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# Appeal Decision

Site visit made on 19 April 2016

**by David Cliff BA Hons MSc MRTPI**

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

**Decision date: 23 June 2016**

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**Appeal Ref: APP/M1710/W/15/3139279**

**The Dairy, Roads Hill, Hordean, Waterlooville PO8 0TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Paul Harvey (Peter Ernest Homes Limited) against the decision of East Hampshire District Council.
  - The application Ref 21864/018, dated 21 April 2015, was refused by notice dated 25 June 2015.
  - The development proposed is demolition of existing buildings and erection of 9 no. dwellings, vehicular and pedestrian access, car parking and secure cycle storage and landscaping.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issues are:
  - Whether the location of the site is suitable for residential development having regard to the development plan and the principles of sustainable development as set out in the National Planning Policy Framework (the Framework);
  - Whether the loss of the existing employment use is acceptable; and
  - Whether the proposal makes appropriate provision for affordable housing.

## Reasons

### *Suitability of site for residential development*

3. The appeal site is located outside of the current settlement policy boundary for Hordean as defined by the East Hampshire District Local Plan: Second Review (2006). The Council has begun preparation of Part 3 of its Local Plan including a review of settlement policy boundaries for towns and villages. Consultation has recently commenced on Part 3 of the Local Plan and it is still at an early stage of preparation.
  4. The Council has adopted the Local Plan (Part 2): Housing and Employment Allocations. This indicates that the Council can demonstrate 6.44 years of deliverable housing land supply to meet the currently identified housing requirement within the East Hampshire District Local Plan: Joint Core Strategy
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- 2014 (Core Strategy), amounting to an equivalent surplus of 817 dwellings. The appellant argues that the existence of a five year housing supply does not act as a cap on the delivery of sustainable development drawing attention to other appeal decisions in this respect. Mindful of this, I have gone on to consider whether the development would amount to sustainable development.
5. Policy CP2 of the Core Strategy seeks to locate new development in the most sustainable and accessible locations. Although not stated in its reason for refusal, the Council has subsequently confirmed that it considers the proposal to be contrary to policy CP2 in its Planning Statement, about which the appellant has had the opportunity to comment. This policy is also included in Horndean Parish Council's objection.
  6. Policy CP10 aims to ensure that housing should be accommodated through development and redevelopment opportunities within existing settlement policy boundaries in the first instance. It sets out several exemptions where housing may be permitted outside of the settlement boundaries.
  7. Policy CP19 defines development outside of settlement policy boundaries as being in the countryside and operates a policy of general restraint in order to protect the countryside for its own sake. It states that the only development allowed in the countryside is that with a genuine and proven need for a countryside location.
  8. The Council recognises in its Officer Report that the design of the scheme is of a high standard which is in keeping with the character and appearance of the area, that it would enhance the appearance of the immediate area and would not harm the setting of the nearby conservation area or listed buildings. However, the Council also draws attention to the site extending into agricultural land to the south and that the whole of the site cannot be classed as previously developed land. Having viewed the site and its surroundings, I agree that the development would result in a visual improvement taking into account the removal of the existing buildings, but it would still extend into the countryside, albeit to a limited extent.
  9. I recognise that the settlement boundaries date back to 2006 and that they are to be reviewed as part of the work towards Part 3 of the Local Plan. However, I consider that whilst their age reduces their weight in decision making, they currently remain part of the development plan and still carry substantial weight in guiding the location of development. I also note that the preparation of Part 3 of the Local Plan is at a very early stage of preparation and that the Council is currently able to identify a five year supply of housing with sufficient capacity already identified in the Horndean area, a matter to which I will return below.
  10. The Council's Officer report states that Catherington itself has limited facilities with local schools and a public house in close proximity to the site. Local shops and other community services are located in Horndean and Clanfield, around 1.5km from the site. There is a footpath to these services, however I noted at my site visit that street lighting does not extend for the whole of the route and there is also no public bus service. These factors weigh against the sustainability credentials of the proposed development as, from the evidence before me, the site's location would result in the likelihood of the occupiers of the proposed dwellings being largely reliant on the private car for access to day to day services.

