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## Appeal Decisions

Inquiry held on 13 September and 13-16 December 2016 and closed on 16 January 2017

Site visit made on 4 January 2017

**by G D Jones BSc(Hons) DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 April 2017**

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### **Appeal A, Ref: APP/L1765/W/16/3141664**

#### **Land adjacent to Main Road, Colden Common**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Bargate Homes against the decision of Winchester City Council.
  - The application Ref 15/01151/OUT, dated 22 May 2015, was refused by notice dated 16 September 2015.
  - The development proposed is described as an outline planning application for up to 31 dwelling houses and associated works.
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### **Appeal B, Ref: APP/L1765/W/16/3141667**

#### **Land to East of Lower Moors Road, Colden Common**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Bargate Homes against the decision of Winchester City Council.
  - The application Ref 15/01149/OUT, dated 22 May 2015, was refused by notice dated 16 September 2015.
  - The development proposed is described as an outline planning application for up to 45 dwelling houses and associated works.
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## **Decisions**

- 1. Appeal A is dismissed and Appeal B is dismissed.**

### **Preliminary Matters**

- 2.** As set out above, there are two appeals relating to two separate planning applications for development at two different sites. I deal with them together given their reasonably close proximity and as many of the issues raised are common to both schemes.
- 3.** At the Inquiry the Council confirmed that it did not wish to defend its refusal reasons Nos 4, 5 and 6 in respect to both appeals on the basis that these matters could be satisfactorily dealt with by way of planning obligations and conditions. I adjusted the main issues accordingly during the Inquiry and have determined the appeals on that basis. During the Inquiry the Council also confirmed that although its refusal reason No 1 refers to conflict with Policies MTRA1 - MTRA4, inclusive, of the Winchester District Local Plan Part 1 - Joint Core Strategy, March 2013, (the LPP1), it should in fact exclude reference to Policy MTRA3.

4. Both sets of appeal proposals are for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to these reserved matters submitted with the two appeal applications as a guide as to how the site might be developed.
5. Legal agreements, dated 16 December 2016, for both appeals in the form of Unilateral Undertakings made under s106 of the Town and Country Planning Act 1990 (the UUs) were submitted during the course of the Inquiry and I have had regard to them in my consideration and determination of both appeals.
6. After the Inquiry closed the Inspector's Report on the Examination of the Winchester District Local Plan Part 2 – Development and Sites Allocations, dated 31 January 2017, was published. I confirmed to the main parties that I would take this document into account in my consideration and determination of the appeals and gave them both an opportunity to comment on it. I have received and taken those comments into account. Subsequently, the Winchester District Local Plan Part 2 – Development and Sites Allocations (the LPP2) was adopted on 5 April 2017. Although they were afforded the opportunity, either party made any further comments in view of this change.

### **Main Issues**

7. The main issues for both appeals are:
  - Whether or not the Council is able to demonstrate a five-year supply of housing land for the area;
  - The effects of the appeals schemes on the Council's Spatial Strategy, including as expressed in the LPP2<sup>1</sup>;
  - Their effects on the character and appearance of the area; and
  - Having regard to any benefits and disbenefits of the schemes, including whether there is a National Planning Policy Framework compliant supply of housing land in the area, whether the appeals proposals would be sustainable development.

### **Reasons**

#### *Five Year Housing Land Supply*

8. In respect to housing delivery, the National Planning Policy Framework (the Framework) requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites. The main parties disagree over whether or not the Council can do so.
9. Policy CP1 of the LPP1 sets the housing requirement for the period 2011-31 at 'about' 12,500 dwellings net. The parties agree that there was a shortfall on delivery against that target at the end of 2015/16 but not regarding the size of the shortfall. The other main areas of disagreement between the parties

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<sup>1</sup> Although at the Inquiry I referred to 'the emerging Local Plan Part 2', I have now altered this main issue in light of the adoption of the LPP2.

concern which buffer, 5 or 20%, should be applied to the housing requirement, whether the Liverpool or the Sedgefield approach should be employed and the inclusion, or otherwise, of one of the sites the Council considers should be included within the claimed five-year supply of housing along with the delivery rates from three of the other sites identified by the Council.

