

Town and Country Planning Act 1990 –Section 78
Town and Country Planning (Development Management Procedure) (England) Order 2013
Town and Country Planning (Inquiries Procedure) (England) Rules 2002

Appeal by Gladman Developments Ltd

Land at Halterworth Lane, Romsey

**Against the Refusal of Planning Permission by
Test Valley Borough Council on the Application for:**

“Outline planning application for demolition of existing buildings and erection of 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”

Appellant Updated Statement of Case



January 2025

CONTENTS

1	Introduction.....	3
1.1	Context.....	3
1.2	Site and Surroundings	3
1.3	Background	4
1.4	Summary of Appeal Proposals	5
1.5	Planning History.....	5
1.6	Statement of Common Ground	5
2	The Development Plan	7
2.1	Test Valley Revised Local Plan 2011-2029 (Adopted 2016)	7
3	Other Material Considerations	8
3.1	The National Planning Policy Framework (December 2024).....	8
	The Presumption in Favour of Sustainable Development.....	8
3.2	Written Ministerial Statements.....	10
	Written Ministerial Statement - 30 th July 2024 "Building the homes we need"	10
	Written Ministerial Statement – 12 th December 2024 "Building the homes we need"	10
3.3	Housing Land Supply	11
3.4	Test Valley Draft Local Plan 2040.....	12
3.5	Partnership for South Hampshire.....	12
3.6	Other Documents	13
4	The Council's Reasons for Refusal.....	14
4.1	Introduction	14
4.2	Reason for Refusal 1	14
4.3	Reason for Refusal 2.....	15
4.4	Reason for Refusal 3.....	16
4.5	Reason for Refusal 4.....	16
4.6	Reason for Refusal 5.....	17
4.7	Reason for Refusal 6.....	18
4.8	Reason for Refusal 7.....	18
4.9	Reason for Refusal 8.....	19
4.10	Reason for Refusal 9.....	20
4.11	Reason for Refusal 10.....	20
4.12	Reason for Refusal 11.....	21
4.13	Reason for Refusal 12.....	22

4.14	Reason for Refusal 13.....	23
4.15	Reason for Refusal 14.....	24
4.16	Third Party Objections	24
5	Planning Conditions and Section 106 Obligations.....	25
5.1	Planning Conditions.....	25
5.2	Section 106 Obligations	25
6	The Planning Balance and Conclusions	26
6.1	The Planning Balance	26
6.2	Conclusion	27

1 INTRODUCTION

1.1 Context

1.1.1 This Updated Statement of Case is submitted by Gladman (the Appellant) and it relates to an appeal against Test Valley Borough Council's (TVBC) decision to refuse the outline application for:

“Outline planning application for demolition of existing buildings and erection of 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”

1.1.2 This Updated Statement of Case supersedes the previous Statement of Case (October 2024) which was submitted by the Appellant with the appeal. The Update addresses a significant change in national planning policy in the form of a new National Planning Policy Framework (December 2024), as well as reflecting on how this has also changed TVBC's position on the proposed development including through expected Statements of Common Ground.

1.1.3 A list of core documents is being agreed for the Inquiry.

1.2 Site and Surroundings

1.2.1 Land at Halterworth Lane ('the appeal site'), comprises 12.8ha of agricultural fields and existing hedgerow planting, and is located to the east of Halterworth Lane and north of Halterworth Primary School. The site is located adjacent to the built form of Romsey with existing residential development located to the west and south of the site.

1.2.2 Romsey is identified as a "Major Centre" under Policy COM2 of the adopted Test Valley Revised Local Plan DPD. Major centres are the top tier settlements within the authority and are identified as being suitable areas for growth.

1.2.3 A full description of the appeal site and surroundings is set out in the Statement of Common Ground with the Council.

