

**TOWN AND COUNTRY  
PLANNING ACT 1990 – Section 78**

**PLANNING AND COMPULSORY PURCHASE  
ACT 2004**

**APPEAL BY;**

**Gladman Developments Ltd**

**Land at Halterworth Lane, Romsey**

**Residential development for up to 270 dwellings, including affordable housing, with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage system (SuDS) and vehicular access points. All matters reserved except for means of access.**

**PROOF OF EVIDENCE OF  
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## **1. QUALIFICATIONS, EXPERIENCE AND EXPERT WITNESS DECLARATION**

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- 1.1 My name is Jason Mark Tait. I hold a BA Hons Degree and Post Graduate Diploma in Town Planning and I am a member of the Royal Town Planning Institute (MRTPI) and a Director of planning and development consultants, Planning Prospects Ltd.
- 1.2 I have over 33 years' experience in planning and development matters having worked previously for a number of private sector planning and property practices including Planning Consultants Chapman Warren, property advisors DTZ and until 2006 was a Director and Head of Planning in the Midlands for CBRE.
- 1.3 For nearly 20 years, Planning Prospects have been providing planning and development advice to a wide range of clients from Local Planning Authorities to private property companies, developers, homebuilders, individual land owners and trusts.
- 1.4 I am the founding Director of the Company, and our team of planners based in the Midlands advises numerous clients throughout the country. We are currently advising on a number of development projects including mixed use, residential, employment, retail and leisure developments. We also act for and provide specialist advice to Local Planning Authorities.
- 1.5 I am regularly involved in the negotiation of implementable planning permissions including for developments of a range of types and sizes. I have given evidence previously at numerous Public Inquiries, Planning Hearings and Examinations.
- 1.6 I provide planning evidence in the matter of this appeal. The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution, the Royal Town Planning Institute, and I confirm that the opinions expressed are my true and professional opinions.

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## 2. INTRODUCTION, BACKGROUND AND OVERVIEW

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- 2.1 This appeal is by Gladman Developments Ltd against the decision of Test Valley Borough Council (TVBC) to refuse planning permission for a residential development (up to 270 dwellings), including affordable housing, with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage system (SuDS) and vehicular access points on land at Halterworth Lane, Romsey. Gladman are seeking to secure planning permission with the support of the landowners and have a strong track record in the delivery of land for housing across the country. It is the intention of Gladman, following the grant of outline planning permission, to market the Site and sell it to a house builder who would submit the required reserved matters. They have already had significant interest in the site from housebuilders even at this planning stage.
- 2.2 My evidence here deals with general planning matters, the approach to the determination of the appeal, the application of planning policy and the overall planning balancing exercise. It can be read alongside the Statement of Common Ground now agreed with the Council as the approach and conclusions reached (albeit with slight differences in the planning balancing exercise) are consistent now with the views of the Council in this appeal.
- 2.3 Reference is made to other supporting material submitted with the application as well as the appellant's submitted Statement of Case. Whilst this appeal was made against the decision of the Council to refuse planning permission and fourteen reasons to refuse planning permission were advised by the Council in their Decision Notice issued on 23<sup>rd</sup> April 2024, my evidence explains how these reasons for refusal have now been resolved.

### **The Appeal Site and its Location**

- 2.4 A full description of the appeal site and its surrounding context is set out within the information submitted in support of the planning application, including in particular the submitted Design and Access Statement (CD 1.6). An agreed description of the site and its surroundings has also been provided in the Statement of Common Ground progressed between the Appellant and the Council.
- 2.5 The site extends to approximately 12.80 ha of land and is located east of Halterworth Lane in Romsey, Hampshire. The site comprises two agricultural fields with typical boundary hedgerow planting and trees. A Public Right of Way runs through the site from Halterworth Lane to the east connecting to Highwood Lane. The site adjoins this residential suburb of Romsey, with existing housing located to the west and south of the site. To the north and east of the site, the site is bound by agricultural land. Abbey Park Industrial Estate is a large employment area on this side of the town, with other main employment opportunities in other industrial areas near the main station and north west of the Town.
- 2.6 Romsey is a major centre in the Local Plan settlement hierarchy. It is common ground that the site has good pedestrian links to the centre of Romsey providing a wide range of services and facilities, and

employment opportunities, accessible by foot, bicycle, and public transport. In addition, public transport links enable sustainable travel options to Southampton, Portsmouth and Salisbury from Romsey train station. It is agreed between the parties, as a matter of principle, that the appeal site is locationally sustainable.

### **Proposed Development**

- 2.7 Outline planning permission is sought for a residential development of up to 270 homes with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage system (SuDS) and vehicular access points onto Halterworth Lane.
- 2.8 The outline planning approach here is conventional. It seeks to secure an outline planning permission where the development parameters are shown on plans and within supporting material so that the nature and extent of the proposed development can still be readily understood.
- 2.9 The appeal proposals are in outline with all matters reserved for subsequent approval other than the two new means of vehicular access to the site direct from Halterworth Lane. Matters such as appearance, layout, scale of building as well as the landscaping of the site and internal site access roads are to be the subject of subsequent reserved matters approvals, or conditions.
- 2.10 The appeal plans comprise a Site Location Plan (09840-FPCR-ZZ-ZZ-DR-L- 0004 PO2) (CD 1.2) and Site Access Plans (P21004-001 Rev E and P21004-002 Rev D) (CD 8.1 and CD 8.2). In addition, although not for formal approval, submitted with the application was a Development Framework Plan (FPCR-ZZ-ZZ-DR-L-0002 P10) (CD 6.2) and Land Use and Access Parameter Plan (09840-FPCR-ZZ-ZZ-DR-L-0003 P03) (CD 1.4). Both show how the site could be developed, indicate the nature and quality of a scheme which can be achieved and the Development Framework Plan particularly was intended as a guide to future Reserved Matters applications.
- 2.11 A detailed assessment of the site and justification for the proposed development in design terms was set out within the Design and Access Statement (CD 1.6) drawing upon other supporting information accompanying the application.
- 2.12 Principal elements of the proposed development can be noted however as follows;
- The development of up to 270 homes,
  - 40% of the proposed new homes to be affordable homes, which would equate to 108 affordable homes based on 270 homes being developed in total,
  - 4.45ha of formal and informal open space including structural landscaping, tree and hedgerow planting, wildlife pond, and the retention and positive management of key landscape features,
  - Vehicular access points onto Halterworth Lane,

- Demolition of the existing buildings in the northern parcel of the site,
- Surface upgrades to Public Right of Way– Footpath 198/15/1,
- 2 Locally Equipped Areas of Play (LEAP),
- A Sustainable Drainage System (SuDS) to ensure the proper management of surface water,
- An area for the potential future expansion of Halterworth Primary School,
- Park and Stride for school drop off /pick up parking,
- Upgrades to closest pair of bus stops on Halterworth Lane to include raised boarding areas, shelter, as well as off site pedestrian/cycle improvements.

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### 3. PLANNING POLICY CONTEXT

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3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. Government policy, principally the National Planning Policy Framework published in December 2024 is a material consideration when determining planning applications/appeals.

#### **Development Plan**

3.2 The Development Plan in the case of this appeal, of principal relevance, is the Test Valley Revised Local Plan 2011-2029 (adopted January 2016). The Hampshire Minerals and Waste Plan (adopted October 2013) also forms part of the Development Plan.

3.3 The most important policies from the Test Valley Revised Local Plan concerning the principle of the proposed development are:

- Policy COM1: Housing Provision 2011– 2029
- Policy COM2: Settlement Hierarchy
- Policy E3: Local Gaps

3.4 The Local Plan also includes Policy SD1. This Policies sets out the presumption in favour of sustainable development. Policy SD1 of the Plan also sets out the application of a tilted planning balancing exercise in similar circumstances to the Framework where relevant policies to the proposals are out of date.

3.5 Other policies from the Development Plan of relevance to detailed matters associated with the proposed development are set out in the Statement of Common Ground (CD 9.5). The appeal proposals are compliant with all relevant development plan policies (see particularly reference to wider policies in the review of the previous reasons for refusal) that can be considered up-to-date for the purposes of decision-making.