10. In summary, the Council's preferred scenario - based on the Liverpool approach of spreading any housing delivery shortfall across the plan period rather than concentrating it into the relevant five year period, as would be the case were the Sedgefield approach to be followed, a 5% buffer and its assessment of anticipated delivery - indicates 7.5 years housing land supply. In contrast, the appellant's preferred scenario, based on the Sedgefield approach, a 20% buffer and a discounted version of the Council's assessment of anticipated delivery, amounting to a 1,490 dwelling reduction from 5,593 to 4,103 homes, indicates 3.74 years housing land supply.
11. I note that the examining Inspector for the Winchester District Local Plan Part 2 – Development and Sites Allocations, in both his Note of Initial Findings letter of 28 July 2016 and his Report on the Examination referred to above, concludes that the Council has satisfactorily demonstrated that a five year supply of deliverable housing land is available across the district such that there is no current need to allocate additional or to reserve new housing sites over and above those identified in both the LPP1 and the LPP2, which has now been adopted and thus forms part of the development plan.
12. I am mindful that the LPP2 is a daughter document to the LPP1 and is limited in its scope to making non-strategic allocations sufficient to deliver the remaining element of the housing requirement that is not directly dealt with by the LPP1. I also note the appellant's criticism of the LPP2 examining Inspector's approach to and engagement with the question of five year housing land supply.
13. Nonetheless, the government's Planning Practice Guidance (the PPG) is clear that *the examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a 5 year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position.*
14. Aside from the PPG, it also appears to have been necessary for the LPP2 examining Inspector to engage with the matter of five year housing land supply in order to be able to take an informed position on whether there is a current need to allocate additional or to reserve new housing sites in the LPP2 over and above those identified in both parts of the Plan.
15. Establishing whether or not there is a five year housing land supply and its extent also seems likely to have had a bearing on the Inspector's assessment regarding potential further delays to delivery from the three strategic sites identified in the LPP1 and his endorsement of the Council's proposal to commence a full review of the whole Local Plan no later than 2018 and for this to be confirmed in the LPP2. This too supports my view that it was necessary for the LPP2 examining Inspector to establish whether or not there is a five year housing land supply. I have nonetheless made my own assessment based on the evidence that is before me.

16. The housing delivery strategy embodied in the LPP1 and the LPP2 relies on three large strategic sites to deliver around two-thirds of the overall housing requirement over the plan period. Such strategic sites tend to take longer to commence and deliver due to their relative complexities - such as those associated with getting planning permission and other development consents, land ownership issues and infrastructure delivery - compared to smaller sites, such that they are more likely to deliver later into the plan period. Consequently, the Sedgefield method is not currently appropriate in the District, whereas the Council's approach of anticipating a 'curved' rather than a 'straight-line' delivery and spreading the shortfall over the plan period is appropriate in my judgement.
17. The LPP2 examining Inspector concluded, on the information before him, that *there is no firm or compelling evidence of a significant failure to deliver new housing in the district over recent years such as to justify a requirement for a further 20% (rather than 5%) buffer of available land for new housing to be added into the five year supply at present.*
18. The Framework does not define what persistent under delivery of housing means. The PPG states that *the approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing. ... there can be no universally applicable test or definition of the term.*
19. As described above, the Council's housing delivery strategy relies largely on three strategic sites such that, in my judgement, when assessing past performance it is appropriate to measure delivery against the trajectory appended to the LPP1 rather than a 'straight-line', average figure of 625 homes per year as promoted by the appellant. Consequently, I favour the Council's 'requirement' figures for the five years 2011-16.
20. Both parties use the same 'requirement' for the preceding two years, 2009-11, based on an annualised figure of 612 homes derived from the South East Plan (the SEP). As the Hampshire County Structure Plan Review (the Structure Plan) was no longer extant and the plan period for the LPP1 had not yet started, in the absence of any other candidate 'requirement' I find no overriding reason to disagree with the parties in respect to those two years.
21. Although the SEP was not adopted until 2009 its base year was 2006 such that the appellant takes the view that the annualised figure of 612 homes should also be applied to the three years 2006-09. There is merit to this approach in principle. However, I am concerned that the evidence indicates that the SEP contained no annualised requirement as such and nor have I found reason to believe that it anticipated an even delivery of housing over the plan period. There is also no evidence that this average figure necessarily represented housing need in those years.
22. This matter was also considered by an Inspector when he determined another s78 appeal in 2014 (the Parkland appeal) for development elsewhere in the district<sup>2</sup>. My reservations over the appellant's approach to the years 2006-09, like those of the Parkland Inspector, are supported by the Zurich Assurance