11. The appellant states that Catherington comprises part of the wider settlement of Horndean which is classified as being a Level 2 Large Local Service Centre. Nevertheless, the site is not within the settlement boundary. I also note that policy CP2 of the Core Strategy differentiates between Horndean as a Large Local Service Centre and Catherington as an 'Other settlement with a settlement policy boundary' with a limited range of local services which it states may be appropriate for some further small scale development.
12. My attention has been drawn to the Council's SHLAA published in September 2014. Whilst the site scores green in relation to achievability and availability, it scores amber for access to retail and health facilities, and red in relation to access to employment. These ratings appear to be consistent with my concerns regarding the accessibility of the site. The Council says that the SHLAA evidence is not part of the decision making process on planning applications and that any decision on the suitability of the site as an Allocation would need to be determined through the Local Plan process. I do not have any further details before me regarding the SHLAA but have given it some weight in my considerations, though do not find it to be particularly determinative of this appeal proposal which I must consider based on the evidence before me.
13. The accessibility of a site should be considered in the context of the generally rural nature of the District. However, the Inspector examining the East Hampshire District Local Plan: Housing and Employment Allocations states in his report (a copy of which has been provided by the Council with its appeal statement) that taking allocations and recent permissions into account, sufficient land is allocated by the Allocations Plan to ensure the Joint Core Strategy provision is met, with a greater number to be provided than the minimum requirement in all locations. Indeed, in the case of Horndean the Inspector confirms that the minimum target of 700 dwellings is exceeded with 820 dwellings proposed in the Allocations Plan.
14. Given my concerns on the site's sustainability in terms of its location and access to services, this reduces the benefits of the appeal proposal as there appear to be more sustainable locations for housing in Horndean without the need to develop less sustainable and more peripheral sites outside of the settlement boundaries. Furthermore, any changes to the existing settlement boundary are being considered as part of Part 3 of the Local Plan. This is at an early stage of preparation and from the information before me, including representations both in support of and against the proposal, it is not clear that this site would be one that would be included within any future extension to the settlement boundary in Catherington for either residential use or other form of development.
15. Policy CP10 of the Joint Core Strategy makes provision for housing, in addition to allocated sites, outside settlement boundaries where certain circumstances apply. However in consideration of these circumstances, whilst there is some local support for this proposal, including from the Catherington Village Residents' Association, I note there is an objection to the development from Horndean Parish Council and therefore I am not convinced from the evidence before me that the proposal enjoys clear community support. Neither is it identified in an adopted Neighbourhood Plan. I do not find that it has been proven that the site meets a community need for housing, and the affordable housing contribution is only a modest one. From the evidence before me, there

is no compelling case that the development could not be accommodated within the built up area. Whilst, the development would represent a visual improvement over the existing condition of the site which is adjacent to the Conservation Area and near listed buildings, this is not an overriding consideration. Furthermore, given its location in relation to public transport and access to facilities I do not find that the proposal would have any particularly significant advantages in terms of reinforcing the settlement's role and function. The proposal does not therefore satisfy the majority of the applicable criteria in policy CP10 for additional development outside settlement policy boundaries.

16. Taking all the above matters into account I find that the proposal, located outside of the existing settlement boundary, would be generally contrary to the housing location and sustainability aims of policies CP1, CP2, CP10 and CP19 of the Joint Core Strategy.

### *Employment*

17. The proposal would result in the loss of the existing employment use of the site, being currently occupied by, in employment terms, a car repair workshop which appears to employ up to two people. Policies CP4 of the Joint Core Strategy and IB4 of the Local Plan: Second Review seeks to protect employment sites and land where appropriate to do so.
18. The appellant says that the site is not well suited to employment generating uses and that the premises are unsuitable by modern standards, there is a limited market for accommodation of the type currently at the appeal site or any redevelopment floor space in this location, and that there are a number of opportunities for the existing business to relocate. The Council argues that the existing business premises is in viable employment use, the appellant has not provided supporting information to demonstrate that the business is willing to relocate, no marketing has taken place and a contribution to offset the loss has not been provided for.
19. The appellant has provided an appraisal report which, whilst noting that the industrial premises market has improved very significantly in the last 2/3 years, with stock of all types of workshop and storage property significantly reduced, concludes that there would be little demand for the buildings of the type on the appeal site, it is a small employment site on the fringes of the market and being close to neighbouring properties it could be a source of conflict. In addition, it says there are many better small workshop premises available elsewhere.
20. In spite of the appellant's arguments, from the evidence before me I do not consider it has been proven that the site is not viable for a form of employment use and whilst I acknowledge that it is a peripheral site, without any details of any actual marketing carried out, I cannot rule out the possibility that it would be able to offer at least some form of continued employment use of benefit to the local economy. Whilst, residential properties are located close by, there seems to me to no reason why a B1 type of use of site could operate without causing any conflict with neighbours. Parking could be contained within the site, the access appears to be a reasonably safe one and employment uses need not be unreasonably noisy.