1.3 Background

- 1.3.1 The outline planning application for the proposed development was validated by Test Valley Borough Council on 24/01/2024 (Application ref: 24/00174/OUTS). The application was supported by a comprehensive suite of technical reports and Environmental Statement in accordance with the Council's planning application validation requirements, these are set out in the Planning and Affordable Housing Statement that accompanied the application (CD1.17). It has since been confirmed that the application is not an EIA application (CD5.1).
- 1.3.2 The Appellant undertook a public consultation exercise prior to submission. The process of engagement allowed the Appellant to consider the concerns and suggestions of interested parties through the application process. As part of this consultation the Appellant had discussions with representatives from Halterworth Primary School specifically in relation to the provision of approximately 1ha of land on the appeal site which could facilitate the expansion of the Primary School and on the provision of car parking facilities for parents within the appeal site, both of these were welcomed by the Primary School's representative. Full details of the public consultation exercise are also set out in the Statement of Community Involvement (CD1.18).
- 1.3.3 Throughout the determination process, the Appellant has sought to engage with Council officers and consultees to address any technical objections or comments during the planning application process, as far as possible. Despite this, the Council indicated that they would be issuing a delegated refusal at the end of the 13 week statutory determination period, without allowing extensions of time to allow for any outstanding technical matters to be resolved or for the legal agreement to be discussed and completed.
- 1.3.4 The application was refused by Test Valley Borough Council on 23rd April 2024 with 14 Reasons for Refusal (RfR). The RfRs cover the following topics, the principle of development with regard to the site being outside of the defined settlement boundary, diminishment of the Romsey North Baddesley local gap, landscape character impact, adverse effect on the function, safety and character of local highway network and lack of an agreed section 106 agreement to secure the necessary infrastructure contributions.
- 1.3.5 A full copy of the Decision Notice and RfRs is enclosed at CD5.2.
- 1.3.6 The publication of the new National Planning Policy Framework in December 2024 post dates the Council's determination of the outline application. The Framework however has changes to policy which have implications for the determination of the application. TVBC have recognised this, the most significant being that TVBC now recognise that they cannot
-

demonstrate a 5 year supply of land for housing such 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. In so undertaking a revised planning balance, TVBC have advised they would no longer be pursuing reasons for refusal which relate to the principle of development and advised that subject to suitable conditions and a planning obligation, all other reasons for refusal are cable of being addressed.

1.4 Summary of Appeal Proposals

1.4.1 The appeal proposals would provide:

- Up to 270 new homes, comprising up to 162 market and up to 108 affordable dwellings (40%).
- Vehicular access points onto Halterworth Lane.
- 4.45ha of formal and informal open space including structural landscaping, woodland and hedgerow planting, wildlife pond, and the retention and positive management of key landscape features.
- 1.09ha of land for potential future expansion of Halterworth Primary School.
- 2 Locally Equipped Areas of Play (LEAP).
- Demolition of the existing buildings in the northern parcel of the site.
- Surface upgrades to Public Right of Way – Footpath 198/15/1.
- A Sustainable Drainage System (SuDS) to ensure the proper management of surface water.
- Potential primary school and visitor car parking laybys provided within the site.
- Upgrades to closest pair of bus stops on Halterworth Lane to include raised boarding areas, shelter, seating and timetable information to encourage bus travel by future and existing residents.
- Section 106 and CIL contributions, as detailed in Section 6.

1.5 Planning History

1.5.1 The site has not been subject to any previous planning application of relevance to this appeal.

1.6 Statement of Common Ground

1.6.1 A Statement of Common Ground (SoCG) has been agreed with TVBC and this SoC can be read in the context of that agreed position.

- 1.6.2 Further Statements of Common Ground on technical matters, such as highways, landscape, housing land supply are expected to be available to assist the Inspector in explaining the areas of agreement now reached between the parties and assist in the expeditious running of the Inquiry.
-

2 THE DEVELOPMENT PLAN

2.1 Test Valley Revised Local Plan 2011-2029 (Adopted 2016)

2.1.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

2.1.2 In this instance, the adopted development plan, as applicable to the determination of the appeal application, consists of the Test Valley Borough Revised Local Plan which was adopted in January 2016, and it sets out planning policies and proposals for 2011 up to 2029.

2.1.3 In refusing planning permission, the Council's Decision Notice (CD5.02) alleges conflict between the appeal proposals and the following policies of the Local Plan:

- COM2 (Settlement Hierarchy)
- COM7 (Affordable Housing)
- COM15 (Infrastructure)
- E2 (Protect, Conserve and Enhance the Landscape Character of the Borough)
- E3 (Local Gaps)
- E5 (Biodiversity)
- E7 (Water Management)
- LHW1 (Public Open Space)
- T1 (Managing Movement)
- ST1 (Skills and Training)

2.1.4 A full list of the planning policies relevant to the appeal proposal is set out in the agreed Statement of Common Ground with the Council.

