

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"

LPA Reference: 24/00174/OUTS

Statement of Common Ground between

Gladman Developments Ltd

and

Test Valley Borough Council



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1 INTRODUCTION

1.1 Background

1.1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Gladman Developments Ltd (hereinafter referred to as 'the Appellant') and Test Valley Borough Council (hereinafter referred to as 'the Council' or 'TVBC').

1.1.2 The SoCG concerns an appeal made pursuant to the refusal of planning application ref: 24/00174/OUTS by the Council at Land east of Halterworth Lane, Romsey (herein referred to as 'the appeal site').

1.1.3 This SoCG sets out the agreed matters of fact and agreed positions between the Council and the Appellant in respect of planning matters raised by this appeal and also identifies matters which are the subject of specific disagreement. It been prepared in accordance with the PINS Procedural Guide: Planning appeals – England (Updated 17 September 2024).

1.2 Parties

1.2.1 The SoCG is jointly agreed by:

Signed

Date 31st January 2025

Name: Jason Iart, Director, MRTPI

On behalf of Planning Prospects for Gladman Developments Ltd

Signed

Date 31st January 2025

Name: Jason Owen, Development Manager (South), MRTPI

On behalf of Test Valley Borough Council

2 BACKGROUND AND PROPOSALS

2.1 Background to the Appeal

2.1.1 The planning application subject to this appeal was validated by TVBC on 24th January 2024. The application was supported by a suite of technical reports in accordance with the Council's planning application validation requirements.

2.1.2 The application was refused by TVBC on the 23rd April 2024 under delegated powers. As part of the decision notice there were 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 (RfR 1),
- diminishment of the Romsey North Baddesley local gap (RfR 2),
- landscape character impact RfR 2),
- adverse effect on the function, safety and character of local highway network (RfR 4) and
- lack of an agreed s106 obligation to secure the necessary infrastructure contributions (RfR's 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14).

2.2 The Appeal Site and Surroundings

2.2.1 The appeal site extends to 12.8 hectares and lies outside of, but adjacent to, the built-up area to the east of Romsey, Test Valley. The appeal site comprises fields in use for the grazing of animals. The appeal site is shown at CD1.2.

2.2.2 The appeal site lies adjacent to residential properties situated off Botley Road and Halterworth Lane Primary School to the south and to the east of development along Halterworth Lane. To the north and east of the site lies further agricultural land. The application site is well related to the existing built-up area of Romsey and represents a suitable and sustainable location for housing.

2.2.3 The application site is greenfield. 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.

2.3 Planning History

2.3.1 There are no historical planning applications of relevance on the site.

2.4 The Appeal Proposal

2.4.1 Outline planning permission is sought for up to 270 dwellings, including affordable housing, public open space, landscaping, sustainable drainage system, vehicular access points and land for the potential future expansion of Halterworth Primary School. All matters are reserved except for means of access into but not within the site, in the form of priority junctions from Halterworth Lane.

2.5 Drawings Sought for Approval

2.5.1 The following drawings were sought for approval and comprise the appeal drawings for this appeal:

Drawing ref	Drawing Name
09840-FPCR-ZZ-ZZ-DR-L-0004 P02	Site Location Plan (CD1.2)
P21004-001C	Proposed Site Access Arrangements North (CD1.5)
P21004-002B	Proposed Site Access Arrangements South (CD1.5a)

3 PLANNING POLICY

3.1 Development Plan

- 3.1.1 The statutory Development Plan currently comprises the Test Valley Revised Local Plan 2011-2029 (2016) and the Hampshire Minerals and Waste Plan (2013).

3.2 Test Valley Revised Local Plan 2011-2029

- 3.2.1 The Test Valley Revised Local Plan was adopted in January 2016, to cover the plan period 2011-2029 and was five years old in January 2021. The Plan was prepared to deliver the Policy COM1 housing requirement of 10,584 over the plan period 2011-2029 (588 dpa).

- 3.2.2 The built-up area boundaries were drawn up to accommodate the Policy COM1 development requirements.

- 3.2.3 The following policies of the Test Valley Revised Local Plan are specifically referred to in the RfR:

- 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)

- 3.2.4 It is common ground that the appeal proposals are in compliance with all those Local Plan policies not cited in the RfR.

3.3 Emerging Local Plan – Test Valley Draft Local Plan 2040

- 3.3.1 The Council is in the process of preparing a new Local Plan.