#### **Emerging Local Plan - Test Valley Draft Local Plan 2040**

3.6 The Council are working on a new Local Plan to cover the period up to 2040. This emerging plan is still at an early stage with the Issues and Options Consultation taking place in 2018, the Refined Issues and Options in 2020 and the Stage 1 Regulation 18 in 2022.

3.7 With the publication of the new NPPF in December 2024 and new updated method of calculating Local Housing Need, the emerging Plan is still some considerable way from adoption with the Council's updated Local Development Scheme (February 2025) (CD7.5) stating a further Revised Regulation 18 Plan in September 2025, Regulation 19 Plan in June 2026, Submission of the Plan in September 2026 and following Examination, adoption in December 2027. It is common ground that the emerging plan is not at a stage where it can be given any weight in the determination of this appeal.

### **National Planning Policy Framework (December 2024)**

- 3.8 The NPPF was comprehensively updated as recently as December 2024<sup>1</sup> and its provisions are material to planning decisions from the date of publication (NPPF paragraphs 2 and 231).
- 3.9 At the heart of the NPPF is the “presumption in favour of sustainable development”. Paragraph 8 sets out that to achieve sustainable development, there are three overarching objectives which need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 3.10 In broad terms, the development accords with the economic objective of sustainable development in that it will contribute to a strong, responsive, and competitive economy providing significant jobs during the construction phase of the development. Further, the economic health and prosperity of the area and its community will also benefit because of increased expenditure from the residents of the proposed development.
- 3.11 It also accords with the social objective of sustainable development supporting a strong, vibrant, and healthy community, providing a range and choice of housing types and tenures in a high-quality environment, accessible to services and infrastructure. The proposal will provide significant new areas of public open space, including provision of play areas.
- 3.12 The development again accords with the environmental objective of sustainable development, protecting and enhancing the best of the local natural environment, enhancing biodiversity with the prudent use of resources, providing areas of new public open space and is mindful of climate change. The proposals promote sustainable travel in a location which has access to services and facilities. The proposal also provides an opportunity to deliver additional landscaped planting and open space for enjoyment by existing and future residents. In my view, the proposals represent sustainable development.
- 3.13 Paragraph 11 of the NPPF requires that a presumption in favour of sustainable development should be applied by plans and decisions. This includes that proposals in accordance with an up to date development plan should be approved without delay, also that, “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date” planning permission should be granted unless provisions around protective policies or adverse impacts apply. I explain why the Development Plan isn’t up to date here, and why important policy is out of date in the case of this appeal.
- 3.14 Section 6 of the NPPF is concerned with delivering a sufficient supply of homes. Paragraph 61 expresses the Government’s objective of significantly boosting the supply of homes, noting also it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. It confirms that, “The overall aim should be to meet an area’s identified housing need”.

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<sup>1</sup> With further minor changes, not relevant to the current appeal, made in February 2025.

- 3.15 The importance of meeting specific housing needs is underlined, including for affordable housing, with the expectation that it will be provided on-site. The appeal proposals include 40% affordable housing provision, on-site. The appeal proposals will contribute towards housing needs of the Borough meeting the Government's objective to boost significantly the supply of market and affordable homes and in an area where there is a significant shortage of both.
- 3.16 Importance is attached to achieving well-designed places; good design is identified as a key aspect of sustainable development (paragraph 131). Planning policies and decisions should (inter alia) ensure that developments function well, are visually attractive, sympathetic to local character and history, optimise the potential of a site to accommodate an appropriate amount and mix of development (including green and other public space) and create places that are safe, inclusive and accessible and which promote health and well-being (paragraph 135).
- 3.17 The appeal proposals are in outline with all matters reserved save for details of the main site access. The submitted Design and Access Statement (CD 1.6) and Landscape and Visual Appraisal (CD 1.7) however demonstrate how the site will deliver a high quality sustainable residential development that is sympathetic to its setting and the surrounding character.
- 3.18 The proposals have taken into account constraints and opportunities presented by the Site and consideration has been given to achieve a sensitive integration between the proposed development and existing settlement. The Site is readily capable of accommodating the proposed dwellings and access, green infrastructure, open space and play provision and there are no issues which would prevent the development of the Site as anticipated which cannot be resolved through careful consideration of Reserved Matters or addressed by planning condition.
- 3.19 Paragraph 96 of the NPPF promotes healthy, inclusive and safe places including through creating space where people can meet and interact and the provision of safe and accessible Green Infrastructure. The Design and Access Statement submitted with the application reveals that the appeal scheme provides the opportunity for extensive, well-planned and varied Green Infrastructure as an important resource for the new residents, also making this land accessible to the wider community.
- 3.20 Whilst details of the Green Infrastructure scheme will be given consideration through Reserved Matters the outline proposals are able to demonstrate the biodiversity net gain as required by the Development Plan (Policy E5) but also to the greater extent (10%) required by the legislation which came into place after the application was submitted and from which the proposals are exempt. Natural open space, play space, SUDS features and retained and enhanced tree and hedgerow provision are all anticipated and capable of making a contribution in this regard.
- 3.21 Paragraph 187 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and

ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 3.22 As is inevitable for development of this type there will be a loss of a largely greenfield site which has not been previously developed and is currently part of the countryside. This should be given some weight in the context of the Framework's requirement to recognise the countryside's intrinsic character and beauty. However, Mr Holliday's evidence confirms that the appeal scheme will not result in the loss of important landscape features or sensitive or valued landscape. The proposals will retain and enhance features of some arboricultural and landscape value such as trees and hedgerows and are capable of being integrated positively and effectively into this setting. Wider consideration of landscape matters, including in the context of the need to recognise the intrinsic character and beauty of the countryside, are addressed further in Mr Holliday's evidence and weighed in the planning balance later in my evidence.
- 3.23 Section 9 of the NPPF is concerned with the promotion and prioritisation of sustainable transport, effective design and achieving safe and suitable access for all users. It confirms (paragraph 116) that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios." It is agreed between the Appellant and County Highways Authority that there would be no such severe impact arising from the appeal scheme. The development makes positive planning for sustainable pedestrian and cycle connectivity to the site, is accessible to public transport and is generally sustainably located.
- 3.24 Paragraph 56 to 59 of the NPPF address matters around conditions and obligations and footnote 24 refers to the legislative requirement for applicants to provide their written agreement to the imposition of any pre-commencement conditions. The Appellant has worked with the Council to agree and submit a list of suggested conditions. A complete planning obligation will also be submitted to the required deadline to provide for the necessary infrastructure.
- 3.25 It is important to note that the current (December 2024) version of the NPPF is different to the one in force (issued December 2023) when the appeal scheme was determined by the Council. Differences of some relevance here include for example:
- i. The presumption in favour of sustainable development (paragraph 11) is modified such that schemes should be allowed unless framework policies provide a "strong" (rather than "clear") reason for refusal. Reference to the need to consider key policies is also introduced.
  - ii. The policy is now one (paragraph 61) which identifies the overall aim as being, "to meet an area's identified housing need", rather than to meet as much of that need as possible.
  - iii. The determination of the minimum number of homes needed is now (paragraph 62) to be informed by a local housing need assessment conducted using the standard method, rather than

this approach being an advisory starting point which might be deviated from where exceptional circumstances exist.

- iv. The December 2023 version included circumstances where Local Planning Authorities would only be required to show a four year supply of housing rather than five years. That relaxation has now been eliminated. The current version includes additional circumstances where, in effect, a six year requirement will apply (paragraph 78).

3.26 In summary though their effect, collectively, is to signify a material strengthening of Government policy in its support for delivering new housing. National policy is more positively framed in this regard than it was when the application for the appeal scheme was submitted and determined, and notably so.

3.27 This change in direction was an immediate priority for the new Government elected in July 2024 with a mandate for planning reform to deliver significantly more homes, linked to promoting national economic growth. Immediately upon coming to power it proposed changes to the NPPF and commenced a consultation on its proposed revisions leading swiftly to the publication of the December 2024 document.

3.28 The importance of this was signalled as early as 30<sup>th</sup> July 2024 in a Written Material Statement (WMS) titled “Building the Homes We Need” by the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government (Appendix 5 to the Appellant’s 1<sup>st</sup> SoC). The WMS as a preface to policy change is a material consideration in the determination of this appeal. It helps to express what this Government is seeking to achieve.

