vehicular access point, public open space, landscaping and sustainable drainage systems (SuDS) in accordance with the terms of the application, Ref 56082/004, dated 24 March 2023, subject to the conditions in the conditions annexe.

### Preliminary Matters

2. The Council did not determine the application and gave putative reasons in their Statement of Case (SoC). The first reason foresees that the proposal due to its density, layout and siting would lead to a discordant form of development which would be harmful to the character of the area.
3. The second reason was the likelihood of the intended residents being car dependent for access to services and facilities. Subsequent to the SoC a Connectivity Study, Transport Note and Framework Travel Plan were submitted. The Council accepted that these demonstrated the site's accessibility to facilities and the potential for a safe access. I consider these issues latterly.
4. The lack of information on ecology was another concern of the Council. Subsequent to the SoC a revised and updated ecological survey was submitted to the Council, which addressed this concern. I consider this also latterly.

5. The lack of a submitted Section 106 agreement was the subject of the Council's final putative reason, which they suggested would jeopardise delivery of affordable housing, management of open space and highway/accessibility measures. Subsequently a legal agreement dated 29 February 2024 was submitted on 4 March 2024 covering affordable housing, sustainable travel, highway works, management of open space, an on-site play area, a contribution towards off site recreation and monitoring. The Council confirmed at the Inquiry that this would satisfy their objections in this respect.
6. The application was submitted in outline except for details of the access. A Framework Plan was submitted which shows the extent of open space and the potential development area. An indicative Master Plan was submitted, and I have only considered it as titled, illustrating one possible layout.
7. The December 2023 revisions to the National Planning Policy Framework (the Framework) were duly considered by both parties in their written evidence to the Inquiry. In addition, Planning Practice Guidance on Housing supply and delivery (Housing supply Ppg) was revised on 5 February 2024 and considered by all parties at the Inquiry.

### **Main Issue**

8. The single remaining concern from the Council's SoC is the effect of the proposal on the character and appearance of the area. I consider this is the main issue.

### **Reasons**

#### *The effect of the proposal on the character and appearance of the area*

9. Policy CP10 of The East Hampshire District Local Plan: Joint Core Strategy (CP), provides the spatial strategy for new housing. It allows for development within settlement policy boundaries where development maintains and enhances character and quality of life. The policy also allocates a minimum of 175 dwellings at Four Marks/South Medstead<sup>1</sup>.
10. In March 2023 the Council adopted the Housing Outside Settlement Boundaries SPD. This provides an elaboration of saved policies including CP10 on the existing spatial strategy for growth. Acceptable development outside settlement boundaries will depend upon a community need, reinforcement of settlement role and function, inability to accommodate within the settlement and has local support.
11. The appeal site, with the exception of the access, is outside the identified settlement policy boundary, where CP19 applies in the countryside and restricts development to that needed for farming, forestry and rural enterprises.
12. Policy CP20 seeks to conserve and enhance local distinctiveness, sense of place and tranquillity of the landscape.
13. Policy CP29 requires exemplary and high standard of design. All development is required to respect character, identity, and context. Relatedly the layout and design are required to contribute to local distinctiveness and sense of place.

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<sup>1</sup> The neighbouring area to the north of Four Marks