2.1.5 The appeal proposals are compliant with all relevant development plan policies that can be considered up-to-date for the purposes of decision-making and would represent a logical and sustainable extension to the existing settlement.

3 OTHER MATERIAL CONSIDERATIONS

3.1 The National Planning Policy Framework (December 2024)

3.1.1 The Framework is an important material consideration in the determination of this appeal. A new Framework was published in December 2024, post-dating the Council's consideration of the application. TVBC have reconsidered their determination of the application as explained above, which has led to matters which are now in agreement.

3.1.2 The Appellant believes the proposal respond to the national policy ambition to significantly boost the supply of housing and represents sustainable development as defined within the Framework.

3.1.3 Through the NPPF, the government has made clear its expectation that the planning system will positively embrace well-conceived development to deliver the housing and economic growth needed to create inclusive and mixed communities, so that sustainable development is pursued in a positive way.

The Presumption in Favour of Sustainable Development

3.1.4 Section 2 of the Framework outlines the overarching objectives that constitute sustainable development, these being economic, social and environment objectives. In order to achieve sustainable development paragraph 11, which sits at the heart of the Framework, establishes what this means for decision making.

3.1.5 Paragraphs 4.1.5, 4.1.6 and 4.1.7 take each of the overarching objectives for sustainable development in turn,

An economic role

3.1.6 The appeal proposals will deliver significant economic benefits and thereby contribute to the economic role of sustainable development. Delivery of new market and affordable homes now in Romsey is a key contributor that will enable the town and Test Valley Borough to promote and sustain a strong, responsive and competitive economy.

A social role

3.1.7 The appeal proposals contribute to the social role of sustainable development. The appeal proposals will deliver new homes of the right type and mix, in the right place and at the right time to meet market and affordable housing need and in turn will support growth aspirations.

Without a sufficient supply of new homes, Test Valley Borough Council cannot meet the needs of present or future generations. The proposals also include the provision of 1ha of land which is proposed to be gifted to Halterworth Primary School as part of the development package, this enables the Primary School to have the opportunity to expand at any suitable point in time. It will be demonstrated that the site is located in an accessible and sustainable location close to key services and facilities, and the wider area, that will help support the health, social and cultural wellbeing of Romsey, Test Valley and Hampshire.

An environmental role

- 3.1.8 The appeal proposals positively contribute to the environmental role of sustainable development. The appeal proposals have no unacceptable adverse effects in respect of environmental considerations. The proposals involve the provision of a significant area of informal and formal public open space, landscaping and ecological mitigation works which together deliver a net gain to biodiversity.

Summary

- 3.1.9 The appeal proposals comprise 'sustainable development' through the inclusion of the following provisions as part of the masterplanned development:
- Providing market and affordable housing in the short term which can make a valuable contribution towards national and local objectives for economic growth;
 - Benefitting from a real choice of sustainable transport modes, as demonstrated through a Travel Plan, as well as providing enhancements that will promote travel by sustainable modes;
 - Contributing towards housing choice and the mix of housing in the area, making effective use of land and making a contribution towards meeting affordable housing needs at a time when there is a significant need and current shortfalls in delivery;
 - Providing approximately 1ha of land to enable the expansion of education services at Halterworth Primary School, at a suitable point in time;
 - Being capable of delivering a well-designed, high quality, beautiful development;
 - Promoting healthy communities through integration with the existing settlement and the provision of open space, including new recreational walking routes;
 - Being located on land at low risk of flooding and ensuring that the development will not increase flood risk downstream; and
 - Being resilient to the challenge of climate change.
-

3.2 Written Ministerial Statements

3.2.1 Two Written Ministerial Statements (WMS) are of particular relevance, are material considerations in the determination of this appeal and clearly set the tone and direction of the recently elected Government and their approach to planning reform and future growth.

3.2.2 The WMS made by the Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government, the Rt Hon Angela Rayner MP, to the House of Commons, accompanied the draft revised version of the Framework published for consultation on 30th July 2024

Written Ministerial Statement - 30th July 2024 "Building the homes we need"

3.2.3 The terms of the WMS are a clear statement of the new Government's policy. Of direct relevance is the clear tone in central Government's commitment to improving affordability, turbocharging growth and in building the 1.5 million homes they have committed to deliver over the next five years. This statement reaffirms that the country is in "the most acute housing crisis in living memory."