3.29 Central and fundamental to the WMS was the recognition of, “...the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.” The link to economic growth was also part of the context to the WMS which highlights that, “sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars; stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country – and so nowhere is decisive reform needed more urgently than in housing.”

3.30 A second WMS, also titled “Building the Homes We Need”, was made by the Minister of State for Housing and Planning on 12<sup>th</sup> December 2024 to coincide with the publication of the NPPF. This underlines the importance of meeting the mandatory elevated housing targets sought by national policy, and identifies the funding committed to support housebuilding. It confirms the Government’s commitment, “...not to duck the hard choices that must be confronted in order to tackle the housing crisis – because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people.” Increased emphasis is placed on the effective application of the presumption in favour of sustainable development, and on measure to improve the delivery of affordable housing.

- 3.31 These WMS speak directly to the weight to be given to new housing including affordable homes in the overall planning balance and the benefits to the economy which new housing brings. The message that this Country needs more homes, with everyone, everywhere across the Country to play their part in order to bring about this and associated economic growth, can rarely have been more strongly expressed. This is important to the determination of this appeal.

### **Housing Land Supply**

- 3.32 Alongside the new Framework, the government has published an updated standard method for the calculation of Local Housing Need (LHN) which includes a new calculation for LHN for Test Valley. Within the adopted Test Valley Local Plan the housing requirement (Policy COM1) is set at 10,584 dwellings borough wide between 2011-2029, which equates to 588dpa. The new standard method figure for Test Valley is 934dpa which is a significant increase in housing need. Policy COM1 of the Local Plan is not up to date in being able to plan for this need.
- 3.33 Paragraph 78 of the Framework states that a local planning authority should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, unless, as the case is here, against Local Housing Need as calculated by the standard method where strategic policies are over five years old. It should also include for an appropriate buffer. As the Council's latest Housing Delivery Test result was 144%, a 5% buffer applies. The 5 year requirement is therefore 4,904 dwellings (i.e., 934 x 5 years + 5% buffer). It is agreed with the Council that a 5 year housing land supply cannot be demonstrated in accordance with the Framework. Although the Appellant has not tested the Council supply, the Council suggest a supply of 2.76 years, being a shortfall of 2,193 dwellings. The shortfall is significant.
- 3.34 The absence of a 5 year housing land supply is important. In accordance with the Framework it means that the most important policies for determining the application are now out of date and the planning balance set out within paragraph 11 (d) (ii) of the Framework is engaged for the decision maker in this case. This includes Policy COM2 which shows the site outside the settlement boundary and part of the open countryside. It also should invoke the application of the tilted balance under Policy SD1 of the Plan. I turn to these in the following approach to decision taking.

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## 4. APPROACH TO DECISION TAKING AND PLANNING BALANCE

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- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The most important material consideration here is the NPPF. It sets out a presumption in favour of sustainable development and confirms in paragraph 11 that for decision taking, this means approving development proposals which accord with the Development Plan without delay. It also sets out the operation of a tilted planning balance at paragraph 11, which applies when the policies most important for determining the application/appeal are out of date<sup>2</sup> and is engaged in the matter of this appeal because the Council cannot demonstrate a 5 year supply of housing<sup>3</sup>.
- 4.2 The site is not allocated for housing development in the Development Plan and is located outside of the settlement boundary, forming part of the open countryside under COM2. However, that is a policy which is out of date because of the shortfall in housing delivery, is constraining housing supply contrary to policy objectives, and the self-evident conflict with it should be attributed limited weight. Other than Policy COM2, the proposals can be seen to accord with the Development Plan as a whole particularly where Policy SD1 of the Plan also similarly sets out the application of a tilted balance in the same circumstances where relevant policies to the proposals are out of date.
- 4.3 Paragraph 11 of the Framework states that **“where policies which are most important for determining the appeal are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.”** Policy SD1 of the Plan also states that when relevant policies are out of date, the council will grant planning permission unless the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It is therefore necessary to consider whether the adverse impacts of this development **“significantly and demonstrably”** outweigh the benefits. In other words, for planning permission to be refused the adverse impacts must not only outweigh the benefits, this must **“significantly and demonstrably”** be the case. Adverse impacts can outweigh benefits and planning permission can still be granted as long as they do not significantly and demonstrably outweigh the benefits – this is often referred to as the ‘tilted balance’, to be applied where the most important policies for determining the application are out of date (as is the case here).
- 4.4 The benefits of the development here are very significant and the harms, relatively more moderate. It is common ground with the council that in weighing benefits against harms, the planning balance is in favour of granting planning permission.

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<sup>2</sup> Footnote 8 to the Framework specifically states this includes for applications/appeals involving the provision of housing where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites which TVBC cannot in this case.

<sup>3</sup> Additionally there are no other policies within the Framework that protect areas or assets of particular importance which provide a reason for refusing planning permission which the proposed development mitigations are taken into account.

## **Housing Land Supply and Need for More Housing**

- 4.5 As a development for housing, the proposals are put forward in the context of the Framework's aim to significantly boost the supply of new homes. The Framework states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.6 The benefit of and weight to be given to proposals for more housing have, in my view, been further endorsed within the new Framework and by the Written Material Statement where it highlights the most acute housing crisis in living memory where home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home linking housing delivery to the need for economic growth. The Country needs more homes, with everyone, everywhere across the Country to play their part in order to bring about economic growth.
- 4.7 Test Valley cannot meet the minimum housing land supply required within the Framework. The Council suggest a supply of 2.76 years, being a shortfall of 2,193 dwellings. The shortfall is significant. This scheme will make a positive and meaningful contribution to the shortfall. If some 40% of the shortfall were to be affordable homes, then this is around 877 affordable homes that should have come forward. The emerging Local Plan is some way from being able to meet future needs through new allocations for housing.
- 4.8 The affordability of homes in the Borough is relevant here where the proposal here provide 40% of the proposed dwellings (up to 108 dwellings) as affordable. The submitted Affordable Housing Statement (CD1.17) confirms the Borough has a poor median affordability ratio at 10.91, higher than the South East average and well above the 8.28 average for England. Affordability has been getting noticeably worse since 2012. The number of households listed on the Council's housing register as of February 2020 is 2,134, according to the affordable housing SPD (September 2020). The number of households on the register in 2023 was 2,353 (Live Table 600). The need for more homes and affordable homes especially is significant.
- 4.9 The proposals will therefore provide for very significant benefits in terms of the provision of housing noting;
- The Council cannot demonstrate the minimum supply of housing required to meet 5 years of housing need.
  - Housing needs are not being met, and the shortfall is significant.
  - Affordable housing needs are significant and housing affordability is poor.

## **Conserving the natural environment**

- 4.10 Section 15 of the Framework relates to Conserving and Enhancing the Natural Environment. Paragraph 180 identifies how the planning system should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes (in a manner commensurate with their statutory

status or identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 4.11 Most development proposals are likely to have some adverse impacts. This includes the obvious loss of a greenfield site which has not been previously developed and is currently part of the countryside. This in my view should be given some weight in the context of the Framework's requirement to recognise the countryside's intrinsic character and beauty.
- 4.12 I note in this regard the landscape evidence of Mr Holliday on behalf of the appellant. With reference to the landscape and visual submissions with the application and the evidence of Mr Holliday, the site is capable of absorbing change through the introduction of high-quality development as presented by the development framework plan. Policy E2 of the Local Plan concerns the protection, conservation and enhancement of the landscape character of the Borough and contains a number of criteria which if met, development can be permitted. Mr Holliday explains that the scheme could be developed with limited effects on the character and appearance of the area. He acknowledges that there would be some adverse effect on the Landscape Character Area (LCA) but due to the scale and nature of the broader LCA, and the development being located adjacent to the existing settlement edge while enclosed from the wider landscape by the existing green infrastructure context, this would be minor. The overall landscape effects upon the Site and the immediate landscape arising from the proposals are assessed as moderate adverse at completion and moderate/minor adverse at year 15. The proposals can be seen to comply with policy E2 and any landscape harm should in this context weigh only moderately in the planning balance.
- 4.13 Policy E3 of the Local Plan seeks to retain Local Gaps; in this case the Site is located within the gap defined within Policy E3 between Romsey and North Baddesley. Policy E3 states that development within Local Gaps will be permitted provided that it would not diminish the physical separation and/or visual separation and it would not individually or cumulatively with other existing or proposed development compromise the integrity of the gap. Development within the gap is not necessarily restricted in this context in absolute terms but is a matter of planning judgement – Paragraph 7.23 of the Plan states that “the purpose of the policy is not to prevent all development within a local gap”.
- 4.14 The landscape and visual evidence of Mr Holliday explains that the proposed development in this part of the gap would not compromise the extensive gap that would remain largely undeveloped. There is no increased risk of coalescence arising between Romsey and North Baddesley by developing the appeal site. Removal of the parcel of land containing the appeal site would not undermine the purposes underpinning the gap, moreover Mr Holliday explains, vegetation and more positive landscaping to the settlement edge could help reinforce the perceptual qualities of the gap. The appeal scheme would therefore not compromise or unduly diminish the purpose of the gap or its integrity and is not contrary to Policy E3 in this regard. The green infrastructure shown within the appeal proposals could contribute to positively

reinforcing the perceptual qualities of the gap. The location of the proposed development in the gap in these circumstances, should not weigh heavily against the proposals.

