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## Appeal Decision

Inquiry opened on 11 July 2017

Site visit made on 14 July 2017

**by KA Ellison BA, MPhil, MRTPI**

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

**Decision date: 13 September 2017**

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**Appeal Ref: APP/W1715/W/16/3153928**

**Land off Bubb Lane, Hedge End, Hampshire SO30 2UN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Limited against the decision of Eastleigh Borough Council.
  - The application Ref O/15/77112 dated 24 August 2015 was refused by notice dated 14 January 2016.
  - The development proposed is up to 200 dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area and surface water flood mitigation and attenuation.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The proposal is made in outline with all matters reserved.
3. The inquiry sat for four days. It was adjourned to allow for the submission of closings and a completed and executed Planning Obligation. These were received in accordance with the agreed timetable and the inquiry was closed in writing on 27 July 2017.
4. At the inquiry, the Appellant proposed an amended scheme for up to 140 dwellings, which was accompanied by a range of supporting information<sup>1</sup>. This would be identical to a separate application for a 140 dwelling scheme which had been made to the Council but remained undetermined at the time the inquiry took place. In further support of the amended scheme, the Appellant provided responses from various consultees on technical matters such as in relation to highways and environmental considerations<sup>2</sup>, as well as the results of a bespoke public consultation exercise<sup>3</sup>.
5. A Supplementary Statement of Common Ground confirmed that the Council did not object to the amended scheme being considered at appeal. Of those present at the inquiry, only the Moorgreen Residents Association expressed a preference that the 200 dwelling scheme should be considered, on the basis

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<sup>1</sup> CD6.1-6.9

<sup>2</sup> CD8.1-8.19

<sup>3</sup> CD16.4-7

that the Association was still in discussions with the Council concerning some aspects of the 140 dwelling scheme. However, it was clear that the Residents Association maintained its opposition in principle. Having regard to the points made at the inquiry and the responses to the bespoke consultation, I am satisfied that consideration of the 140 dwelling scheme would not cause material prejudice to other parties with an interest in the appeal so that is the basis on which it has been determined.

6. The Appellant's witness on matters of housing land supply was unable to be present at the inquiry. The parties were agreed that the housing requirement, rather than the deliverable supply, would be the determinative issue in relation to the Council's ability to demonstrate a five year supply of housing land, so far as this appeal is concerned. With that in mind, the Council advised that it was content for the appeal to be determined on the basis of the Appellant's assessment of housing land supply<sup>4</sup>. Whilst recognising that the Council has not formally withdrawn its evidence on this matter, I have based my decision on the Appellant's assessment of deliverable housing sites.
7. A proposal for 328 dwellings on this site was dismissed at appeal in May 2016 and is referred to as 'the 2016 appeal'<sup>5</sup>. On 2 August 2017, a decision was issued in relation to an appeal on land south of Mallards Road, Bursledon and is referred to as 'the Mallards Road appeal'<sup>6</sup>. The parties were given the opportunity to comment on the implications of the latter decision and I have taken their responses into account.

### **Planning Policy Context**

8. Relevant Development Plan policies are contained in the Eastleigh Borough Local Plan Review (2001-2011), adopted in 2008. The Appellant suggests the Plan as a whole should be considered out of date because it is time expired. This argument was rejected by my colleague in the Mallards Road appeal<sup>7</sup>. I take the same approach as that Inspector did, in that it is necessary to look at the policies contained within a Plan, rather than to take the Plan on its face. This would be consistent with the approach of the Supreme Court where the Court went on to consider the standing of specific policies, even though the period of the plan extended only to 2011<sup>8</sup>. It would also be consistent with the expectation in National Planning Policy Framework (NPPF) paragraph 215, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
9. Within the Local Plan, policy 1.CO states that planning permission will not be granted for development outside the urban edge except in defined circumstances, none of which apply to the appeal scheme. Policy 2.CO states that planning permission will not be granted for development which would physically or visually diminish a strategic gap. Under policy 18.CO, development which fails to respect, or has an adverse impact on the intrinsic character of the landscape is to be refused. Policy 59.BE sets out criteria relating to good design, including that development adjacent to the urban edge should not have an adverse impact on the setting of the settlement in the surrounding countryside.