- 3.3.2 In terms of the stage of preparation, the Council most recently undertook Stage 2 of the Regulation 18 consultation between February and April 2024. However, the Council has recently confirmed that in light of the Government's proposed changes to national planning policy, which propose a significant increase in housing need for the borough, they will no longer be able to proceed with the draft plan in its current form.
- 3.3.3 In the context of paragraph 49 of the National Planning Policy Framework (NPPF) and given its stage of preparation, it is agreed that the emerging plan has no material weight in the determination of this appeal.

3.4 National Planning Policy Framework (December 2024)

- 3.4.1 The parties agree that the new NPPF is an important material consideration in the determination of this appeal. It can be noted that the NPPF has been amended with significant material changes since the original application was determined by the Council, particularly in relation to the need to demonstrate a 5 year housing land supply (paragraph 78), and new standard method calculation of Local Housing Need (LHN) which now informs the housing supply requirement for the 5 year supply calculation.

3.5 Written Ministerial Statement

- 3.5.1 The publication of the new NPPF arises from the change in UK government in July 2024. A Written Ministerial Statement (WMS) made by Angela Raynor, Deputy Prime Minister and Secretary of State (SoS) for Housing Communities and Local Government on 30th July 2024 titled "Building the homes we need" made a clear statement of the Government's policy stating the Government's commitment to improving affordability, turbocharging growth and building the 1.5 million homes they have committed to deliver over the next five years. The statement reaffirms that the country is in "the most acute housing crisis in living memory."
- 3.5.2 Alongside the new NPPF was a further WMS by Matthew Pennycook of the 12th December 2024 where the Government are clear that they know that it is **necessary** for permissions to be secured outside of local plan allocations and that **significant weight** must be given to presumption in favour of sustainable development as outlined in the NPPF creating a **"significant adjustment to the decision-making balance in favour of approving development"** (agreed emphasis added).

4 MATTERS ON WHICH THE PARTIES AGREE

4.1 Introduction

- 4.1.1 This section of the SoCG sets out the matters on which the parties agree. They are set out in the context of the new NPPF and where necessary and different to time when the Council determined the application, the Council's reconsideration of the proposals having regard to the changes to national policy described above, including its impact on the overall planning balance.

4.2 Weighting Schedule

- 4.2.1 The parties are in agreement that the scale for the descriptors of weight (both positive and negative) in the planning balance are as follows:

- Very significant
- Significant
- Moderate
- Limited
- Very limited
- Negligible
- Neutral/no weight.

4.3 Locational Sustainability

- 4.3.1 The site is in a sustainable location for housing development.
- 4.3.2 Romsey is the major service centre in the south of the Test Valley Borough. There are two major service centres, Andover and Romsey, and they are the highest category of settlement set by the settlement hierarchy at Table 7 of the TVLP. Romsey is therefore one of the most sustainable settlements in the borough having the widest range of facilities in the south of the Test Valley Borough area.
- 4.3.3 The location of the site which is adjacent to the exiting built up area boundary is accessible to a good range of services and facilities including Halterworth Primary School by virtue of it being situated adjacent to the appeal site's southern boundary.
- 4.3.4 The appeal site is accessible to existing shops, services, and employment opportunities by foot, bicycle, and public transport. The site is in walking distance of Romsey Town Centre and Romsey Train Station.

4.4 Provision of Housing including Affordable Housing

- 4.4.1 Although in outline, subject to Reserved Matters, the development has the potential to deliver up to 270 dwellings on the site. Where there is a national housing crisis in housing delivery highlighted by Government, and a significant LHN which is not being fully met, and the degree to which the LPA accepts HLS is currently expressed (see para 4.19.3 below) against the 5 year housing land supply, the delivery of housing through the appeal proposals will be a benefit of the development. The Council are of the view it's a significant benefit, the appellant believes it is very significant.
- 4.4.2 In addition, the development will also provide 40% (up to 108 new homes) of the proposed new housing as specifically, by definition, affordable housing in circumstances where there is also a national and local need to improve the affordability of new housing. There is a significant need for more affordable homes in Test Valley.
- 4.4.3 The affordable housing will be secured through the S106 obligation and the overall level of provision is in line with Local Plan policy COM7. The precise tenure and mix of the affordable housing as well as their location within the development, will be determined through subsequent reserved matters and submissions pursuant to the s106 planning obligation, but this will be in line with the Council's Affordable Housing SPD (2020) and SHMA (2022).
- 4.4.4 The parties agree that of itself, the provision of this scale of affordable housing is also a significant benefit of the appeal proposals. The provision of affordable housing as set out above would satisfactorily address the Council's Reason for Refusal 3.