14. Policy CP28 requires new development to maintain, manage and enhance the network of new and existing Green Infrastructure (GI). New GI should be provided on site or via financial contributions.
15. The Medstead and Four Marks Neighbourhood Plan (NP) Policy 1 is similar to CP10 as development within the Settlement Policy Boundary is supported in principle. Policy 9 also supports the provision of GI.
16. The Local Plan is being reviewed and both parties suggested the emerging plan warrants only very limited weight<sup>2</sup> and no party made reference to it in evidence.
17. The appeal site is approximately 1.5km west of the South Downs National Park, but no party raised any concern about the impact of the proposal on its setting and I similarly find no harm in this respect.
18. The appeal site is within the southeastern part of the 'Hampshire Downs' national character area, whereby the settlement pattern is along lower river valleys or as dense string of nucleated villages on higher slopes.
19. The site is within 'the clay plateau' in the East Hampshire District landscape character assessment, where the countryside is gently elevated, and enclosure varies according to woodland cover and allows some open views. The settlement pattern is nucleated villages. The sub area 'Four Marks Clay Plateau' has undulating countryside, rolling landform to north, blocks of woodland and intact hedgerow network. Four Marks is noted as having a higher density than other settlements within the Clay Plateau.
20. The East Hampshire District Council Landscape Capacity study aims to retain tree cover, restore field boundaries, management of woodland blocks, and conserve the rural character of lanes. Capacity is suggested to be constrained by the rural and generally tranquil character, distinctive field patterns and rural setting of settlements. The site and environs are within a broad area shown as medium capacity to accommodate new development providing it has regard to the setting and form of the settlement.
21. The site is not within any of the identified Four Marks character areas within the Council's 'Neighbourhood Character Study' (NCA). The Council suggest it is akin to 'Telegraph Lane'. However, Telegraph Lane is a very elevated area, being on one of the highest points of the village, with significant tree cover and a sense of openness on one side (the east) towards the National Park. The Inquiry was not presented with clear evidence to demonstrate similarities with the appeal site environs. Moreover, as the appeal site is not identified as within any NCA area, I find the Study of limited benefit in this case, and consider it is more meaningful to focus on the site itself and its surroundings.
22. The appeal site is on the southern edge of Four Marks and behind residential frontages on two sides: Brislands Lane and Lymington Bottom. The existing houses on both are prominent as their front gardens are largely open with limited screening vegetation. The houses themselves obscure much of the appeal site so that it is only visible in glimpses through gaps in the building lines. Consequently, the proposed houses, confirmed as two storey, would not be prominent and in any event would be experienced in a residential setting.

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<sup>2</sup> Statement of Common Ground paragraph 2.3.3

23. The other two sides of the appeal site border open fields, which are publicly experienced in the distance as evident in the uncontested viewpoints within the LVIA. Consequently, the houses would be a very small component of these views and so would not be harmful.
24. The proposal would lead to development in depth behind two frontages, which the Council suggested would be incongruous. Whilst there is some discernible frontage/linearity to Brislands Lane, in the vicinity of the appeal site there is an adjacent area of development in depth, at Lapwing Way. Whilst Lymington Bottom has some linearity there was no evidence before the Inquiry to demonstrate why this has cultural or historic significance. Indeed, the Village Design Statement comments on the extent of twentieth century housing, which is also echoed in the subsequent NP in 2016, and I find that the shape of the village has been largely derived from twentieth century development. Moreover, the East Hampshire District landscape character assessment characterises the village as a nucleated settlement.
25. The new housing would be sited on a hillside whereas Lymington Bottom is flat as is Brislands Road in part. However, that is not reflective of much of the village and the NP comments on Four Marks being in an elevated position in the landscape<sup>3</sup>. Additionally, the site is within the Hampshire Downs national character area, whereby the settlement pattern is characterised as a dense string of nucleated villages on higher slopes. Consequently, I do not find that this hillside siting of development would be inappropriate.
26. The density<sup>4</sup> of the development across the appeal site has been agreed as 20.7 dwellings/hectare. Mr Griffiths on behalf of the Council argued this would be harmful and suggested it should be akin to Telegraph Lane in the NCA. However, as I have found above this is not a comparable character. Indeed, Lapwing Way is the nearest new significant development to the appeal site and a similar context which has a density of 25.5 dwellings/hectare<sup>5</sup>. I find the density of the proposal would be low.
27. The indicative master plan illustrates the potential to accommodate the scale of development. The Development Framework Plan shows the provision of 1.19ha<sup>6</sup> open space, concentrated around the boundaries of the site, which would soften the new houses. This space could be landscaped so that trees would attract attention and assert a rural character. Similarly, the submitted plans demonstrate tree lined avenues would be feasible which would soften the access road and the passing vehicles.
28. The proposal would lead to a new access into the site whereby potentially such movement and noise of vehicles could potentially reduce tranquillity. However, this would be slight as the proposal at most would only be likely to generate approximately 30 vehicle movements at the a.m. peak hour<sup>7</sup>, and Lymington Bottom and Brislands Lane attract considerably more flows of through traffic. The tree lined avenues above would also help the perception of tranquillity.
29. Concern is raised by local residents about the extent of recent development and the threat to the village character. The effects aside from connectivity,

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<sup>3</sup> Paragraph 1.7

<sup>4</sup> Mr Griffiths Rebuttal Proof of Evidence paragraph 7.3

<sup>5</sup> Appendix 7 Ms Gruner Proof of Evidence

<sup>6</sup> Appellant closing paragraph 48

<sup>7</sup> Paragraph 5.8 Transport Assessment

social cohesion and facilities, will largely depend upon the particular characteristics of the site, the proposal and the nature of the surroundings, which have influenced my conclusion below.

