
Summary Planning Proof of Evidence

Of Miss Sarah Jean Beuden MRTPI
on behalf of Persimmon Homes South Coast

Town and Country Planning Act 1990

Appeal by Persimmon Homes South Coast

Site at Land East of Crofton Cemetery and West of Peak Lane,
Stubbington, Fareham, Hampshire, PO14 2TF

PINS Reference: APP/A1720/W/21/3275237

LPA Reference: P/20/0522/FP

September 2021

1. Introduction

- 1.1. The Appeal Scheme proposes a full planning application for 206 dwellings adjacent to the existing settlement of Stubbington, with comprehensive landscaping proposals that include significant levels of open space as well as an ecological enhancement area as well as associated access and parking.
- 1.2. 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.
- 1.3. Both parties agree that there is no 5 year housing land supply and by virtue of the operation of and compliance with DSP40, which is applied in this circumstance as an exception policy to the restrictive policies that apply to the spatial distribution and location of housing, the Appeal Scheme is in accordance with the development plan when considered as a whole. As such, paragraph 11(c) of the NPPF applies and planning permission should be granted for the Appeal Scheme pursuant to s.38(6).
- 1.4. The established and agreed lack of a 5 year housing land supply triggers the presumption in favour of sustainable development at paragraph 11(d) and footnote 8 of the NPPF. Whilst the Council seek to address unmet housing needs through their emerging Local Plan, including the allocation of the Appeal site within its most recent Publication Draft for an indicative yield of 180 dwellings, it has been established through appeal decisions that the adopted Local Plan spatial strategy and policies that restrict the spatial distribution and location of housing is out of step with the Borough's housing needs so that the most important policies, notably LP1 CS2, CS6, CS14 and LP2 Policy DSP6 carry limited weight. In so far as there was considered any breach of any part DSP40, as one of the most important policies, this policy and all part of it would afford reduced weight with reference to paragraph 11(d).
- 1.5. Both parties are agreed that this is a sustainable location for housing development in terms of access to local services and facilities within walking distance, as confirmed by the draft allocation of the site for such in the emerging Local Plan.
- 1.6. The landscaping strategy, which was agreed with the LPA in advance of the submission of full application for the Appeal Scheme to the LPA, along with the design and layout will ensure that the site is well enclosed but integrates with the existing settlement whilst minimising any impacts on the Countryside.
- 1.7. It is agreed that the Appeal Scheme will not undermine the integrity of the Strategic Gap and a Heritage Assessment has concluded no adverse impact on heritage assets, which accords with the LPA's assessment in this regard.
- 1.8. On the basis of the foregoing, the scheme is in accordance with policy DSP40 and therefore in accordance with the development plan as a whole and a presumption in favour of sustainable development is afforded to the scheme in accordance with paragraph 11(c). In so far as there is considered to be any breach of DSP40, this should be afforded reduced weight in light of the lack of a 5 year housing land supply position, which is agreed to be significant and has persisted for a number of years in spite of this policy.
- 1.9. In so far that the Inspector may consider that there is some degree of harm, and paragraph 11(d) (ii) applies, it is my opinion that the collective adverse impact would not outweigh the significant and demonstrable benefits of the Appeal Scheme.
- 1.10. The Appeal Scheme will deliver 206 dwellings, including a mix of dwelling sizes and tenures, including 40% affordable housing, which will make a valuable contribution towards meeting the shortfall in housing delivery and affordable housing.

- 1.11. There are no constraints to the proposed development of the Appeal Site by virtue of the Conservation of Habitats and Species Regulations 2017 and enhancement of Brent geese and waders will be provided through the creation of a significant ecological enhancement area. The scheme will also deliver a significant level of biodiversity net gain that is well in excess of the 10% anticipated by the Environment Bill.
- 1.12. In the planning balance it is considered that the material considerations in favour of the scheme far outweigh any alleged harm and the Appeal Scheme meets economic, social and environmental objectives of the NPPF and therefore, for the reasons set out above, the Appellant respectfully requests that the appeal should be allowed.

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