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**STATEMENT OF CASE**

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**LAND EAST OF POSBROOK LANE,  
TITCHFIELD**

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**Appeal against the failure of Fareham Borough Council to determine an outline planning application within the statutory period for up to 57 dwellings, associated parking, landscaping and access from Posbrook Lane**

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**Prepared by:**

**Woolf Bond Planning**

**On behalf of:**

**Foreman Homes Ltd**



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**June 2020**

**WBP Ref: 7796**



**Woolf Bond Planning**  
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## **1.0 Introduction**

### **Context**

- 1.1. This appeal is made against the failure of Fareham Borough Council to determine an outline planning application within the statutory period for up to 57 dwellings together with associated parking, landscaping and access from Posbrook Lane (LPA Ref: P/19/1193/OA).
- 1.2. Development of the site for up to 150 dwellings was previously refused by the Council in December 2017 (LPA Ref: P/17/0681/OA) and subsequently dismissed at appeal (PINS Ref: APP/A1720/W/18/3199119).
- 1.3. The amended scheme proposes a significantly reduced number of dwellings on a smaller site area, and, in the Appellant's opinion, satisfactorily addresses the issues raised in the previous appeal decision having regard to the landscape and heritage impacts that were identified by the Inspector.
- 1.4. The acceptability of the scheme in heritage terms is addressed in the accompanying Heritage Statement prepared by Cogent Heritage with paragraph 96 confirming that the proposed development would preserve and enhance the setting of the listed buildings at Great Posbrook Farm. It is further added that no harm has been identified in relation to any heritage asset. This conclusion follows the pre-application advice received from Historic England who also confirm the acceptability of the scheme in heritage terms. The Appellant's heritage case is amplified in Appendix A (attached).
- 1.5. The accompanying Landscape and Visual Assessment ("LVA") considers the acceptability of the scheme having regard to landscape matters.
- 1.6. Section 7 of the LVA sets out the Author's conclusions in relation to the acceptability of the proposal confirming that the inclusion of proposed thick woodland planting to the south and east of the new dwellings enhances the existing settlement edge at Bellfield. It is further concluded that development of the site in the manner proposed would have no significant effect on the Meon

strategic gap whilst the proposed new woodland planting would also result in a positive change to views of the settlement edge. On the whole the LVA concludes that the scheme is entirely appropriate in landscape terms. The Appellant's landscape case is amplified in Appendix B (attached).

- 1.8. The Inspector's conclusion as set out in the previous appeal decision considered the larger 150 dwelling scheme (as was proposed) did not raise a conflict with the strategic gap function. Consequently, paragraph 12 of the previous appeal decision sets out the three main issues identified by the Inspector in relation to the determination of that appeal; comprising as follows:
1. Landscape
  2. Heritage
  3. Best and Most Versatile Agricultural Land (BMVAL)
- 1.9. Taking the points in reverse order, the Inspector concluded in relation point (3) (BMVAL) that the small scale and the overall comparative effect of the loss of such land should only be given limited weight in the overall planning balance.
- 1.10. The scheme as now proposed, for a significantly reduced number of dwellings, on a significantly reduced part of the site, means more of the land can now be retained in its existing use i.e. grazing. As set out in Appendix C, the Appeal Site extends to 4.0 ha. Of this 3.5 ha is of Subgrade 3a "good quality" agricultural land. This falls within the category of BMVAL. Of this approximately 2 ha is proposed for residential development including landscaping. It is the Appellant's case that only limited weight should be given to what is a minor adverse effect resulting from this loss.
- 1.11. The outstanding matters in respect of (1) landscape; and (2) heritage have been addressed through the particulars submitted in support of the Appeal Scheme.
- 1.12. Importantly, point (1) is addressed in the accompanying LVA, whilst point (2) is addressed in the accompanying Heritage Statement which includes the pre-application advice received from Historic England confirming that the amended scheme has addressed their earlier concerns. Their subsequent formal

consultation response upon the application confirms no objection to the Scheme as now proposed.

1.13. Paragraphs 96 and 97 from the Heritage Statement confirm in relation to the acceptability of the scheme as follows:

(i) Overall, the proposed development would preserve and enhance the setting of the listed buildings at Great Posbrook. No harm has been identified in relation any heritage asset.

(ii) Because there would be no harm, there are no policy conflicts with national or local policy, or the provisions of s.66 of the 1990 Act. In heritage terms there is no reason for the application to be refused.

1.14. The technical information submitted with this application demonstrates the acceptability of the scheme having regard to the requirements of the Development Plan. Importantly, it confirms the acceptability of the illustrative design and quantum of development having regard to the landscape and heritage reasons for refusal of the previous up to 150 dwelling scheme.

### **S.38(6) and Development Plan Compliance**

1.15. It is the Appellant's case that the development plan is not based upon a NPPF compliant objectively assessed need for housing and cannot be said to be up to date in respect of its housing requirement. It does therefore provide an appropriate basis for the calculation of a five year supply.

1.16. The Core Strategy was adopted in 2011 and pre-dates the NPPF requirement for plans to be based upon an objectively assessed need for housing (the "OAN"). The Core Strategy was prepared to be in general conformity with the now revoked South East Plan (May 2009). Its contents pre-date the publication of the Framework and the NPPG together with the Hunston and Solihull High Court Judgments; which require LPAs to undertake an assessment of the objectively assessed housing need. Accordingly, and even at the point of adoption in 2011, the Core Strategy did not meet the objectively assessed need for housing during the plan period, which represents a clear conflict with paragraph 47 of the NPPF to boost significantly the supply of housing.

- 1.17. Paragraph 47 of the Framework is of particular importance in determining the merits of the appeal scheme in so far as it requires Councils to (i) boost significantly the supply of housing, (ii) ensure that they meet the full objectively assessed needs for market and affordable housing; and (iii) identify a supply of specific deliverable sites.
- 1.18. In relation to (i), the emphasis has changed in the Framework from that set out in the earlier PPS3 (which policy basis informed preparation of the Core Strategy). This represents an important material consideration.
- 1.19. In relation to (ii) the Council, following the Cranleigh Road appeal decision (APP/A1720/W/16/3156344) (August 2017) now accepts that the Core Strategy does not meet the objectively assessed need for housing<sup>1</sup>. As a result, its housing policies are out of date, such that paragraphs 11 and 213 of the NPPF are engaged.
- 1.20. This represents a significant material consideration in favour of the application. In accordance with paragraph 11 of the NPPF, planning permission should be granted in the absence of any adverse impacts which would significantly and demonstrably outweigh the benefits.
- 1.21. Whilst under the provisions of paragraph 213 of the NPPF the Local Plan would be considered to be given full weight, due to the operation of paragraph 11 of the NPPF the Local Plan is considered "out of date" as the evidence that supports them is not consistent with the requirements of the NPPF.
- 1.22. In addition, and in response to the findings of the Planning Inspector in relation to the Navigator appeal<sup>2</sup> and the Cranleigh Road appeal noted above, where it was confirmed that the development plan requirement is a pre-NPPF requirement and is not reflective of the objectively assessed need, the Council are now acknowledging that their 5 year housing land supply calculations need

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<sup>1</sup> This is confirmed in the officer report to committee upon the appeal scheme (Dec, 2017)

<sup>2</sup> Jan 2015 PINS Ref: 2220031

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to be undertaken using their most up to date evidence. Having done so FBC accept they cannot demonstrate a 5 year housing land supply<sup>3</sup>.

- 1.23. In landscape terms, it is the Appellant's position that the development would only result in localised harm and would provide landscape and visual benefits for the wider valued landscape of the Meon Valley.
- 1.24. In so far as it is the Appellant's case that there is no harm to designated heritage assets, and even were the Inspector to find some, albeit very limited harm (at the bottom end of the 196 scale), such harm should be weighed against the substantial benefits of the proposal.
- 1.25. It is the Appellant's view that when the overall planning balance is carried out, the benefits are such that planning permission should be granted.

#### **Overarching Summary of the Appeal Scheme's Merits**

- 1.26. Having regard to the relevant planning policy and material considerations, the acceptability of the Appeal Scheme may be summarised as follows:
- i. The Council's continued inability to demonstrate a robust five year housing land supply position triggers the operation of policy DSP40 which policy was introduced precisely to operate as an exception to the otherwise restrictive policies of CS14, DSP6 and CS22; which is to permit development in breach of those policies when the Council could not demonstrate a 5 year housing land supply.
  - ii. As the Local Plan is out of date, the presumption in paragraph 11 of the NPPF applies.
  - iii. The Council cannot demonstrate an up-to-date five year supply of deliverable sites for housing. In accordance with paragraphs 11(d)(i) and 73 of the NPPF, the development plan is to be regarded as out of date.

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<sup>3</sup> See also APP/1720/W/19/3230015 (Downend Rd, Portchester) (Para 90) (5 Nov 2019)

- iv. The development of the appeal site for a sustainable form of development should now be considered favourably in accordance with the advice at paragraph 11 of the NPPF, having regard to the importance of delivery of housing for meeting the district's market and affordable housing needs and the delivery of economic and sustainable growth noting that there is a significant deficit.
  - v. The scheme represents a sustainable form of development and the Appeal Scheme involves the provision of significant benefits.
  - vi. Not only are there are no adverse impacts which significantly and demonstrably outweigh the benefits, but there are in fact significant benefits which significantly and demonstrably outweigh any perceived harm (landscape harm, harm to the setting of a Grade II\* Listed Building and loss of best and most versatile agricultural land).
  - vii. The appeal scheme is submitted in accordance with the NPPF and it should be allowed so as to permit a sustainable form of much needed new market and affordable housing in helping to meet the Borough's housing needs and to provide the additional benefits which have been identified.
- 1.27. Overall, it is the case for the Appellant that the public benefits of the proposal clearly and demonstrably outweigh any minor harm that may be occasioned to the setting of the Grade II\* Listed Buildings, even when great weight is attached to that harm.
- 1.28. It is also the Appellant's case that the identified benefits coupled with the dire five year housing land supply position and demonstrable need for affordable housing provision represent material considerations of significant weight when considered against the conflict with Policy DSP6, CS14 and CS16. In addition, policy DSP40 operates deliberately as an exception to these restrictive policies where, as here, the Council cannot demonstrate a five year supply of deliverable housing land.



- 1.29. The appeal scheme accords with the five criteria in policy DSP40. Consequently, it accords with the development plan *taken as a whole*.

## **2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA**

- 2.1. The Appeal Site is edged red on the accompanying Site Location Plan No. 16.092.01 and extends to approximately 4ha.
- 2.2. It is currently used for horse grazing and the western part of the site is crossed by two pedestrian rights of way, footpaths 34 and 39.
- 2.3. The Site is bound by Posbrook Lane to the west, residential properties in Bellfield to the north, open land to the east and south with a cluster of dwellings at Posbrooke House (Grade II\*), Great Posbrooke (Grade II\*) and Barn Close beyond.
- 2.4. It is located adjacent to but beyond the settlement boundary for Titchfield as defined in the Core Strategy and Local Plan Part 2.
- 2.5. To the south east of the site is the 'blue land' under the control of the applicant which is proposed as a Bird Conservation Area. It extends to approximately 8.4ha and is also used for grazing.
- 2.6. The blue land is at a lower level than the site and occupies land between the site and the Titchfield Canal to the east which is formed by a line of trees along the western bank of the canal. The blue land is to be secured through the legal agreement as a Bird Conservation Area.
- 2.7. No part of the site (or adjoining blue land) forms part of a Conservation Area and nor is it identified for any landscape 'value' and nor is the site located within or adjoining a Conservation Area.
- 2.8. The site is identified on the Proposals Map to the Part 2 Local Plan as being within a strategic gap (Policy CS22) and in an area that is uncertain in supporting Brent Geese and Waders (Policy DSP14).
- 2.9. It has been agreed with Hampshire County Wildlife, Fareham Borough Council and Natural England that the appeal site is not of importance for Brent Geese and Waders, whilst the landscape evidence demonstrates that development of

the site will not have a significant effect on the function and effectiveness of the strategic gap.

- 2.10. As detailed in the Flood Risk Assessment that accompanied the application, the appeal site is classified as falling within Flood Zone 1. There are no further environmental constraints which would preclude the proposed development.

### 3.0 APPEAL SCHEME DESCRIPTION

- 3.1. The Appeal Scheme has been developed and informed following a thorough review of the opportunities and constraints afforded by the Site.
- 3.2. Only the principle of developing the site for up to 57 dwellings and the means of access are to be determined as part of this outline application.
- 3.3. Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 3.4. The Appeal Scheme description is as follows:

***“Outline application for up to 57 dwellings, associated parking and landscaping and a means of access from Posbrook Lane.”***

- 3.5. The proposals are set out on the following plans:

#### The Scheme

- i. Site Location Plan No. 16.092.01
- ii. Proposed Access Drawing No. 19-241/003B

#### Supporting Plans

- iii. Illustrative Site Plan No. 16.092.02

- 3.6. Plan (iii) is submitted for illustrative purposes only, with permission sought for the principle of up to 57 dwellings on the Illustrative Site Plan, as well as the details of the access arrangement shown in Plan (ii).

#### **Masterplan Approach**

- 3.7. Preparation of the Illustrative Site Plan has been informed by a number of technical studies, prepared pursuant to a review of the earlier dismissed appeal decision relating to the previous proposal to develop the site for 150 dwellings.

- 3.8. The Masterplan vision is to create a high-quality development that has a strong sense of character and identity which links positively with the existing development in the area.
- 3.9. The Masterplan approach, including in relation to design, is underpinned by a thorough contextual appraisal of the site and its surroundings. Full details are set out in the accompanying Design & Access Statement.
- 3.10. The vision is to be achieved through the following design principles included in the masterplan design:
- (i) The creation of a sustainable environment for living with a mix of residential accommodation.
  - (ii) A place with a varied character that responds to the local vernacular and built context to provide a sense of place.
  - (iii) A sustainable development which responds to best practice, with house type designs to be approved at the reserved matters stage that will seek to minimise energy use, sustainably manage water, responsibly source materials and manage waste and ecology.
  - (iv) Enhancing the landscape edge to the boundaries of the site, in particular the eastern boundary.
  - (v) Respecting the form, character and setting of designated heritage assets to the south of the site.
  - (vi) A development which preserves and enhances biodiversity by retaining natural features on the site and reinforcing them by creating opportunities for new habitat areas.
  - (vii) Integrating the site with the existing settlement through the provision of publicly accessible walking routes.
  - (viii) To encourage and enhance the opportunities for sustainable movement, through the provision of pedestrian and cycle linkages to neighbouring facilities and public transport routes.
  - (ix) Creation of a permanently wet balancing pond, which will provide for sustainable urban drainage as well as biodiversity enhancement.

3.11. The principal elements of the scheme are summarised as follows:

- (i) The scheme provides for up to 57 dwellings, to include an appropriate mix of house types, within a landscaped setting.
- (ii) Respecting the setting of designated heritage assets to the south of the site.
- (iii) Respecting the character of the valued landscape of the wider Meon Valley.
- (iv) Buildings heights will be in conformity with existing dwellings in the vicinity of the proposal.
- (v) The scheme will include a mix of housing tenures, together with up to 40% affordable housing provision<sup>4</sup>.
- (vi) Vehicle access is provided from Posbrook Lane.
- (vii) New pedestrian and cycle routes as well as improvements to existing ones to provide for sustainable linkages to the surrounding urban area.
- (viii) SuDS.

3.12. The Illustrative Site Plan provides for up to 57 dwellings which equates to a gross density of approximately 17dph.

3.13. This density will ensure the new dwellings integrate with, and complement the local area in terms of scale, massing and layout, whilst sympathetically responding to the site's edge of settlement location.

3.14. Although landscaping is a reserved matter, the accompanying Illustrative Site Plan provides for a landscaped buffer to the southern boundary of the site. This has been developed in consultation with Historic England to ensure an appropriate edge is achieved to the settlement boundary, particularly in respect of the relationship with the setting of the listed buildings at Posbrooke Farm.

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<sup>4</sup> The Appeal Scheme proposes the on-site provision of up to 22 affordable dwellings and an off-site financial contribution equivalent to the provision of 0.8 dwellings, thus achieving a policy-compliant 40% affordable housing provision.

## 4.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

### General

- 4.1. This section summarises the planning policy position, against which the acceptability of the scheme falls to be determined.
- 4.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.
- 4.3. The first test, and the statutory starting point is whether the application is '*in accordance with the plan*', which is a phrase that has been the subject of debate in the High Court in the context of Section 54A of the Town and Country Planning Act 1990.
- 4.4. In his judgment of 31 July 2000 (*R v Rochdale Metropolitan Borough Council ex parte Milne*), Mr Justice Sullivan concluded as follows:
- "...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be "in accordance with the plan"..."**
- "For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein."**
- 4.5. The *Rochdale* judgment is applicable to the interpretation of Section 38(6) of the 2004 Act such that the decision maker must reach a decision as to whether the proposal is in accordance with the development plan when it is considered as a whole, which position is set out below.
- 4.6. Such matters (the tensions between development plan policies) have more recently been considered in *Corbett v Cornwall County Council 2020 EWCA Civ508* (Case No. C1/2019/2179) (April 2020). This judgment reaffirms the

position that it is enough that the proposal accords with the development plan considered as a whole, such that a proposal does not have to accord with each and every policy therein in order to be development plan compliant.

- 4.7. For the reasons set out below, it is submitted that this scheme accords with the development plan when taken as a whole, such that the presumption in s. 38(6) of the Planning and Compulsory Purchase Act 2004 is in favour of the development.
- 4.8. In the event the Inspector were to find some conflict between the scheme and the development plan, the material considerations would tilt the balance in support of the grant of planning permission, including the Council's acceptance that they cannot demonstrate a five year supply of deliverable housing land, the significant need for housing, the grant of planning permission by the Council and at appeal for housing on land beyond the settlement boundaries as defined in the Core Strategy and Local Plan Part 2, the proposed review of the settlement boundaries as per of the emerging Local Plan Review; and the content of the NPPF (February 2019).
- 4.9. Section 39 of the Act identifies the requirement for decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements must be considered in light of the NPPF, including the 3 roles of sustainability set out at paragraph 8 (economic, social and environmental). However, and as set out at paragraph 9 of the NPPF, the three roles are not a checklist and their values are considered in light of that context.