30. In conclusion there are few publicly clear views of the site, and the development would be likely to be experienced in glimpsed views amongst other houses on two sides. However, the proposal would lead to the loss of a grass field which would harm the countryside setting of the village. I therefore find that the proposal would lead to limited harm at the outset but after the new landscaping has become established and flourishing after 15 years, that harm would become very limited.
31. The proposal being development outside a settlement policy boundary and in the countryside would be contrary to Policy CP10 (and the Council's Housing Outside Settlement Boundaries SPD), CP19 and similarly NP Policy 1. It would be contrary to CP20 due to landscape harm.
32. The proposal would provide significant public open space thereby contributing to the GI in the area in accordance with Policy CP28 and empathise with the GI network shown in the Neighbourhood Plan and its Policy 9.
33. Policy CP29 requires exemplary standard of design and highly appealing visual appearance, creating a sense of place and local distinctiveness. The proposal includes open space, potentially tree lined avenues and retention of boundary vegetation, which meets these policy criteria. The Policy also requires sympathetic height and density which again are met by the proposal. However, CP29 also requires the respect of character, and in this regard the proposal would be in conflict as limited/very limited harm would arise; overall, the proposal would conflict with Policy CP29.

### **Other matters**

34. Local residents expressed concern about the potential of surface water run-off flooding nearby houses as the site is elevated. However, the proposal has a strategy agreed by the Lead Local Flood Authority, which involves capture and containment of water on site using a pond at the lower end and accompanying ditches. Additionally permeable surfaces are also envisaged to slow run off and help water quality by filtration. The precise details of the scheme including maintenance could be controlled by their submission and approval in a condition, whereas currently there is no surface water retention on site and run-off is unabated. I therefore find that suitable drainage to address the impact of this development can be provided.
35. Local residents also expressed concern about the road safety implications from the additional traffic resulting from the development and the effect on the nearby school. During my site visit I saw the school road frontages at the end of the school day and, whilst there was extensive on street parking, a diligent highway official stopped and controlled traffic at appropriate moments to allow safe crossing, which I was advised is an everyday operation. The surveyed speeds are generally around 35mph<sup>8</sup> and the proposal provides funding for traffic calming and pedestrian measures in the Section 106 agreement towards a County Council scheme. The access from the appeal site would have visibility to meet accepted national standards and has been positively assessed in a road

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<sup>8</sup> Paragraph 3.4 Transport Response Note



safety audit. The highway authority had no objection on safety grounds, and I concur.

36. Comments were made that the residents would be reliant upon car use for their everyday needs. However, on my site visit I observed primary school children walking or using scooters up to and beyond the appeal site. The nearest shops, which are wide ranging, are on the A31 and I walked along both connecting routes: Merlin Road/Blackberry Lane and along Lymington Bottom. Both routes have roadside pavements which are safely overlooked and, although there is an uphill element, the steepness would not be overly discouraging for many. I therefore find that walking would be feasible for most residents. There are also bus stops along the A31 with widespread services to surrounding towns. The well-kept recreation ground is also close by. Comments were made about the lack of employment in Four Marks but the nature of employment, and its associated travel if undertaken, is complex. In any event, the village has had recent development and indeed Lapwing Way is larger than this proposal, so 60 houses would not be inappropriate.
37. Concern was expressed about the potential impact on ecology. The submitted survey showed presence of bats, largely around the vegetation which is on the site boundaries. The submitted Framework Plan shows that the hedges and trees would be retained, and potential dark corridors can be maintained. The ecologist's report did not show any other protected species or habitat on the site. The proposal includes a significantly sized open space and tree lined avenues are envisaged, which together with the SUDs drainage would offer opportunities to diversify the habitat on the site: a potential biodiversity net gain has been demonstrated. The Council had no objection on ecological grounds at the Inquiry and I similarly concur.
38. Concern is made about whether the access for emergency services would be constrained by the adjacent houses. However, the development would have its own access, constructed to adoptable set standards, where sufficient width and manoeuvrability would be expected to be provided.
39. There is also concern about the possible impact on the living conditions of the occupants in the neighbouring homes. On my site visit I noted the relative heights of the neighbouring dwellings and the nature of the boundaries to their gardens. However, this is an outline proposal, and the precise details of the intended dwellings would have to be considered in the reserved matters. Moreover, there is scope for a detailed scheme to allow sufficient distance, orientation, siting, elevations and boundary screening to maintain the living conditions of the nearby residents.