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<sup>4</sup> As confirmed in the Supplementary Housing Land Supply Statement of Common Ground

<sup>5</sup> CD14.4

<sup>6</sup> APP/W1715/W/16/3156702

<sup>7</sup> Ibid, paras 40-42

<sup>8</sup> CD15.2, paras 63-67

10. At the time of the 2016 appeal, the Inspector recorded that the weight to be attached to conflict with policies 1.CO and 2.CO was affected by their status as relevant policies for the supply of housing. Furthermore, the weight to be attached to conflict with all four of these policies was affected by inconsistencies between them and more recent national policy in the NPPF<sup>9</sup>. The Inspector in the Mallards Road appeal, after noting that the absence of a qualifying restriction was not sufficient reason to class a policy as being out of date, took a different view in relation to policy 1.CO and gave that policy full weight.
11. My assessment of these four policies, as set out below, is made having regard to those decisions, NPPF paragraph 215, the deliberations of the Supreme Court<sup>10</sup> and the arguments put in this appeal.
12. Following the judgement by the Supreme Court, it is clear that the weight to be attached to conflict with policies 1.CO and 2.CO should no longer be affected simply on the basis of their having some effect on housing land supply.
13. NPPF paragraph 215 states that the closer the policies in the plan are to the policies in NPPF, the greater the weight that may be given. As I read it, this is a clear recognition that such an assessment may well find that a policy is consistent in some respects but not in others. In day-to-day planning practice, such an outcome is really only to be expected, given that there is a fair degree of continuity between NPPF and the national policies it replaced. Consequently, I consider that the approach commended by the Council is appropriate in this instance, namely that it is a matter of considering the specific terms of a policy and the corresponding parts of the NPPF, with both being read in their full context<sup>11</sup>. In addition to this process, I would accept the Appellant's point, that when considering the currency of a policy, it is also relevant to have regard to the record of how it has been applied.
14. As others have noted, the wording of policy 1.CO is consistent with the fifth core principle in NPPF, of recognising the intrinsic character and beauty of the countryside. From my reading of this section of the Local Plan, which sets out the context and objectives for the countryside policies, I note that although protection is a key objective, the Plan also accepts that genuine development needs have to be accommodated. Read in context, I consider that the policy does not necessarily establish a blanket protection of the countryside, as argued by the Appellant. On the other hand, it is undoubtedly the case that in its overall treatment of land beyond the urban edge, the policy lacks the flexibility of the approach to the rural area favoured by NPPF paragraph 28. Rather than full weight therefore, I would attach considerable weight to conflict with this policy.
15. As for policy 2.CO, it, too, is consistent with the fifth core principle. The case put to this inquiry is that the gap is most valued for its openness rather than for any other inherent quality. I agree, therefore, that it could also be argued to be in line with the expectation in NPPF paragraph 157, that Local Plans should identify land where development would not be appropriate. From those local residents who addressed the inquiry, it was quite clear to me that the approach of maintaining gaps between settlements (and this gap in particular)

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<sup>9</sup> Ibid, esp paras 10, 26, 27, 51, 52

<sup>10</sup> CD15.2

<sup>11</sup> Based on CD15.4, para 186

draws strong support from the local community in principle. A policy to maintain settlement gaps is also the corollary of making sure that development is in the right place, as noted by the Inspector in the Test Valley Local Plan examination<sup>12</sup>. I agree also with the Inspector in the 2016 appeal, where he highlighted the historic importance in South Hampshire of the concept of the strategic separation of settlements.