### **The Development Plan**

- 4.10. The Development Plan comprises the following:
- Local Plan Part 1: Core Strategy ("CS") (August 2011)
  - Local Plan Part 2: Development Sites & Policies ("DSP") (June 2015)
  - Local Plan Part 3: Welborne Plan ("WP") (June 2015)



- 4.11. Prior to 8<sup>th</sup> June 2015, Fareham Borough Council used the 'saved' policies from the Fareham Borough Local Plan Review (2000), together with those contained within the Fareham Borough Core Strategy to determine applications.
- 4.12. The settlement boundaries as set out within the Proposals Map for the Fareham Borough Council Local Plan Review (2000) were the spatial boundaries at that time. These two documents also formed the Development Plan for the Borough.
- 4.13. The Proposals Map was then amended following the Government Direction of 2007 and the adoption of the Core Strategy (Local Plan Part 1) in 2011.
- 4.14. The key changes to the Proposals Map were at Coldeast Hospital and Daedalus Airfield, identifying new strategic allocations and designations at these two locations. The full review of the settlement boundaries, as set out in the Core Strategy took place as part of the preparation (and examination) of Local Plan Part 2: Development Sites and Policies. However, no changes were made to the settlement boundaries as part of this plan. The Proposals Map from the Fareham Borough Local Plan Review has essentially been retained but broken down into a series of 12 Inset Maps within the Fareham Borough Local Plan Part 2: Development Sites and Policies. This Plan now forms part of the Development Plan and follows on from the adopted Fareham Borough Core Strategy (Local Plan Part 1).
- 4.15. The Fareham Borough Core Strategy (Local Plan Part 1) was adopted on 4 August 2011 and as such pre-dates the publication of the National Planning Policy Framework (2012) and the more recent 2018 version.
- 4.16. The Council's planning policies which relate to the supply of housing are now out of date.
- 4.17. The Council undertook an Issues and Options consultation on a New Local Plan in summer 2019, a document which once adopted will replace Local Plan

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Parts 1 and 2 and plan for development to 2036. At this early stage, it is not considered to carry any weight in the decision making process.

### **Core Strategy**

- 4.18. The Core Strategy was adopted in August 2011 and pre-dates the March 2012 version of the Framework. It was prepared to be in general conformity with the now revoked South East Plan (May 2009) and sets out a housing requirement for the period 2006 to 2026. It defers site allocations to subsequent DPDs.
- 4.19. The Council agreed during the course of the previous appeal that the settlement policy boundaries for the supply of housing are out of date.
- 4.20. At this outline stage, it is considered that the proposed development accords with all of the relevant Core Strategy policies so far as they can be considered at this stage;

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

CS22 - Development in Strategic Gaps

- 4.21. In *Suffolk Coastal DC v Hopkins Developments Ltd* [2017] UKSC 37 Lord Carnwath's judgement confirms at paragraph 63 that the weight to be attached to restrictive policies, such as countryside and landscape policies, can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements. In the Suffolk Coastal case the Inspector's findings were consequential upon their being no five-year housing land supply and on the basis that the Council could not deliver the housing to meet current needs. There are obvious parallels with Fareham.

- 4.22. In the case of Fareham Borough, the Council have been granting planning permissions for housing development outside of settlement areas that are in breach of countryside and landscape policies in order to meet market and affordable housing needs and maintain a rolling five-year land supply. Schemes have equally been allowed at appeal.
- 4.23. Consequently, the countryside and landscape policies are not meeting current housing needs on the basis of the definition of built up areas as defined in the development plan, despite the approach set out at policy DSP40 of Local Plan Part 2 (see below) which allows for development beyond the defined settlement boundaries where it meets the stated criteria.
- 4.24. On this basis, reduced weight applies to any conflict with policies CS2, CS14 and CS16.
- 4.25. The Appellant's position in relation to the applicable policies from the Core Strategy may be summarised as follows an overarching point, the following points are summarised:
1. The spatial policies for the supply of housing do not meet current housing needs.
  2. The settlement boundaries defined under CS14 are not sufficient to meet current housing need and the weight to be given to the conflict with this policy is reduced in accordance with the operation of Policy DSP40.
  3. Although the application site is within a strategic gap, the larger scheme (dismissed at appeal), was judged not to have an effect on the function of the gap. The reduced size application scheme will have no material effect on the function and effectiveness of the strategic gap.
  4. The scheme provides a safe means of access.
  5. The site is in a sustainable location.
  6. The reduced size of the application scheme will not result in adverse impacts to the Grade II\* listed buildings to the south of the site, and will improve their setting by virtue of the proposed landscape buffer, as confirmed by Historic England in their consultation response.
  7. The loss of a small area of subgrade 3a and 3b should be afforded no more than limited weight.

8. The requisite mitigation measures are secured by condition and/or through the planning obligation such that the impacts of the scheme can be adequately mitigated.
- 4.26. It is therefore concluded that the proposal is consistent with the aims of the development plan and that development would be in accordance with policy DSP40 of the Local Plan Part 2 (see below).
- 4.27. Policies CS2, CS14 and CS16 are not consistent with the requirement in the Framework to boost significantly the supply of housing land. As such, the weight given to these policies in the overall planning balance is significantly reduced, reflecting the position at paragraph 63 of the Suffolk Coastal judgment (Hopkins Homes). It is therefore considered that in all other respects the proposed scheme is in accordance with the development plan when considered as a whole.

Local Plan Part 2: Development Sites & Policies (“DSP”) (June 2015)

- 4.28. The DSP was adopted in June 2015 and allocates sites and land for housing. It includes Policy DSP40 which allows for additional housing sites outside the defined settlement boundaries where the Council does not have a five year supply of deliverable housing land and where the scheme satisfies the five criteria set out in the policy.
- 4.29. The Policy wording, which provides for flexibility in the event of a shortfall in the five year housing land supply position, was included as a result in the examination of the policy through the hearing sessions which addressed concerns about the lack of flexibility in relation to the supply of housing land.
- 4.30. Paragraph 47 of the Local Plan Inspector’s Report (May 2015) states as follows (our emphasis underlined):

**“Paragraph 14 of the NPPF refers to the need for local plans to incorporate sufficient flexibility to adapt to rapid change. Currently LP2, for example policy DSP40 on Housing Allocations and its supporting text, does not provide any indication of how the Council would respond in**

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**circumstances where the predicted level of housing delivery is not being achieved. Consequently it is proposed by the Council to strengthen this element of LP2 by explaining that in principle additional housing sites may come forward if it can be satisfactorily demonstrated that the Council does not have a five year land supply when assessed against the CS housing targets. New explanatory text is proposed and the policy would be modified to include the criteria against which any such proposal would be assessed. This is a pragmatic and positive way forward and will contribute to ensuring that LP2 is justified, effective and consistent with national policy. MM21 is therefore recommended.”**

- 4.31. It is clear that the amendments to the wording of Policy DSP40 (as set out in the adopted Local Plan Part 2) were explicitly required in order to ensure the Development Plan was effective and consistent with national policy.
- 4.32. The Council acknowledges that it is unable to demonstrate a five year supply of housing land against the requirements of the SHMA, PUSH Position Statement and/or the standard methodology set out in the NPPF.
- 4.33. The proposal is consistent with the approach to allowing for additional sites beyond the settlement boundaries as set out in Policy DSP40.
- 4.34. The following Local Plan Part 2 policies are considered relevant to this application:
- DSP5 - Protecting and enhancing the historic environment
  - DSP6 - New residential development outside of the defined urban settlement boundaries
  - DSP13 - Nature Conservation
  - DSP14 - Supporting Sites for Brent Geese and Waders
  - DSP15 - Recreational Disturbance on the Solent Special Protection Areas
  - DSP40 - Housing Allocations
- 4.35. Policy DSP6 is not consistent with the requirement in the Framework to boost significantly the supply of housing land. As such, the weight given to this policy in the overall planning balance is significantly reduced, reflecting the position at paragraph 63 of the Suffolk Coastal judgment (Hopkins Homes).
- 4.36. Policy DSP40 states in full as follows:

**“Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:**

**i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;**

**ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;**

**iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps**

**iv. It can be demonstrated that the proposal is deliverable in the short term; and**

**v. The proposal would not have any unacceptable environmental, amenity or traffic implications.”**

- 4.37. The application scheme satisfies the requirements at parts (i) to (v) of the policy and is entirely acceptable when assessed against the context of Policy DSP40; which matters are considered in section 5 below.

Local Plan Part 3: Welborne Plan (“WP”) (June 2015)

- 4.38. The Welborne Plan was adopted in June 2015 and sets out how the broad type, location, amount and character of the development at Welborne. This is not directly relevant in relation to the approach to development management.

Summary

- 4.39. The conclusions drawn from the appeal correspondence and accepted in other appeal decisions are as follows:

- The Core Strategy is out of date in relation to the housing requirement set out in Policy CS2 (and the associated settlement boundaries).

- The Local Plan Part 2 (which revises the Core Strategy housing requirement from 2011 in order to reflect the requirement figure set out in the South Hampshire Strategy) does not seek to identify the full objectively assessed needs for market and affordable housing for the purpose of the NPPF.
- The Council accepts that the Development Plan does not provide for local housing needs.

4.40. In so far as the scheme satisfies the five criteria set out at Policy DSP40, given the lack of a deliverable five year supply of housing land, it is considered that the scheme accords with the development plan when taken as a whole.

### **Material Considerations**

#### **National Planning Policy Framework**

4.41. The National Planning Policy Framework (NPPF) was most recently updated in February 2019. It is a material consideration of particular standing in the determination of planning applications.

4.42. The content of the NPPF as it relates to the proposed development of the application site is addressed in the order set below:

- The presumption in favour of sustainable development
- Decision making
- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

4.43. Paragraph 8 of the NPPF identifies that there are three dimensions to sustainable development, comprising (i) economic, (ii) social; and (iii) environmental.

#### Economic Role

- 4.44. The economic role requires the planning system to, inter alia, ensure that sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved with the application scheme on the basis that it is located within a sustainable location, within walking and cycle distance to local services and facilities. The scheme also provides for housing development of the type and mix required to meet identified needs.
- 4.45. The scheme further addresses the economic role in terms of increased LPA Revenues, Construction impacts (increased GVA, jobs etc.) and increased expenditure in local area.

#### Social Role

- 4.46. The social role requires the planning system to provide the supply of housing required, creating a high quality built environment, accessible to local services and reflecting the community's needs. All of these requirements can be achieved with the application scheme.

#### Environmental Role

- 4.47. The environmental role requires the planning system to protect and enhance the natural, built and historic environment. This can be achieved with the proposal in a location that will not result in any significant adverse effects upon the character of the surrounding area, including in landscape terms.

#### Decision Taking

- 4.48. In setting out the presumption in favour of sustainable development, paragraph 11 of the NPPF adds, in relation to decision-making at 11(c), that this means approving development proposals that accord with the development plan (as is the case here, with the Appeal Scheme submitted in accordance with the provisions at policy DSP40).



- 4.49. It adds at paragraph 11(d) that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless (i) policies in the NPPF provide a clear reason for refusing the development; or (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 4.50. It has been discussed earlier in this Statement, why it is considered that the policies for the supply of housing (both in terms of the housing requirement and the associated settlement boundaries) are materially out of date.
- 4.51. Section 4 of the NPPF sets out the approach to decision-taking. Paragraph 38 makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.52. The site is located in a sustainable location and will improve the economic and social conditions of the area. It will also help to provide an enhanced landscaped edge to the settlement and new biodiversity habitats.
- 4.53. Paragraph 48 refs to the weight to be given to relevant policies in emerging plans according to the stage of preparation and the extent to which there are unresolved objections. In the Fareham Borough context, the emerging Local Plan is only at the Regulation 18 stage and carries very limited (if any) weight.

#### Delivering a Sufficient Supply of Homes

- 4.54. Paragraph 59 sets out the Government's objective of significantly boosting the supply of homes.
- 4.55. Paragraph 60 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the standard method in national planning guidance – unless an alternative approach is justified. It is also added that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

- 4.56. Paragraph 67 sets out the need to provide a five year supply of deliverable sites for housing. It also requires sites for years 6-10 and beyond.
- 4.57. Paragraph 73 requires LPAs to demonstrate a five year supply of deliverable housing land. Pursuant to footnote 7, the lack of a five year supply triggers the presumption at paragraph 11(d).
- 4.58. This application for up to 57 dwellings would make a notable contribution towards the shortfall in supply.

#### Promoting Sustainable Transport

- 4.59. Section 9 sets out the approach to providing for sustainable growth.
- 4.60. Paragraph 103 states as follows:

**‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.**

- 4.61. The site is located adjoining an identified settlement, within walking distance to local services and facilities. The supporting Transport Assessment demonstrates the acceptability of the scheme in sustainability terms. Accordingly, the scheme is consistent with paragraph 103.

#### Natural Environment

- 4.62. Section 15 sets out the approach to conserving and enhancing the natural environment.

- 4.63. It was previously agreed with FBC that there was no ecological ground to refuse the larger scheme, subject to the imposition of appropriately worded conditions and securing the provision of the Bird Conservation Area (blue land) and a financial contribution for its ongoing maintenance and in relation to the mitigation of disturbance upon the SPA. This smaller scheme is therefore considered to be acceptable on the above basis.
- 4.64. As to landscape considerations, the site is not located within any formal designations for the most valued landscapes. It is, however, close to two listed buildings at Great Posbrooke Farm, and is within the Meon strategic gap.
- 4.65. The proposal maintains the proposed thick woodland planting to the south and east of the new homes, and also to the east of the existing settlement edge at Bellfield. As a result, there is potential to not only screen the proposed houses, but also to enhance the existing settlement edge at Bellfield.

#### Historic Environment

- 4.66. The proposed landscape approach has been developed in consultation with Historic England as part of the pre-application process. This culminated in the content of their statutory consultation response confirming a minor degree of harm to the setting of the listed buildings to the south of the site. This culminated in a “no objection” response from Historic England.
- 4.67. The Heritage Statement accompanying the planning application concludes there would be **no harm** to the Grade II\* listed buildings at Great Posbrook Farm and the landscaping would enhance the wider setting of identified heritage assets.
- 4.68. However, and as set out in the Heritage Case submitted on behalf of the Appellant, (Appendix A, paragraph 1.17 refers), whilst it remains the Appellant’s Case that there would, overall, be no harm to the listed buildings, there is very little disagreement between the Appellant, Historic England, and Fareham Borough Council’s heritage advisor.

- 4.69. Even if the Inspector were to conclude that there would be some harm to the setting/significance of the listed buildings, there is broad agreement that this would be of no more than a very low magnitude. If that is the conclusion, the minor harm should be weighed against the public benefits of the proposal.
- 4.70. As such, and even if it were to be concluded that there was some minor incursion into paragraph 196 of the NPPF, the many public benefits (economic, social and environmental), demonstrably outweigh that harm.
- 4.71. Overall, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the witnesses for the Appellant have paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

#### Five Year Housing Land Supply

- 4.72. The Council has previously accepted a land supply deficit, such that the release of the site for housing is considered to be acceptable. Moreover, the most recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Porchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

**“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework’s deliverability definition. I therefore consider that the Council’s claimed 4.66 years HLS position is too optimistic and that the appellant’s figure of 2.4 years better represents the current situation.”**

4.73. The Council has not published any update of its five year housing land supply position since that time. Accordingly, it is the Appellant's case that the position remains as per the Inspector's conclusion in that case.

4.74. On the basis of the foregoing, there is a shortfall of 1,407 dwellings at the 2019 base-date, calculated as follows:

Requirement 2019 to 2024 (inc. 5% buffer):	2,730
Supply:	1,323
Shortfall	1,407
Supply:	2.4 years

4.75. The Appellant reserves the right to review the five year housing land supply case on account of the publication of more recent information should that materialise from the Council prior to the exchange of evidence.

4.76. On the basis of the foregoing, the appeal scheme would make a valuable contribution to addressing the shortfall in the Council's five year housing land supply position.

#### Affordable Housing

4.77. The Appeal Scheme proposes the on-site provision of up to 22 affordable dwellings and an off-site financial contribution equivalent to the provision of 0.8 dwellings, thus achieving a policy-compliant 40% affordable housing provision.

4.78. As agreed with the LPA, the proposed mix reflects identified local needs and allows for a 65:35 tenure split.

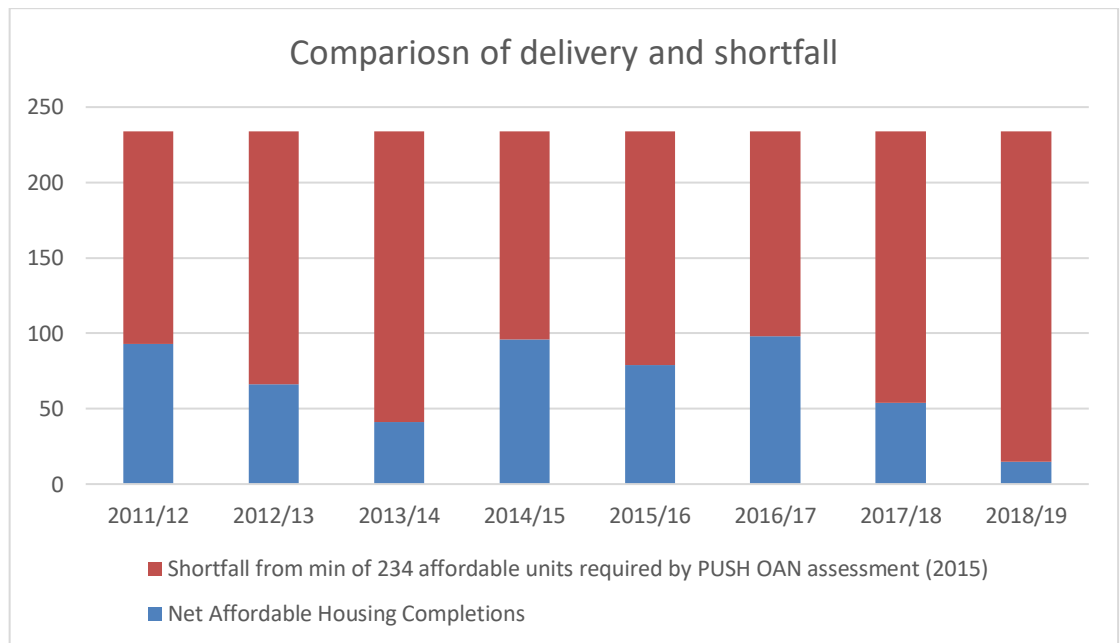
4.79. Paragraphs 20 and 61 of the NPPF sets a strong emphasis on the delivery of sustainable development including affordable homes, whilst paragraph 59 clearly sets out the Government's aim to "boost significantly the supply of homes".