### **Other Potential Development Benefits, Impacts and the Planning Balance**

- 4.15 In addition to the above which generally covers the main matters in this appeal, there are some other matters which are also important to consider as part of the proposals.
- 4.16 The recent Written Ministerial Statements have highlighted the link between planning and economic growth with a role for everyone, everywhere across the country – most urgently in housing.
- 4.17 The Socio-Economic chapter of the submitted Environmental Statement estimated a total construction cost investment in the development of some £47.5M contributing to GDP. Direct construction jobs would be approximately 195 (FTE), in addition at potential for 266 (FTE) indirect jobs would be supported including jobs in the supply chain, real estate, transport and retailing. These economic benefits are in addition to contributions to the New Homes Bonus. All suggests considerable economic benefits will arise from the development and this, in accordance with the Framework and having regard to the WMS, should attract significant weight in the planning balance.
- 4.18 Additional incidental benefits arise from the development too, and whilst more modestly weighted in the planning balance, they include the provision of new extensive areas of public open space, walking and recreation routes, play spaces and Park and Stride parking. I give these some minor weight in the planning balance.
- 4.19 The proposals will also provide for biodiversity gains which whilst expected by policy, are highly positive and whilst not applying to this development, are at levels which are now a statutory requirement and may not otherwise arise without the development. I also give these some moderate weight.
- 4.20 Highway impacts are not severe, the site is sustainably located and the development promotes sustainable means of travel such that such impacts are at worst neutral, with some improvements facilitated by the development also likely to be of benefit to the wider local community. The proposals raise no other wider impacts in respect of other matters such as flood risk and drainage for example such that such matters are neutral in the planning balance. The potential for ecological impacts whether through population pressure or arrangements to achieve nutrient neutrality are suitably and effectively mitigated. A planning condition is proposed in respect of nutrient neutrality and s106 obligation for a financial contribution to alternative green space in respect of population pressure. These matters should not weigh against the proposals and provide the decision maker the ability to adopt the draft Habitats Regulation Assessment which has been agreed with the Council<sup>4</sup>.

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<sup>4</sup> This also means that (d) (i) of Paragraph 11 of the Framework does not apply in this case where it would disapply the tilted planning balance if the application of policies in the Framework which protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

4.21 In the overall planning balance, the sum total of harms identified do not outweigh the overall benefits in my view – they most certainly could not be described as significantly or demonstrably outweighing the benefits. Where the tilted planning balance in paragraph 11 (d) (ii) of the Framework and Policy SD1 of the Plan is engaged here, given that the Council cannot demonstrate a 5 year supply of land for housing and important policy is out of date, the balance is in favour of granting planning. The proposals can be approved in accordance with Policy SD1 of the Plan.

4.22 In summary, therefore:

- The benefits of the scheme are cumulatively **very significant**(in the case of market and affordable housing, benefits that are **very significant** in their own right) and include the sustainable delivery of both much needed open market and affordable housing in a high quality development, well located in a suitable sustainable settlement, positively related to the settlement itself and its services as well as sustainable access to other facilities; investment and support for economic growth and job creation (**significant**); provision of new green space and play space (**minor**), Park and Stride facilities (**minor**) landscaped green infrastructure and biodiversity gains (**moderate**).
- The adverse impacts of the scheme are comparatively minor and include principally the visual implications arising from the inevitable loss of some currently greenfield land which has some capacity to absorb the development with landscape mitigation (**moderate**), this recognising the intrinsic character and beauty of the countryside and the site's location in a Local Gap.
- In the overall planning balance, none of the impacts of the development to which **moderate harm** arises, could be described as outweighing the benefits which include individual **very significant** benefits and cumulatively **very significant** benefits – nevermind significantly or demonstrably so.

## 5. PREVIOUS REASONS FOR REFUSAL

5.1 Some 14 reasons for refusal were originally set out by the Council in refusing planning permission. Correctly and in line with planning guidance, the Council have kept these under review. They have all now been addressed and either been withdrawn because new circumstances have arisen since the decision (principally the new NPPF), or provisions are now in place either through planning conditions or the s106 planning obligation to address the Council's original concerns. The following summarises the position.

**Reason for Refusal 1 - *'This site is located in the defined countryside (in the adopted Local Plan) and is not included as a preferred site that might deliver part of the Borough's future housing requirement and therefore falls outside of the strategic direction of the Local Planning Authority as defined within the Regulation 18 Draft Local Plan proposals for 2040. It is not a preferred site and is not required within the plan period. In a plan led system the proposal represents unjustified development in the countryside for which there is no overriding need. The application is therefore contrary to Policy COM2 of the Test Valley Borough Revised Local Plan (2016) and guidance in the National Planning Policy Framework (2023).'***

5.2 This reason highlights the appeal site's location within the countryside and outside of the settlement (albeit adjacent to) the settlement boundary for Romsey, as defined by the current Local Plan. The proposals are indeed in conflict with Policy COM2, but as explained, this is a policy which is agreed to be out of date and the weight to this conflict with Policy should only be limited in the context of it constraining housing delivery and the current shortfall in housing land supply.

5.3 Rightly, the Council are no longer advancing the site's location outside of the settlement boundary for Romsey as a reason to refuse planning permission. The current settlement boundaries are out of date by virtue of them being unable to accommodate local housing needs. The appeal site's location outside of the out of date settlement boundary should not be a reason to refuse planning permission and any conflict with Policy here should not weigh significantly in the planning balance.

**Reason for Refusal 2 - *'Through the combination of the physical and visual diminishment of the local gap a detrimental impact on the landscape character would be created. The proposal undermines the strategic direction of the regulation 18 Draft Local Plan proposals for 2040 and the Test Valley Borough Revised Local Plan (2016). The proposal would not protect, conserve and enhance the landscape character of the Borough, ensure the health and future retention of important landscape features, and would physically and visually diminish the local gap creating a coalescence of settlements contrary to policies COM2, E2 and E3 of the Test Valley Borough Revised Local Plan (2016).'***

5.4 Policy E3 of the Test Valley Local Plan (2016) seek to retain Local Gaps, in this case the Site is located within the gap defined within Policy E3 between Romsey and North Baddesley. Policy E3 states that development within Local Gaps will be permitted provided that it would not diminish the physical separation and/or visual

separation and it would not individually or cumulatively with other existing or proposed development compromise the integrity of the gap. Development within the gap is not necessarily restricted in this context in absolute terms. The landscape and visual evidence of Mr Holliday explains that the proposed development in this part of the gap would not compromise the extensive gap that would remain largely undeveloped. There is no increased risk of coalescence arising between Romsey and North Baddesley by developing the appeal site. Removal of the parcel of land containing the appeal site would not undermine the purposes underpinning the gap, moreover Mr Holliday explains, vegetation and more positive landscaping to the settlement edge could help reinforce the perceptual qualities of the gap. The appeal scheme would therefore not compromise or unduly diminish the purpose of the gap or its integrity and is not contrary to Policy E3 in this regard. The green infrastructure shown within the appeal proposals could contribute to positively reinforcing the perceptual qualities of the gap.