21. The Council's 'Economic Development' consultation response says that the site provides an opportunity for intensification of business uses to contribute to towards the supply of business floor space to meet the demand of a growing population linked to housing growth, recognising that the District is experiencing a shortage of business use employment land and that any further loss of business floor space and land will exacerbate the situation.
22. The accompanying text to policy CP4 recognises that there is a need to maintain a good supply of appropriate sites and premises for all kinds of business (both in the short term and long term) in order to encourage growth and I am mindful that whilst the existing employment use of the site is minimum, it could in whole or in part, provide an opportunity for small local businesses in the future.
23. In this case, I do not consider that it has been satisfactorily proven that there is no reasonable prospect of the site being viable for a continuation of the existing employment use and there appears to be a healthy demand for employment sites. Whilst the nature of the current buildings on the site is unlikely to be attractive for other uses, this is not to say that the site itself would not remain to be appropriate for employment use. Furthermore, though other employment sites have been put forward by the appellant it is not clear that these are either suitable or available for the existing business. Neither is there compelling evidence that there is sufficient employment space in the area to meet current and future demands.
24. The appellant has drawn attention to letters of objection to the loss of the existing business being written from parties living some distance from the appeal site. However, these would appear to be only a small sample of people who might utilise the business and this does not alter my overall findings on this issue.
25. Drawing together the evidence before me on this matter, the proposal would result in the loss of the employment use of the site. It has not been satisfactorily demonstrated that such use is inappropriate or unviable. I find that the loss of the employment use has not been justified and therefore it conflicts with policies CP4 of the Joint Core Strategy and IB4 of Local Plan: Second Review.

#### *Affordable Housing*

26. Policy CP13 of the Joint Core Strategy sets a target of 40% of all new dwellings to be provided as affordable housing which should normally be provided on-site.
27. In this regard, following the Court of Appeal's judgement on 11 May 2016, the policies in the Written Ministerial Statement of 28 November 2014 as to the specific circumstances where affordable housing should not be sought from small scale and self-build development must once again be treated as a material consideration. However, as the maximum gross floor area of the proposed development (including the garages) exceeds the 1000 sqms threshold, I consider that Policy CP13 remains to be applicable in this case.
28. The appellant's viability assessment concludes that the appeal scheme cannot afford on-site affordable housing provision but that a financial contribution of £9,812 can be made.

29. The Council says that it has not had sufficient time within the appeal deadlines to assess the appellant's viability assessment. Whilst I understand the pressures faced by local planning authorities, I consider that there has been sufficient time within the deadlines for the information to be assessed.
30. In the absence of any evidence from the Council, and all other evidence before me, I have no reason to doubt the viability information provided by the appellant. On this basis, whilst the affordable housing provision would not accord with the requirements of policy CP13, it appears that the contribution is the most that the scheme is able to provide at the current time. The Council has raised concerns about aspects of the appellants Unilateral Undertaking. However, as I am dismissing the appeal, it has not been necessary to consider such matters any further. Even should the Unilateral Undertaking have been found to be sound, the affordable housing contribution would be a modest one which would not override my concerns on the other main issues including the matter of sustainable development.

### **Planning Balance**

31. Although the settlement boundary dates back to 2006, it still carries considerable weight. The Council can demonstrate a five year housing supply and in the context of Horndean, appear able to comfortably exceed its housing requirement. Whilst I am mindful of the importance of the Framework's aim to boost the supply of housing, I do not consider that there is an overriding need in this case for residential development on a site located outside of the existing settlement boundary. In arriving at this view I have considered whether the development would amount to sustainable development. Firstly, the location and accessibility of the site weighs against its sustainability credentials taking account of the likely dependency for future occupiers on use of the private car. Secondly, the development would lead to the loss of the existing employment use of the site which, in the context of the relevant development plan policies, has not been satisfactorily justified.
32. The development would create local economic benefits through construction and would provide some support for local shops and services albeit this would be reduced by the reasonable possibility that residents may drive to other more distant facilities given the poor public transport links to the site. Some further economic benefit would arise from Council Tax revenues.
33. The scheme would also provide moderate social benefits from its contribution to the choice of housing in the area and a limited social and economic benefit from the affordable housing contribution. There would also be environmental benefits from the overall appearance of the scheme in relation to that of the existing buildings, including for the setting of the adjacent conservation area and nearby listed buildings. Kings Court School is a Grade II listed building located to the south east of the site on the opposite side of the road. Given its relationship to the site, the improvements to its setting would only be of limited benefit. There is also potential for some limited ecological benefit. The proposed development would, however, encroach to a limited degree into the open countryside.
34. Whilst there would be several benefits, I consider that these would be clearly outweighed by the harm I have identified. The development would not therefore amount to sustainable development as sought by the Framework.

**Other matters**

35. In my consideration of the relevant issues above I have taken into account the various other appeal decisions raised by the parties. From the limited detailed information provided of the schemes to which the appeals relate, there are no matters raised which change my findings on this appeal.

**Conclusion**

36. For the above reasons and having considered all other matters raised, I conclude that the appeal should be dismissed.

*David Cliff*

INSPECTOR