- 4.80. The need for affordable housing and their importance in achieving sustainable development is emphasised in many government publications, including House of Commons Committee of Public Accounts – Planning and the Broken Housing Market (19<sup>th</sup> June 2019).
- 4.81. The PUSH Spatial Strategy OAN Update of August 2015 indicates the depending upon the affordability threshold (as outlined in Table 49), between 234 and 312 affordable dwellings are required annually in Fareham Borough from 2011 to 2036 (Table 59).
- 4.82. The Council's Affordable Housing strategy (2019-36) indicates that there was a current need for around 3,000 affordable homes in the Borough (page 11) with around 1,000 households on the waiting list. Page 14 of the Housing strategy indicates that the total estimate for new affordable homes from 2019 until 2036 is for 3,500 properties, most of which will be delivered within market developers .i.e. as envisaged in the appeal scheme.
- 4.83. As indicated below (sourced from the Authority's Monitoring Report 2018-19), the Council have delivered 542 affordable homes in the period April 2011 to March 2019. This is equivalent to an average rate of 67.75 affordable dwellings per annum since 2011.

<b>Year</b>	<b>Net Affordable Housing Completions</b>	<b>Shortfall from min of 234 affordable units required by PUSH OAN assessment (2015)</b>
2011/12	93	-141
2012/13	66	-168
2013/14	41	-193
2014/15	96	-138
2015/16	79	-155
2016/17	98	-136
2017/18	54	-180
2018/19	15	-219
<b>Cumulative Totals</b>	<b>542</b>	<b>-1,330</b>

4.84. As the table above indicates, the delivery of 542 affordable dwellings since April 2011 should be viewed in the context that this represents an under provision of 1,330 affordable dwellings as assessed by the PUSH OAN Appraisal to achieve the annual requirement of 234 affordable units.

4.85. The information in the table above is illustrated in the chart below.



4.86. It is evident that there is a significant need for additional affordable homes.

4.87. The PUSH assessment provides the most recent objectively assessed affordable housing requirements and identifies a need for 234 net affordable dwellings per annum.

4.88. As the table above indicates, between April 2011 and March 2019, there has been a cumulative under-delivery of 1,330 affordable dwellings (when assessed against identified needs). This represents a 71% shortfall against assessed affordable housing needs during this period, an acute gap in provision which affects Fareham Borough and how it functions in an economic, social and environmentally sustainable way.

- 4.89. The future delivery of affordable housing in Fareham Borough is highly uncertain. In addition to the very significant shortfall, there is also the question of whether future needs will be met. This is especially important given the over reliance on the new community at Wellbourne to address both future market and affordable housing supply in the borough. With its continued delays in delivery, this has the potential to make the situation even more severe not just for Fareham Borough's vulnerable position on affordable housing land supply, but for the significant number of households currently on the Council's Housing Register<sup>5</sup>. The Government's figures indicate that in 2019 there were 1,045 households on the Council's Register (reflecting the analysis in the Council's Housing Strategy 2019-36).
- 4.90. Paragraph 59 of the NPPF requires that needs of groups with specific housing requirements to be addressed. Paragraph 61 confirms that one of the specific groups relates to those requiring affordable housing.
- 4.91. Although the Council publishes details of its planning commitments for housing, there is no information on the extent that those sites forming parts of its supply will deliver affordable housing to either address the current deficit of 1,330 dwellings or ensure that this does not increase in the future.
- 4.92. The failure to meet the identified needs of affordable housing is a dire situation indicating that the Authority is not fulfilling the objectives in paragraph 59 of the NPPF.
- 4.93. A step change in the delivery of affordable housing is therefore required if the Council is to get anywhere near the identified need in the SHMA and begin to address the dysfunctions of the local housing market. Such a step change would be consistent with the thrust of paragraph 59 of the NPPF, to boost significantly the supply of housing.

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<sup>5</sup> <https://www.gov.uk/government/statistical-data-sets/local-authority-housing-statistics-data-returns-for-2018-to-2019>.



- 4.94. The acute affordable housing need reinforces the merits of the Appeal Scheme with the on-site provision of up to 22 affordable dwellings.
- 4.95. The Appellant considers substantial weight is attributable to the benefits associated with the provision of affordable housing.

## 5. ACCEPTABILITY OF THE APPEAL SCHEME: THE CASE FOR THE APPELLANT

5.1. This section of the Planning Statement deals with the detailed aspects of the application proposal.

5.2. In so far as the previous (larger) application and subsequent appeal dealt in detail with all matters pertinent to the appeal site, it is considered appropriate that this section assesses how this smaller scheme addresses the matters left outstanding in respect of the previous appeal decision; and how the scheme as now proposed addresses the previous Inspector's concerns with the larger 150 dwelling scheme. Importantly, the appeal decision concluded the larger scheme would have no impact upon the function of the strategic gap.

5.3. The Inspector's decision highlighted three main issues as follows:

1. Character and landscape
2. Heritage
3. Agricultural land quality

5.4. These matters are addressed in turn below.

### Character and Landscape

5.5. The Appeal Inspector for the larger scheme concluded at paragraph. 31 in respect of character, appearance and landscape the following;

***“Overall, for the reasons given above, I conclude that the proposed development would result in material harm to the character and appearance of the area. There would however be no significant effect on the Strategic Meon Gap. Consequently, the proposed development would conflict with Policies CS14 and DSP6 which seek to protect the character and appearance of the area of land outside the defined urban settlement but would not conflict with policy CS22.”***

- 5.6. The 57 dwelling scheme proposes a reduced site size and quantum of development, such that there will be no material harm to the character and appearance of the area and, as was the case with the previous appeal scheme, there will be no material harm to the functioning of the strategic gap.
- 5.7. Overall, the appeal site area has been significantly reduced, from approximately 6.6ha to circa 4ha.
- 5.8. The area of land on which built form is to be located comprises land closest to the existing settlement, adjacent to residential development to the north, and Posbrook Lane to the west. This represents the least sensitive part of the site in landscape terms. The combination of reduced site area and focussing the proposed development solely on land adjacent to the settlement immediately reduces the potential for landscape harm to occur.
- 5.9. Furthermore, the scheme proposes to include a significant tree buffer, which will act as a green edge to the development, effectively screening it from wider views. This will also act as a permanent edge to development in this location. The tree buffer will bring additional benefits in terms of biodiversity and provide opportunities for new habitat creation.
- 5.10. The consultation response from Historic England is considered to be a particularly positive response to the issues which were outstanding following the issuing of the appeal decision on the larger scheme, and confirms that an appropriate landscaping strategy, combined with a reduced quantum of development, can be achieved on this site without causing landscape or heritage harm.
- 5.11. The landscape assessment concluded that the proposed development would result in moderate landscape effects on the development site itself and its immediate context, but these effects would be localised and limited to an area which is already characterised by urban fringe influence. Further from the proposed development site, and for the wider Lower Meon Valley as a whole, the effects would be minor, and the nature of effect would usually change from negative to positive once proposed new planting has established. The visual

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effects of the proposed development would be localised, with walkers on footpaths crossing the application site, and residents on the existing settlement edge, experiencing major, major/moderate or moderate effects. There would be no effects of moderate or greater further from the application site.

- 5.12. The landscape case for the Appellant is set out in Appendix A, with only localised harm identified; alongside landscape and visual benefits for the wider valued landscape of the Meon Valley.
- 5.13. It is therefore concluded that the proposal addresses the issues raised in the appeal decision in respect of landscape impact, and there is no longer a conflict with Policies CS14, CS22 and DSP6.

#### Heritage

- 5.14. As set out in the pre-application response received from Historic England ('HE'), the reduced scale scheme, together with the proposed woodland buffer is considered to mitigate the previously highlighted impact on the Great Posbrook Farm.
- 5.15. An extract from the Historic England response states;

***“Reducing the proposed woodland between the development and Great Posbrook Farm to retain more of the existing open rural landscape surrounding the farmstead would in our view help achieve this. This would allow the farmstead to continue to be read from this approach as a distinct and separate feature, as well as maintaining a greater degree of its agricultural and rural context. This is a key aspect of the setting of the listed buildings, which at present can still be appreciated.”***

- 5.16. It should be noted that in the consultation drawing sent to HE, the proposed woodland buffer was shown continuing up to the boundary of Great Posbrook Farm. In their response, HE highlight that this is not necessary, and that a reduced woodland would serve to ensure that this historic landscape pattern and views are preserved.

5.17. HE also noted that;

***“The additional tree screening to the boundary of the proposed housing development would improve the appearance of the harsh urban edge currently created by the Bellfield estate, which is a detracting feature. Such boundary treatment would be an enhancement on the wider setting of the heritage assets.”***

5.18. The consideration of the proposed woodland buffer by HE as an enhancement to the wider setting of the heritage assets, demonstrates the evolution of the reduced scale scheme and how the design team has responded positively with a solution to the landscape and heritage issue which were outstanding following the appeal.

5.19. The positive endorsement of the proposed scheme by HE also engages paragraph 200 of the NPPF which requires proposals that make a positive contribution to be treated favourably by the LPA.

5.20. HE’s pre-application comments were followed by a formal consultation response upon the application. This conformed no objection to the scheme (despite HE identifying some incursion into the paragraph 196 less than substantial scale).

5.21. The landscape proposals are considered to represent a benefit to the area, in heritage terms, which should weigh in favour of the application being permitted.

5.22. On the basis of the foregoing, and as set out in the supporting material to the appeal scheme, it is the Appellant’s case that the scheme is submitted in accordance with Local Plan Part 2 Policy DSP5.

#### Agricultural Land Quality

5.23. It was agreed with the Council during the course of the appeal that the loss of BMV agricultural land alone would not be sufficient to warrant the refusal of planning permission, but remains a matter to be weighed as a harm in the

overall planning balance.

- 5.24. The appeal scheme proposes development on a smaller site, and so it must follow that the potential harm / scale of loss of agricultural land is also reduced. The small scale of the site (when compared to an overall farming unit), and considered against the other BMVAL around Fareham, means that the loss will not be significant, and should only be afforded limited weight at most in the planning balance.
- 5.25. The loss of BMW agricultural land is addressed in Appendix C.
- 5.26. The scheme as now proposed, for a significantly reduced number of dwellings, on a significantly reduced part of the site, means more of the land can now be retained in its existing use i.e. grazing. The Appeal Site extends to 4.0 ha. Of this 3.5 ha is of Subgrade 3a “good quality” agricultural land. This falls within the category of BMVAL. Of this approximately 2 ha is proposed for residential development including landscaping. It is the Appellant’s case that only limited weight should be given to what is a minor adverse effect resulting from this loss.

#### Planning Obligations

- 5.27. Matters of detail, including in relation to the likely financial contributions are to be agreed as part of the Council’s determination of the application.
- 5.28. Subject to meeting the necessary tests at paragraph 56 of the NPPF, it is considered that the following may be provided for in legal agreement:
- i. Affordable Housing (40%)
  - ii. Community infrastructure contribution for the provision and/or improvement of community infrastructure facilities within the locality of the site
  - iii. Bird Conservation Area
  - iv. Footpath works contribution
  - v. Primary education

- vi. Public open space provision
  - vii. Secondary education
  - viii. Solent Disturbance Mitigation
  - ix. Sustainable Transport
- 5.29. If a satisfactory legal agreement is completed securing the necessary contributions for on and off site provision of facilities and infrastructure, this would address the requirements at policies CS4, CS5, CS16, CS18, CS20, DSP3 and DSP15.

Policy DSP40: Housing Allocations

- 5.30. As set above, this policy is engaged and is to be applied to the determination of planning applications for housing on land outside the urban area in situations where the Council is unable to demonstrate a five year supply of deliverable housing land.
- 5.31. In the circumstances, the Council's continued inability to demonstrate a robust five year housing land supply position, triggers the operation of policy DSP40 which, was introduced precisely to operate as an exception to the otherwise restrictive policies of CS14, DSP6 and CS22, to permit development in breach of those policies when the Council could not demonstrate a 5 year housing land supply.
- 5.32. As accepted by the Council in evidence for the previous appeal and as numerous committee reports (assessing applications on land outside the urban area) demonstrate, compliance with the five criteria in DSP40 mean that the development in question can be concluded to be in accordance with the development plan *taken as a whole* notwithstanding a location outside the settlement boundaries or within the gap designation.
- 5.33. The appeal scheme satisfies the requirements at criteria (i) to (v) of Policy DSP40 on account of the following:
- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;

- ii. The proposal is sustainably located adjacent to, and well related to, the existing settlement boundary, and can be well integrated with the neighbouring settlement;
- iii. The proposal can sensitively designed to reflect the character of Titchfield (with the Council retaining control over the detailed scheme design at the reserved matters stage) and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;
- iv. The proposal is deliverable in the short term (controlled as it is by a housing developer with considerable experience in the local market); and
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications.

5.34. It is for these reasons, and those set out in the supporting particulars, that the Appeal Scheme is development plan compliant.

5.35. However, and even were the considered to be a minor conflict with an element of Policy DSP40, it is evident that the many economic, social and environmental factors weigh heavily in support of the scheme in a situation where the polices for the supply of housing are out of date thus triggering the presumption in favour of sustainable development at paragraph 11 of the NPPF.

#### The Planning Balance: Assessing Sustainability

5.36. This section assesses the significant merits of the scheme in relation to the three sustainability tests set out at paragraph 8 of the NPPF and clearly shows that whilst there are considered to be some slight adverse impacts, these considerations are plainly incapable of outweighing, let alone significantly and demonstrably outweighing, the many benefits of the scheme.

5.37. Paragraph 9 of the NPPF states (amongst other things) the assessment of the sustainability roles should not be undertaken in isolation, because they are mutually dependent.

5.38. A planning balance exercise has been carried out in accordance with the guidance at paragraph 9 of the NPPF and sets out a combined analysis in relation to the sustainability roles (economic, social and environmental).



### Economic

- 5.39. The Scheme satisfies the economic role of sustainability including through the provision of housing to support growth and the associated provision of infrastructure, to be secured through preparation of the S106 agreement and by on-site provision of affordable housing.
- 5.40. The Scheme generates a series of local and Borough-wide economic benefits including through (i) construction of the scheme and the range of employment generated as a result; and (ii) the on-going expenditure from the households purchasing and occupying the new homes.
- 5.41. The principal economic benefits arising from the scheme are summarised below:
- (i) Increased house building in an area where there is a demand for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
  - (ii) The provision of up to 57 new homes in the Borough where there is an established need for housing given the demonstrable shortfall in the five year housing land supply position.
  - (iii) The application scheme will deliver much needed affordable homes that will meet the acute need for affordable housing within the Borough (paragraphs 4.77 to 4.95 refer).
  - (iv) Meeting general housing needs is a significant benefit, consistent with the Government's objective of significantly boosting the supply of housing.
  - (v) In order for the economy to function, sufficient housing is required in the right locations and at the right time. This site represents a location where there would be no significant impact upon the landscape nor on the amenity of neighbouring properties.
  - (vi) Based upon a multiplier of 2.3 jobs per new home, the up to 57 dwelling Application Scheme is estimated to create approximately 213 new jobs.
  - (vii) Increased expenditure in the local area will support local FTE jobs.
  - (viii) Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of £285,000.

- (ix) In terms of household expenditure, data from the ONS Family Expenditure Survey 2017 shows that the 'average UK household spend' is £528.90 per week (or £27,503 per year). Based on the scheme of 57 dwellings, the total maximum gross expenditure could be around £1.5m per year to the economy. A proportion of this household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Titchfield and nearby towns and villages.
- 5.42. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of up to 57 no. dwellings on the site satisfies the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 5.43. This is further emphasised in the Government's November 2011 Paper 'Laying the Foundations: A Housing Strategy for England' where paragraph 11 states *"getting house building moving again is crucial for economic growth – housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built up to two new jobs are created for a year"*.
- 5.44. The economic benefits are to be accorded substantial weight in the planning balance.

#### Social

- 5.45. The Application Scheme satisfies the social role, in helping to support strong, vibrant and healthy communities, including through providing the supply of housing required to meet identified needs in open market and affordable sectors. This is a significant benefit. In addition;
- 1) Future residents will be in an easy walking and cycling distance to a wide range of other uses including the shops and services in Titchfield.
  - 2) The Application Scheme will provide a range of housing types and size.
  - 3) The scheme secures high quality residential environment consistent with development plan policy.
  - 4) The appeal scheme would deliver a policy compliant 40% affordable housing contribution.

- 5.46. The details of the layout and house type design are to be agreed through the determination of a subsequent reserved matters application, with the detailed scheme to reflect the particular need for housing at that time.
- 5.47. Overall, the social benefits of the scheme can be afforded substantial weight in the overall planning balance.

#### Environmental

- 5.48. In terms of the environmental role, the Appeal Site is not located on land designated for its landscape value. The accompanying reports demonstrate that the scheme will not have any impact on existing ecology, and will in fact enhance the biodiversity characteristics of the site, including the provision of a Bird Conservation Area and balancing pond.
- 5.49. The retention of existing boundary trees and hedges around the site and the sensitive set back of the development preserves the immediate outlook from neighbouring residential properties.
- 5.50. The improvement of the built environment in heritage terms, and the enhancement of the settlement edge through the introduction of a substantial woodland buffer is viewed as a substantial benefit of the proposal. This includes on the basis of Historic England confirming no objection to the scheme.
- 5.51. The proposals would deliver sustainable homes allowing the fulfilment of this important objective whilst at the same time moving to a low carbon economy and securing an environmentally sustainable form of new residential development.
- 5.52. On the basis of the above, there are environmental benefits which would arise from the proposals, to which, on balance, moderate positive weight should be attached to in the overall planning balance.