- 5.5 Mr Holliday explains that the above echoes conclusions of the report of Stephenson Halliday, commissioned in 2022 by Test Valley to undertake a Landscape and Local Gaps Assessment, to inform the development of the evidence base for the emerging Test Valley Borough Local Plan. Their conclusions suggested “Consideration could be given to amending the Local Gap boundary in the west of this gap, where the existing settlement edge has eroded the rural character. Highwood Lane creates a natural boundary within the gap, by virtue of its mature treed/wooded character. Amending this part of the Local Gap would not undermine the strategic intent or purpose underpinning it, as the inter-layered field boundary hedgerow vegetation at and beyond Highwood Lane helps reinforce the perceptual qualities of the gap.”
- 5.6 More widely in respect of landscape and visual implication of the development, again with reference to the landscape and visual submissions with the application and the evidence of Mr Holliday, the site’s landscape character can absorb change through the introduction of high-quality development as presented by the development framework plan. This noting that Policy E2 concerns the protection, conservation and enhancement of the landscape character of the Borough. Policy E2 contains a number of criteria which if met development can be permitted. Mr Holliday explains that the scheme could be developed with limited effects on the character and appearance of the area. The site itself comprises two simple arable fields, wrapped around to the west by the existing settlement, which influences the character of the site itself. He acknowledges that there would be some adverse effect on the Landscape Character Area (LCA) but due to the scale and nature of the broader LCA, and the development being located adjacent to the existing settlement edge while enclosed from the wider landscape by the existing green infrastructure context this would be minor. The overall landscape effects upon the Site and the immediate landscape arising from the proposals are assessed as moderate adverse at completion and moderate/minor adverse at year 15. The proposals can be seen to comply with policy E2 and any landscape harm should in this context weigh only moderately in the planning balance.

***Reason for Refusal 3 - ‘In the absence of a legal agreement to secure the provision of affordable housing, the proposed development fails to provide sufficient housing required to serve the needs of the existing and future population and thereby exacerbates a current, quantifiable, shortfall in the supply of***

***such housing. The proposal is contrary to policy COM7 of the Test Valley Borough Revised Local Plan (2016) and the Infrastructure and Developer Contributions Supplementary Planning Document.'***

- 5.7 Provisions are made for the delivery of affordable homes within the s106 planning obligation, such that TVBC are no longer advancing this as a reason to refuse planning permission. The development will deliver 40% affordable houses (up to 108 dwellings) in line with Policy. The need for more homes and affordable homes especially, is significant noting affordability ratios mean access to homes is financially challenging. The shortfall in delivery of new homes includes affordable homes which may otherwise have been expected to have been delivered. The provision of affordable homes here is a very significant benefit of the development to be weighed in the planning balance.

***Reasons for Refusal 4 and 5 - 'The proposal would give rise to an adverse effect on the function, safety and character of the local highway network. There is a lack of clarity in relation to assessment and amendments requested by the Highway Authority which includes vehicle access proposals, suitable sustainable modes improvements, clarity around school parking proposals, confirmation of committed development assessed, Cycle Level of Service assessment of A27/Botley Road/Premier Way roundabout, and amendments to Travel Plan. The proposal would therefore result in unnecessary additional burden being placed on existing highway provision and would create an adverse impact on the function, safety and character of and accessibility to the local highway network. The location would not be connected with existing and proposed pedestrian cycle and public transport links and would not minimise its impact on the highway and rights of way network. This would be to the overall detriment of the area and pedestrian, cycle or public transport users of the highway. No legal agreement has been secured to address the above requirements and the proposal is contrary to policy T1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.'***

***'In the absence of an agreed specification of work and / or a suitable financial contribution towards improving the useability of this route to service future residents, the proposed development fails to provide sufficient rights of way provision required to serve the needs of the future population and places an unnecessary unjustified burden on the public right of way network. The proposal is considered to be contrary to Test Valley Borough Local Plan - Policy T1 and the NPPF para 104.'***

- 5.8 With clarification and common ground reached with the Highway Authority, TVBC are no longer advancing this as a reason to refuse planning permission. A Statement of Common Ground with County Highways explains the work undertaken in assessing and evaluating the highway access and traffic implications of the proposed development, and the vision led approach to sustainable transport and access to the site including a proactive Travel Plan. The proposed site access arrangements and localised highway improvements associated with the Appeal Site have been agreed including contributions to off site improvements to pedestrian and cycle connections and bus stops.

- 5.9 The proposals also include for arrangements to secure some dedicated “Park and Stride” parking to support safe pupil drop off to Halterworth Primary School, highlighted as an issue locally through consultation.
- 5.10 Financial contributions are also included in the s106 to ensure that the Public Right of Way through the site and beyond to Highwood Lane will be improved, sufficient and suitable for the future residents.
- 5.11 It is common ground that the site is sustainably located with access to services and facilities and a scale of development consistent with the role of Romsey in the settlement hierarchy. The proposals will not have any unacceptable impact on highway safety, traffic impacts will not be severe and the proposals can be seen to comply with policy T1 and the Infrastructure and Developer Contributions Supplementary Planning Document.

**Reason for Refusal 5 - ‘In the absence of an agreed specification of work and / or a suitable financial contribution towards improving the useability of this route to service future residents, the proposed development fails to provide sufficient rights of way provision required to serve the needs of the future population and places an unnecessary unjustified burden on the public right of way network. The proposal is considered to be contrary to Test Valley Borough Local Plan - Policy T1 and the NPPF para 104.’**

- 5.12 Reference to “this route” within this reason for refusal was clarified at the Case Management Conference to be meaning the Public Right of Way which runs east/west through the site. Since, however, TVBC have sought for additional improvements beyond the actual site and to include the Public Right of way as it extends to Highwood Lane. In any event, TVBC are no longer advancing this as a reason to refuse planning permission. As set out in the Transport Assessment which was submitted as Appendix 6.2 of the Environmental Statement (CD1.24), the development proposals conform to national and local policy guidance and complied with policy T1 of the adopted Local Plan and provide footway links for pedestrians contrary to the reason for refusal. Measures have been put in place through a s106 financial contribution to ensure that the Public Right of Way through the site and beyond to Highwood Lane will be improved sufficient and suitable for the future residents.

**Reasons for Refusal 6 and 7 - ‘In the absence of a legal agreement to secure the provision of a financial contribution towards off-site public open space provision, the proposed development fails to provide sufficient public open space required to serve the needs of the future population. The proposal would therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to policy LHW1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.’**

**‘In the absence of a legal agreement to secure the provision of both the phased delivery of new facilities and/or a financial contribution towards on-site public open space provision in the form of outdoor sports facilities, parks and gardens, informal recreation, provision for children and teenagers and**

***allotments, the proposed development fails to provide sufficient public open space required to serve the needs of the future population. The proposal would therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to policy LHW1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.'***

- 5.13 TVBC are no longer advancing these as reasons to refuse planning permission. Provisions are now secured for the provision of both on and off site open space. Appropriate contributions are secured in the s106 to policy requirements not delivered on-site and mechanisms to deliver on site provision.
- 5.14 As set out in the Policy consultee response (CD3.13) the requirement for provision of open space for the proposed development is 1.94ha to comply with Policy LHW1. The proposed development as shown on the Development Framework Plan (CD6.2) is providing 4.45ha of green infrastructure including informal and formal open space, two locally equipped areas of play space, structural landscape planting, a wildlife pond and attenuation basins. This provision of 4.45ha is above the requirements set out in policy LHW1 and therefore complies with the policy and the Infrastructure and Developer Contributions Supplementary Planning Document.
- 5.15 The s106 includes a financial contribution towards specific outdoor sports facilities and allotments to enhance more efficiently the existing facilities in Romsey rather than seeking to provide these on the development site.
- 5.16 With new extensive areas of open space the proposed development will provide new residents with access to green outdoor space and will be a moderate benefit to the wider community who will also be afforded access to these areas.