16. However as the Appellant points out, a string of recent planning permissions for residential development in strategic and local gaps indicate several exceptions have been made to gap protection policies in Eastleigh in recent years<sup>13</sup>. I am conscious that I do not have full details of those proposals and how each performed against Development Plan policies, insofar as they may have been judged to be relevant. Even so, these permissions represent a strong indication that the urban edges and strategic gaps, as currently defined, are in need of review in the face of pressures to accommodate post-2011 development needs. In this respect, the Council's recent Countryside Gaps Review<sup>14</sup> sets out the case for various changes to these gaps, both deletions and additions. However, as the evidence shows, the gaps continue to serve a clear planning purpose and can be expected to form part of the future planning of the area. On balance therefore, and as with policy 1.CO, I would attach considerable, rather than full, weight to conflict with this policy.
17. In the light of this review of policies 1.CO and 2.CO I consider that, notwithstanding the support which they draw from NPPF, the record of their application in practice means that the policies should not be regarded as up-to-date.
18. The fifth core planning principle provides general support for policies 18.CO and 59.BE. As I read it, NPPF paragraph 113 is framed to encourage the use of criteria-based landscape policies which are of general application, since it is in that context that the guidance concerning protection being commensurate with status makes sense. Although policy 18.CO is framed in simple terms it, too, should be read in the context of a plan which seeks to protect the countryside whilst also meeting development needs. Even though it offers no guidance as to how effects should be weighed, it does not necessarily represent a blanket level of protection. Likewise, NPPF continues to give strong support to policies for good design, as embodied in policy 59.BE, albeit that this policy also lacks guidance as to how effects should be weighed. There is some lack of consistency with NPPF, which would warrant substantial rather than full weight being attached to any conflict with these policies, but this is not to such an extent that they should be regarded as out of date.
19. The presumption in favour of sustainable development, as explained in NPPF paragraph 14, means that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (the 'tilted balance'). This is a proposal for residential development beyond the defined urban edge within a strategic gap. The housing policies of the 2008 Local Plan were not 'saved' so that the development plan is absent on the general matter of housing provision. Also, the relevant policies which define the urban edge and strategic gaps are out-of-

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<sup>12</sup> CD16.10

<sup>13</sup> Gaskell, Appendices 2 & 3; Self, Appendix L

<sup>14</sup> CD12.10

date. On that basis, I consider that the tilted balance of the presumption in favour of sustainable development should be applied in this appeal.

### **Main Issues**

20. At the time of its decision, the Council set out four reasons for refusal. However, by the time of the inquiry it advised that it no longer maintained objections in relation to sustainable drainage or, subject to the completion of a satisfactory Planning Obligation, provision for infrastructure. In those circumstances, and having regard to the evidence presented, I consider that the main issues in this appeal are: firstly, the effect of the proposal on the character and appearance of the area, especially with regard to its landscape impact and position within the West End-Hedge End Gap; and secondly, whether the Council can demonstrate a five year supply of deliverable housing sites.

### **Reasons**

21. The appeal site is an irregularly shaped piece of open agricultural land which lies between the Moorgreen Road area of West End and the larger settlement of Hedge End. The site consists of some 19ha in total. Under the proposal as it now stands only some 3.5ha would be given over to residential development, along with some 5.4ha of public open space (Area A). The remainder would be retained in agricultural use (Area B)<sup>15</sup>. This is illustrated on the Development Framework Plan<sup>16</sup>, along with an indicative vehicular access from Tollbar Way. My consideration of this appeal therefore, deals particularly with the effect of the proposal on Area A.

### **Issue 1 - character and appearance**

22. Whilst the area between Hedge End and West End is predominantly open, it includes farm buildings and an associated area in employment use (Berrywood Farm and Business Village), as well as a crematorium. These are located towards the eastern and southern edges of the gap and so are more related to Tollbar Way and Hedge End. There is also a garden centre which, although it lies only a short distance from the line of ribbon development along Moorgreen Road, has no clear relationship with either settlement.