4.5 Education and Healthcare

- 4.5.1 It is agreed that subject to the provision of an acceptable S106 obligation providing for proportionate contributions towards the provision of education and healthcare to mitigate demand from new residents, the proposed development will accord with Section 12 of the adopted Local Plan. Securing such contributions in the s106 will ensure that impacts on education and healthcare would be neutral in the planning balance for the appeal.
- 4.5.2 As part of the development proposals 1.09ha of land for the potential future expansion of Halterworth Primary School is to be provided as outlined on the Development Framework Plan (CD1.3). Part of this land is necessary for the future expansion of the school.
- 4.5.3 It is for the Local Education Authority & Clinical Commissioning Groups to allocate the funding and the land in accordance with Regulation 122 of the CIL Regulations 2010.

- 4.5.4 The provision of contributions as set out above would satisfactorily address the Council's Reasons for Refusal 8 and 13.

4.6 Design and Layout

- 4.6.1 As the application is in outline only, approval of layout, scale, appearance and landscaping would be considered in subsequent reserved matters applications.

- 4.6.2 The DFP (CD2.3) is illustrative and full details of design and layout would be provided at reserved matters stage. However, it is agreed that the quantum of development sought is capable of being accommodated on the appeal site whilst securing an appropriate level of residential amenity.

4.7 Arboriculture

- 4.7.1 A report on Arboriculture matters (CD1.10) was submitted with the application as well as a subsequent Addendum (CD 2.2). Whilst the appeal proposals are in outline, the access proposals for the site are not reserved but it is agreed that sufficient information is available to confirm that subject to conditions the proposed development will not give rise to unacceptable arboricultural impacts.

4.8 Ecology

- 4.8.1 An Ecological Impact Assessment (CD1.9) was submitted with the application which assesses various species and habitats and makes recommendations.

- 4.8.2 Subject to mitigation outlined in the Ecological Impact Assessment, it can be concluded that there is no impact on statutory designated ecology sites. Adequate mitigation can be provided and addressed at the detailed design stage and through the use of appropriate conditions as provided by the Ecologist Consultant (CD3.3) who offered no objection to the application subject to conditions.

- 4.8.3 As outlined in the Environmental Statement (CD1.23 Chapter 7), BNG calculations have been completed to ensure a net gain can be achieved on site. The proposed development will is estimated at this outline stage to achieve a net gain of 10.25% in habitat units and 22.01% gain in hedgerow units. This is agreed by both parties. In circumstances where this application was submitted and considered before the statutory requirements for Biodiversity Net Gain, the net gain expected from the proposals is agreed to be a further moderate benefit of the development.

- 4.8.4 As part of the development proposals a contribution will be provided towards off-site SANG mitigation measures as outlined within the Test Valley Borough Council New Forest International Nature Conservation Designations: Recreational Mitigation Framework Supplementary Planning Document. This contribution will be based on the contribution rates at paragraph 5.15, table 1 of the document. These rates will be established once future detailed applications are received. The triggers and specific rates will be secured through the s106 obligation.
- 4.8.5 The site is in the Lower Test and Southampton Stream catchment; part of the Solent Marine Catchment Area. The closest watercourse is the Tadburn Lake river, just over 250m northwest of the site.
- 4.8.6 It is agreed that the matter of nutrient neutrality can be suitably addressed through a credit based payment with a site identified and the most up to date budget calculator implemented as outlined within the Nutrient Neutrality Assessment (CD1.19) and secured through the s106 planning obligation¹. This was agreed by Natural England (CD3.11) who stated that subject to the application of an appropriate planning condition or obligation to secure the appropriate mitigation there is no objection to the proposal.
- 4.8.7 The provision of contributions for Recreation Mitigation and the arrangements for a credit based approach to nutrient neutrality as set out above would satisfactorily address the Council's Reasons for Refusal 10 and 11.

4.9 Economic Benefits

- 4.9.1 The parties agree that there will be economic benefits generated as a result of the development which can be weighed in the planning balance.
- 4.9.2 The NPPF, at paragraph 85, sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.9.3 The development will provide economic benefits; the Council believe these are moderate benefits, because they are not unique to the proposal. The appellant considers them as significant benefits. The economic benefits are in the form of the following (and quantified in the Socio Economic Chapter of the Environmental Statement):

¹ The s106 is in progress and at this stage the appellant reserves its position as to whether a Grampian condition could equally be used to secure the necessary Nutrient Neutrality arrangements and mitigation.