### **Planning Obligations**

40. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 57 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. This is also confirmed in the Planning practice guidance on Planning obligations (obligations Ppg).
41. The Council have provided evidence in a CIL compliance statement to show that the obligations include measures to mitigate the impacts of development

- and meet the costs of associated infrastructure. NP Policy 5 supports community facilities within the village.
42. The provision of 40% of the housing as affordable is necessary to ensure that the development provides for the needs of the community as a whole. This accords with Policies CP11 and CP13 and is an important consideration in the planning balance.
  43. Provision is made for a contribution towards the pavilion at the recreation ground, where the new residents would be readily able to enjoy recreation opportunities. The contribution is based on the number of houses and bedrooms so reasonably relates to need. Provision of an equipped play area on site is also needed for younger residents and is the subject of an obligation. Both of these measures would ensure that the new residents have the facilities to support their health and well-being as well as encouraging community mixing, in accordance with Policy CP18 and NP Policy 5 which specifically seeks improvements to the recreation ground.
  44. The agreement also makes provision for the submission of works to form the open space and provide for its management. This is necessary for the character and appearance of the area in accordance with CP28.
  45. A contribution of £228,500 is intended towards a new gateway feature to calm vehicle speeds, build outs along Lymington Bottom road and an informal crossing point, a linking footway to connect Lymington Bottom with adjacent roads to improve access to the primary school, a wayfinding strategy, and a new public right of way along Brislands Road towards the recreation facilities. Similarly, a £750 per dwelling contribution would be made towards a Travel Plan. Both of these obligations would support the promotion of non-private vehicular transport in the interests of limiting new traffic and the environmental implications, which accords with Policy CP31.
  46. The agreement also requires implementation of the site access works to ensure that safe access is provided without delay, which also accords with Policy CP31. Public access into the appeal site is also subject of an obligation to allow for the wide benefit of the open space and potential onward footpath connections in accordance with Policy CP28.
  47. Both County and District Councils requested monitoring fees, based on their own calculations for their particular responsibilities in each obligation within the agreement as outlined in their respective obligations guidance. The obligations Ppg<sup>9</sup> allows for monitoring costs if proportionate and reasonable. The obligations would have to be checked by the Council staff throughout the progress of the development and payments would need to be requested, received, and actioned. Both Councils have particular responsibilities for overseeing the obligations and the funding. I therefore find that the monitoring fees are necessary and reasonably related to the proposal.
  48. The above obligations are intended to mitigate the needs and impact of the intended occupants of up to 60 additional houses, to avoid placing undue pressure on the existing community facilities. The requirements were based on calculating the resulting new residents and the likely need for the particular facilities.

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<sup>9</sup> Paragraph 36

49. The CIL Compliance evidence sets out how each obligation would meet the tests in the CIL Regulations and the Framework. I am satisfied that each obligation above would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale. Provision is also necessary to accord with the above Development Plan Policies.
50. I therefore confirm that the obligations contained in the section 106 agreement would be necessary and reasonable.