3.2.4 The WMS makes clear that the Government are seeking to strengthen the general presumption in favour of sustainable development, again outlining their strong commitment to ensuring that planning permission is granted on suitable sites in sustainable locations.

3.2.5 The WMS is clear in its conclusion that "**there is no time to waste. It is time to get on with building 1.5 million homes**". It is the Appellant's case that the appeal proposals would make an important contribution in enabling the delivery of up to 270 market and affordable homes in the immediate short term. This wholly accords with Government policy as set out in the WMS; that building new homes is crucial in achieving the stability, investment and reform the Country is now striving to achieve.

Written Ministerial Statement – 12th December 2024 "Building the homes we need"

3.2.6 This WMS accompanied the publication of the new NPPF and continued the same theme as previously set out highlighting that "this Government has inherited an acute and entrenched housing crisis.". Further "The Government has responded with the urgency this demands." Alongside the new Framework, the WMS explains that 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.”

3.2.7 The WMS explains that “These are necessary changes to unlocking the land needed to deliver 1.5 million homes and the scale of new infrastructure we will need to support growth. These reforms are essential to transform the housing crisis, deliver growth, protect the environment, and provide hope to the many thousands of people locked into substandard and unaffordable housing”

3.2.8 Significant weight should be accorded to the content of these WMS’s, particularly their tone and direction indicating that sustainable developments are to be supported immediately and to enable delivery as quickly as possible.

3.3 Housing Land Supply

3.3.1 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 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.

3.3.2 Paragraph 78 of the Framework states that unless a local planning authority has adopted a plan within the last five years (which is not the case here), they should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing. The supply should be measured against the Local Housing Need as calculated by the standard method. It should also include for an appropriate buffer. As the Council’s latest Housing Delivery Test result was 144%, a 5% buffer applies. The five 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.

3.3.3 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.

3.4 Test Valley Draft Local Plan 2040

- 3.4.1 The Council are working on a new Local Plan to cover the period up to 2040. This emerging plan is currently 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. Stage 2 of the Regulation 18 Consultation opened on 6th February 2024 and closed 2nd April 2024.
- 3.4.2 Both the Stage 1 and Stage 2 Regulation 18 consultation material continued to identify Romsey as being a tier 1 settlement in the draft settlement hierarchy, confirming the Council's acknowledgement that Romsey is suitable to accommodate further growth reflecting that it benefits from, alongside Andover in the north of the Borough, the widest range and number of facilities to meet local communities' needs.
- 3.4.3 The Local Development Scheme published in November 2023 outlines that the Council intends to carry out a Regulation 19 consultation on the Draft Plan in Quarter 1 2025 and hopes that the Plan can be submitted for examination in Quarter 2 2025.
- 3.4.4 However, since the revised NPPF was published for consultation in July 2024, the Council have expressed that Draft Local Plan cannot be taken forward in its current form and the timetable to the Draft Local Plan is therefore likely to be delayed to that outlined in the formal LDS. As the Draft Local Plan remains in its early stages of its preparation, negligible weight can be attributed to this plan for decision-taking purposes.

3.5 Partnership for South Hampshire

- 3.5.1 It is worth noting that on a strategic level, Test Valley Borough Council are one of the twelve local authorities working collaboratively under the title of the Partnership for South Hampshire (PFSH)
- 3.5.2 In December 2023, PFSH published a proposed Spatial Position Statement which seeks to focus new housing growth on cities and towns first that can be integrated with existing transport networks.
- 3.5.3 To address some of the existing housing shortfall in South Hampshire, Broad Areas of Search for Growth have been identified to deliver approximately 9,700 homes with further work to be advanced through individual local plans for each authority. For Test Valley, "East of Romsey" has been identified as one of these Broad Areas of Search for growth within the Spatial Position Statement which includes the appeal site.
-

3.6 Other Documents

3.6.1 The Appellant may also refer to the following policy documents:

- Supplementary Planning Documents/Guidance.
 - Emerging Local Plan Evidence Base.
 - Planning Decisions/Appeal Decisions/ Legal Judgements – these will be agreed with the Council and provided as Core Documents.
-

4 THE COUNCIL'S REASONS FOR REFUSAL

4.1 Introduction

4.1.1 This section of the Statement of Case sets out the Appellant's position in relation to the Council's Reasons for Refusal, provided in Section 1 and the Decision Notice (CD5.1) but in the context of the position which has now been agreed in the Statement of Common Ground, and the Council's revised position in respect of these originally suggested reasons.