***Reason for Refusal 8 - 'In the absence of a legal agreement to secure the provision of a financial contribution towards off-site health infrastructure, the proposed development fails to provide sufficient infrastructure required to serve the needs of the existing and future population. The proposal would therefore result in unnecessary additional burden being placed on existing public health facilities affecting the function and quality of these facilities, to the overall detriment of the area and users of the National Health Service. The proposal is contrary to policy COM15 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.'***

- 5.17 TVBC are no longer advancing this as a reason to refuse planning permission as contributions are now secured in the s106. The consultation response received from NHS Hampshire and Isle of Wight Integrated Care Board (CD3.18) requested a financial contribution towards additional GP space as mitigation for the impact on health services from the proposed development. The S106 includes provisions for public health facilities to comply with Policy COM15 and the Infrastructure and Developer Contributions SPD.

- 5.18 **Reason for Refusal 9 - *'In the absence of information on winter groundwater monitoring records for the perched water table, to determine the peak levels for infiltration basin design and the requested updates to the drainage strategy the development fails to provide sufficient detail to ensure protection from ground and surface water impacts, and therefore the LPA cannot be satisfied that the proposal would not give rise to an adverse effect on flooding on or off site. The proposal does not comply with policy E7 of the Revised Borough Local Plan.'***
- 5.19 TVBC are no longer advancing this as a reason to refuse planning permission having given consideration to further information and in the context of an updated response from the statutory consultee (CD3.21).
- 5.20 The Appellant has undertaken winter groundwater monitoring and updated the drainage strategy based on the results (CD6.1). The Lead Local Flood Authority have accepted the principle of attenuating runoff with restricted discharge to a surface water sewer following investigating other means of discharge. There is also information demonstrating sufficient capacity in the surface water sewers for the proposed discharge rates, which has been accepted by the LLFA subject to conditions which results in compliance with policy E7. Suitable conditions are included in the list of conditions agreed with the Council.
- Reason for Refusal 10 - *'The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of securing mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).'***
- 5.21 TVBC are no longer advancing this as a reason to refuse planning permission as appropriate arrangements to secure nutrient neutrality for the development have been put in place. A draft Habitats Regulation Assessment has been prepared which concludes that with the securing of mitigation, it is considered that the proposed development will not have a likely significant effect on the Solent designated sites and River Itchen SAC through water quality impacts arising from nitrate generation.
- 5.22 The River Test and its major tributaries flow into the Solent. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development could contribute negatively towards this issue and without mitigation, would exacerbate this impact.
- 5.23 The Nutrient Neutrality Assessment & Mitigation Strategy (CD1.9) submitted as part of the application concludes that nutrient neutrality for the development is achievable both pre- and post- 2030 subject to the purchase of off-site nutrient credits. The Nutrient Neutral Assessment & Mitigation Strategy calculates the nitrogen budget as 169.47 kg TN/yr pre-2030 and 165.28 kg TN/yr for the completed site. It is proposed to purchase 169.47kg nitrogen credits with a suitable source of credits being identified. A letter confirming

one source for the availability of the credits is provided within the Nutrient Neutral Assessment & Mitigation Strategy (CD1.19). Other credits at other sites could provide for the same.

- 5.24 Accordingly, the development proposals comply with policies COM2 and E5 of the Local Plan. This approach has also been deemed satisfactory by Natural England (CD3.11). A Grampian-style condition restricting occupation on the appeal site prior to the submission and approval of a scheme to ensure the development is nutrient neutral will secure compliance.

**Reason for Refusal 11 - *'The application site lies within close proximity to the New Forest SPA and Solent and Southampton Water SPA which are designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework' and Solent Recreation Mitigation Strategy (2017). As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2017 (as amended).'***

- 5.25 TVBC are no longer advancing this as a reason to refuse planning permission as again appropriate contributions are now secured in the s106. The appeal proposals will result in a net increase of dwellings within 15km of the New Forest SPA site. As such, the proposed development makes provision for financial contributions to avoidance and mitigation measures.

- 5.26 Test Valley Borough Council has approved the New Forest International Nature Conservation Designations: Recreation Mitigation SPD from January 2025. This provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the New Forest SPA site arising from new residential development in Test Valley. A financial contribution to mitigation is based on bedroom numbers per dwelling. With mitigation, the proposed development will not affect the conservation objectives of the European sites.

- 5.27 Policy E5 covers matters of biodiversity and specifically references the need for development which could result in a significant effect, either alone or in combination, on an international or European nature conservation designation to satisfy the requirements of the Habitat Regulations. The Ecological Impact Assessment and ES (CD1.9 and CD1.23 chapter 7) confirms that minor adverse effects on the internationally protected sites were predicted at international and county level. However, following policy-led mitigation as above, negligible not significant residual effects were found to be caused by the impact of the Proposed Development on the local SAC, Ramsar, SPA, and Local Wildlife Sites, during both construction and operation.

5.28 The S106 includes provisions for mitigation towards the New Forest SPA and Solent and Southampton Water SPA in line with the SPD. The approach of providing a financial contribution has been agreed to by the Councils Ecologist within the consultation response (CD3.3) where the ecologist responded no objection. The proposals are in line with Policy.

**Reason for Refusal 12 - *'In the absence of a legal agreement to secure skills and training and the provision of apprenticeships within the local community the proposed development fails to enhance skills and training required to serve the needs of the existing and future population. The proposal would therefore result in a lack of improvement in the local labour market to the overall detriment of the area. The proposal is contrary to policy ST1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.'***

5.29 TVBC are no longer advancing this as a reason to refuse planning permission as an appropriate condition is now proposed to address the opportunity to secure skills and training for the local population. Policy ST1 relates to skills and training and outlines the requirement for contributions towards enhancement of skills training. The proposed condition ensures the development can progress in line with Policy ST1.

5.30 **Reason for Refusal 13 - *'In the absence of a legal agreement to secure the delivery of the land for the potential expansion of Halterworth Primary School, there is a lack of clarity in what this expansion represents and how it contributes to the delivery of additional primary school provision in the local area, the need for which would increase as a result of the proposed development. As such, the application has failed to mitigate the impact of the proposed development in respect of primary education provision and is therefore contrary to Policy COM15 of the Test Valley Borough Revised Local Plan (2016) and the Infrastructure and Developers' Contributions SPD.'***

5.31 TVBC are no longer advancing this as a reason to refuse planning permission as contributions are secured in the s106.

5.32 The request for a contribution to meet the education needs of the development has arisen from the County Council as the education authority. Reference is made to their Guidance on Planning Obligations and Developer Infrastructure Contributions (December 2023) (CD 7.2). In assessing needs and calculating the demand for school places the guidance states at paragraph 32 that the County Council "assesses the capacity of schools in the area, as relevant to the proposed development location. This indicates whether additional capacity will be required to cater for the demand arising from planned residential development".

5.33 The County Council have advised that the nearest school to the site, Halterworth Primary School is effectively at capacity. Whilst they also accept that there is currently capacity within other schools in Romsey, they believe that there is a planned 1,070 dwellings that could be yet built in Romsey and as such the wider capacity in the area will not be available once these dwellings have been completed. Whilst the appellant accepts the need to provide for contributions where capacity doesn't exist, it is unclear as to

whether the 1,070 dwellings which take up this capacity are indeed committed schemes and already have planning permission to take up the current capacity.

- 5.34 If that is indeed the case and there is indeed no capacity in the area, then the guidance states that “Developer contributions are sought based on a formulaic approach which models the potential pupil yield arising from a proposed development, and the need to provide additional school places”. Paragraph 25 of the guidance states that “Where the number of pupils from a development is less than would be required to sustain an additional teaching space, the contribution will be calculated on a pro-rata basis.”
- 5.35 A pupil yield calculation is used to calculate the expected number of pupils per dwelling and this provides the number of pupil spaces needed for the development.
- 5.36 For this development the County Council have calculated a pupil yield of 81 pupils. This equates, they suggest, to a need for a 0.5 Form Entry / 4 classroom extension to the school. Clarity has been sought as to why this pupil yield does not result in the need for a 0.5 Form / 3 classroom extension to the school.
- 5.37 The S106 includes contributions to address the necessary requirements to expand education provision to meet the needs of the development if the County Council can demonstrate that capacity doesn’t currently exist in the area and the costs associated with meeting this is CIL compliant. Opportunities for additional land for the potential expansion of Halterworth Primary School have been confirmed by the County Council to not be required (CD7.4), such that land reserved in the proposals for such is not part of any planning obligation.