#### *Landscape impact*

23. At the time of the 2016 appeal, the Inspector noted that the main features of the site are its openness and rural character, but that the development off Tollbar Way also had some influence. He found that the site had medium landscape value and ordinary landscape quality, as well as medium sensitivity to the type of development proposed. He went on to state that it was also the case that the openness and rural character of this site have particular significance owing to the proximity of urban development, a point which is recognised in the national, county and local character assessments.
24. I agree with that assessment.
25. The key development principles of this proposal include that development should be located to the north of the farm and business village and should address the Tollbar Way frontage, in order to establish a clear relationship with

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<sup>15</sup> Areas A & B are shown at Self, Appendix B

<sup>16</sup> CD6.2

Hedge End. This relationship would be strengthened if vehicular access was in the form indicated, by way of a single point taken from the roundabout at Tollbar Way/Maunsell Way.

26. The proposal would lead to a change in the landscape character of some 8.9ha of the site from countryside to an urban form of development. Bearing in mind the principle that the intrinsic character and beauty of the countryside should be recognised, I consider that such a change should be regarded as adverse. The change would be clearly evident from the public footpath which crosses Area A, with residential development also being visible from certain points along Tollbar Way and from Bubb Lane in the vicinity of the crematorium.
27. I accept the Appellant's case that the impact on the rural character of the remainder of Bubb Lane could be largely mitigated, especially given the more modest scale of development now proposed. The suggested area of strategic open space and landscaping along that route would be sufficient to ensure that, in views from that direction, there would be few indications of the presence of built development.
28. On the other hand, I do not agree that the scheme would attain a particularly clear relationship with Hedge End. Tollbar Way currently serves as a strong visual and physical boundary for this part of Hedge End. This can be seen in the arrangement of the existing housing in relation to the road and the way the road operates primarily as a route for through traffic. Undoubtedly, the design approach of this scheme would establish a greater connection with Hedge End as compared with the scheme considered as part of the 2016 appeal, which would at least clarify its status between the two settlements. Even so, despite the proximity to the existing settlement, the connection would be somewhat weak, owing to the characteristics of Tollbar Way and the relatively modest scale of the development proposed. For these reasons, I consider that the development would read as an intrusion into the adjacent countryside rather than a well-designed addition to this part of Hedge End. This would be particularly evident in views not only from Tollbar Way but also from the slightly elevated area around the junction with Bubb Lane.
29. With careful design, it would be possible to mitigate much of the visual impact of the proposal on the landscape but there would still be harm to character associated with the change from countryside to urban area. Moreover, although the layout addresses many of the matters identified in the previous appeal, there would still be weaknesses in its relationship with Hedge End. In these respects therefore, the proposal would be contrary to policies 18.CO and 59.BE.

*The West End - Hedge End Gap*

30. According to the Council, the size of the gap between the garden centre and Hedge End would be reduced to about 140m, whilst that to the most easterly of the properties on Moorgreen Road would be about 300m.
31. Policy 2.CO opposes development which would physically or visually diminish a strategic gap. The gap would be physically diminished to the extent that Area A would be developed for housing. The planting of trees, especially to provide screening, may well have the effect of reducing views across fields which are currently open but, since the purpose of the policy is to maintain a break in

development, this element of the proposal would not diminish the physical extent of the gap.

32. In terms of perception, no appreciable separation would remain between Hedge End and the crematorium. Thus, whilst it may well be possible to maintain the rural character of Bubb Lane as a whole, I consider that when travelling towards West End the perception of having left Hedge End would not really become evident until after the crematorium. There would then be only a short distance before reaching the garden centre and then a further, brief gap until the start of the housing at Moorgreen Road. I appreciate that there would still be a contrast between the modern style of any development on the appeal site and the linear, mature development along this part of Moorgreen Road. However, whilst this would represent a difference between areas of residential development, it would not be sufficient to establish a distinction between the settlements. To my mind, very little sense of leaving one settlement and entering the other would remain. Consequently, this would represent a substantial erosion of the West End-Hedge End gap. In this respect, I note that this gap was found to continue to serve its designated purpose as part of the Council's recent review.
33. On this issue therefore, I conclude that the proposal conflicts substantially with policy 2.CO in terms of both its physical and its visual effect on the gap. It is also contrary to policy 1.CO owing to its position outside the defined urban edge.