### **Housing Land Supply**

51. The yearly requirement of 464 dwellings is agreed by both parties. This is calculated using the standard method as the Local Plan is more than 5 years old. The Council has 112% in the latest Housing Delivery Test as at 2022 and therefore no additional buffer is required. Following publication of the December 2023 revisions to the Framework and 5 February 2024 revisions to the Housing supply Ppg both parties agree that the Council is required to provide 4 years supply as measured over the 5 year period. The parties also agree that the base date for the land supply calculation is 1 April 2023.
52. The disagreement between the parties is centred on the supply. The Council considers there is 4.74 years whereas the Appellant finds 3.59 years.
53. Both parties acknowledge that the NPPF glossary provides the definition of deliverable housing sites; this refers to the need for clear evidence.
54. Land east of Horndean has only outline planning permission. The Appellant advised that the Council's Environmental Health Officers are concerned about ventilation, their Policy team have concerns about the design of the scheme and the Highway Authority have objected as well as the Parish Council. A reserved matters scheme has been submitted but is undetermined. Therefore, the submitted evidence does not clearly show this is deliverable in the time period and 200 dwellings should be deleted from the supply.
55. The Mill Chase Academy site is allocated for development, whilst a permission was granted there are various conditions including pre-commencement, which have yet to be discharged. The Council suggest that this should be completed within 5 years, with a rate of 50 dwellings per year, however this is not clearly substantiated. Moreover, it does not compare with other large sites, where the build rate is typically 30 dwellings per year which appears realistic. Therefore 57 dwellings should be deleted from the supply.
56. The Alton Neighbourhood Plan allocates a site by the Manor House for 15 dwellings. Whilst this was granted permission on appeal in June 2023, at the agreed base date of 1 April 2023 this did not have permission and so would be erroneous to include: a firm base date is needed as permissions will contribute to supply and so can be added but equally completions will need to be accounted at the same time which lead to the supply being diminished. As a result, 15 dwellings should be deleted from the Council's supply.
57. Development on the Molson Coors site for flats has commenced but the precise stage of construction and future work was not presented to gauge its deliverability within the 5 year housing land delivery trajectory. There are also other variations in the trajectories, including Treloar Hospital which changed from 20 dwellings a year to 40.

58. The Council at the Inquiry suggested that 1,096 dwellings from large sites with detailed planning permission will contribute to land supply, the Appellant considers 892<sup>10</sup>. The difference is due to the assumption of build rates which is based on the estimated trajectory for each site.
59. The 892 dwellings delivery is based on the Council's position statement Appendix E. This states that 'a realistic phasing schedule has been maintained to ensure accuracy'. It is additionally stated that there has been 'regular contact' with representatives of those developments along with development management officers of the Council and that 'there is clear evidence for all sites counted'.
60. The Council at the Inquiry stated that the trajectory in their Appendix E was erroneous as it showed large sites being phased incorrectly to include only sites under construction rather not what was expected from them. Whilst the Council suggest that the 1,096 figure is valid, they confirmed at the Inquiry that at the present time no 'pro-forma' questions are sent to the particular house builders or any other written communications with developers, rather it is derived from officers opinion. There was no written evidence to support the trajectories. Moreover, the District Council do not do their own monitoring rather it is undertaken by the County Council which further distances their officers from understanding the sites constraints and the County Council did not submit evidence to the Inquiry on this matter.
61. Whilst the District Council offered reassurance about the genuine assumptions to the trajectories, there was no evidence from the housebuilders themselves, which is particularly important as they are in clear positions to understand their own site and its particular constraints. The Framework glossary refers to the need for clear evidence to demonstrate the deliverability, and accordingly I cannot conclusively conclude that any more than 892 dwellings are deliverable, and so 204 dwellings should be deleted from the supply.
62. The Ppg also states a windfall allowance may be justified. Paragraph 72 of the Framework confirms the need for compelling evidence and any allowance should be realistic having regard to strategic land availability assessment, historic windfall and expected future trends. The Council include 112 dwellings as a foreseen windfall allowance. However, this is in addition to small sites with planning permission. In the two years 2026/27 and 2027/28 this would indicate 102 dwellings which far surpasses the windfall completions to date which the Appellant quantifies at 58 dwellings per year<sup>11</sup>. I therefore find that there is not compelling evidence to assume greater than historic delivery and therefore 53 dwellings should be deleted from the supply.
63. The Council suggest total supply is 2,198 dwellings, whereas the Appellant suggests 1,664 thereby leading to the respective positions of 4.74 and 3.59 years supply. Taking the above deletions into account, I therefore find that the supply at 1 April 2023 is 3.59 years based on the particular evidence before this Inquiry.
64. The Local Plan review suggests the potential for improving supply in the future although at this particular stage it is not guaranteed when suitable and deliverable sites will be found. In addition, the Council will have to make

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<sup>10</sup> Paragraph 2.4 Statement of Common Ground on Housing Land Supply

<sup>11</sup> Mr Pycroft Proof of Evidence paragraphs 6.35 -6.37

further provision to contribute to the needs of the National Park. Moreover, since 2011 there has been a near consistent under delivery of housing completions in East Hampshire against the adopted housing requirement<sup>12</sup>. I therefore find that the future prospects are uncertain.