- Additional construction spend
- Jobs created in construction and associated industries.
- Increased gross expenditure in the local community and wider area.

4.10 Flooding and Drainage

- 4.10.1 The application has been subject to a response from Hampshire County Council (HCC) Flood and Water Management in their role as Lead Local Flood Authority. Both parties agree that the site is within Flood Zone 1 and is generally at very low risk from flooding from surface water. The site is outside any Environment Agency designated Source Protection Zone for Groundwater.
- 4.10.2 Policy E7 requires a Flood Risk Assessment to be submitted as part of a planning application. The flood risk assessment (CD1.14) demonstrates that the proposed development will not increase Flood Risk downstream. The proposed drainage strategy comprises of a SuDS drainage scheme to manage excess runoff from the development, comprising detention basins, designed to maintain runoff at pre-development rates, meaning the proposals will be in accordance with Policy E7.
- 4.10.3 In a consultation response from Hampshire County Council (HCC) Flood and Water Management it was confirmed that the site is at very low risk of flooding and that infiltration testing has been undertaken on site which demonstrated surface water cannot be discharged through infiltration or to a watercourse (CD3.6). Using the hierarchy the Lead Local Flood Authority has agreed to discharging to the surface water sewer for the surface water drainage. Condition can be imposed to secure appropriate arrangements will be put in place for foul and surface water drainage.
- 4.10.4 It is agreed that the above would satisfactorily address the Council's Reason for Refusal 9.

4.11 Impact on Heritage Assets/Archaeology

- 4.11.1 Subject to conditions, it is agreed that the appeal proposal would not result in any material harm or impact on heritage or archaeology assets.

4.12 Children's Play Areas

- 4.12.1 It is agreed that two Locally Equipped Area for Play (LEAP) would be required to serve the development and its provision would be secured through the section 106 agreement for provision on site.

4.13 Open Space

- 4.13.1 The proposal includes approximately 4.45 hectares of open space, including play areas, equating to over 47% of the site. The illustrative masterplan indicates a development of houses with private gardens in addition to the publicly accessible open space with a wildlife pond and recreational routes.
- 4.13.2 Taking account of the on-site proposals and subject to a planning obligation to fund capacity enhancements for formal sports and recreational facilities off site (sufficient to cater for the uplift in residents that would be living on the site) together with other required open space provision identified in the Officer report, the proposal would accord with Policy LHW1 of the Local Plan.
- 4.13.3 It is agreed that on site open space can be secured via the S106 Agreement along with ongoing management and maintenance arrangements. The provision of off site open space and recreation facilities through a financial contribution, alongside on site provision secured through the s106 as set out above would satisfactorily address the Council's Reason for Refusal 7.

4.14 Landscape and Visual and Local Gap

- 4.14.1 The appeal site is defined as countryside and outside of the settlement (albeit adjacent to) the built-up area boundary for Romsey, as defined by the current Local Plan. The proposals do not accord with Policy COM2, but the weight to this conflict and harm is set out in the planning balance.
- 4.14.2 The site is not subject to any statutory landscape designation. It is located within a Local 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.
- 4.14.3 The landscape character of the site would change as a result of the proposed change from a green field site to predominantly housing. The proposed development would result in limited harm to landscape character with the potential for landscaping to filter and soften views of the new settlement edge in the long-term. This harm is set out in the planning balance.
- 4.14.4 Development of this site would also introduce development into the Local Gap. There would be a diminishment of the physical separation of the gap as a result of the proposal. However,

a gap would still be present between Romsey and North Baddesley and the integrity of the Gap would be retained.

4.15 **Highways**

- 4.15.1 Reason for Refusal 4 was imposed in the context of comments from the Hampshire County Council highway officer (CD3.19). Further clarifications have been provided in relation to assessment and amendments requested by the Highway Authority including contributions to the betterment of pedestrian footways and cycleways within the vicinity of the appeal site which will be secured through the s106. It is agreed that the proposals include safe and suitable means of access to the site as proposed and that the site is suitably located and connected to sustainable travel modes including through the provision of a Travel Plan.
- 4.15.2 With suitable planning conditions, as well as the contributions sought to enhance local cycle and pedestrian connectivity, this would satisfactorily address the Council's Reason for Refusal 4,

4.16 **Public Art**

- 4.16.1 The requirement for on-site public art to contribute to the visual interest, public realm and community identity can be secured by an appropriate condition and/or s106 financial contribution. Such an approach would satisfactorily address the Council's Reason for Refusal 14.