## **Issue 2 - the supply of deliverable housing sites**

34. At the inquiry, the parties were agreed that the housing land supply should be taken to stand at 5,722 units.
35. In the wake of the Mallards Road appeal, the Appellant drew attention to specific findings by that Inspector as to the deliverability of particular sites. I recognise that those findings may be taken to indicate that there are many uncertainties when seeking to establish the position on housing land supply. Nevertheless, my consideration of this question is based on the cases put to me at this inquiry.
36. The key difference concerned the question of how the housing requirement should be determined, particularly on the issue of how to address the role of Eastleigh within the South Hampshire Housing Market Area (HMA).
37. According to the Council, the full objectively assessed need (FOAN) for Eastleigh-only stands at 630 dwellings per annum (dpa) or 3,150 over five years. This was the figure promoted by the Appellant and favoured by the Inspector at the time of the 2016 appeal and was common ground in the Mallards Road appeal. Having reviewed more recent evidence, including the 2014-based Household Projections, the Council continues to support this as the interim requirement figure for Eastleigh. Whilst the Appellant contends that 630dpa should be seen as a minimum having regard to market signals and affordable housing need, in its review of the evidence the Council notes that a figure of 630dpa would allow a 15% adjustment to allow for these factors. This appears a reasonable approach so that, on the evidence before me and in the absence of an alternative assessment, I consider that no further adjustment is warranted.

38. Working from a base date of 2011 and taking into account dwellings completed up to 31 March 2017, there has been a shortfall in provision of 1,591. After allowing for a 20% buffer therefore, the Council considers it needs to demonstrate a supply of 5,689 dwellings. Thus, on the figures put to this inquiry, a five year supply can be demonstrated, albeit by a slender margin.
39. The Appellant draws attention to the work of the Partnership for Urban South Hampshire (PUSH), a mechanism for joint working amongst the Councils in the area. The PUSH Spatial Position Statement, published in June 2016, identifies the objectively assessed need for each LPA<sup>17</sup>. This sets out a clear expectation that Eastleigh should accommodate more than its own housing need, in order to address the restrictions faced by other LPAs and so as to ensure that need is fully met within the HMA as a whole. The PUSH Spatial Position Statement sets out a housing target for Eastleigh of 14,950 for the period 2011-34. The Appellant points out that this equates to 650dpa, a fact that is recognised in the Council's own reports<sup>18</sup>. On an OAN of 650dpa, the Council would need to demonstrate a supply of 5,953 dwellings.
40. However, the Appellant also points out that this figure comprises a lower, Eastleigh-only OAN of 580dpa, based on earlier work on housing need, as well as an apportionment of 70dpa to meet demand from the wider, Southampton HMA. In truth, the Appellant argues, the FOAN should be taken to be 700dpa, reflecting the sum of the now agreed Eastleigh-only figure of 630dpa plus the 70dpa apportionment from the PUSH Position Statement. On an OAN of 700dpa, the Council would need to demonstrate a supply of 6,613 dwellings.
41. On the basis of either of these figures therefore, the Council would not be in a position to demonstrate a five year supply of housing land.
42. The PUSH Spatial Position Statement has been prepared in order to help Councils fulfil their Duty to Cooperate in the preparation of their respective Local Plans. On that basis, it is reasonable to expect that the Local Plan for Eastleigh, which is currently in preparation, will indeed include provision to meet more than the Eastleigh-only figure. This would also be in line with the findings of the Inspector who examined the previously-submitted Eastleigh Borough Local Plan 2011-2029, which was recommended for non-adoption<sup>19</sup>. A recent report prepared by the neighbouring authority of Southampton is a further indication of the expectations of other members of PUSH that housing provision will be distributed in line with the recommendation in the Spatial Position Statement<sup>20</sup>.
43. I have been referred to two judgements which deal with the question of how to establish full objectively assessed housing need in the context of a s78 planning appeal where the relevant HMA extends beyond the Council's administrative area.
44. In *Oadby and Wigston*, the Court of Appeal confirmed the lawfulness of an approach where the Inspector reached an assessment of need based on the LPA's administrative area, rather than accepting the apportionment put forward by the LPA based on a Strategic Housing Market Assessment<sup>21</sup>. In that case,