## 6. SUMMARY AND CONCLUSION

### Development Plan Compliance

- 6.1. The Appeal Scheme proposes up to 57 dwellings on land east of Posbrook Lane, Titchfield.
- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3. In this instance, and by operation of Policy DSP40 of the Local Plan Part 2, the Appeal Scheme is in accordance with the development plan when it is considered as a whole. As such, and pursuant to s.38(6) planning permission should be granted.
- 6.4. However, either of (i) the lack of consistency between the housing requirement and settlement boundaries with the NPPF; or (ii) the lack of a deliverable five year supply of deliverable housing land triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 6.5. On the basis of the foregoing, whilst under the application of 38(6), there is a *prima facie* conflict with development plan policies CS2, CS14, CS16 and DSP6, in so far as the proposal accords with the provisions at Policy DSP40, it is the case for the Appellant that the Appeal Scheme accords with the development plan when taken as a whole.
- 6.6. As confirmed in the Navigator, Cranleigh Road and Sawmills appeal decisions, the spatial policies for the supply of housing in the Core Strategy and Local Plan Part 2 are out of date (on account of their lack of consistency with the NPPF). This included in relation to the housing requirement and settlement boundaries.

- 6.7. The Council has approved numerous planning applications on land beyond the settlement boundaries as defined in the development plan in order to meet identified housing needs. This remains the case in terms of seeking to meet housing needs as part of the preparation of the emerging Local Plan, where the Regulation 18 Local Plan proposes the allocation of sites for housing beyond the settlement boundaries defined in the 2011 Core Strategy and 2015 Local Plan Part 2. In the meantime, Local Plan Part 2 Policy DSP40 provides the framework for judging planning applications for unallocated sites beyond the settlement policy boundaries where, as here, the LPA cannot demonstrate a five year supply of deliverable housing land.
- 6.8. On the basis of the foregoing, the weight to be attached to the conflict between the Appeal Site and its location adjoining but ultimately beyond the settlement policy boundary for Titchfield is significantly reduced.
- 6.9. The site is outside of the settlement boundary. However, the lack of a five year supply of deliverable housing land triggers the operation of policy DSP40 which was introduced precisely to operate as an exception to the otherwise restrictive policies of CS14, DSP6 and CS22, to permit development in breach of those policies when the Council could not demonstrate a 5 year housing land supply.
- 6.10. In addition, the settlement boundaries and gap upon which policies CS14 DSP6 and CS22 operate are out of date by virtue of having been drawn to accommodate non-NPPF compliant development needs, quite apart from issues of 5 year land supply. All this goes to reduce the weight of any breach identified.
- 6.11. Although there will always be a breach of CS14 and DSP6, there is not in this case a breach of CS22; however, even if there were, compliance with DSP40 would be given more weight and permission should be granted and the proposal accords with the development plan taken as a whole.

6.12. Although there is the potential for the Appeal Scheme to result in than substantial harm to the significance of two listed buildings (and the very bottom of the paragraph 196 scale), this is outweighed by the public benefits of the scheme, in accordance with para. 196 of the NPPF. By extension, then DSP5 is satisfied and s. 66(1).

6.13. BMV is a factor to take into account. A small area of Grade 3a is to be lost, but again, this is not a factor which justifies refusal.

### **Summary**

6.14. The benefits are many and manifest, not least the provision of housing and affordable housing when the country and the Borough faces a housing crisis, which government policy is seeking to address. The site is sustainably located and its residents will bring a combined £1.5m per annum spend.

6.15. For all of the above reasons, and on the public interest, the Inspector is respectfully asked to allow this appeal and grant this much needed – and sustainable – development.

6.16. It has been demonstrated in this Statement that whilst the application site is outside the settlement policy boundary for Titchfield as defined in the Core Strategy and Local Plan Part 2, it nevertheless accords with the criteria-based approach to assessing additional sites beyond the settlement boundaries as set out in Local Plan Part 2 Policy DSP40. Consequently, it is considered that the Appeal Scheme accords with the development plan when it is considered as whole.

6.17. The Appeal Scheme proposes a reduced site area, and consequently reduced development area compared to that larger scheme for 150 dwellings previously dismissed at appeal.

6.18. The Appeal Scheme is of a scale wholly in keeping with the settlement, well-related to the existing built form, and addresses, by virtue of its increased

separation distance and proposed woodland buffer, previous issues regarding landscape impact and heritage.

- 6.19. In the planning balance it is considered that the material considerations in favour of the scheme (provision of market and affordable housing, economic benefits, biodiversity benefits, landscape enhancement, heritage enhancement) outweigh the conflict with an out of date settlement boundary, and loss of Subgrade 3a BMV agricultural land.
- 6.20. The Scheme provides a sustainable location for housing, within walking distance to local serves and facilities.
- 6.21. It represents a sustainable location for housing development to meet identified needs and development of the site in the manner proposed would result in an acceptable residential environment.
- 6.22. It provides for a mix housing types and tenures, including 40% affordable housing, helping to meet the identified need for new homes in Fareham Borough.
- 6.23. The Scheme satisfies the economic, social and environmental roles of the NPPF and has been advanced following pre-application consultation with Historic England, and has been amended to respond to the advice received.
- 6.24. For the reasons set out above, the Appeal should be allowed.

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# **Appendix A**



# Heritage Appendix to Statement of Case

## Land East of Posbrook Lane, Titchfield

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**Written by:** Ignus Froneman B.Arch.Stud ACIfA IHBC      **Date:** 11 June 2020  
**On behalf of:** Foreman Homes      **Ref:** 0014

### Introduction

- 1.1 This Heritage Appendix to the Appellant's Statement of Case sets out the Appellant's case in relation to heritage matters. It has been prepared by Ignus Froneman BA Stud. ACIfA IHBC, a Director at Cogent Heritage.
- 1.2 The author of this document gave heritage evidence on behalf of the Appellant at the recent Public Inquiry (held in November 2018, decision date 12 April 2019, Appeal Ref: APP/A1720/W/18/3199119), which involved a larger scheme of up to 150 dwellings, and subsequently sought pre-application advice from Historic England for a smaller alternative scheme (at that time whilst at Heritage Collective), before supporting the present application with a Heritage Statement (October 2019, Cogent Heritage Ref: 0014).

### Background

- 1.3 Both the former farmhouse and the barn at Great Posbrook are grade II\* listed. Their locations can be seen at Figure 1 on page 3 of the submitted Heritage Statement. The significance of the buildings is set out in the assessment in the submitted Heritage Statement (page 15 for the former farmhouse and pages 17- 18 for the barn).
- 1.4 Historic England commented on the previously proposed, larger scheme of up to 150 dwellings, which was dismissed on appeal (APP/A1720/W/18/3199119). Historic England had commented on that application, in a letter dated 7 December 2017 (Ref: P00734693) and expressed concern about the scheme of up to 150 dwellings. It was said that the listed buildings sit within the fields with which they had an historic functional relationship, and in this sense the rural setting of the farmstead contributes to the significance of the listed buildings. The letter went on to say that the erosion of this agricultural context through the development of c. 150 houses would harm the significance of the listed buildings, as their setting would become suburbanised.

- 1.5 The Inspector refused the previous scheme, based on harm to the listed buildings at Great Posbrook (amongst other matters). The Inspector's decision highlighted the following key points in relation to the listed buildings:
- i. The wider setting of the listed farmstead within a rural landscape assists in understanding the scale and status of the land holding, sets the farmstead in an appropriate open rural agricultural setting and separates it from the nearby settlement of Titchfield. This contributes to the overall significance of the heritage assets (paragraph 36).
  - ii. The proximity of the settlement of Titchfield and the exposed urban edge already have a negative impact on the wider setting of the heritage assets, bringing suburban development close to the farmstead and reducing the wider rural hinterland (paragraph 37).
  - iii. The proposal would result in harm to the setting of the listed buildings by virtue of built development being closer to the buildings and reducing the rural setting of the buildings. It would bring the settlement of Titchfield up to the cluster of buildings and in effect subsume the farmstead into the settlement. This would reduce the connection of the existing farmstead and listed buildings to the rural hinterland and obscure the separation from the settlement (paragraph 40).
  - iv. The dislocation of the listed buildings at Great Posbrook from the existing built-up area is an important and fundamental component of their setting (paragraph 41).
- 1.6 A pre-application submission for a revised and reduced scheme, which forms the basis of the present appeal, was submitted to Historic England for comment, on 19 July 2019. This revised illustrative masterplan can be seen at Figure 3 on page 5 of the submitted Heritage Statement. The layout for this scheme was developed on the basis of the Inspector's conclusions, with reference to the following points in particular:
- i. The Inspector highlighted views of the farmstead from the south, in which the barn and part of the farmhouse can be seen juxtaposed with the open farmland to the east (paragraph 42). The pre-application illustrative masterplan was designed to preserve the juxtaposition of the listed buildings with the open farmland.
  - ii. The suburban development along the southern edge of Titchfield is visible in these views. There is no landscaping and it presents as harsh edge, which the Inspector previously described as an exposed urban edge that has a negative impact on the wider setting of the listed buildings (paragraph 37). The pre-application illustrative masterplan proposed to create a generous and effective landscape buffer that would replace this harsh edge with landscaping.

- iii. It was acknowledged that the pre-application proposal would inevitably extend the settlement of Titchfield closer to the listed buildings at Great Posbrook. However, the settlement would remain separated from Great Posbrook. The intervening landscape buffer was designed to avoid any sense of coalescence between the farmstead and the settlement.
- iv. This was to maintain the dislocation of the listed buildings from the built-up area, which the Inspector found to be an important and fundamental component of their setting (paragraph 44).

1.7 In a letter dated 21 August 2019 (ref: PA01007003), Historic England's response to the pre-application illustrative masterplan was largely positive. The following points are noted:

- i. The proposed development will no longer wrap around the eastern extent of Great Posbrook Farm or bound the farmstead's northern edge as previously.
- ii. Compared with the appeal scheme, the revised proposal is a much reduced residential development, which will be restricted to the immediate south of the current urban boundary of Titchfield.
- iii. A landscape buffer, consisting of woodland trees is proposed between the new development and historic farmstead on the northern boundary, to maintain a distinguishable separation between the settlement and historic farmstead.
- iv. Historic England welcomed the positive steps that were taken to try and address the impacts and concerns relating to the historic environment raised during the previous application and appeal.
- v. The revised scheme was said to present a marked improvement. Whilst it does continue to draw the urban settlement closer to the listed buildings, the extent is much reduced, better preserving the rural setting of the farmstead.
- vi. This is particularly notably in key views from the south of the heritage assets looking north, where the development has been omitted, and therefore would introduce no change to these views.
- vii. The additional tree screening to the boundary of the proposed housing development would improve the appearance of the harsh urban edge currently created by the Bellfield estate, which is a detracting feature. Such boundary treatment would be an enhancement of the wider setting of the heritage assets.
- viii. The need for extending the woodland landscaping up to the northern boundary of Great Posbrook Farm was questioned (this has been reduced in response) as it was considered to interfere with open views across the rural fields and the Meon Valley beyond, on entering and leaving Titchfield.
- ix. It was recommended that further consideration should be given to this landscaping to reduce the proposed woodland between the development and

Great Posbrook Farm to retain more of the existing open rural landscape surrounding the farmstead.

- x. Historic England also recommended a lighting strategy should be produced to limit and manage the light spill from the proposed development, and any potential impact this could have on the nearby designated heritage assets help mitigate against these wider effects of the development.

1.8 The woodland landscaping that was proposed to the south of the proposed development, up to the northern boundary of Great Posbrook Farm, was reduced in accordance with Historic England's advice. As an outline application, a lighting strategy has not been produced, but that is a detailed matter that would typically be done as part of a reserved matters application.

### **Summary of heritage matters arising during determination**

1.9 The submitted application incorporated the reduction in the woodland landscaping that was the south of the proposed development, as per Historic England's feedback on the pre-application illustrative masterplan. Following submission of the application, Historic England responded as a statutory consultee to the application, in a letter dated 12 December 2019 (Ref. P01129814). The following points are noted:

- i. Historic England's pre-application comments appear to have been incorporated into the development of the submitted application.
- ii. The appreciation of the historic buildings as a former farm group is enhanced by the rural setting. The buildings sit within the fields with which they had an historic functional relationship and, in this sense, the rural setting of the farmstead contributes to the significance of the listed buildings.
- iii. The application site boundary abuts Great Posbrook Farm and therefore has the potential to impact the setting of the grade II\* listed buildings.
- iv. An open landscape buffer is proposed to be retained between the new development and the historic farmstead's northern boundary to maintain a distinguishable degree of separation between the urban settlement of Titchfield and historic farmstead complex.
- v. Historic England welcomes the positive steps that have been taken to try and address the impacts and concerns relating to the historic environment raised during the previous planning application and subsequent appeal.
- vi. The development would see the urban edge of Titchfield encroach closer to the boundary of the historic farmstead, but to a much reduced extent. Historic England's view is that this will change the setting of the farmstead, most notably

the medium distance views of the northern boundary of the farmstead when travelling south out from Titchfield will be lost, visually altering the setting of the farmstead by reducing the rural context it sits within.

- vii. The development would bring the suburbs closer to the farmstead, closing the gap to the north, and will be both partly visible and appreciable (for example, through noise) on the approach road and paths around the farmstead.
- viii. The proposed building heights will conform to existing dwellings in the vicinity. To help mitigate against any wider effects of the development, areas proposed for accommodating the greatest density/height should be positioned furthest away from the heritage assets. Additionally, a lighting strategy should be produced.
- ix. Historic England supports the overarching approach to the landscaping (subject to details), with the introduction of tree screening along the southern edge of the development to act as mitigation in softening the development's impact in wider views.
- x. Historic England welcomes the retention of a buffer of open land between the southern boundary of the proposed development and northern boundary of Great Posbrook Farm, which would be kept free from any development. This further assists in mitigating the development's potential impact, allowing the farmstead to continue to be read as a distinct and separate feature, whilst maintaining a greater degree of its agricultural and rural context.
- xi. In Historic England's view, the proposals would cause a minor degree of harm to the setting of the listed buildings, which in terms of the NPPF would fall well within the less than substantial level of harm.
- xii. This harm should be weighed against the public benefits of the proposal.
- xiii. Historic England has no objection to the application on heritage grounds.

1.10 Two points are highlighted:

- i. The proposals would cause a "*minor degree of harm to the setting*" of the listed buildings. The setting of the listed buildings, in this case, does not encapsulate their whole significance. Rather, the setting of the listed buildings is an aspect that contributes to their significance. This means that minor harm to one part of their setting would mean very minor harm to their overall significance, which takes in much more than their setting (and their setting, in turn, takes in much more than the application site).
- ii. According to Historic England's pre-application response, the additional tree screening to the southern boundary of the proposed development would improve

the appearance of the harsh urban edge currently created by the Bellfield estate, which is a detracting feature. Such a boundary treatment would be an enhancement to the wider setting of the heritage assets. This enhancement was not mentioned in the letter of 12 December 2019. However, it can reasonably be said that such an enhancement would, or could, be capable of counterweighing the minor harm to the setting of the listed buildings.

1.11 Fareham Borough Council sought comment on heritage matters from Lucy Markham of Montagu Evans LLP, who acted as the Council's expert witness on heritage matters at the previous Public Inquiry. The following key points from this response are noted:

- i. The 2005 enabling scheme within the farmstead at Great Posbrook was sensitively designed to respect the setting of the listed barn and farmhouse, and won a local architectural award. It has suburbanised the setting of the barn the farmhouse, but it is nevertheless still possible to appreciate the historic farmstead, because of the sensitive design and the retention of historic farm buildings. The setting of the farmhouse and barn in an historic farmstead makes an 'important contribution' to the appreciation of their significance.
- ii. The openness of the barn's setting to the south and east reinforce its visual prominence in views from the south.
- iii. The farmhouse and barn can be seen together as a group in views from the public right of way (PROW) and Posbrook Lane to the south.
- iv. The post-war council housing to the south of Titchfield adversely affects the experience of the listed buildings because its proximity reduces the sense of the farmstead being in open countryside.
- v. The application site makes an 'important contribution to the openness of the setting of the listed buildings' and to the appreciation of the significance of the farmhouse and barn as being part of an historic farmstead, separate from Titchfield.
- vi. The application site comprises land that was farmed from Great Posbrook so there is also a historic functional relationship with the listed buildings.
- vii. The submitted application represents a significant reduction in the quantum of dwellings compared with the appeal scheme, with housing now only proposed to the north of Great Posbrook.
- viii. The housing is generally arranged so that the rear gardens face the boundary of the site, including the south.
- ix. Landscape screening is proposed along the south and west boundaries, with a depth of c. 7m to the south indicated on the Illustrative Site Plan.

- x. As per Historic England's pre-application comments, it is preferable that the gap to the south of the proposed development is not filled with woodland, to 'retain a sense of open land and the perception of a break in development between Titchfield and Great Posbrook'.
- xi. In the short to medium term the proposed housing to the east of the site would be visible in conjunction with the listed farmhouse and barn in distant views from the PROW to the south, and would bring the built form of Titchfield closer to the listed buildings.
- xii. Once established, there is potential that the landscape screening would improve the distant views of the southern edge of Titchfield, which can be seen in conjunction with the listed farmhouse and barn from the PROW to the south, subject to further testing.
- xiii. The land to the east of the farmstead would remain open in these views, so the landscape screening would not detrimentally enclose the historic farmstead or listed buildings.
- xiv. The proposed development would bring built form closer to the listed buildings and reduce the gap between Titchfield and Great Posbrook. The historic farmstead would not be entirely subsumed by Titchfield; the two settlements would remain separated by a gap.
- xv. This is a relatively narrow gap, and the proposed development would urbanise part of the rural hinterland of the listed buildings. As a result, it would marginally obscure that Great Posbrook was originally a separate farmstead, surrounded by open farmland, and harm the appreciation of the significance of the listed farmhouse and barn as being part of an ancient farmstead.
- xvi. The degree of harm has been reduced by retaining a gap and removing the proposed housing to the east of the farmstead.
- xvii. The proposed development would cause less than substantial harm to the listed farmhouse and barn, at the lower end of the spectrum.
- xviii. The proposed development would not harm the Titchfield Conservation Area, nor the locally listed buildings within the Great Posbrook farmstead.