4.2 Reason for Refusal 1

4.2.1 The first reason for refusal is set out below:

'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).'

4.2.2 This RfR refers to the fact that the appeal site is defined as countryside and outside of the settlement (albeit adjacent to) the settlement boundary for Romsey, as defined by the current Local Plan. There is no disagreement about this, as a statement of fact. The proposals are in conflict with Policy COM2, but this is a policy which is agreed to be out of date and the weight to this conflict should significantly less in the context of it constraining housing delivery and the current shortfall in housing land supply.

4.2.3 TVBC are no longer advancing the site's location outside of the settlement boundary for Romsey as a reason to refuse planning permission.

4.2.4 The current settlement boundaries are out of date by virtue of them being unable to accommodate local housing needs. It is the Appellant's position that the appeal site's location outside of the out of date settlement boundary is not a reason to refuse planning permission and any conflict should not weigh significantly in the planning balance.

4.2.5 Further where the reason for refusal referred to the emerging plan, as previously explained, the emerging plan should be given negligible weight.

4.3 Reason for Refusal 2

4.3.1 The second reason for refusal and its relevant policy is as below:

‘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).’

4.3.2 TVBC are no longer advancing harm to the landscape or gap as a reason to refuse planning permission or as sufficient of a harm to outweigh the benefits of the development in circumstances where there is a housing shortfall.

4.3.3 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. It remains the Appellant’s view that Policy E3 is not compliant with the Framework but in any even that the appeal site’s contribution to the Local Gap are insignificant. Development of this site would not compromise the extensive gap that would remain largely undeveloped and that there is no increased risk of coalescence arising between Romsey and North Baddesley by developing the appeal site.

4.3.4 Further, it remains the Appellant’s position that the site’s landscape character could 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. The Appellant remains of the view that the Landscape and Visual Appraisal (CD1.7) demonstrates that the proposed

development complies with policy E2 of the adopted Test Valley Local Plan. Any landscape harm weighs only moderately in the planning balance.

4.4 Reason for Refusal 3

4.4.1 The third reason for refusal put forward by the council is as follows:

'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.'

4.4.2 With the provisions within a s106 planning obligation, TVBC are no longer advancing this as a reason to refuse planning permission.

4.4.3 The Appellant will, by the time of inquiry, have progressed a S106 that includes provisions for affordable housing and any other associated infrastructure costs and therefore Policy COM7 and the Infrastructure and Developer Contributions SPD will be complied with.

4.5 Reason for Refusal 4

4.5.1 The fourth reason for refusal put forward by the council is as follows:

'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.'

4.5.2 With clarification and common ground reached with the Highway Authority, TVBC are no longer advancing this as a reason to refuse planning permission.

4.5.3 As set out in the Transport Assessment which was submitted as Appendix 6.2 of the Environmental Statement (CD1.24), the accessibility of the site and improvements in the form of new footway connections comply with policy T1 and the Infrastructure and Developer Contributions SPD. The Appellant remains of the view that the proposals will not have an unacceptable impact on highway safety and accessibility to the local highway network and comply with policy T1 and the Infrastructure and Developer Contributions Supplementary Planning Document.

4.5.4 It is Gladman's intention to work with the Hampshire Highways prior to the appeal event to narrow down the issues in dispute in relation to highways.

4.5.5 Gladman will, by the time of inquiry, have progressed the S106 will include provisions to secure a financial contribution towards any necessary highway requirements.

4.6 Reason for Refusal 5

4.6.1 The fifth reason for refusal put forward by the council is as follows:

'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.'

4.6.2 TVBC are no longer advancing this as a reason to refuse planning permission.

4.6.3 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 will be put in place to ensure that the Public Right of Way through the site will be improved sufficient and suitable for the future residents.

4.7 Reason for Refusal 6

4.7.1 The sixth reason for refusal put forward by the council is as follows:

'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.'

4.7.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate contributions being secured in the s106 to policy requirements not delivered on-site and mechanisms to deliver on site provision.