65. The Appellant advocated that meeting supply will entail making up the difference between 4 and 5 years supply sometime in the future, although the Council argued that as the supply is a rolling figure, completions (loss of supply) will be replaced by new permissions (additions to supply). The Ppg refers to an allowance to maintain a 4 year target for up to 2 years, but in any event, this will have to be assessed in the Local Plan review including its examination.

### **Development Plan and Planning Balance**

66. The proposal being development on a site largely outside the settlement policy boundary would conflict with Policies CP10 and CP19 of the Core Strategy and similarly would be contrary to NP Policy 1. As above I also have found conflict with CP20 in that the proposal would result in limited/very limited landscape harm.
67. I have also found that overall, there would be conflict with CP29: whilst the proposal has several notable design attributes it would cause limited/very limited harm to the countryside setting of the village.
68. The proposal would provide a significant area for public open space which would accord with Policy CP28 and NP Policy 9.
69. Considering the above collectively there is some accordance but also some conflict with the Development Plan policies. When taken as a whole, I find that the proposal would be contrary to the Development Plan.
70. As I found above the Local Planning Authority cannot demonstrate a four year housing land supply and in such circumstances paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion ii requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
71. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.
72. In terms of the economic objective the proposal would provide up to 60 houses which would have benefits from their construction: £7 million<sup>13</sup> cost is quoted by the Appellant and uncontested. The housing land supply shortfall is significant with uncertain prospects for improvement and paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
73. The Appellant suggests the proposed dwellings would be completed in 1.7<sup>14</sup> years. I find this would appear to be marginally optimistic but not wholly

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<sup>12</sup> Mr Pycroft Proof of Evidence table 3

<sup>13</sup> Paragraph 9.4.7 Ms Fitzgerald Proof of Evidence

<sup>14</sup> Paragraph 9.4.7 Ms Fitzgerald Proof of Evidence

unrealistic bearing in mind the typical 30 dwellings a year build rate on other sites, as raised earlier. Indeed, the site is largely greenfield, and construction would not be expected to be constrained. Whilst demolition of the existing dwelling would be required at the outset, there is space to do such work. Additionally, it was explained at the Inquiry that marketing would be undertaken by a specialist team with contacts in hand and it is not the practice of the Appellant to withhold implementation of development sites. The reserved matters would have to be timely, and I conclude a good number of the dwellings would be likely to contribute to the housing land supply.

74. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the housing land supply shortfall there is a pressing need to increase supply from deliverable sites. The proposal would provide a range of new homes, in terms of size, form and tenure.
75. The affordable housing would also contribute to the social objective, particularly as 40% of the dwellings would be affordable which is a very significant proportion. Notably, the average cost of a home in East Hampshire in 2022 was 12.5 times the area average salary compared with 5.17 in 1997<sup>15</sup>. The Inspector's report examining the Local Plan in 2013 identifies an acute need for affordable housing and thereafter since 2019 the number of people on the housing register<sup>16</sup> has increased whilst affordable housing delivery has substantially fallen. The Council's HEDNA<sup>17</sup> records in 2022/23 a shortfall of 502 affordable homes in that year alone.
76. The affordable housing would contribute to the local need and support the community as a whole helping to retain villagers and the Parish Council submissions remark on the scarcity of 20-40 year olds. The proposal would provide an accepted standard of everyday living for those currently waiting for suitable homes. I therefore find that the housing provision would have substantial economic and social benefits.
77. The Section 106 obligations for funding towards the recreation ground pavilion would benefit existing as well as new residents which would contribute to the social objective. In addition, over £700,000 in CIL would be generated of which 25% would go to the Parish Council which would also benefit the area.
78. In terms of the environmental objective the proposal would lead to limited landscape harm becoming very limited over time. Conversely, the occupants of the dwellings would be close to facilities without reliance upon car use, thereby helping towards low carbon living as advocated within this criterion of paragraph 8. Also, the proposal would promote the sustainable access to facilities and provide traffic calming. Additionally, the proposal has been demonstrated to potentially improve biodiversity, which would be a benefit.
79. In the light of the above I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of

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<sup>15</sup> Paragraph 8.1.9 Ms Fitzgerald Proof of Evidence

<sup>16</sup> Figure 1 page 43 Ms Fitzgerald Proof of Evidence

<sup>17</sup> Housing and Economic Development Needs Assessment

sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal should be approved not in accordance with the development plan as material considerations indicate a decision otherwise is appropriate.