1.12 The following aspects of the heritage comments are highlighted as relevant to the appeal:

- i. The historic farmstead makes an 'important contribution' to the appreciation of the significance of the listed buildings, and so does the openness of the barn's setting to the south and east, which reinforce its visual prominence in views from the south. It is also said that the application site makes an important contribution,

although this must be tempered by the fact that, clearly, the application site is not the only (or arguably the most) important element of the setting of the listed buildings.

- ii. Once established, there is potential that the landscape screening would improve the distant views of the southern edge of Titchfield. This chimes with Historic England's pre-application response, which stated that the additional tree screening to the southern boundary of the proposed development would improve the appearance of the harsh urban edge currently created by the Bellfield estate. This enhancement was not seemingly taken into account in counterweighing the low level of less than substantial harm to the listed farmhouse and barn.

### **The Appellant's Heritage Case**

- 1.13 The submitted Heritage Statement concluded that, overall, the proposed development would preserve and enhance the setting of the listed buildings at Great Posbrook. The principal role of the application site is that of maintaining a separation gap between the former farmstead at Great Posbrook and Titchfield. The appeal scheme would maintain a clear and substantive gap between Great Posbrook and Titchfield, and ensure that the dislocation of the listed buildings at Great Posbrook from the existing built-up area of Titchfield is maintained. The proposed development also maintains a sense of the rural surroundings to the former farmstead, and it continues to allow views eastwards from Posbrook Lane, and westwards across the land to the north of the former farmstead. It leaves the key views of the farmstead from the south, in which the barn and part of the farmhouse can be seen juxtaposed with the open farmland to the east, absent of encroaching development. It notably also enhances the harsh urban edge currently created by the Bellfield housing estate.
- 1.14 This conclusion takes into account the enhancement of the harsh urban edge created by the Bellfield estate through the proposed landscape buffer. This enhancement is important, as the harsh urban edge is plainly evident in good views of the farmstead from the south, and as part of the experience of walking northwards along the PROW.
- 1.15 Historic England has identified a minor degree of harm to the setting of the listed buildings, which in terms of the NPPF would fall well within the less than substantial level of harm. This does not appear to have taken into account any enhancement. Historic England notably did not object to the application.
- 1.16 The heritage comments on behalf of Fareham Borough Council found less than substantial harm to the listed farmhouse and barn, at the lower end of the spectrum. Again, this does not take into account any enhancement.



- 1.17 Whilst it remains the Appellant's Case that there would, overall, be no harm to the listed buildings, there is very little disagreement between the Appellant, Historic England, and Fareham Borough Council's heritage advisor. Even if the Inspector were to conclude that there would be some harm to the setting/significance of the listed buildings, there is broad agreement that this would be of no more than a very low magnitude. If that is the conclusion, the minor harm should be weighed against the public benefits of the proposal.
- 1.18 The Appellant does not consider that there would be harm to any other heritage asset, and no harm to any other heritage asset has been identified by Fareham Borough Council's heritage advisor.

# **Appendix B**



*influence it is undeniable that it is there. There is a lack of screening and there is a harsh and readily visible urban edge”, (my emphasis).*

- 2.4 However, the Inspector concluded that in both the Fareham Landscape Assessment, and the appellant’s landscape assessment, *“the urban influence is given too much weight”*. In particular, at paragraph 23 he noted that the Fareham classification of Fringe Character is possibly based on *“historic data”*, where the site was divided by a hedgerow (now removed), and where there may have been slightly different management practices on different parts of the site. He concluded that the characteristics of the site are consistent with the Open Valley Side, with sloping landform, a lack of woodland, views across the valley floor and pastoral land use, (see paragraph 24).
- 2.5 The Inspector accepted that planting along the edge of the proposed development would provide benefits: *“whilst additional landscaping along the proposed urban edge would produce an edge that was more screened and in effect a softer edge than present is undeniable, and would of itself improve the appearance of the existing urban edge”* (paragraph 26). However, he noted that, notwithstanding these benefits, the proposed development would still result in the loss of an open field, changes to local views, as well as effects of illumination and noise.
- 2.6 The Inspector stated at paragraph 28 that the Lower Meon Valley is a valued landscape (in the NPPF paragraph 170 sense), and that the appeal site forms part of the same *“landscape compartment”* as the valley, as well as the *“broad visual envelope of the Lower Meon Valley”* and therefore *“should be considered part of the valued landscape”*.
- 2.7 In relation to the strategic gap, the Inspector stated at paragraph 30 that the proposed development would cause *“no perception of coalescence or indeed any visual reduction of the separate settlements...there would be no demonstrable reduction in the physical separation and the gap’s integrity would not be significantly affected”*. He therefore concluded that the proposed development would cause no significant effect on the strategic gap.
- 2.8 The Inspector therefore concluded that the proposed development of up to 150 homes *“would result in material harm to the character and appearance of the area. This would result in material harm to a valued landscape. There would however be no significant effect on the strategic Meon Gap”*, (paragraph 31).
- 2.9 Following the Appeal Decision, I worked with Foreman Homes to provide a revised scheme which would seek to address many of the Inspector’s concerns. The main changes when compared to the original proposal are as follows:
- The total number of dwellings has been reduced by 93 (a 62% reduction), with the proposed area of new homes reducing from 56,541m<sup>2</sup> to 16,503m<sup>2</sup> (a just under 71% reduction in area). The proposed new homes would now only be located immediately adjacent to the existing settlement edge at Bellfield, within the area which is most strongly influenced by the *“harsh and readily visible”* settlement edge;
  - An area of retained, open grassland would be located between the proposed development and the existing housing and listed buildings at Great Posbrooke. The extent of new housing fronting onto Posbrook Lane would reduce from 180 metres in the 150 home scheme, to 104 metres in the 57 home proposal;

- A thick (up to 20 metres wide) native tree and shrub belt has been placed around the southern and eastern edges of the proposed development.
  - A native tree and shrub buffer approximately 10 metres wide would also extend along the eastern edge of the existing settlement at Bellfield;
  - The existing evergreen trees north of Great Posbrooke would also be supplemented by a native tree and shrub belt approximately 10 metres wide.
- 2.10 In the 2019 LVA I accepted the Inspector's conclusion that the site forms part of the Open Valley Side landscape type, therefore setting aside the classification within the Fareham Landscape Assessment 2017 which included the site within the Open Coastal Plain Fringe Character Landscape Type. I also accepted that the site forms part of the overall valued landscape of the Meon Valley.
- 2.11 The landscape assessment concluded that concluded that the proposed development would result in moderate landscape effects on the development site itself and its immediate context, but these effects would be localised and limited to an area which is already characterised by urban fringe influence. Further from the proposed development site, and for the wider Lower Meon Valley as a whole, the effects would be minor, and the nature of effect would usually change from negative to positive once proposed new planting has established.
- 2.12 The visual assessment concluded that the effects of the proposed development would be localised, with walkers on footpaths crossing the application site, and residents on the existing settlement edge, experiencing major, major/moderate or moderate effects. There would be no effects of moderate or greater further from the application site.
- 2.13 For many viewpoints the nature of visual effects would change once the proposed new planting has established. Many views to the south and east of the site would see the new homes in short term, albeit set within the context of the existing settlement edge. Once the proposed new woodland planting has reached semi-maturity both the new homes and the existing settlement edge would be screened, resulting in a positive change to views.
- 2.14 The Inspector for the Appeal concluded that the proposal for up to 150 homes would have had no significant effect on the strategic gap, even though it would have resulted in a slight reduction of the size of the gap. The proposed development of up to 57 homes would not result in a physical reduction of the gap between Titchfield and Stubbington. Indeed, the proposed mitigation planting would serve to further reduce intervisibility between the settlements once it has started to mature, increasing the perception of separation between the settlements.
- 2.15 A number of landscape and visual matters were raised by Mr Lyster of Fareham Borough Council and the Fareham Society in post-application responses. Whilst most of these matters were addressed within the October 2019 LVA, several new matters were also raised and deserve to be recorded here. Firstly, Mr Lyster stated that the proposed development would leave only "*a very minimal gap*" between the new settlement edge and the grade II\* listed buildings at Great Posbrooke, which "*does not provide the sense of isolation and separateness identified by the Inspector*". In my response to this concern I noted that the Applicant has consulted with Historic England on this matter and they have confirmed that the proposed layout is acceptable in heritage terms. In landscape terms the proposal would reinforce existing planting along the northern edge of Great Posbrooke with up to 10 metres of new

native planting, and would then provide a swathe of open grassland of up to 35 metres width. The new settlement edge would then be edged by 15 to 20 metres width of new woodland. Consequently, not only is a significant gap maintained between Great Posbrooke and the settlement edge, but also the edges of both areas of development would be far less prominent due to the proposed planting. As a result, the potential for intervisibility between the two edges would be reduced, maintaining a strong sense of separation.

- 2.16 Mr Lyster also noted that the use of a woodland edge for the new development “*could be regarded as inappropriate, taking account of the existing open, pastoral character of the valley side*”. In my response I noted that historic maps show clearly that the Bellfield estate actually replaced a large area of woodland, and there are other surviving areas of woodland on the valley side (for example to the south east of the application site). Woodland is therefore characteristic of this area and would be an appropriate treatment to the settlement edge. In this context it is important to note that Historic England supports the overarching approach to the landscaping (subject to details), with the introduction of tree screening along the southern edge of the development to act as mitigation in softening the development's impact in wider views.

### **3.0 The Appellant's Landscape Case**

- 3.1 The Inspector for the Appeal for up to 150 homes stated that the previous application site formed part of the valued landscape of the Meon Valley. However, the Inspector also noted that the existing settlement edge at Bellfield was “*harsh*”, and that this has an “*undeniable*” influence on the adjacent areas. His criticism of the LVA 2018 was that it overstated the extent of that urban influence.
- 3.2 In fact, the LVA 2018 stated that the area influenced by the urban fringe was the same as that defined by the Open Coastal Plain Fringe Character Landscape Type in the Fareham Landscape Assessment 2017. Based upon the Inspector's comments it is clear that the Fareham Landscape Assessment was in fact incorrect, and the site should more correctly be classified as part of the Open Valley Side.
- 3.3 However, it is also clear that both the Inspector and the Fareham Landscape Assessment – and the 2018 and 2019 LVAs prepared by SLR – agree that the existing settlement edge is harsh, and that this abrupt edge does negatively influence the character of the adjacent land. The only question is how far that influence extends.
- 3.4 It is on this basis that a very much reduced proposed for up to 57 homes has proposed by Foreman Homes. This proposal concentrates development immediately adjacent to the existing settlement edge at Bellfield, within the area which is most clearly influenced by that edge. Open land is retained to the south of the proposed development, between the Appeal Site and Great Posbrooke. The remaining portion of the previous application site would also remain as open fields.
- 3.5 Critically, this new proposal still retains the woodland edge planting around the southern and eastern edges of the proposed development, and also along the north and east of Great Posbrooke and to the east of Bellfield. The Inspector accepted the benefits of this wooded edge, stating that this would “*produce an edge that was more screened and in effect a softer edge than present*”, and that it would “*improve the appearance of the existing urban edge*”. He described these benefits as “*undeniable*”.

- 3.7 The SLR LVA 2019 does not deny that the proposals would result in localised landscape and visual harm – that is the case for all development on green field sites – but the degree of harm has been greatly reduced by decreasing the scale of the development by 93 homes as well as by focusing development immediately adjacent to the settlement edge. As a result, the negative landscape and visual effects of the proposed development would be more localised, and would affect fewer receptors.
- 3.8 Similarly, the SLR LVA 2019 does not deny that the proposed development would cause harm to a valued landscape. But the proposed development is focused on the part of the valued landscape which is most influenced by the settlement edge, and which is therefore the least sensitive to further residential development.
- 3.9 Importantly, the retention of the woodland edges to the east of Bellfield, to the north of Great Posbrooke and to the south and east of the proposed development, would result in landscape and visual benefits for receptors to the south and east of the proposed development once the woodland edge has reached semi-maturity. Both the existing settlement edge and the new development would be progressively screened by the new planting, reducing the influence of built development on the Meon Valley and thus enhancing its rural characteristics.
- 3.10 There was much discussion at the Appeal for up to 157 homes regarding the nature of the woodland screen that could be provided on the settlement edge, and the timescales that would be required for providing a complete screen. The Council’s landscape witness, Mr Brashaw, conceded in cross examination that it would be possible to provide an effective screen in both winter and summer, but stated in evidence that it could take 15 years to achieve a height of just 6.25 metres. In my rebuttal I noted that even based upon IEMA’s conservative growth rates for all sites in the UK the proposed planting would achieve over 7 metres, but given the geographical location of the site and the nature of the soils a maximum height of 8 to 10 metres is far more realistic.
- 3.11 What is lost in this focus on tree heights after 15 years is the fact that landscape and visual benefits would start to accrue *before* trees reach a height of 8 to 10 metres. For example, at five years, based upon the use of 30-45cm transplants and using the IEMA conservative growth rates, the tree and shrub planting would be at least 2.2 metres high. This would be sufficient to screen or at least filter views of the first floor of both the proposed and existing homes on the settlement edge, reducing the overall visibility of the housing as well as associated car parking. At ten years, again based upon the IEMA growth rates, the trees would achieve a height of at least 4.7 metres. This would screen and/or filter views of the first storey of new and existing homes, and some of the second storey. The visibility of new housing, and the existing settlement edge, would thus be reduced, and landscape and visual benefits for areas to the south and east of the proposed development would therefore gradually increase.
- 3.12 Similarly, whilst the debate at the Appeal focused on completely screening the new homes and existing settlement edge, there was little acknowledgement that there would also be benefits in the short to medium term from reducing the visibility of built development by filtering views. Filtered views of existing and proposed houses would still create a “*softer*” edge to the settlement, to use the Inspector’s term.
- 3.13. In conclusion, I consider that the proposed development for up to 57 homes would result in only localised harm and would provide landscape and visual benefits for the wider valued landscape of the Meon Valley.

# **Appendix C**



**P/19/1193/OA  
LAND EAST OF POSBROOK  
LANE, TITCHFIELD**

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**AGRICULTURAL LAND QUALITY  
CONSIDERATIONS**

**June 2020**





**P/19/1193/OA**  
**LAND EAST OF POSBROOK LANE,**  
**TITCHFIELD**

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**AGRICULTURAL LAND QUALITY**  
**CONSIDERATIONS**

**June 2020**

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- 2 Land Quality of the Site
- 3 Planning Policy of Relevance
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- KCC3 Review of Appeal Decisions
- KCC4 Provisional ALC Statistics
- KCC5 Extracts from the Predictive BMV Map

# 1 INTRODUCTION

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- 1.1 This short statement covers the Agricultural Land Quality Considerations of a site east of Posbrook Lane, Titchfield. This is proposed for the development of up to 57 houses.
- 1.2 The application site is about 4.0 ha. This is larger than the area for which residential development is proposed, as the site also covers drainage and water management areas. The area for residential development is estimated at about 2 ha.
- 1.3 The application is being appealed due to non-determination by the local planning authority.
- 1.4 An application in 2017 for 150 dwellings (P/17/0681/OA) was refused and dismissed on appeal. One of the three main issues for the appeal with that proposal was, as identified by the Inspector, “**the effect of the proposed development on Best and Most Versatile Agricultural Land (BMVAL)**” (Inspector’s decision, paragraph 12, extracts from which are in **Appendix KCC1**).
- 1.5 The Council’s position on the development the subject of this appeal is not yet known. In case the Council considers that agricultural land considerations should form a reason for refusal, this report:
- considers the land quality of the site;
  - reviews planning policy;
  - sets out why BMVAL matters should carry only limited weight;
  - and reviews why the Inspector in the previous appeal similarly concluded that BMVAL should carry only limited weight.
- 1.6 This statement has been prepared by Tony Kernon. I am a rural Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. My firm carried out a detailed Agricultural Land Classification of the site and I provided a statement to the last Appeal.

## **Structure of Report**

- 1.7 This report is structured as follows:
- (i) **Section 2** describes the site and the land quality;
  - (ii) **Section 3** considers the planning policy of relevance;
  - (iii) **Section 4** reviews why only limited weight should be given to the loss of BMVAL. It refers to the Inspector’s decision and to land quality more generally within the Borough;
  - (iv) with a summary and conclusions in **Section 5**.

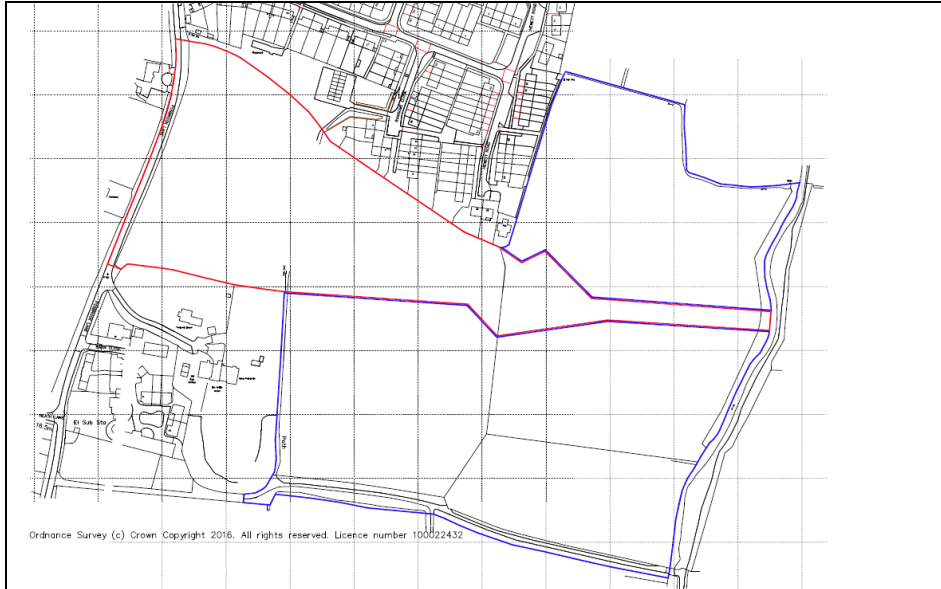
## 2 LAND QUALITY OF THE SITE

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### The Site

- 2.1 The site, being the land within the red line, extends to approximately 4.0 ha. It is shown below, being an extract from application plan 16.092.01.