***Reason for Refusal 14 - ‘In the absence of a legal agreement to secure public art on site, the proposed development fails to provide sufficient visual interest on this new development. The proposal would therefore result in a lack of contribution to the public realm and community identity to the overall detriment of the area. The proposal is contrary to the Infrastructure and Developer Contributions Supplementary Planning Document.’***

- 5.38 TVBC are no longer advancing this as a reason to refuse planning permission as an appropriate condition is now proposed to address the provision of a public art strategy for the site. The provision of a public art strategy for the development is in line with the Infrastructure and Developer Contributions SPD

### **Third Party Comments**

- 5.39 A number of comments and concerns have been raised by third parties in response to the application and appeal. Many matters are already addressed in the sections above where they correlate with matters previously raised with the Council. In addition, a summary response table has been prepared and it included at Appendix 1 which summarises the issues raised and how matters have in fact been positively addressed.

## **S106 and Planning Obligation**

- 5.40 Relevant Government advice is contained within the Framework and in Planning Practice Guidance. The relevant tests (NPPF paragraph 57) for any planning obligation include that it must be:
1. necessary to make the proposed development acceptable in planning terms;
  2. directly related to the development; and
  3. fairly and reasonably related in scale and kind to the proposed development.
- 5.41 Paragraph 56 of the NPPF states that conditions should be kept to a minimum and only imposed where they are;
1. necessary;
  2. relevant to planning;
  3. relevant to the development to be permitted;
  4. enforceable;
  5. precise; and
  6. reasonable in all other respects.
- 5.42 The need for a range of planning conditions is usual. They need to be imposed having regard to the tests in the NPPF as stated above.
- 5.43 The proposals now have an agreed list of proposed conditions as well as a s106 planning obligation.
- 5.44 The planning conditions cover a range of matters including the requirement to submit Reserved Matters, controls over construction, preservation of viable minerals, landscape and ecology enhancement and management, lighting, water efficiency, building materials, employment and skills, archaeology, public art, foul and surface water drainage and arrangements for nutrient neutrality. The Inspector has the full ability to adapt, add to or omit these from any decision as appropriate.
- 5.45 The s106 has Schedules to deal with affordable housing, off site open space contributions, on site open space management, SPA recreation mitigation, travel planning, off site sustainable travel contributions, Public Right of Way enhancements, health and education.
- 5.46 Again, the Inspector has the ability to endorse or rule out any contributions by expressly making such a decision and having regard to the appropriate tests, as the s106 includes what is known as a “blue pencil” clause. This essentially allows for any adjudged non CIL compliant elements of the s106 to be excluded without impacting on the other elements of the s106 to come into effect.

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## 6. CONCLUSIONS AND SUMMARY

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- 6.1 This is a proposed development which is now agreed between the main parties that should be approved. My evidence in this statement sets out consideration of the relevant planning factors having regard to the Development Plan as the starting point and all other material planning considerations, particularly the implication of the new NPPF, which has allowed the Council to re-consider their decision to refuse planning permission and allowed them to undertake an updated planning balance which comes out in favour of the proposed development.
- 6.2 This evidence has explained the weight to be given to Development Plan policy in the context of transitional arrangements and other policy set out in the NPPF.
- 6.3 It also explains the approach to decision taking as set out within paragraph 11 of the NPPF that is **“approving development proposals that accord with the Development Plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”**.
- 6.4 The proposals represent sustainable development in line with the definition set out within the NPPF, contributing to each of the three objectives; economic, social and environmental. It will contribute economically to a strong, responsive, and competitive economy providing significant jobs during the construction phase of the development and deliver increased expenditure from the residents of the proposed development to the local area – the Government links housebuilding to the needed national economic growth.
- 6.5 The development accords with the social objective of sustainable development supporting a strong, vibrant, and healthy community, providing a range and choice of housing types and tenures in a high-quality environment, accessible to services and infrastructure with new areas of public open space, including provision of a play areas.
- 6.6 The development accords with the environmental objective of sustainable development, protecting and enhancing the best of the local natural environment, enhancing biodiversity with the prudent use of resources, providing areas of new public open space and is mindful of climate change with sustainable drainage.
- 6.7 The proposals accord with all policy requirements of the Plan including the generally locational settlement hierarchy for development where Romsey is in the top tier as a Major Centre. The site is not currently allocated for housing and Policy COM2 of the Development Plan sees the appeal site falling outwith of the defined settlement boundary for Romsey and in the Countryside. To this extent it conflicts with the

Development Plan. However, where the Council cannot demonstrate the minimum required housing land supply, FN8 of the Framework confirms that such an important policy is out of date - the weight attributed to any conflict with it should be limited as otherwise the housing needed would be significantly constrained. Where these circumstances apply, the Framework sets out that planning permission should be granted unless any adverse impacts would significantly outweigh the benefits – this is known as the “tilted planning balance”. Policy SD1 of the Plan similarly sets out the application of a tilted balance in the same circumstances where relevant policies to the proposals are out of date.

- 6.8 There are a considerable number of positive benefits of granting planning permission in this case not least the provision of more housing given the significant shortfall in housing supply. There is considerable need for more affordable homes as well given how expensive housing is locally compared to earnings, and noting 40% of new dwellings within this scheme will be offered as such. The benefit of delivering much needed housing should be given very significant weight in the planning balance.
- 6.9 In addition to the above there are significant economic benefits which arise from the development, not least a substantial gross development value, the creation of jobs through construction and significant expenditure into the economy. Additional incidental benefits arise from the development too, and whilst more moderately weighted in the planning balance, they include the provision of new extensive areas of public open space and play spaces available to new and existing residents alike. The proposals will also provide for bio-diversity gains which given the timing of this application are not a statutory requirement at the level of gain proposed but are beneficial and may not otherwise arise without the development. Park and Stride facilities are a limited benefit, as too other local off site highway improvements which will benefit all users.
- 6.10 By contrast the adverse impacts are more limited and could not be described as outweighing the benefits, nevermind significantly or demonstrably so. When a greenfield site is developed for housing, there is some harm by the inevitable loss of currently open countryside which is agricultural land and has some intrinsic character and beauty, but where the appellant’s landscape evidence suggests the impacts are moderate. The site lies within a designated Local Gap however the appeal proposals would not compromise or unduly diminish the purpose of the gap or its integrity, and vegetation could help reinforce the perceptual qualities of the gap. Highway impacts are not severe, the site is sustainably located and the development promotes a vision led approach with sustainable means of travel. With arrangements and mitigations set out in planning conditions and a s106, the proposals raise no other wider impacts in respect of other matters such as ecology (either through population pressure or in respect of policy to maintain nutrient neutrality), more there are some moderate benefits to the biodiversity enhancements on site to be achieved by the development. Other development mitigations include provisions in relation to education capacity and health, such that impacts here should be neutral.
- 6.11 The proposals here accord with each of the social, environmental and economic aspects of sustainable development expressed in the Framework and can readily be seen as sustainable. The planning balance weighs in favour of granting planning permission in the application of paragraph 11 (d) (ii) of the Framework

and in accord with Policy SD1 of the Plan. I would respectfully suggest in these circumstances that the appeal should therefore be allowed.

