

LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE, STUBBINGTON

OPENING STATEMENT ON BEHALF OF
FAREHAM BOROUGH COUNCIL

1. National and local policy speaks with one voice when it comes to matters of design. High quality design is not a “nice to have”. It is a critical aspect of sustainable development.
2. The NPPF tells us that the *“creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”*¹ and requires that *“[d]evelopment that is not well designed should be refused...”*² Likewise policies in both the existing³ and emerging⁴ local plans require that all development proposals, buildings and spaces be of a “high quality of design”.
3. It is well established that the design quality of a development is far more than simply the appearance, materials and detailing of the proposed buildings. The concept of design encompasses a broader range of considerations such as: **layout** - including the siting and arrangement of buildings, the spaces between them, the views and vistas they create, and the pedestrian and vehicular routes proposed; **the form and scale of the buildings** - not only their height, width and length, but their relationship to one another and of their surroundings; and **landscaping** - including whether planting is appropriate and effective.⁵
4. A central question in this appeal is whether the proposal achieves the high quality of design required. This is a demanding threshold. And intentionally so. As national policy underscores, gone are the days in which mediocre design was to be accepted.

¹ NPPF, para 127

² NPPF, para 134

³ Fareham Borough Core Strategy, policy CS 17 (High Quality Design)

⁴ Emerging Local Plan 2037, Policy D1 (High Quality Design and Placemaking)

⁵ See for instance, NPPF, para 130; National Design Code, pp5-7; and Emerging Plan D1, supporting text

5. Ensuring that this threshold is achieved is particularly important in this case given the context of the appeal site. As the DAS recognised the site has a “sensitive edge of settlement location”⁶. This is particularly so given the comparatively rural character of the appeal site, and of Oakcroft Lane; the fact that only limited views of the existing built edge of the settlement are achievable from the north and north-west of the site (i.e. its rural edges), as a result of the wooded edges of Stubbington; and the presence of Crofton Cemetery immediately to the west of the site, a well-used area for contemplation and quiet recreation.
6. The Council consider that the high threshold for design established in national and local policy is not met by the proposal. Despite being an improvement on the earlier 261-unit scheme, the design of the current proposal is compromised in a number of critical respects.
7. Whilst this will be explored in greater detail in evidence, the key issues can be categorised as follows:
 - 7.1. **Inappropriate design response at the boundaries of the Appeal Site** - the inappropriate siting of built form – including in relation to the boundary edges, most significantly the more rural and sensitive northern and western boundaries; the (consequential) inadequacy of a green/landscape buffers in these locations; the inclusion of 2.5 storey houses on some of these boundaries; and the likely ineffectiveness of planting, specifically on the north and north-west boundaries, results in a design which fails to respect and respond positively to the key characteristics of the area;
 - 7.2. **The inadequacies of the green infrastructure** - even taking account of the two, relatively small, areas public open space proposed within the area of built development, and the scattered trees and grassed verges to be located on some of the routes, it is clear the proposed design does not meet the objective of establishing a “green corridor” through the site (still less providing a “green lung” as is now claimed). This developed area will be dominated not by green landscape, but by roads, parking spaces and housing. In this respect too, therefore, the design has failed to respect and respond positively to the countryside, edge of settlement location. This is exacerbated by the missed

⁶ DAS [CD1.5], p12

opportunities to provide greater interconnectivity, and to enhance the amenity space within the southern part of the appeal site

- 7.3. **Inappropriate Layout** – the rectilinear design of the housing blocks neither reflects the existing character of the settlement, nor has a character which is well suited to the countryside edge. Whilst there are locations where the rectilinear form is not adopted, here too unfortunately the design response is inappropriate: in particular, in the north-west corner the curved built form would present an almost entirely solid built edge, on one of the site’s most sensitive, rural frontages. In addition, the layout results in an external road circulating on the exterior of the built area, which compromises both the landscape buffer and the informal walking routes.
8. It is these multiple inadequacies in the design which support reasons for refusal (ii) and (iii).
9. Furthermore, whilst it is perhaps inevitable that the residential development of the appeal site will give rise to some adverse impacts, the inadequacies in the proposed design mean that the landscape and visual harm has not been minimised. The Appellant has consistently underassessed the degree of harm landscape and visual harm that the proposal would cause. It is this which underscores reason for refusal (ii).
10. As a result, the proposal is in breach not only of development plan policies which concern the appropriate location for residential development in principle (Policies CS14, and DSP6), but also those that require high quality design, that is properly integrated with neighbouring settlements and which minimises adverse effects on the countryside (Policy CS17, DSP40(ii) and (iii)). It follows that the proposal conflicts with the development plan as a whole. There is, therefore, a statutory presumption against the grant of permission.⁷
11. It is also contrary to the objectives of the national policy, which identifies the creation of high quality, beautiful places as a pre-requisite to sustainable development (NPPF, para 126, 130, 134); and which recognises the intrinsic character and beauty of the countryside (NPPF, para174(b)).

⁷ Established by s.70(2) TCPA 1990, and s.38(6) PCPA 2004; see *Gladman Developments v SSHLG* [2021] EWCA Civ 104

12. It is true, of course, that the proposal would bring with it tangible benefits, most significantly the provision of market and affordable housing in an area which does not currently have a 5-year supply, as well as a significant biodiversity net gain. These are material considerations which weigh in favour of the development.
13. However, the housing land supply position – which is agreed to be between 3.17 – 3.57 years – cannot not justify either poor design or unnecessary landscape and visual harm.
14. This would be true in any circumstance, but it is particularly true in the current context: where the Council accepts that the site is in principle suitable for housing⁸; where the site is allocated in the emerging plan (Policy H54, with an indicative yield of 180); and where there is an extant outline application for the residential development of the site for 180 dwellings before the Council.
15. This means that virtually all the benefits of this scheme are capable of being provided – and provided in the not-too-distant future – but by a proposal which is well designed; which does properly reflect and respond to its sensitive edge of settlement location; and which minimises adverse impacts.
16. It is in that context that the Council contends that the benefits of this proposal are significantly and demonstrably outweighed by the harms identified above and which will be more fully explored in the evidence. And as such, material considerations do not outweigh the breach of the development plan.
17. Accordingly, the Council will invite the Inspector to refuse planning permission and dismissed the appeal. Doing so would require the Appellant to return to the drawing board, and to produce an alternative design for the residential development of this site which meets the objectives of national and local policy.

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⁸ Main SoCG, para 5.1