#### *Insert 1: The Red Line*



- 2.2 Within the site the development area, where housing is proposed, is smaller at less than 1.7 ha, being the area for the houses shown below on the extract from the application plan. Including landscaping the area is about 2 ha.

#### *Insert 2: The Development Proposal (Illustrative Site Plan)*

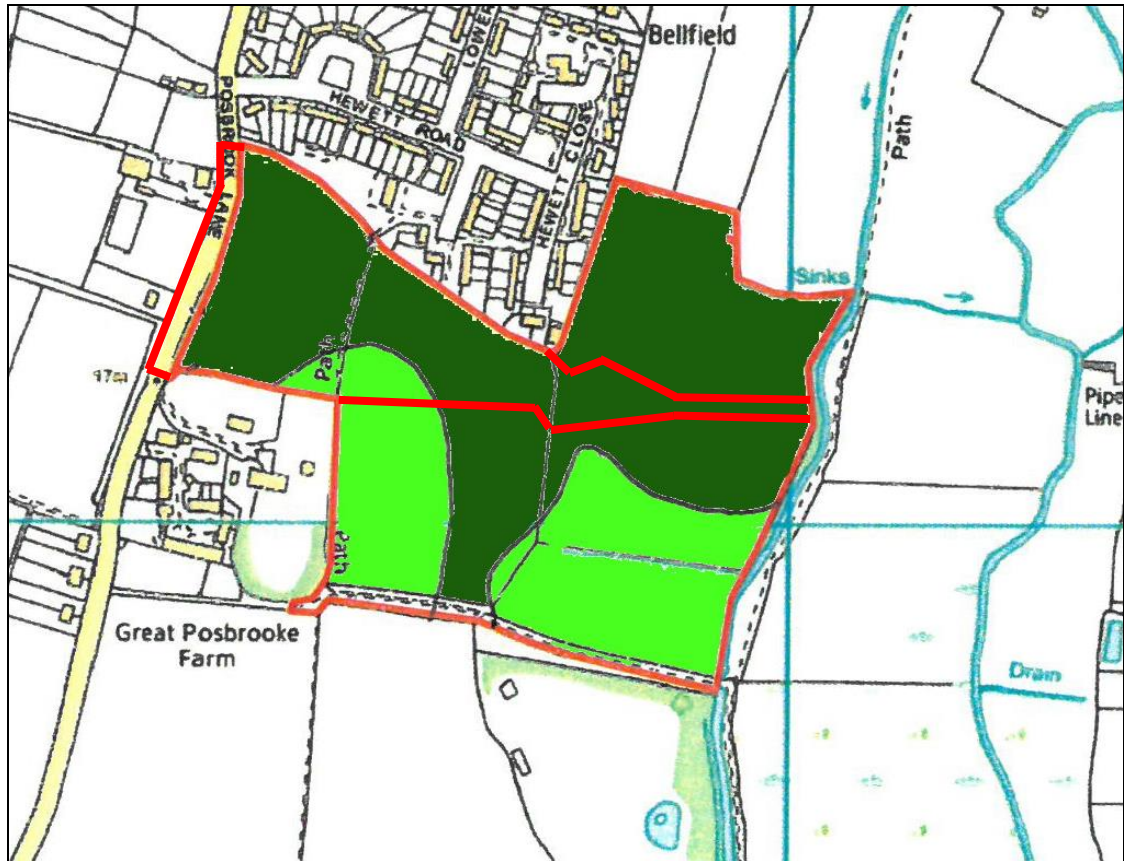


**Agricultural Land Quality**

2.3 KCC Ltd carried out a detailed Agricultural Land Classification (ALC) of the site and surrounding land in 2018 . We surveyed 12.4 ha. The ALC report is set out in **Appendix KCC2**.

2.4 The site for this Appeal was part of that area. The site is shown below on the ALC map, and the table shows the land quality for this area.

*Insert 3: ALC Results (Wider Area and Site)*












KEY	
	Grade 1
	Grade 2
	Grade 3a
	Grade 3b
	Grade 4
	Grade 5
	Non-agricultural
	Urban
	Not surveyed

Table KCC1: ALC Results (Site Only)

<b>ALC Grade</b>	<b>Area (ha)</b>	<b>Proportion (%)</b>
3a "good" quality	3.5	87
3b "moderate" quality	0.3	8
Non-agricultural	0.2	5
Total	4.0	100

2.5 Therefore, in terms of agricultural quality for this development:

- the appeal proposals involve 3.5 ha of BMVAL;
- the housing development area involves 1.7 ha of BMVAL within the wider site area, which with landscaping increases to about 2ha, all BMVAL.

### 3 PLANNING POLICY OF RELEVANCE

---

#### The NPPF and Advice

- 3.1 The National Planning Policy Framework (NPPF) was most recently revised in February 2019, and accordingly forms the starting point.
- 3.2 Paragraph 170 notes that planning policies and decisions should contribute to and enhance the nature and local environment by, inter alia, recognising **“the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.”**
- 3.3 The best and most versatile (BMV) agricultural land is defined in Annex 2 of the NPPF as land in Grades 1, 2 and 3a of the Agricultural Land Classification.
- 3.4 Footnote 53 of the NFFP identifies that **“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of a higher quality.”**
- 3.5 There is no definition of what constitutes “significant” development. However the “Guide to assessing development proposals on agricultural land” (Natural England, January 2018) advises local planning authorities to **“take account of smaller losses (under 20 hectares) if they’re significant when making your decision”**, suggesting that 20 ha is a suitable threshold for defining “significant” in many cases, but that a smaller quantum might be significant if (for example) there is little BMV in an area.

#### Local Plan

- 3.6 Policy CS16 of the Core Strategy (August 2011) states that **“new development will be expected to safeguard the use of natural resources by”**, inter alia, **“preventing the loss of the best and most versatile agricultural land (Grades 1, 2 or 3a of the Natural England Agricultural Land Classification System)”**.
- 3.7 Policy DSP40 of the “Development Sites and Policies” document (June 2015) permits, inter alia, development where the Council does not have a five year housing supply where, under criterion v), **“the proposal would not have any unacceptable environmental, amenity or traffic implications”**.



## 4 ANALYSIS

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### Previous Conclusions and Pre-amble

- 4.1 The Appeal Site extends to 4.0 ha. Of this 3.5 ha is of Subgrade 3a “good quality” agricultural land. This falls within the category of BMVAL. Of this approximately 2 ha is proposed for residential development including landscaping.
- 4.2 There is no definition in planning policy as to what constitutes significant development of agricultural land triggering the policy requirement to seek to use poorer quality land in preference, but 20 ha is a threshold used for consultation with Natural England.
- 4.3 In the appeal in 2019 the amount of BMVAL involved was 4.2 ha. The Inspector concluded that this did not trigger the sequential test (see **Appendix KCC1**, paragraph 46 of the Inspector’s decision).
- 4.4 Accordingly the Inspector concluded (paragraph 49) that the loss should be afforded only limited weight. He described it in the Planning Balance section (paragraph 66) as “**a minor adverse effect on best and most versatile agricultural land in the area**”.
- 4.5 In my opinion that conclusion was correct. The same conclusion should be reached in this case, which involves a smaller area of BMVAL within a similar planning policy context. Only limited weight should be given to what is a minor adverse effect.

### Reasoning

- 4.6 I take the view that a similar conclusion should be reached now based on the following analysis, much of which was presented to the last Appeal Inspector but which has been updated as relevant:
- what is “significant development”?;
  - land quality in the Borough.
- 4.7 **Significant Development?** Planning policy does not define what is “significant development”. 20 ha is the threshold for consultation with Natural England. We have reviewed recent planning appeals by the Planning Inspectorate, as set out in **Appendix KCC3**. It is evident from the analysis that in very few cases is less than 10 ha considered to be significant development, and that the abundance or otherwise of BMVAL in the area is relevant.

4.8 As noted, the loss of 4.1 ha of BMVAL on this site and a wider area has been considered to be “not significant” for this policy, see **Appendix KCC1** paragraph 46.

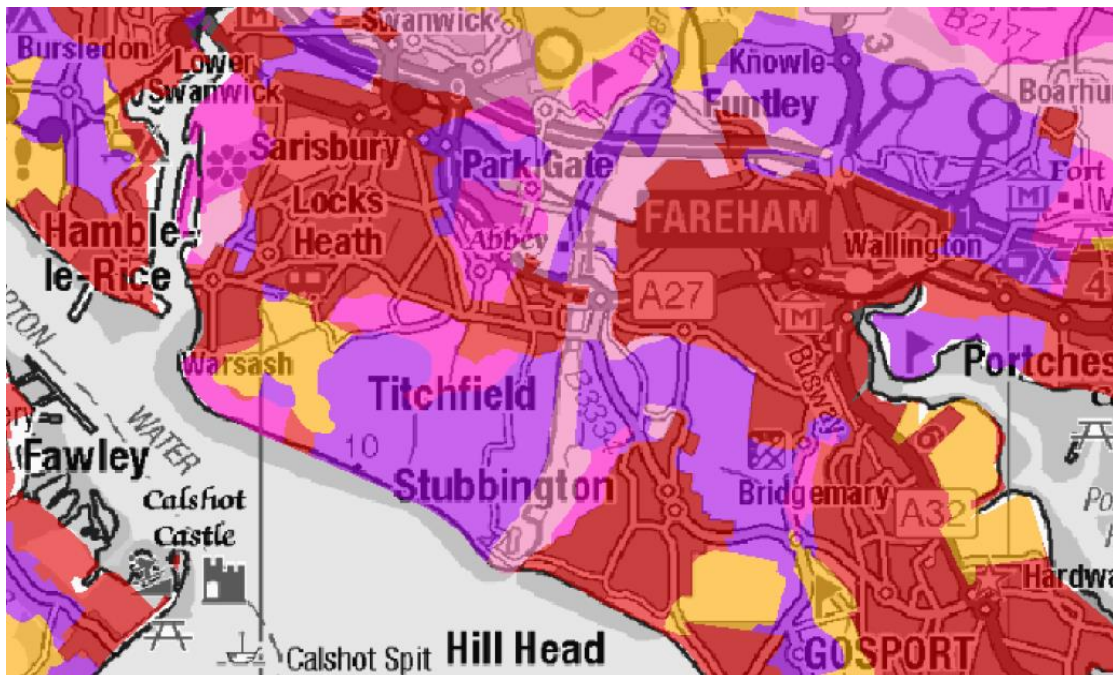
4.9 **Land quality in the Area.** The Borough of Fareham has a higher proportion of BMVAL land than the national average, as shown below, based on the provisional ALC results from the 1970s. The source data is in **Appendix KCC4**. Grade 3 is not broken down, but approximately 42% of Grade 3 nationally falls within Subgrade 3a.

*Table KCC2: England and Fareham Statistics*

Grade	England		Fareham	
	% all land	% agricultural land	% all land	% agricultural land
1	2.7	3.1	1.4	2.2
2	14.2	16.2	32.6	52.2
3	48.2	55.0	15.1	24.1
4	14.1	16.1	13.4	21.5
5	8.4	9.6	0.0	0.0
Non-Ag	5.0	-	5.1	-
Urban	7.3	-	32.4	-

4.10 Natural England has produced predictive BMV maps. These identify areas according to whether they are predicted to be less than 20% BMV, 20 – 60% BMV, or 60+% BMV. A wider extract is reproduced in **Appendix KCC5** with an extract is shown below. In can be seen that much of the residential edge of Lock’s Heath/Titchfield falls into the 20 – 60% BMV area, with areas in the >60% BMV category. Similarly much of the periphery of Fareham falls into the >60% BMV area. The strips of land shown as <20% BMV generally accord with the floodplain of the river valleys.

Insert 4: Extract from Predictive BMV



**Predictive BMV Land Assesment © Defra**

- High likelihood of BMV land (>60% area bmv)
- Moderate likelihood of BMV land (20 - 60% area bmv)
- Low likelihood of BMV land (<= 20% area bmv)
- Non-agricultural use
- Urban / Industrial

- 4.11 Accordingly it is probable that any non-agricultural development around the peripheries of the settlement will involve land of BMV quality.
- 4.12 The provisional MAFF ALC survey results for the Fareham Borough were set out in Table KCC1 in paragraph 4.9 above. They showed that 54.4% of agricultural land was shown as Grades 1 and 2. If the national statistic of about 40% of Grade 3 being Subgrade 3a is also applied, approximately 64% of agricultural land in Fareham Borough is of BMV quality. That compares to about 42% nationally. The predictive BMV maps illustrate that expectation.

**Conclusions**

- 4.13 Accordingly it can be concluded that:
- the site comprises a mix of land quality but including 3.5 ha of BMVAL;
  - 3.5 ha of BMVAL is not “significant development of agricultural land” sufficient to trigger the paragraph 171 footnote 53 requirement to consider whether poorer quality land is available for use in preference;
  - even if that was triggered, in this area much of the area is of BMVAL quality.

## 5 SUMMARY AND CONCLUSIONS

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- 5.1 The appeal Site extends to 4.0 ha. Of this 3.5 ha is Subgrade 3a, which is best and most versatile agricultural land (BMVAL).
- 5.2 The residential development only involves 1.7 ha within the site, and 2 ha with landscaping, all of which is BMVAL.
- 5.3 Planning policy does not prevent the development of BMVAL. However, it requires that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference.
- 5.4 At 3.5 ha of BMVAL this is not “significant development” triggering the requirement to consider poorer quality land in preference. The 2019 Inspector considering the loss of 4.1 ha of BMVAL on this site concluded similarly (paragraph 46 of his decision letter).
- 5.5 Even if that requirement was triggered, the land quality in the area is generally high, such that poorer quality land is not widely likely to be available in any event.
- 5.6 The 2019 Inspector concluded that the loss of BMVAL should be accorded no more than limited weight in the planning balance. This site is smaller in area and the policy and site context has not changed since the appeal decision. Therefore a similar conclusion should be reached in this case.

**APPENDIX KCC1**

**Extracts from Appeal Decision 3199119**



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## Appeal Decision

Inquiry Held on 6 - 9 November 2018

Site visit made on 9 November 2018

**by Kenneth Stone BSc Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> April 2019**

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**Appeal Ref: APP/A1720/W/18/3199119**

**Land east of Posbrook Lane, Titchfield, Fareham, Hampshire PO14 4EZ**

- 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 Foreman Homes Ltd against the decision of Fareham Borough Council.
  - The application Ref P/17/0681/OA, dated 9 June 2017, was refused by notice dated 14 December 2017.
  - The development proposed is described as an 'Outline Planning Application for Scout Hut, up to 150 Dwellings, Community Garden, associated landscaping, amenity areas and means of access from Posbrook Lane in addition to the provision of 58,000 square metres of community green space'.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was submitted in outline with all matters reserved for future consideration with the exception of access. The access details are shown on the plan 'Proposed Site Access 16-314/003E' which along with the 'Site Location Plan 16.092.01E' are the plans that describe the proposals. An illustrative plan was submitted and the latest iteration was 16.092.02F. However, this was for illustrative purposes only to demonstrate one way in which the site could be developed but does not form part of the formal details of the application.
3. Prior to the commencement of the Inquiry the Council and the appellant entered into a Statement of Common Ground. The original application had been submitted with the description of development in the banner heading above. The parties agreed that there was no requirement for the Scout Hut and removed this from the illustrative master plan and amended the description of development to reflect the amended proposed development.
4. I am satisfied that the proposed alteration to the scheme, which does not amend the red line boundary and makes only a minor adjustment to the overall scheme, is not material. I am satisfied that there would be no material prejudice to parties who would have wished to comment on the proposals and that the amended illustrative plan was available as part of the appeal documents and therefore available for parties to view and comment on. I have therefore considered the appeal on the basis of the amended description which

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<https://www.gov.uk/planning-inspectorate>

read as follows: 'Outline application for up to 150 dwellings, community garden, associated landscaping, amenity areas and a means of access from Posbrook Lane.'

5. In the Statement of Common Ground the Council and the Appellant agree that an Appropriate Assessment would be required in the light of The People Over Wind Judgement<sup>1</sup>. During the Inquiry a shadow Habitats Regulations Assessment document was submitted (APP4) to enable an Appropriate Assessment to be made. In this regard I consulted with Natural England to ensure that I had the relevant information before me if such an assessment were to be required. The main parties were given the opportunity to comment on Natural England's consultation response.
6. By way of an e-mailed letter dated 5 November 2018 the Secretary of State notified the appellant, pursuant to regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that further information was required. The further information was publicised on 4 January 2019, a period of 31 days was given for the receipt of comments and the parties were given a period following the end of the publicity period to collate and comment on the matters raised.
7. I have had regard to all the Environmental Information submitted with the appeal including the original Environmental Statement, the Additional Information, the Shadow Habitats Regulations Assessment, the further responses and the parties' comments in reaching my conclusions on this appeal.
8. The Council has drawn my attention to a recent appeal decision, at Old Street, APP/A1720/W/18/3200409, which had been published since the Inquiry was conducted and in which similar issues were considered in respect of the Meon Valley. The parties were given the opportunity to comment on this decision.
9. The Government published a revised National Planning Policy Framework (the Framework), and updated guidance on how to assess housing needs as well as results of the Housing Delivery Test along with a technical note on 19 February 2019. The parties were given the opportunity to comment on how these may affect their respective cases. I have had regard to this information and the comments of the parties in reaching my decision.
10. I closed the Inquiry in writing on 19 March 2019.