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<sup>2</sup> APP/L1765/A/13/2209444, dated 20 June 2014

- judgment<sup>3</sup>. As that Inspector observed, the same point concerning shortfall of housing provision in this period was made in the Zurich Assurance case and it was held, albeit in the context of the challenge and not with specific reference to the need or otherwise for a 20% buffer, that the alleged shortfall was simply an artefact of making an assumption that the SEP assumed a straight-line allocation of new housing supply in the plan period at 612 new homes per year.
23. I also share that Inspector's reservation regarding assessment against the SEP figure during those years as they coincide with the recession when housing completions would most likely have been artificially low given the state of the economy.
24. For these reasons, on balance, I favour the Council's approach of using the Structure Plan figure for those three years. I also consider that the Council's approach to taking a longer term view from 2001 is appropriate in order to offer a better overall perspective of delivery having regard to the potential for peaks and troughs in delivery that might be caused by factors such as market conditions.
25. I have some reservations nonetheless, particularly in respect to the two most recent known years' performances which show reasonably substantial shortfalls against the rising LPP1 trajectory figures amounting to a shortfall of 662 homes in those two years alone. However, having taken an overall view of the 15 year period, I find that there is not currently a record of persistent under delivery of housing in the terms of the Framework such that a 5% buffer only should be applied to ensure choice and competition in the market for land.
26. In addition to the matters outlined above, I have come to this view on the basis that in the majority of those 15 years the 'requirement' was either met or exceeded, that they were broadly interspersed with those years when there was a deficit and that the cumulative deficit is only 588 homes, which equates to less than 40 dwellings per annum. While it is not insignificant, this deficit is reasonably modest in the context of the overall 'requirement' for that period of 7,374 homes or an average of some 491 per annum.
27. I note the evidence regarding the Council's fairly poor record over several years in terms of accurately predicting housing delivery. While material, it does not alter my overall conclusion given that past accuracy or otherwise is not necessarily a guide as to future accuracy and given that, even on the appellant's predicted delivery, a five year supply of housing land would be comfortably achieved.
28. For the foregoing reasons, therefore, at this stage the Council's Liverpool approach and 5% buffer should be used to calculate five year housing land supply. This results in a housing requirement, including the relevant shortfall and buffer, of 3,789 dwellings across the five year period 2016-2021. This figure is well below both the Council's and the appellant's assessments of supply over this period of 5,593 and 4,103 homes respectively. Therefore, on either of the parties' predictions of housing delivery the Council can demonstrate a five year supply of deliverable housing sites in the terms of para 49 of the Framework.

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<sup>3</sup> Zurich Assurance Limited v Winchester City Council, South Downs National Park Authority Case No: CO/5057/2013; [2014] EWHC 758 (Admin)

### *Spatial Strategy*

29. The Council's Spatial Strategy is set out in the LPP1. The bulk of new housing, some 10,000 new homes, is planned to be distributed to Winchester Town and the South Hampshire Urban Areas. Of this, some 8,000 is planned to be within major developments at North Winchester, West of Waterlooville and North Whiteley, the three strategic sites referred to above. The rest of the District, including both appeals sites, is located within the Market Towns and Rural Area (the MTRA) to which LPP1 Policies MTRA1 to MTRA5 expressly apply. Policy MTRA1 sets out the broad criteria by which the spatial planning vision for the MTRA will be achieved including the provision of new homes to meet the local housing needs of the settlements in this spatial area.
30. Policy MTRA2 provides for about 500 new homes in Bishops Waltham and New Alresford and about 250 new homes in each of six settlements including Colden Common. It states, among other things, that housing should be accommodated through development and redevelopment opportunities within existing settlement boundaries in the first instance. It adds that sites outside settlement boundaries will only be permitted where, following an assessment of capacity within the built-up area, they are shown to be needed, or to meet a community need or realise local community aspirations identified through a Neighbourhood Plan or other process which demonstrates clear community support.
31. The supporting text to Policy MTRA2, at para 6.20, goes on to state that the Policy will be delivered through a combination of development within existing defined built-up areas and planned greenfield releases or other allocations, particularly where necessary to meet specific local housing and employment needs and wider community aspirations. The need for any greenfield sites will be assessed, and allocations undertaken as necessary, through the LPP2, the South Downs Local Plan or a Neighbourhood Plan/community plan, with existing settlement boundaries retained in the meantime.
32. While both appeals sites are located close to the settlement boundary of Cold Colden neither is within it. Nor do they fall within sites and areas identified for development in the wider development plan, including the LPP2. Furthermore, LPP1 Policy MTRA4 establishes that both are within the countryside. It adds that in the countryside only certain types of development will be allowed including development which has an operational need for a countryside location, reuse, expansion or redevelopment of existing buildings, and small scale sites for low key tourist accommodation. As the appeals proposals do not involve any of the identified exception development they both conflict with Policy MTRA4.
33. LPP1 Policy MTRA4 is clearly intended to work in tandem with MTRA1 and MTRA2. Policy MTRA1 is generally permissive of development such that I find no direct conflict with it arising from either set of appeals proposals.
34. In contrast, Policy MTRA2 expressly requires new housing to be within the existing settlement boundaries in the first instance with sites beyond those boundaries only permitted where, following an assessment of capacity within the built-up area, they are shown to be needed, or to meet a community need or realise local community aspirations identified through a Neighbourhood Plan or other process which demonstrates clear community support. The LPP2