### **Conditions**

80. Paragraph 56 of the Framework and the Planning practice guidance, Use of planning conditions (PPG), provide the tests for the imposition of conditions. There was considerable agreement on the wording of conditions. However, the Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
81. A condition is needed to confirm which details are the subject of reserved matters. Similarly, the conditions on timing and approved plans help provide clarity and certainty. Similarly, a condition is warranted to confirm the maximum number of dwellings as density has been a consideration.
82. Rather than the standard 3 years for the submission of application(s) for reserved matters, it was discussed at the Inquiry whether this should be reduced to 2 years. Whilst the Appellant indicated this may not be necessary it was acknowledged that it might help demonstrate the site's deliverability. I find this would encourage the proposal's implementation and support its contribution to the 5-year housing land supply requirement, in accordance with paragraph 77 of the Framework.
83. The two conditions on construction management are combined due to overlap in their requirements. The provisions are needed to safeguard the reasonable living conditions of local residents and highway safety. It is worded as pre-commencement to ensure that the required measures are in place from the outset.
84. A condition is needed to ensure that the visibility splays to the sides of the access are kept clear in the interests of safety. A condition requiring details of levels, drainage and lighting strategy of the new roads to be included in reserved matters would ensure that the roads can be considered comprehensively.
85. A condition to investigate and potentially remediate land contamination is suggested. The field has been used for agriculture in the past and it is possible that some chemicals may have been used. This is warranted as a precaution to ensure the health of the new residents.
86. The landscaping details are a reserved matter, but a condition is needed on the timing of planting and any replacement of lost specimens. A condition is also needed to ensure that tree works, and their protection, are undertaken to conserve important specimens. In addition, a condition is needed to promote biodiversity on the site and ensure a net gain.
87. A condition on approval of a detailed surface water drainage scheme is necessary so that additional water run-off from the new hard surfaces is accommodated on site to avoid exacerbating flooding. The condition requires submission of details in compliance with the strategy submitted as part of this

proposal. Similarly, conditions are warranted on maintenance of the above and use of porous surfaces.

88. The archaeological conditions would ensure that any significant remains are properly recorded. One is worded as pre-commencement out of necessity.

### **Conclusion**

89. I therefore conclude that the appeal should be allowed, subject to the conditions in the conditions annexe below and the Section 106 agreement.

*John Longmuir*

INSPECTOR

### **Appearances**

#### For the Council

Mr Scott Stemp Counsel, No 5 Chambers,

Mr Carl Griffiths BA(Hons) MPlan Planning Manager Capita

Mr Adam Harvey BA(Hons) MA MRTPI Planning Policy Manager East Hampshire

Ms Holly Drury BSc(Hons) MSc MCIHT Principal Transport Planner Hampshire CC

#### For the Appellant

Mr Christian Hawley, Counsel, No 5 Chambers,

Mr Clive Burbridge BSc(Hons) MSc MRTPI FCIHT FIHE CMILT, Director of Transportation, Icen Projects

Mr Colin Whittingham BSc(Hons) MSc MCIWEM C.WEM PIEMA, Director, RSK

Mr Ben Pycroft BA(Hons) Dip TP MRTPI, Director, Emery Planning

Ms Silke Gruner (BHons) CMLI, Director (Landscape), Icen Projects

Ms Kathryn Fitzgerald BA(Hons) MPlan MRTPI, Planning Manager, Gladman Developments Ltd