**APPENDIX 1 – Summary Response to third Party Comments**

Summary of Representation Comments	Appellant's Response
<b>Comments Supporting the Development</b>	
<ul style="list-style-type: none"> <li>This appeal proposals will deliver additional market and affordable housing desperately required in the area.</li> </ul>	<p>The comments in support of the appeal proposals are noted. Section 4.4 of the signed Statement of Common Ground (SoCG) determines that the provision of market and affordable housing are of at least a significant benefit of the appeal proposals. The Planning evidence states these as very significant.</p>
<b>Principle of Development and Five Year Housing Land Supply (5YHLS)</b>	
<ul style="list-style-type: none"> <li>The appeal proposals conflict with Policy COM2 as the site is not allocated for development and falls outside of the defined settlement boundary.</li> <li>TVBC Southern Area can demonstrate a 5YHLS.</li> <li>TVBC should be given time to adapt to the newest LHN figure (934 dwellings per annum).</li> </ul>	<p>It is common ground the appeal site is defined countryside and outside of the settlement boundary for Romsey, as defined by the current development plan, and the principle of development is therefore contrary to Policy COM2. However, Policy SD1 of the Plan applies a tilted planning balance where in the current circumstances relevant planning policies such as this are out of date.</p> <p>TVBC cannot demonstrate a 5YHLS as required by paragraph 78 of the Framework, a position confirmed in TVBC's Housing Implementation Strategy (HIS), published 31<sup>st</sup> January 2025, which confirms a housing land supply position for the LPA of 2.76 years against the LHN figure.</p> <p>Therefore, in the context of the current significant shortfall in housing land supply, TVBC agree that that the fact that the site is outside the settlement boundary is not a reason for withholding planning permission.</p> <p>Paragraph 11 (d) (ii) of the Framework also applies here, again stating a titled planning balance which requires "<b>granting planning permission unless any adverse impacts of doing so would significantly and</b></p>

	<p><b>demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole."</b> The planning balance here is strongly in favour of granting planning permission.</p>
<ul style="list-style-type: none"> <li>The site is not a proposed allocation in the Draft Local Plan.</li> </ul>	<p>TVBC have confirmed that in light of the changed circumstances brought about by the new Framework, the Draft Local Plan cannot be taken forward in its current form. The timetable to the Draft Local Plan will not be adopted until the end of 2027 (as estimated in the Council's latest Local Development Scheme) and no weight can be attributed to this plan for decision-taking purposes at this stage.</p>
<p><b>Other Planning Policy</b></p>	
<ul style="list-style-type: none"> <li>The appeal proposals conflict with Policy E2: <i>Protect, Conserve and Enhance the Landscape Character of the Borough</i>.</li> <li>The appeal proposals conflict with Policy E3: <i>Local Gaps</i>.</li> </ul>	<p>Neither policies preclude development. When applied reasonably, in the circumstances of the need for more housing and the wider policy context as set out, the proposals raise no conflict with the policies. From a landscape perspective, the proposals seek to retain the local landscape character with only modest landscape implications. The purpose and integrity of the Local Gap can still be maintained, even with this proposed development.</p>
<p><b>Affordable Housing and Social Infrastructure</b></p>	
<ul style="list-style-type: none"> <li>The appeal proposals will have an unacceptable impact on existing local social infrastructure, including local schools and health care.</li> <li>There is a lack of certainty that the appeal proposal can deliver a policy compliant level of on-site affordable housing.</li> </ul>	<p>A section 106 agreement has been prepared which includes, among other matters, all contributions requested to mitigate against the potential impact of the development on social and other infrastructure including provisions for affordable housing.</p>

### Highway and Transportation

- The appeal proposals would exacerbate any existing traffic congestion issues on the local road network, particularly during school drop-off and pick-up hours.
- Car movements generated by the appeal proposals pose safety risks to the pupils of Halterworth Primary School and children in general, particularly at when walking to school.
- The appeal proposals will increase pressure of town centre parking.

The Transport Assessment (CD1.24a) submitted as a part of the application concludes that the vehicle trips generated by the proposed development can be suitably accommodated by the local highway network.

The Development Framework Plan (ref. 09840-FPCR-ZZ-ZZ-DR-L-0002 P10) identifies opportunities for potential Primary School and visitor parking facilities within the site. The final form that such facilities will take is to be confirmed at the detailed reserved matters stage and delivery pursuant to a planning condition.

The proposed site access arrangement has been subject to an independent Stage 1 RSA which has not raised any significant issues. Accordingly, the Transport Assessment concludes that the proposed development would provide a safe and efficient vehicular access arrangement and that there is no evidence to suggest that the appeal proposals would have a material adverse effect on road safety or increase the instances of vehicular collisions.

The Transport Assessment includes an assessment of the appeal site's level of accessibility by sustainable modes and concludes that realistic options exist for access to local amenities, education and employment opportunities on foot, by cycle and by public transport.

Clarification and common ground has been reached with the Highway Authority, a S106 includes provisions to secure a financial contribution towards any necessary highway requirements including improvements to pedestrian footways and cycleways, local bus stops and public right of way.

**Environment, Ecology and Open Space**

- The appeal proposals will result in a loss of green space, which will result in a reduction in the biodiversity value and the displacement of wildlife on the site.

The Ecological Impact Assessment (CD1.9) informed by a suite of ecological surveys submitted as part of the application confirms that appropriate mitigation and enhancement measures will result in ecological betterment of the appeal site. TVBC's Ecology Consultant response (CD3.3) agreed with these conclusions and offered no objection subject to conditions.

On-site biodiversity value will be improved and enhanced through additional planting, structural landscaping and the inclusion of an attenuation basin that will create new habitats on site. The appeal proposals will provide a habitat and hedgerow net gain in biodiversity above the site's baseline.

Specifically, the appeal proposals will include over 4 hectares of open space including formal and informal public open space, locally equipped areas for play (LEAP), new pedestrian and cycle recreational routes, structural landscape planting and an attenuation basin.

Where there is a deficiency in policy standards relating to formal recreation facilities and open space on-site, the section 106 includes contributions requested towards the improvement and enhancement of off-site formal recreation and open-space facilities.

- The appeal proposals have not demonstrated sufficient mitigation measures to off-set any effects on European and Internationally protected sites.

Appropriate Assessments undertaken conclude that in the absence of avoidance and mitigation measures, a likely significant effect may arise upon the Solent and Southampton Water SPA due to an increase in nutrient pollution; and, upon the New Forest SPA, SAC and Ramsar site due to disturbance effects from increased recreational disturbance from the proposed development.

	<p>As detailed in section 4.8 of the signed Statement of Common Ground, the Appellant and TVBC have agreed mitigation strategies to off-set these effects and will be secured through a section 106 obligation and planning conditions.</p>
<b>Flood Risk and Drainage Strategy</b>	
<ul style="list-style-type: none"> <li>• The development will increase the risk of flooding to neighbouring properties.</li> <li>• The flood risk assessment is insufficient.</li> </ul> <p>Underground ground crate attenuation should be considered.</p>	<p>The Flood Risk Assessment submitted as part of the application (CD6.1) demonstrates that the proposed development will not increase the flood risk downstream, and the principle of the proposed surface water drainage strategy has been agreed by the Lead Local Flood Authority (CD 3.21). The final design of the foul and surface water drainage strategy will be secured via conditions.</p>
<b>Amenity Impact and Public Safety</b>	
<ul style="list-style-type: none"> <li>• The development will lead to an excessive increase in air pollution during the construction phase.</li> <li>• The development will cause overbearing disruption on the amenity of existing residents and on the pupils of Halterworth Primary School during the construction phase.</li> <li>• The placement of a drainage basin near a school is unsafe.</li> <li>• The drainage basin will attract vermin.</li> </ul>	<p>This application is supported by an air quality assessment (CD1.15) which demonstrates that the proposed development will not lead to an unacceptable risk from air pollution at both the construction and operational phases of the development. Accordingly, consultee response received from The Environmental Agency (CD 3.14) and the Council's Principle Environmental Health Officer (CD 3.15) included no objections to the appeal proposals.</p> <p>Measures to ensure that any effects on the amenity of surrounding residents and the primary school throughout the construction phase are kept to a minimum will be ensured and enforced through imposition of appropriate conditions to control construction activities.</p>

	<p>Existing and proposed boundary treatments, to be approved at the detailed stage, will ensure appropriate separation and screening between the appeal site and Halterworth Primary school.</p> <p>A condition will ensure that the management and maintenance of the surface water drainage system will be in place for the lifetime of the development.</p>
<b>Other Matters</b>	
<ul style="list-style-type: none"> <li>The appeal site is within a mineral safeguarding area</li> </ul>	<p>The Appellant accepts that the site lies within the mineral and waster consultation area (MWCA). However, this application is supported by a Mineral Resource Assessment (MRA) (CD2.1) which concludes that prior extraction is not a viable option on this site. Hampshire County Council’s consultation response CD3.20) (ref. CONS/2024/007, dated 05/04/2024) agrees with this conclusion and raised no objection to the proposed development subject to the inclusion of a suggested condition which will allow for any mineral re-use if viable.</p>
<ul style="list-style-type: none"> <li>The appeal proposals comprise a poor layout.</li> </ul>	<p>The application seeks outline approval with all matters reserved except for mean of access. Full justification for the proposals in design terms is comprehensively set out in the submitted Design and Access Statement.</p>