### **Main Issues**

11. In the Statement of Common Ground the appellant and Council agree that with the completion of a satisfactory legal agreement reasons for refusal e through to l would be addressed. No objections to the Unilateral Undertaking were raised by the Council and these matters were not contested at the Inquiry. It was also agreed in the Statement of Common Ground that reason for refusal d could be overcome by the imposition of an appropriately worded condition, and I see no reason why this would not be appropriate.
12. On the basis of the above the remaining outstanding matters and the main issues in this appeal are:

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<sup>1</sup> The Court of Justice of the European Union judgement in the People over Wind and Peter Sweetman v Coillte Teoranta, case C-323/17

- The effect of the proposed development on the character and appearance of the area, including having regard to whether or not the site is a valued landscape and the effect on the strategic gap;
- The effect of the proposed development on the setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II\* listed buildings; and
- The effect of the proposed development on Best and Most Versatile Agricultural Land (BMVAL).

### **Reasons**

13. The development plan for the area includes The Local Plan Part 1: Core Strategy (2011 -2026) (LPP1), The Local Plan Part 2: Development Sites & Policies (2015) (LPP2) and The Local Plan Part 3: Welbourne Plan (2015) (LPP3).
14. LPP3 specifically addresses a new settlement at Welbourne and does not include policies that bear directly on the effects of the development the subject of this appeal. Its relevance is however material in the context of the wider housing land supply issues in the area.
15. In terms of LPP1 policy CS14 seeks to control development outside defined settlement boundaries seeking to resist proposals which would adversely affect its landscape character and function. While policy CS22 advises land within strategic gaps will be treated as countryside and development proposals will not be permitted where it affects the integrity of the gap and the physical and visual separation of settlements.
16. In LPP2 Policy DSP6 further advises in respect of residential development outside of defined urban settlement boundaries that it should avoid a detrimental impact on the character or landscape of the surrounding area. DSP5 addresses the protection and enhancement of the historic environment. In considering the impacts of proposals that affect designated heritage assets it advises the Council will give great weight to their conservation and that any harm or loss will require clear and convincing justification, reflecting the statutory and national policy positions.
17. Policy DSP40 in LPP2 includes a contingency position where the Council does not have a 5 year supply of housing land. It is common ground between the parties that the Council does not have a 5 year supply of land for housing albeit the extent, length of time this may persist and consequences are disputed. I address these latter matters further below however insofar as the parties agree that the Council cannot demonstrate a five year supply of housing land the contingency position in policy DSP40 is engaged and this advises that additional sites outside the urban area boundary may be permitted where certain criteria are met.
18. An emerging draft Local Plan, which in due course is anticipated to replace LPP1 and LPP2, was launched for consultation in autumn of 2017 but has now been withdrawn. At the time of the Inquiry I was informed that a further review is to take place following revisions to the National Planning Policy Framework and the Government's latest consultation in respect of housing figures. The Council propose to consult on issues and options relevant to the progression of the Council's new development strategy following the outcome



fact that suburban development has been undertaken and that there is no separation between the settlement of Titchfield and the historic farmstead including the listed buildings.

44. For the reasons given above I conclude that there would be harm to the setting of the listed buildings and historic farmstead. I would characterise that harm as less than substantial as this would not obliterate the significance of these historic assets. The proposal would however have an adverse and harmful effect on the setting of these assets which would affect their significance given the contribution that the setting makes to that significance. The urbanisation of the remaining area that separates the farmstead and listed buildings from the settlement is significant and whilst the rural hinterland remains to the south and west the dislocation from the existing built up area is an important and fundamental component of that setting that would be lost as a result of the development. The effect is therefore significant and would not in my view be at the lower end of the less than substantial scale as contended by the appellant but more in line with that suggested by the Council. The proposal would therefore conflict with development plan policy DSP5 which seeks the protection and enhancement of heritage assets and is consistent with national policy.
45. These are two Grade II\* listed buildings and the Framework advises that great weight should be given to a designated heritage asset's conservation, any harm should require clear and convincing justification and assets should be conserved in a manner appropriate to their significance. I also have regard to my statutory duty in respect of listed buildings and their setting. The courts have also held that any harm to a listed building or its setting is to be given considerable importance and weight. These matters are reflected in my planning balance below, which includes the Framework's 196 balance.

*Best and Most Versatile Agricultural Land*

46. The appellant undertook a survey of agricultural land and this assessment is provided in appendix SB3 of Mr Brown's proof. This identifies the limited amount of Grade 3a land (4.1 Ha) that would be affected by the development and sets this in the context of Fareham. In my view this does not trigger the sequential test in the Framework footnote 53 as significant development.
47. It is accepted that whilst there is a loss of BMVAL and that this is a negative to be weighed against the scheme it would not of itself amount to such that would justify the dismissal of the appeal. This is a point that was not refuted by the Council who accepted that it may not justify dismissal but should be weighed as a negative factor in the overall balance against the development.
48. I have no substantive evidence to depart from those views and the approach adopted is consistent with that of a colleague in an appeal at Cranleigh Road (APP/A1720/W/16/3156344).
49. The appellant's report concluded that given the grade of land, the small scale and the overall comparative effect on such land in Fareham, whilst it is a negative, it should be afforded no more than limited weight. I concur with that assessment for the views given and therefore ascribe this loss limited weight in my overall planning balance.

significant effect on a habitats site. If an Appropriate Assessment has concluded the development would not adversely affect the integrity of the habitats site the presumption would not be disengaged. However, given my conclusions in respect of the impact on heritage assets and the other harms I have identified I am not minded to allow the appeal and therefore I do not need to carry out an Appropriate Assessment.

66. Whilst the presumption in favour of sustainable development is not disengaged by virtue of paragraph 177 of the Framework, paragraph 11 d, the so called 'tilted balance', is disengaged by virtue of my conclusions in relation to the effect on the heritage assets and the application of 11 d i. The proposal therefore is to be considered in the context of a straight balance. Section 38(6) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal would result in material harm to the character and appearance of the area, which is a valued landscape, to the setting of two Grade II\* listed buildings and a minor adverse effect on best and most versatile agricultural land in the area. On this basis the proposal would conflict with policy CS14 in the LPP1 and DSP5, DSP6 and DSP40 in the LPP2.
67. The Authority cannot demonstrate a 5 year supply of housing land and policies which restrict housing development through such matters as settlement boundaries and gaps are out of date. They do not provide for the necessary housing to make provision for adequate housing in the area. However, those policies, which include CS14, CS22 and DSP6 do seek to protect the countryside and fulfil a purpose that is consistent with the Framework. The Council is seeking to address the shortfall and is making positive steps in that regard albeit there is dispute as to how successful that is. Nevertheless matters are moving forward and although there is still an outstanding shortfall, which even if I accept is as great as suggested by the appellants, is improving on historic figures and there appears to be greater opportunities for this situation to be improved further. I accept that Welbourne may well not be moving at the pace that has previously been suggested and not as quickly as the Council would suggest, but it is still moving forward and with a significant complex development of this nature matters will take time but once milestones are reached momentum is likely to quicken. Of particular relevance here is the determination of the extant application, which remains undetermined but continues to move forward. On the basis of the information before me the determination of this would be in the spring or middle of this year. Given the above I do not afford these particular policies the full weight of the development plan but I still accept that they have significant weight and the conflict with those policies that I have identified above still attracts significant weight in my planning balance.
68. I note that policy DSP5 reiterates national policy and reflects the statutory duty and is therefore accorded full weight and conflict with it, as I have found in this regard, is afforded substantial weight. The contingency of Policy DSP40 has been engaged by virtue of the lack of a five year housing land supply and it is for these very purposes that the policy was drafted in that way. On that basis the policy has full weight and any conflict with it is also of significant weight. In the context of the harms I have identified which relate to landscape, heritage assets and best and most versatile agricultural land these result in conflicts with specific criteria in policy DSP40 for the reasons given above in respect of those matters and therefore there is conflict with the policy. These

**APPENDIX KCC2  
KCC Agricultural Land Classification  
Report**

## AGRICULTURAL LAND CLASSIFICATION

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1. This report sets out the findings of an agricultural land classification of approximately 12 hectares of agricultural land to the south of Titchfield in Hampshire. The site comprises a single field, although at one time the area was divided into four separate paddocks, immediately below the village and lying east of Posbrook Lane. The land is under grassland management and is currently used for grazing horses.
2. The site was surveyed in September 2018 and has been graded according to the current Defra guidelines and criteria (MAFF 1988). Twelve sites were examined over a 100m by 100m grid with three additional points excavated to determine the rapidly changing nature of the soil cover in places. A single soil profile, excavated on a bank, is described as an example of the predominant soil type in the field.

### **Factors affecting ALC grade at Titchfield**

3. **Climate** affects the grading of land through the assessment of an overall climatic limitation and also through the interaction with soils.
4. The Met Office (1989) provides the key climatic variables for this site. The figures quoted in the table approximately in the centre of the ground and are representative of the climate in this part of southern England.

*Table 1: Climate and altitude data*

Grid reference	SU 5380 0520
Altitude	15m AOD
Average annual rainfall	786mm
Accumulated temperature >0°C (Jan-June)	1540 day degrees
Moisture deficit, wheat	107mm
Moisture deficit, potatoes	113mm
Field capacity period	158days

5. Climate is typical of a position in this part of southern England with moderate rainfall amounts and relatively high summer temperatures. There is a moderately high plant water demand and the field capacity period, that period when the soils are potentially wet, is about 158 days, which will generally allow both autumn and spring cultivation over much of this land. There is no direct **climatic limitation** to land quality over this ground.
6. The land falls over gentle slopes from west to east towards the river Meon, which forms the eastern boundary of the site. There is a relatively sharp gradient from north to south

across the centre of the site. There are no steep slopes and **gradient** is not directly a limitation to land quality,

7. The stony nature of some of this ground plus the high plant water demand makes **soil droughtiness** a limitation to areas in this field.
8. **Stoniness** may be directly limiting to land quality where there are large quantities of stone in the surface layer as well as reducing the water holding capacity of the soils. Under a grassland cover it is impossible to identify areas with large stone quantities, but very stony areas show in banks and along bare ground surrounding the buildings at Great Posbrook Farm. A recently ploughed field, immediately to the south of the investigation site, shows patchy stoniness across the area with concentrations of stones apparently associated with the convex slopes on and identical landscape.
9. **Soil wetness** may be locally limiting where soils are affected by groundwater or where there is impedance to through drainage. A number of springs have been identified in the field, which affect the surrounding ground.

#### **Geology and soils**

10. Situated over Bracklesham beds comprising mainly sandy rocks which generally support light textured soils. However, much of the ground is covered by a layer of drift, either river terrace materials on the higher ground or head in the lower ground above a narrow strip of river alluvium along the eastern edge of the field. The field survey identifies stony river terrace materials on the higher ground against Posbrook Lane and a variably flinty drift cover on the lower ground covering the eastern part of the ground. There are three small areas on the sloping ground underlain by impermeable clay which are the location of springs which have produced wet soils at their points of flow. The surrounding ground is wet. The lowest ground towards the river is thinly covered by loamy drift but alluvial clay underlies much of the ground against the river Meon.
11. Semi-detailed soil mapping KAY (1939) shows a range of soils developed in silty and loamy drift and includes Warsash, Hamble and Park Gate series on this site. The first mentioned (KAY1939b) occupies the western part of the site and comprises deep, well drained, variably stony light loamy soils. Park Gate soils occur on the eastern side of the area of interest with a small area of Hamble soils between the two main soils on the site. These are described as deep, stoneless silty soils developed in brickearth.

### **Relief and drainage**

12. The ground is gently sloping with slopes facing eastwards towards the Meon valley. Drainage is mainly by vertical flow through the soils to ground water and ultimately east to the river valley. In places underlying impermeable clay and excess water comes to the surface as spring lateral spring flow.

### **AGRICULTURAL LAND CLASSIFICATION**

13. The 1:250,000 scale provisional land quality map (MAFF 1993) shows Grade 2 and undifferentiated Grade 3 quality land over this site. Detailed land quality investigations in the area indicate a mixture of Subgrades 3a and 3b on similar parent rocks at Crofton Manor, and a general mix of grades on many other sites within the Fareham area.
14. **Subgrade 3a and 3b quality land** grades are recognised on this site.
15. **Subgrade 3a quality land** covers approximately 7.9 hectares. The soils, covering the higher ground in the west, are deep and freely drained and moderately stony with stones occurring in layers in the soil profiles. In places there may be sufficient surface stone to interfere directly with cultivation and, thus impose a direct limitation to land quality but, in the present investigation, it has been impossible to measure stone quantity in the very dry materials. The presence of the stones, generally, is sufficient to reduce the water holding characteristics of the soils to the limits of the subgrade.
16. The lower ground, covering the eastern part of the field, has mixed materials with soil profiles in the north and at the base of the slope, which crosses the site from north to south, matching those of the higher ground. The level ground against the river Meon has seasonally wet (Wetness Class III) soils with light textured upper horizons sitting over stoneless clay or heavy silty clay loam lower layers developed in river alluvium. Upper horizons are prominently mottled from a fluctuating water regime, but whilst the lower horizons remain relatively permeable, the ground water will affect the drainage regime over this low lying ground. Some of the ground is slightly rutted, testimony to the seasonally wet nature of this part of the field.
17. **Subgrade 3b quality land** covers the remaining 4.5 hectares in the field with two contrasting soil types. Over the higher ground immediately east of Great Posbrooke Farm buildings and on the convex slopes across the centre of the land, areas of very stony soils are identified. Soils have the same freely drained, light textured profiles as those in the better grade land but stone amounts are larger and, thus, profile available water reduced. In the south east corner of the site an area of very wet soils, associated

with spring issues occur. The surrounding ground is wet for long periods during the year and access will be severely limited. Narrow strips of well drained stony ground occur between the spring affected ground, but are included in the moderate category

## **References**

KAY F.F. (1939) 3 inches to 1 mile scale Soil Map of the Strawberry District of South Hampshire.

KAY F.F. (1939) A soil survey of the Strawberry District of South Hampshire. Bull. Fac. Agric. Hort. Univ. Reading.

MAFF (1988). Agricultural Land Classification of England and Wales. Revised guidelines and criteria for grading the quality of agricultural land.

MAFF (1993). 1:625,000 scale provisional land classification map

METEOROLOGICAL OFFICE (1989). Climatological data for Agricultural Land Classification.

## APPENDIX 1 - Site data

No	Depth (cm)	Colour matrix	Mottles	Stones (%)	Texture	Grade AP-MD		WC	Limit	ALC
						Wht	Pot			
1	0-12 12-43 43-72 STOP	10YR 3/3 10YR 4/3 10YR 4/4		15 15 20	MSZL MSZL MSZL		-11	I	DR	3a
2	0-12 12-46 STOP	10YR 3/3 10YR 4/4		15 15	MSZL MSZL GRAV		-33	I	DR	3a
3	0-12 12-40 40-70	10YR 3/2 10YR 3/3 10YR 4/3		10 15 20	MSZL MSZL MSZL		-10	I	DR	3a
4	0-10 10-38 38-70	10YR 3/3 10YR 4/3 10YR 4/4 STOP - DRY	SM SM	5 10	MCL MCL HZCL/ C			III	WT	3a
5	0-12 12-23 23-60 STOP	10YR 3/2 10YR 4/3 10YR 5/3		10 10 20	MSZL MSZL MSZL		-23	I	DR	3a2
6	0-12 12-45 45-65 STOP	10YR 4/3 10YR 4/4 10YR 4/5		10 15 20	MSZL MSZL MSZL		-13	I	DR	3a
7	0-10 10-43 43-50 STOP	10YR 4/3 10YR 4/4 10YR 5/4		15 20 20	MSZL MSZL MSZL GRAV		-35	I	DR	3b
8	0-12 12-25 25-60 STOP	10YR 4/3 10YR 4/4 10YR 5/4		15 15 15	MSZL MSZL MSZL GRAV		-22	I	DR	3b
9	0-8 8-35 35-70 STOP	10YR 3/3 10YR 4/3 10YR 5/6		10 15 15	MSZL MSZL MSZL GRAV		-10	I	DR	3a
10	0-12 12-36 36-65 STOP	10YR 3/3 10YR 4/3 10YR 4/4		10 15 15	MSZL MSZL MSZL		-18	I	DR	3a
10a	0-10 10-38 38-70	10YR 3/3 10YR 4/3 10YR 4/4 STOP - DRY	SM SM	5 10	MSZL MSZL HZCL/ C			IV	WT	3b
10b	0-10 10-43 43-65 65-120	10YR 4/2 10YR 5/2 10YR 5/6 10YR 5/8	PM PM PM PM	2	MCL MCL C C			IV	WT	3b
11	0-8 8-20 20-60 60-120	10YR 3/2 10YR 5/2 10YR 5/6 10YR 5/4	PM PM PM PM	4 4	MCL MCL C C			IV	WT	3b



11a	0-10 10-45 STOP	10YR 3/3 10YR 4/4		10 15 GRAV	MSZL MSZL			I	DR	3b
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Soils were very dry when surveyed and stone quantities were very difficult to measure in the crumbly materials.