4.17 **Skills and Training**

- 4.17.1 The ability of the development to secure skills and training including the potential provision of apprenticeships within the local community to enhance skills and training required to serve the needs of the existing and future population can be secured by appropriate provisions within the s106. Such an approach would satisfactorily address the Council's Reason for Refusal 12.

4.18 **Public Right of Way**

- 4.18.1 Romsey Extra Footpath 15 routes east / west through the site. The opportunity exists as part of the development through Reserved Matters and requirements of a planning condition to improve the useability of this route through surface enhancements and way finding to service future residents.

- 4.18.2 Subject to Reserved Matters submissions and a suitable condition, such an approach would satisfactorily address the Council's Reason for Refusal 5.

4.19 Housing Land Supply

- 4.19.1 In line with the NPPF paragraph 78, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their Local Housing Need (LHN) where in the case of Test Valley their strategic policies are more than 5 years old including an appropriate buffer to ensure a choice and competition in the market for land.
- 4.19.2 The new NPPF in December included alongside it the publication of an updated standard method for the calculation of Local Housing Need which for Test Valley has increased to 934 dwellings per annum. The five year requirement would be 4904 dwellings $((934 \times 5) \text{ plus } 5\% \text{ buffer})$.
- 4.19.3 Against the new increased LNH, the Council cannot demonstrate a 5 year supply of land for housing. The Council² calculate their supply at 2.76 years, a shortfall against the minimum 5 year requirement of 2,193 dwellings. The shortfall is significant.
- 4.19.4 In line with FN8 to the NPPF the most important policies for determining this appeal must be regarded as out of date and the provisions of paragraph 11 (d) (ii) of the NPPF are engaged. This means granting planning permission for development proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
- 4.19.5 Subject to Reserved Matters submissions and a suitable condition, such an approach would satisfactorily address the Council's Reason for Refusal 5.

4.20 Planning Balance

- 4.20.1 The parties are agreed that the planning balance in the case of this appeal, in the context of the provisions within the new NPPF and the absence of a 5 year supply of land for housing weigh in favour of granting planning permission.

² The Council's updated statement on housing land supply is set out in their Housing Implementation Strategy (As at April 2024), January 2025 - the appellant has not in the timeframes available since the publication of the Council's updated 5 year supply position been able to test the supply, but in any event it is agreed the shortfall to the requirement is significant.

- 4.20.2 The benefits of the scheme (even noting the slight differing views between the parties on the weight of the benefits) are cumulatively substantial and include the sustainable delivery of needed open market and affordable housing when there is a local housing supply shortage, in a sustainable location as well as the economic benefits in the form of investment and support for economic growth and job creation (noting the views of the parties at section 4.9), making effective use of land and providing for biodiversity gains. The appellant also believes there is some moderate benefit to the new public open space, the Council believe that the open space provision is neutral in the planning balance being a policy requirement/mitigation for the new population.
- 4.20.3 The adverse impacts of the scheme are comparatively less with localised visual implications arising from the loss of some currently greenfield land which is currently open countryside and part of a Local Gap. The weight to the conflict of the proposals with Policy COM2 and the site's location in the open countryside is limited given that this important policy is out of date (given the absence of a 5 year supply of housing at this time), and otherwise would constrain housing delivery.
- 4.20.4 Accordingly planning permission for development should be granted as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits of the development.
- 4.20.5 This position is a new planning balance for the Council but has been re-assessed in the context of the new NPPF and means that the Council would no longer advance Reasons for Refusal 1 and 2. Subject to completion of the s106 and/or conditions as set out the other Reasons for Refusal are also now capable of being resolved and would no longer be advanced.

5 MATTERS ON WHICH THE PARTIES DISAGREE

5.1 Update on Reasons for Refusal

- 5.1.1 The changes in national policy in the form of the NPPF as well as additional information and commitments to conditions and s106 obligations by the appellant, has necessitated the Council to re-assess the planning balance and their reasons for refusal.
- 5.1.2 In the context of the foregoing, there are now considered to be no matters of disagreement between the parties and the previous reasons for refusal are no longer being advanced if the conditions and s106 obligation are secured.

6 OBLIGATIONS AND CONDITIONS

6.1 Section 106 Obligations

- 6.1.1 The parties are progressing a planning obligation to secure the matters set out in this SoCG and which will meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6.2 Planning Conditions

- 6.2.1 The parties are preparing a list of appropriate planning conditions to secure the matters set out in this SoCG.