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<sup>17</sup> CD13.6a, para 3.8

<sup>18</sup> CD12.9, para 15 and Doc 8, Committee Report 20 July 2017, para 19

<sup>19</sup> CD12.5

<sup>20</sup> CD16.25

<sup>21</sup> CD15.11

the justification related mainly to ensuring that need would be met in full. It is worth noting, also, that the Court in that instance identified 'the long-standing and continuing co-operation in plan preparation' as a distinguishing feature between that case and *St Modwen*, which is the second judgement to which I have been referred.

45. In *St Modwen*, the High Court upheld a different approach, namely agreement to an assessment of objectively assessed need based on the HMA rather than the LPA's administrative area. It referred to three particular considerations: the 'strong track record of working together' between the relevant LPAs; that the apportionment process would not lead to housing need going unmet; and that it made planning sense since it reflected the relevant planning circumstances<sup>22</sup>.
46. These two cases suggest this particular question should be understood as a matter of judgement, rather than a stark choice between a 'policy on' or 'policy off' approach, as had been the case with *Hunston* and the effect of Green Belt policy. In the case of *Eastleigh*, there are three main factors which support the case for the HMA-based approach. There is the clear track record of co-operation between the PUSH authorities, dating back to 2003. This can be expected to continue in the longer term, as the respective Councils pursue their Local Plans. In addition, the inclusion of this apportionment in the FOAN for *Eastleigh* for the purposes of planning appeals such as this, would be consistent with the aim of boosting the supply of housing. In this regard, I do not accept that it might indirectly cause need to go unmet in other areas, since it would be based on need within the HMA, rather than a particular administrative area. Also, the *Eastleigh Local Plan Review: Emerging Approach*<sup>23</sup> (the Emerging Approach) was published while the inquiry was sitting. This takes forward the distribution of development set out within the PUSH Position Statement, with strategic policy S2 setting a requirement for 14,580 new homes for the period 2016-36. This working draft of the Plan indicates very clearly, therefore, that in the not too distant future *Eastleigh* expects to plan to meet need across the wider HMA.
47. There are also three particular factors which weigh against the HMA-based approach. Firstly, the geographical relationships between the authorities within the PUSH mainland area are very different from the *St Modwen* case, involving ten<sup>24</sup> rather than just two Councils as well as two HMAs. As a result, the spatial planning considerations are much more complex, with the PUSH Spatial Position Statement being referred to as a 'guide' or 'framework' for the preparation of Local Plans. The document, despite its agreed status, does not have the same force as the Joint Planning Statement provided by the two Councils in the *St Modwen* case. Secondly, the local plan for *Eastleigh* is at a much earlier stage than was the case with *St Modwen*, where the Council's local plan was in the process of being examined. Formal publication of *Eastleigh's* plan for consultation is not expected until early 2018 and, as the Council points out, certain key aspects of the evidence base are still incomplete. These include the full Sustainability Appraisal, the Habitats Regulation Assessment, further work on transport modelling and on viability, all of which have the potential to require further changes before the Plan reaches

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<sup>22</sup> CD15.10

<sup>23</sup> Doc 8

<sup>24</sup> For the purposes of this decision, I have not included South Hampshire County Council and the Isle of Wight

the point at which it is ready for publication. Moreover, although the *Emerging Approach* indicates acceptance of an apportionment from the HMA equivalent to 70dpa, the Council explains that at present this is understood to be a need to be met later in the plan period. This may well influence the policy response to meeting such additional need, as indicated by the Council's current approach which is in the form of a strategic growth option. There is a risk, therefore, that an annualised figure applied from the start of the plan period, as proposed by the Appellant, would fail to reflect the particular planning circumstances which prevail within Eastleigh and South Hampshire.