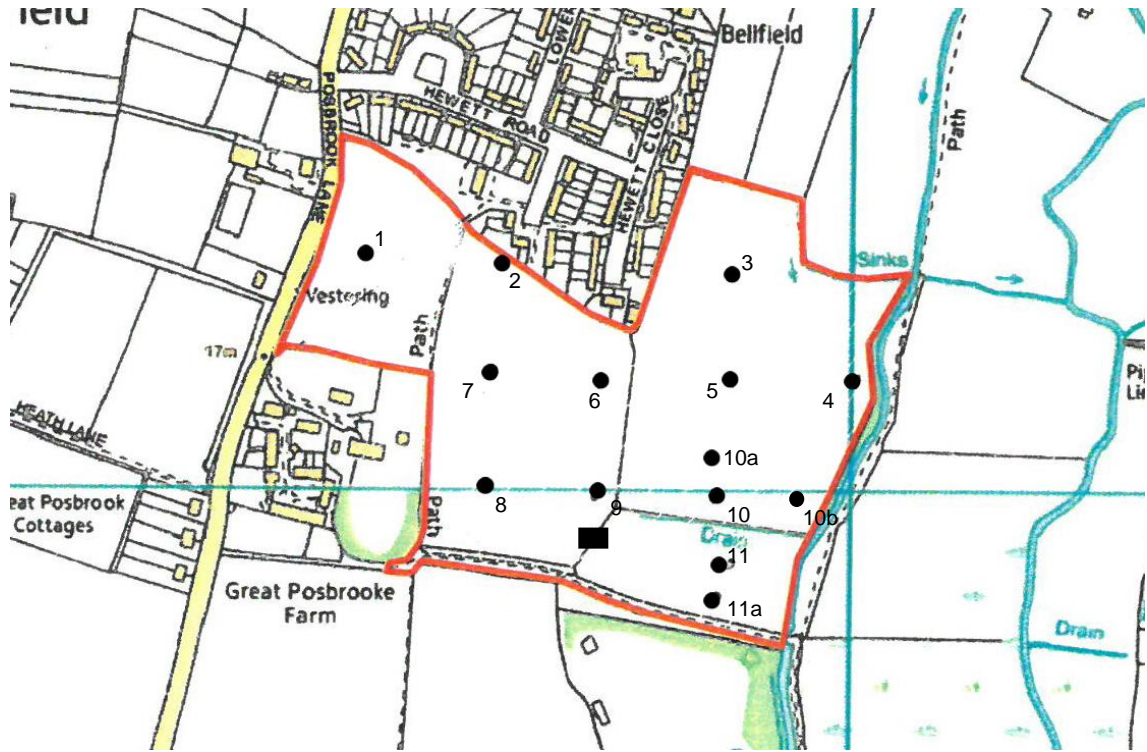
**KEY**

<b>Texture</b>	<b>Limitation</b>
ZL –	silt loam
MSZL –	medium sandy silt loam
HZCL –	heavy silty clay loam
C -	clay

## PROFILE DESCRIPTION

### Profile 1

0-8cms	Dark brown (10YR 3/2) medium sandy silt loam; weak fine subangular blocky structure, breaking into fine fragments in dry materials, some well-developed peds within root matt; moderately stony with 10-15 per cent flints ranging in size up to 5cms diam; low packing density, very porous; dry, difficult to determine pores; many grass roots especially in surface layer; smooth boundary
8-43cm	Brown to dark brown (10YR 4/3) medium sandy silt loam; very stony with 15-20 per cent stones as above; structure impossible to determine, breaks when dug; low to medium packing density, very porous; smooth boundary
33-54cms	Dark yellowish brown (10YR 4/4) medium sandy silt loam with 15-20 per cent flints; structureless; sharp boundary
54cms+	flinty gravel.




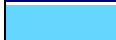







**KEY**

- Auger sample location
- Topsoil sample

<b>PLAN</b>	<b>KCC2311/01</b>		
<b>TITLE</b>	<b>Auger Points Plan</b>		
<b>SITE</b>	Posbrook Lane, Titchfield		
<b>CLIENT</b>			
<b>NUMBER</b>	<b>KCC2311/01 09/18tk</b>		
<b>DATE</b>	September 2018	<b>SCALE</b>	NTS

**KERNON COUNTRYSIDE CONSULTANTS LTD**  
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KEY		Ha	%	PLAN	KCC2311/02		
	Grade 1			TITLE	Agricultural Land Classification Plan		
	Grade 2			SITE	Posbrook Lane, Titchfield		
	Grade 3a	7.9	64	CLIENT			
	Grade 3b	4.5	36	NUMBER	KCC2311/02 09/18tk		
	Grade 4			DATE	September 2018	SCALE	NTS
	Grade 5			<p><b>KERNON COUNTRYSIDE CONSULTANTS LTD</b>  <b>GREENACRES BARN, PURTON STOKE, SWINDON,</b>  <b>WILTSHIRE, SN5 4LL</b>            Tel 01793 771 333 Email: info@kernon.co.uk            This plan is reproduced from the Ordnance Survey            under copyright license 100015226</p>			
	Non-agricultural						
	Urban						
	Not surveyed						

**APPENDIX KCC3**  
**Review of Appeal Decisions**

Local Planning Authority	Appeal Ref	Decision Date	Grades	Ha	Inspector	Paragraph reference	Secretary of State	Decision
North Devon	APP/X1118/W/16/3154193	06/01/2017	2	2	Not significant re para 112 given ALC of area	41 - 43		Allowed
Cheshire East	APP/R0660/A/14/2216767	14/01/2015	2 and 3a	2	Does not weigh heavily against	32 - 33		Allowed
N W Leicestershire	APP/G2435/W/16/3153781	07/07/2017	3a	3	Less than 20ha is low amount of land	41		Dismissed
Flyde	APP/M2325/W/17/3166394	18/08/2017	2	3	Significant Grade 2 locally. Limited weight against	59		Allowed
Uttlesford	APP/C1570/W/16/3156864	11/07/2017	2 and 3a	3	Significant development and greater weight	18 - 24		Dismissed
South Cambridgeshire	APP/W0530/W/16/3144909	07/06/2016	2	3	No evidence of availability of lesser quality. Moderate weight against	27 - 29		Dismissed
Bedford Borough	APP/K0235/W/19/3234032	09/01/2020	3a	5	Not significant. Very modest weight attached.	56 - 59		Dismissed
Cheshire East	APP/R0660/W/15/3132073	18/08/2016	2 and 3a	5	Not significant development, BMV locally, localised harm	53 - 55		Allowed
Forest of Dean	APP/P1615/A/14/2228822	08/05/2017	2 and 3a	5	Relatively small area, limited weight	72 - 73		Allowed
Vale of White Horse	APP/V2130/W/15/3141276	20/05/2016	2 and 3	5	Not significant in context of 20ha consultation threshold and para 112	22 - 26		Allowed
Vale of White Horse	APP/V3120/W/15/3129361	19/02/2016	1, 2 and 3a	5	Not significant in terms of para 112, but still slight harm	5 - 8		Allowed
Cheshire East	APP/R0660/W/17/3173355	07/07/2017	3a	5	Would not be significant in terms of the Framework, matter for the planning balance	34 - 35		Dismissed
Fareham	APP/A1720/W/16/3156344	14/08/2017	1 and 2	6	Not significant where sequential approach engaged. Limited harm	28 - 30		Allowed
Suffolk Coastal	APP/J3530/W/15/3011466	25/04/2016	3a	7	A factor to be weighed in the balance	59		Allowed
Boston	APP/Z2505/W/17/3170198	25/10/17	1	10	Limited by difficulties of delivering housing in area of high quality land	51		Allowed
Flyde	APP/M2325/W/16/3144925	23/01/2017	3a	11	Large amount of grade 2 and 3 in area, minor weight against	15		Allowed
Forest of Dean	APP/P1615/W/15/3005408	11/04/2018	2 and 3a	11	Weight depends upon level of need. In this case limited weight	14.15, 14.56	Agrees limited weight	Allowed


Local Planning Authority	Appeal Ref	Decision Date	Grades	Ha	Inspector	Paragraph reference	Secretary of State	Decision
Teignbridge	APP/P1133/A/12/2188938	10/09/2013	1 and 2	11	Loss would be small in terms of overall proportions.	12.58 – 12.60	Harm lessened as small in terms of proportions	Allowed
Forest of Dean	APP/P1615/W/15/3005408	21/12/2016	2 and 3a	11	Use of BMV been necessary elsewhere. Extent of weight dependent on level of housing need. Recommended appeal allowed.	14.15	Housing on this site not demonstrated, accordingly moderate weight against	Dismissed contrary to Inspector recommendation
Uttlesford	APP/C1570/A/14/2221494	02/06/2015	2 and 3a	12	Loss modest in context of land quality in area. Limited weight against	49 - 51		Dismissed
East Hertfordshire	APP/J1915/A/14/2220854	03/03/2016	2	14	Loss of 14ha Grade 2 noted, no weight attributed	76	Moderate weight against	Allowed
Forest Heath	APP/H3510/V/14/2222871	28/07/2015	Not stated	20	Adverse factor that weighs against	468	Adverse effect that carries moderate weight against	Refused by SoS contrary to Inspector
Warwick	APP/T3725/A/14/2229398	14/01/2016	2	22	No evidence housing need can be met avoiding BMV	425	Moderate weight against	Allowed
East Staffordshire	APP/B3410/W/15/3134848	18/11/2016	2 and 3a	23	Significant development and BMV reasonably scare locally, some weight to harm	11.1 – 11.10	Moderate weight against	Dismissed
Eastleigh	APP/W1715/A/14/2228566	09/11/2016	2 and 3a	23	Not substantial weight against	115	Moderate weight against	Dismissed
Suffolk Coastal	APP/J3530/W/15/3138710	31/08/2017	1 and 2	31	No specific consideration given		Moderate weight against (para 28)	Allowed
Uttlesford	APP/C1570/A/14/2213025	25/08/2016	2 and 3a	40	Much of the area around is BMV and it would be difficult not to use if using greenfield land	15.47	SoS affords the loss limited weight against given much of land in area is BMV	Dismissed in line with recommendation
Tewkesbury	APP/G1630/V/14/2229497	04/12/2015	2 and 3a	42	Inevitable where large scale urban extensions required. Moderate degree of harm	15.41	Moderate weight against	Allowed
Aylesbury Vale	APP/J0405/A/14/2219574	09/08/2016	2 and 3a	55	Grade 2 relatively sparse locally. Moderate weight against	7.74 – 7.80	Moderate weight against	Dismissed

**Appendix KCC4**  
**Provisional ALC Statistics**



## Agricultural Land Classification (ALC) Statistics

These ALC statistics derive from the digital 1:250,000 scale Provisional ALC map, originally published as a regional series of paper maps in 1977, and Ordnance Survey Boundary Line 2003. It should be noted that the Provisional ALC map was designed to provide general strategic guidance on land quality and not for identifying the agricultural quality of individual parcels of land. It is based on reconnaissance surveys, rather than detailed field surveys, and has a minimum mapping unit of approximately 80 hectares. The maps were created prior to the sub-division of Grade 3 into Sub-grades 3a and 3b. Consequently, there may be limitations to the statistics which reflect the limitations of the maps from which they are derived.

Further details about ALC can be found in the [Leaflet explaining Agricultural Land Classification](#)  (193 KB). The maps themselves can be viewed on the website [www.magic.gov.uk](http://www.magic.gov.uk) or purchased from Defra Publications (tel: 08459 556000 or [www.defra.gov.uk/corporate/publications/pubcat/map.htm](http://www.defra.gov.uk/corporate/publications/pubcat/map.htm)).

The statistics can be viewed at National, Government Office, County, Unitary Authority or District level using the links below. They are presented in hectares as well as a percentage of total land area.

### *England*

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	354,562	2.7
Grade 2	1,848,874	14.2
Grade 3	6,290,210	48.2
Grade 4	1,839,581	14.1
Grade 5	1,100,305	8.4
Non Agricultural	655,856	5.0
Urban	951,424	7.3

East Midlands Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
Eastern Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
London Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
North East Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
North West Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
South East Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
South West Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
West Midlands Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>
Yorkshire and The Humber Government Office	<a href="#">Contents</a>	<a href="#">Statistics</a>

Grade 1	0	0.0
Grade 2	2,092	4.1
Grade 3	30,963	60.2
Grade 4	8,835	17.2
Grade 5	670	1.3
Non Agricultural	7,875	15.3
Urban	1,009	2.0

***Eastbourne District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	0	0.0
Grade 2	0	0.0
Grade 3	1,475	34.1
Grade 4	467	10.8
Grade 5	109	2.5
Non Agricultural	427	9.9
Urban	1,846	42.7

***Eastleigh District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	471	5.9
Grade 2	555	6.9
Grade 3	1,868	23.3
Grade 4	2,914	36.4
Grade 5	48	0.6
Non Agricultural	631	7.9
Urban	1,520	19.0

***Elmbridge District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	75	0.8
Grade 2	346	3.6
Grade 3	1,432	14.9
Grade 4	427	4.4
Grade 5	0	0.0
Non Agricultural	2,746	28.5
Urban	4,607	47.8

***Epsom and Ewell District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	0	0.0
Grade 2	0	0.0
Grade 3	438	12.9
Grade 4	0	0.0
Grade 5	0	0.0
Non Agricultural	859	25.2
Urban	2,111	61.9

***Fareham District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	104	1.4
Grade 2	2,419	32.6

Grade 3	1,119	15.1
Grade 4	995	13.4
Grade 5	0	0.0
Non Agricultural	381	5.1
Urban	2,406	32.4

***Gosport District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	0	0.0
Grade 2	163	6.5
Grade 3	0	0.0
Grade 4	0	0.0
Grade 5	0	0.0
Non Agricultural	692	27.8
Urban	1,636	65.7

***Gravesham District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	1,430	14.4
Grade 2	2,009	20.3
Grade 3	2,572	25.9
Grade 4	992	10.0
Grade 5	0	0.0
Non Agricultural	1,115	11.2
Urban	1,799	18.1

***Guildford District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	0	0.0
Grade 2	411	1.5
Grade 3	10,971	40.5
Grade 4	5,323	19.6
Grade 5	0	0.0
Non Agricultural	7,493	27.7
Urban	2,895	10.7

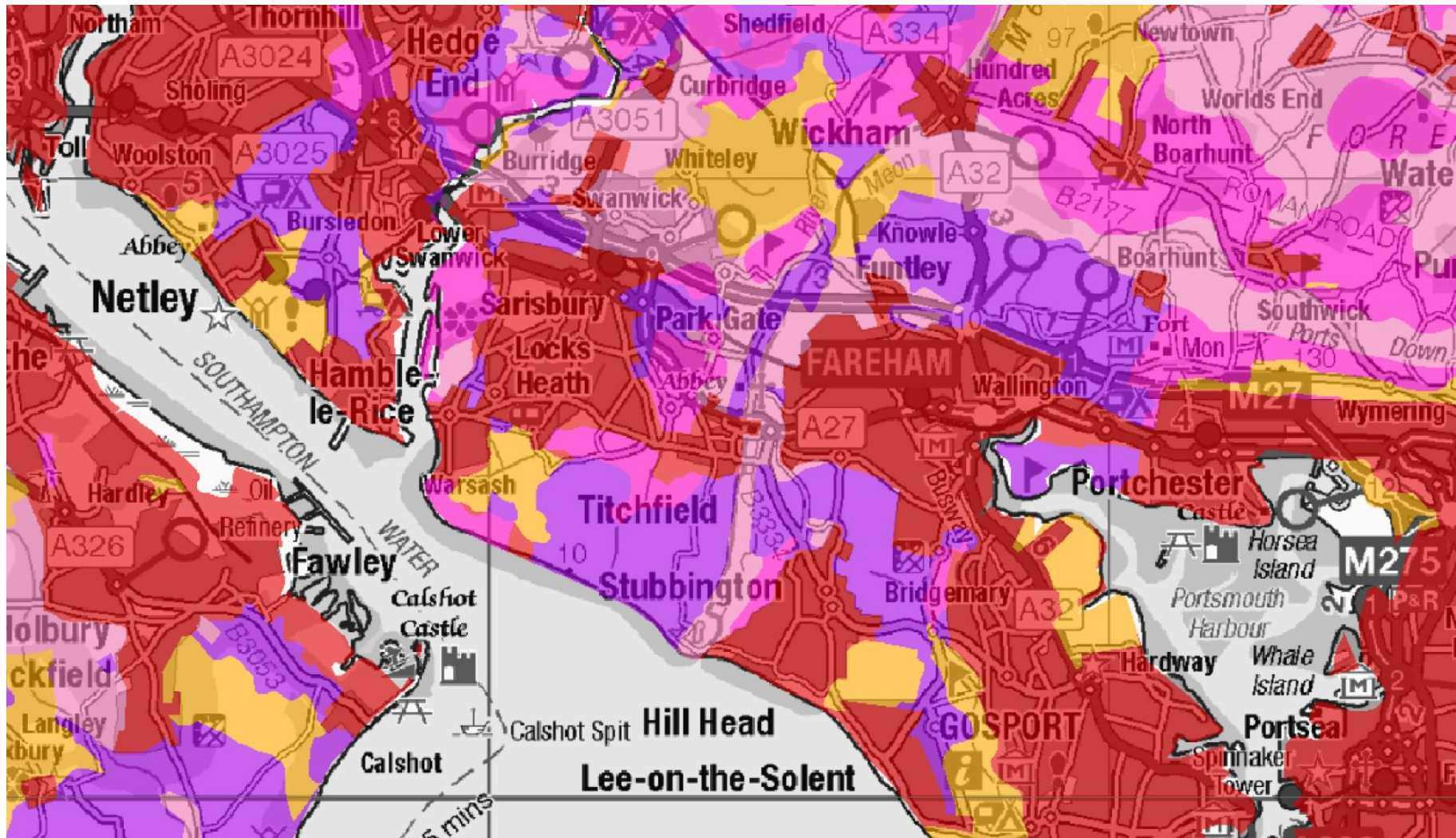
***Hart District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	0	0.0
Grade 2	581	2.7
Grade 3	9,667	44.9
Grade 4	4,641	21.6
Grade 5	0	0.0
Non Agricultural	5,188	24.1
Urban	1,450	6.7

***Hastings District***

<b>Grade</b>	<b>Hectares</b>	<b>%</b>
Grade 1	0	0.0
Grade 2	0	0.0
Grade 3	163	5.6
Grade 4	634	21.9

**APPENDIX KCC5**  
**Extract from the Predictive BMV Map**



**Predictive BMV Land Assesment © Defra**

- High likelihood of BMV land (>60% area bmv)
- Moderate likelihood of BMV land (20 - 60% area bmv)
- Low likelihood of BMV land (<= 20% area bmv)
- Non-agricultural use
- Urban / Industrial



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