4.7.3 Within the response from the Policy Officer (CD3.13) the requirements outlined within Policy LHW1 are stated in relation to the proposed development. The Development Framework Plan (CD6.2) includes a Table that calculates provision on and off site against Policy requirements of LHW1 – it shows that it is the Appellants intention to provide a financial contribution towards outdoor sports facilities and allotments to enhance the existing facilities in Romsey rather than seeking to provide this on the development site.

4.7.4 The proposed development includes two LEAPs on the site as well as other extensive areas of green infrastructure including parks and informal recreation space. It also provides approximately 1ha of land to Halterworth Primary School. Any deficiency in provision to policy standards on site will be provided for through a suitable off site contribution to enhance existing facilities in the local area.

4.7.5 Off-site contributions are being included within the S106 agreement.

4.8 Reason for Refusal 7

4.8.1 The seventh reason for refusal put forward by the council is as follows:

'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.'

4.8.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate contributions being secured in the s106 to policy requirements not delivered on-site and mechanisms to deliver on site provision.

4.8.3 Again, as outlined 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 of the Development Framework Plan (CD6.2) is providing 4.81ha of green infrastructure including informal and formal open space, 2 locally equipped areas of play space, structural landscape planting, a wildlife pond and attenuation basins. This provision of 4.81ha is above the requirements set out in policy LHW1 and therefore complies with the policy and the Infrastructure and Developer Contributions Supplementary Planning Document.

4.8.4 The S106 includes provisions for contributions to policy requirements not otherwise secured onsite.

4.9 Reason for Refusal 8

4.9.1 The eighth reason for refusal put forward by the council is as follows:

'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.'

4.9.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate contributions being secured in the s106.

4.9.3 The S106 includes provisions for public health facilities to comply with Policy COM15 and the Infrastructure and Developer Contributions SPD. The consultation response received from NHS Hampshire and Isle of Wight Integrated Care Board (CD3.18) requests a financial contribution of £176,991 towards additional GP space for the mitigation strategy to the impact on health services as part of the proposed development.

4.10 Reason for Refusal 9

4.10.1 The ninth reason for refusal put forward by the council is as follows:

'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.'

4.10.2 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.

4.10.3 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. In response to the outcome of the further groundwater monitoring, the development framework plan has been updated (CD6.2) the only change is the sizing of the basins shown.

4.11 Reason for Refusal 10

4.11.1 The tenth reason for refusal put forward by the council is as follows:

'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).'

4.11.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate arrangements to secure nutrient neutrality for the development.

4.11.3 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 within the River Test Catchment. A letter confirming the source and availability of the credits is provided within the Nutrient Neutral Assessment & Mitigation Strategy (CD1.19).

4.11.4 This conclusion from the Assessment & Strategy demonstrates that the development proposals comply with policies COM2 and E5 of the adopted local plan and the Conservation of Habitats and Species Regulations 2017 and therefore should not be a Reason for Refusal. 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 in perpetuity would secure compliance.

4.12 Reason for Refusal 11

4.12.1 The eleventh reason for refusal put forward by the council is as follows:

'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).'

- 4.12.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate contributions being secured in the s106.
- 4.12.3 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, 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.
- 4.12.4 As outlined in the Ecological Impact Assessment (CD1.9) submitted as part of the application, mitigation for the recreational impact on the New Forest SAC will meet in line with the New Forest Recreation Mitigation Strategy. This mitigation will be in the form of a financial contribution (per dwelling) to offset proposed impacts. The financial contribution for the proposed development has been calculated as £1540 per dwellings towards off-site SANG mitigation measures which will be secured through the Section 106. Therefore, with the financial contribution towards the mitigation, the application would comply with policy LHW1 of the Local Plan and the Infrastructure and Developer Contributions Supplementary Planning Document.
- 4.12.5 The S106 includes provisions for mitigation towards the New Forest SPA and Solent and Southampton Water SPA in line with the 'New Forest SPA Mitigation - Interim Framework' and Solent Recreation Mitigation Strategy (2017). 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 subject to conditions.

4.13 Reason for Refusal 12

- 4.13.1 The twelfth reason for refusal put forward by the council is as follows:
-

'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.'

4.13.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate securing arrangements via an appropriate condition (if not otherwise included in the s106).