48. At the Inquiry, the Council accepted that the key area of disagreement was the point at which the work of PUSH on housing distribution would become material to a calculation of housing land supply for the purposes of a s78 appeal. At this stage, although the apportionment is taking shape, the complexities of the position mean that even though the principle and quantum of additional need appear to be broadly accepted, considerable uncertainty remains around the timing and form of planning policies for its delivery. Such uncertainties are directly related to the formulation of the housing requirement, a matter which can only be fully tested through the Local Plan process. Given the nature of the further work to be undertaken on the Local Plan, I consider that there is insufficient clarity as to the timing and form which the apportionment will take for it to be incorporated into the definition of the housing requirement for the purposes of this appeal. Consequently, the housing requirement should be based on the Eastleigh-only figure, in which case the Council can demonstrate a five year supply of housing land.

### **Other matters**

49. Local residents expressed significant concerns about the traffic implications of the proposal, especially in the context of other nearby developments, both recent and proposed. Access to the site is a reserved matter but the scheme has been promoted on the basis that it will be served only from Tollbar Way. Modelling data suggests that a scheme of this size would add 11-12 vehicles to the 700 or so which pass along Moorgreen Road during peak hours. Traffic distribution around the remainder of the highway network would be at a similarly modest level. I recognise that residents' concerns are based on a local appreciation of the existing conditions on the road network as well as a thorough understanding of the local bus network. Nonetheless, I am satisfied that the traffic impacts of this proposal have been appropriately assessed and that they would not be so severe as to render the proposal unacceptable.
50. A number of residents referred to the opportunities for wildlife within the appeal site. Area A is dominated by species poor, semi-improved grassland. The proposal would make provision for the retention of hedgerows, which the ecological survey identifies as of some ecological value, as well as the provision of additional habitat such as through planting or attenuation ponds. Thus, even though there would inevitably be some adverse effect as a result of the development, I consider that on balance there is sufficient scope within the proposal to ensure that these could be addressed.
51. Concerns were also expressed as to an increased risk of flooding. However, it would be for the developer to demonstrate that there would be no increase in the risk of flooding elsewhere. There is nothing at this stage to indicate that this could not be achieved.

## Planning Balance

52. The proposal would be in conflict with policies 1.CO, 2.CO, 18.CO and 59.BE. It would therefore be contrary to the Development Plan as a whole. However, the proposal should also be assessed on the basis of the tilted balance set out at NPPF paragraph 14.
53. The main adverse impacts relate to the substantial erosion of the West End-Hedge End gap; harm to the character of the landscape by virtue of the change from countryside to urban area; and the relatively weak degree of connection with Hedge End. These impacts would run counter to the core planning principle of recognising the intrinsic character and beauty of the countryside, to the use of policies to identify land where development would not be appropriate because of its particular significance and to designing developments which add to the overall quality of an area. In my judgement, each of these harms carries significant weight.
54. In terms of benefits, the construction of up to 140 houses would deliver market and affordable housing in an area where delivery of both has historically been lower than that required to meet need. On the evidence provided to this appeal, the Council is currently able to demonstrate an adequate supply of housing. Even though the margin is a small one, the supply appears to be in place so that there is no insufficiency of supply which might add weight to the benefits which this proposal might bring. Nor should the benefit any greater because of the prospect that the housing requirement in the future Local Plan may be higher than the FOAN as currently defined. Thus, notwithstanding the emphasis in NPPF on boosting supply, the provision of market housing in this context carries limited weight. Given the degree of need for affordable housing, that element of the proposal carries considerable weight. The injection of over £14m into the local economy carries moderate weight. In addition, the Ecological Appraisal notes that the provision of green infrastructure would be in excess of that required to meet local standards. Whilst the measures for the protection and enhancement of the landscape are necessary in large measure to address the concerns identified in the 2016 appeal, they also represent a modest net benefit which attracts limited weight.
55. The Appellant suggests that access to a range of sustainable modes of transport also represents a benefit but it is a core planning principle that growth should seek to make the fullest possible use of public transport, walking and cycling. As such, this aspect of the proposal does not attract additional weight.
56. NPPF seeks to balance the economic, social and environmental dimensions of development. Whilst this proposal would deliver valuable social and economic benefits they would, to my mind, be clearly and demonstrably outweighed by the environmental harm identified.