#### Interested parties

Mr Paul McAllister Four Marks Parish Council

Dr Arthur Barlow Chairman Fight for Four Marks

Dr David Aston Local resident

Mr Brian Timms Local resident

Mr Frank Mallony Local resident



### **Documents submitted during the Inquiry**

INQ1 Opening statement from the Appellant

INQ2 Opening statement from the Council

INQ3 East Hampshire Five Year Housing Land Supply Position Statement

INQ4 Addendum to above

INQ5 Hampshire County Council note on highway obligations

INQ6 Appellant: Note on flood risk

INQ7 Appellant: Transport Response Note to Residents Concerns

INQ8 Suggested conditions

INQ9 Draft legal agreement

INQ9 Council closing

INQ10 Appellant closing

### **Conditions annexe**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the latter.
2. No development shall start on site until plans and particulars showing details relating to appearance, landscaping, layout, and scale of the development shall be submitted to, and approved by the Local Planning Authority. These details shall comprise the 'reserved matters' and shall be submitted within the time constraints referred to in Condition 1 above before any development is commenced.
3. The development shall be carried in accordance with the following approved plans: Location Plan: CSA/3402/117 Rev A, Site Access Drawing: 22-T082-01 Rev F and Framework Plan.
4. No more than 60 dwellings (Use class C3) shall be constructed on the site.
5. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
  - a) A programme of and phasing of demolition and construction work;
  - b) The provision of long-term parking for all site operatives and visitors;
  - c) The arrangements for deliveries associated with all construction works;
  - d) Methods and phasing of construction works;
  - e) Access and egress for plant and machinery;
  - f) Protection of pedestrian routes during construction;
  - g) Location of temporary site buildings, compounds, construction material, and

plant storage areas;

h) Location of temporary site buildings, compounds, construction material, and storage areas;

i) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (wheel washing), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process;

j) A public communication strategy, including a complaints procedure;

k) Loading and unloading of plant and materials;

l) Storage of plant and materials used in constructing the development;

m) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

n) Measures to control the emission of dust and dirt during construction to include a site specific dust management plan; and

o) Measures to control noise and vibration during construction.

6. The approved lines of site splays as shown on drawing 22-T082-01 Rev F and 22-T082-07 shall be kept free of any obstruction exceeding 0.6m in height above the adjacent carriageway.

7. The details submitted in relation to the reserved matters stage shall include details to demonstrate an appropriate street design. These details shall include:

a) Street Lighting Strategy;

b) Drainage Strategy and Design details in relation to the site and any new street and footpath;

c) Final ground levels plan; and

d) Final materials plan;

The above matters should be implemented in accordance with the approved plans.

8. No above ground development shall commence until the reserved matters for landscaping details together with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority. All landscaping shall be carried in accordance with the approved scheme and the approved implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9. Prior to commencement of development activities, an ecological mitigation and management strategy (to include but not be restricted to: details of protection measures for retained habitat; details; details such as timings, locations and ongoing maintenance of mitigation, compensation and enhancement measures for ecological features) shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details shall be in accordance with the mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (EcIA) and Biodiversity Net Gain (BNG) Assessment (CSA, November 2023). Any such measures shall thereafter be implemented in strict accordance with the agreed details.

10. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment; and
- b. Winter groundwater monitoring and infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Evidence that urban creep has been included within the calculations.
- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

11. Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include:

- a. Maintenance schedules for each drainage feature type and ownership; and
- b. Details of protection measures.

12. The proposed hard surfaces shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site.

13. No development shall start on site, including demolition, until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

14. No development shall commence until the applicant has submitted, and the Local Planning Authority has approved in writing, a written scheme for the programme of archaeological evaluation within that Development Phase area. The programme of archaeological evaluation shall then be implemented in accordance with the agreed scheme.

15. No development shall commence until the applicant has submitted, and the Local Planning Authority has approved in writing a Written Scheme for recording all historic assets within that Development Phase area. The recording of all historic assets shall then be implemented in accordance with the agreed scheme.

16. Following completion of archaeological fieldwork within the Development site a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports,

publication and public engagement related to that Development Phase area and submitted to the Local Planning Authority.

17. No development shall commence on site until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site;
- (b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site;
- (c) and a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages. Site works and details submitted shall be in accordance with the approved scheme and undertaken by a competent person.

The above reports and site works should be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

18. Before any part of the development is first occupied or brought into use a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Local Planning Authority.

The verification report and completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

19. All development on a Development Phase shall be stopped immediately in the event that contamination not previously identified is found to be present on that Development Phase, and details of the contamination shall be reported immediately in writing to the Local Planning Authority. Development on that Development Phase shall not re-start until the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency:

- (a) scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

(b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site.

(c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the relevant Development Phase is occupied or used (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full in that Development Phase shall both have been submitted to and approved in writing by the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

This condition shall apply to individual phases of development

*End of conditions*