4.13.3 Policy ST1 relates to skills and training and outlines the requirement for contributions towards enhancement of skills training and the provision of apprenticeships where a development has a significant impact on the labour market. Pursuant to a planning condition, an ESP will be provided prior to commencement that reflects the Construction Industry Training Board (CITB) Client Based Approach, in line with Policy ST1.

4.14 Reason for Refusal 13

4.14.1 The thirteenth reason for refusal put forward by the council is as follows:

'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.'

4.14.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate contributions being secured in the s106.

4.14.3 Discussions and a meeting has been held with Halterworth Primary School to discuss the potential expansion to the school and the need for the additional land. The dates and details for these discussions can be found within the Statement of Community Involvement (CD1.18).

4.14.4 The S106 includes contributions to address the necessary requirements to expand education provision to meet the needs of the development where capacity doesn't currently exist and includes for the delivery of the land for the potential expansion of Halterworth Primary School.

4.15 Reason for Refusal 14

4.15.1 The fourteenth reason for refusal put forward by the council is as follows:

'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.'

4.15.2 TVBC are no longer advancing this as a reason to refuse planning permission subject to appropriate planning condition (unless otherwise dealt with through the s106).

4.15.3 In line with the Infrastructure and Developer Contributions SPD, a suitably worded condition can deliver the provision of public art through an Art and Design statement for the development.

4.16 Third Party Objections

4.16.1 In addition to the Council's reasons for refusal, a number of objections were received from third parties to the planning application. These raise issues similar to those of the Council. The Appellant will also address those material considerations raised in evidence to demonstrate those concerns are unfounded, or that they can be suitably mitigated by condition or planning obligation.

5 PLANNING CONDITIONS AND SECTION 106 OBLIGATIONS

5.1 Planning Conditions

5.1.1 The parties are working on a list of planning conditions to be presented to the Inquiry and to be imposed should the appeal be allowed.

5.2 Section 106 Obligations

5.2.1 A Section 106 obligations is being prepared to address the above in accordance with the CIL Regulations (2010) (as amended) as necessary, directly related to the development and fairly related in scale and kind to the development.

6 THE PLANNING BALANCE AND CONCLUSIONS

6.1 The Planning Balance

6.1.1 Planning statute requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

6.1.2 The Appellant acknowledges conflict with the development plan insofar as the site is not allocated for housing development and is located outside of the settlement boundary for Romsey. The proposal conflicts with Policy COM2, as the appeal site is in the open countryside. However, where the Council cannot demonstrate a 5 year supply of land for housing, this is an important policy which is out of date, is constraining the delivery of the needed housing and any conflict with it should be attributed only limited weight. The development is sustainably located on the edge of a major centre and whilst the appeal proposal also results in a degree of harm to landscape character, such moderate harm would not outweigh the significant benefits of the development, especially where there is a national housing crisis and there is a significant shortfall (2.76 years and a shortfall of 2,193 dwellings) in the delivery of needed housing locally.

6.1.3 The Appellant believes that the appeal site represents a suitable and sustainable location for the quantum and nature of the development proposed.

6.1.4 The appeal proposal will secure a range of planning benefits which include, inter alia:

- Up to 270 dwellings in a sustainable location – very significant benefit.
 - 40% affordable housing on-site to address an identified affordable housing need – a significant benefit.
 - 4.45 ha of public open space (over 47% of the gross site outline application area) and new pedestrian and cycle routes through the development – a significant benefit.
 - 1.09ha of land to Halterworth Primary School for potential future expansion.
 - Construction Spend of circa £47.7 million and circa £9.2 million direct Gross Value Added per annum, as well as supporting approximately 120 FTE construction jobs per annum over a built-out period of 6 years, an estimated resident's gross annual expenditure of circa £9.8 million and an additional Council Tax of £530,820 per annum and New Homes Bonus revenue of £2.2 m – all significant benefits.
-

- Securing a 10% biodiversity net gain, when compared to the pre-development status of the site – a moderate benefit noting this development proposal was submitted before statutory requirements for such.

6.2 Conclusion

6.2.1 Any harm arising in respect of the appeal proposal would not outweigh the benefits of the development, never mind significantly or demonstrably so as set out in paragraph 11 (d) (ii) of the Framework. The planning balance is firmly in favour of the proposed development. Subject to planning conditions and a s106 obligation to address matters set out in this Statement of Case planning permission should be granted.