## Conclusions

57. For the reasons given above, the appeal is dismissed.

*K.A. Ellison*

Inspector



## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Stinchcombe QC  
and Ned Helme, of Counsel

They called

Cllr Keith House

Peter Armstrong

BA(Hons) DipLA MA

Urban Design CMLI

Nick Ireland BA(Hons)

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Luke Simpson BSc MSc

MRTPI

Leader, Eastleigh Borough Council

Senior Associate Hyland Edgar Driver Landscape  
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Planning Director GL Hearn

Principal Planning Consultant, Adams Hendry  
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### FOR THE APPELLANT:

Jonathan Easton of Counsel

He called

Martin Taylor BSc MSc

MRTPI MIED

Clive Self Dip LA CMLI

MA (Urban Des)

Robert Gaskell, MTP,

MRTPI

Associate Director, Lichfields

Managing Director, CSA

Senior Planner, Gladman Developments Limited

### INTERESTED PERSONS:

Marika Baldwin

Bruce Tennant

Derek Pretty

Richard Denning

Peter Brown

Sarah Turl

Jamie Downer

Harry Hellier

Rick Macdonald

Local resident

Ward Member, Eastleigh BC, Hampshire CC,  
West End PC, Hedge End TC

Ward Member, Eastleigh BC, Hedge End TC

Local resident

Local resident

Chairman, Moorgreen Residents Association

Local resident

Local resident

Chairman, West End PC Planning and Highways  
Committee

Local resident

West End PC and Parish Transport

Representative

Janice Asman

Ward Member, Eastleigh BC, Vice Chair, West  
End PC

Rob Ball

Local resident

Andy Milner

Local resident

Michael Starling

Local resident

Nigel Caplen

Local resident

Carol Boulton

Local resident

## INQUIRY DOCUMENTS

- 1 Letter of notification
- 2 Supplementary Statement of Common Ground – 140 dwelling scheme
- 3 [2017] EWCA Civ893 Barwood Strategic Land
- 4 APP/J0405/W/16/3152120
- 5 APP/R3705/W/16/3149572
- 6 Planning Statement of Common Ground
- 7 List of suggested conditions
- 8 Eastleigh Local Plan Review: Emerging Approach and supporting documents
- 9 Highways Statement of Common Ground
- 10 Mr Gaskell – speaking note
- 11 Representations from interested parties
- 12 Highways and Transportation note
- 13 Unilateral Undertaking dated 21 July 2017
- 14 Community Investment Programme priorities in Hedge End, West End and Botley, 7 November 2016
- 15 Eastleigh BC, Minutes of Cabinet meeting 20 July 2017
- 16 APP/W1715/W/16/3156702, Land south of Mallards Road, Bursledon
- 17 Appellant’s response to APP/W1715/W/16/3156702
- 18 Council’s response to APP/W1715/W/16/3156702

## CORE DOCUMENTS

- CD1 Application Documents
- CD2 Additional & Amended Reports Submitted after Validation
- CD3 Application Correspondence (200 units)
- CD4 Consultation Responses
- CD5 Committee Report and Decision Notice
- CD6 Application for up to 140 dwellings
- CD7 Application Correspondence (140 units)
- CD8 Consultation Responses (140 units)
- CD9 Relevant Post Application Correspondence
- CD10 Development Plan
- CD11 Supplementary Planning Documents
- CD12 Emerging Local Plan
- CD13 Evidence Base
- CD14 Relevant Appeal Decisions
- CD15 Relevant Judgements
- CD16 Additional Documents