- process has identified two sites, which have now been be formally allocated for housing in the development plan to meet the needs of Colden Common.
35. The appellant has raised doubt about the scale of development that the two housing site allocations in the LPP2 would yield for a range of reasons. I also note that one of those sites is located beyond the identified settlement boundary. However, none of that evidence leads me to believe that those sites will not come forward for development during the plan period or that they will not necessarily deliver the number of dwellings envisaged. In any event, at this stage and in the context of there being a Framework compliant supply of housing land of the District at large, I give only limited weight to the appellant's concerns in this regard.
36. Either or both of the appeals developments would bring forward housing at Colden Common in reasonably accessible locations with good access to local services. Nonetheless, in the context of the local policy priority for new housing to be within the settlement boundary and given the housing allocations within the LPP2, I do not accept that either scheme is needed at this stage, would meet a local community aspiration or has clear community support in the terms of Policy MTRA2.
37. While the Council's second refusal reasons relate to the appeals developments' potential effects on the LPP2 process, as it has now been adopted, there can be no such impacts. The first refusal reasons refer to Policy H.3 of the Winchester District Local Plan Review, July 2006, (the WDLPR) however this Policy has been superseded due to the adoption of the LPP2 and no longer forms part of the development plan. Nonetheless, for the reasons outlined above, both appeals proposals would be at odds with and, thereby, harmful to the Council's Spatial Strategy, conflicting with Policies MTRA2 and MTRA4 of the LPP1.

#### *Character and Appearance*

38. Both appeals sites lie on the northern edge of Colden Common. The smaller village of Twyford lies a little over 1km to the north. The built up area of Colden Common is largely contained within three main roads - the B3335 Highbridge Road, the B3354 Main Road, to the west and east respectively, and Church Lane, running west to east to the south - forming a roughly triangular shaped settlement. Although the village contains a number of listed buildings, there is no conservation area and there is no evidently consistent architectural vernacular. While both sites lie close to, but outside of, the South Downs National Park (the National Park), neither has any specific landscape protection in adopted planning policy terms.
39. The Appeal A site is a field which lies on the north-eastern edge of the village with a reasonably long frontage to Main Road to its west, facing existing residential development beyond the highway. It also adjoins housing to the south. It is roughly rectangular and extends to about 1.45ha. To the north and east a mature landscape framework physically and visually contains the site, principally in the form of trees, woods and hedgerows. The site, which rises fairly gently eastwards from Main Road, is down to permanent grassland and in use for the keeping of horses.
40. Notwithstanding its use, the field broadly has the appearance of a pasture used for agricultural purposes and has a rural feel comparable to the neighbouring countryside. The Council has produced the Winchester District Landscape

Character Assessment, March 2004, (the LCA). The Appeal A site is within the western edge of the 'South Winchester Downs' Landscape Character Area identified therein. The landscape of the site is not particularly typical of this remote landscape character area, due in part to its proximity to the busy B3354 and the edge of the village.

41. Nevertheless, the site and the nearby countryside which falls within this LCA display some characteristics that are common to it. These include 'significant areas of woodland' such as Taylor's Copse an Ancient Woodland and designated a SINC to the east of the site, which is visible in filtered views from the B3354, 'views of a more enclosed intimate nature', 'rural landscape of predominantly arable farmland with some mixed farming', 'hedgerows are generally strong, often with mature trees', 'field size varies from smaller paddocks surrounding the villages, to larger areas of enclosed downland' and 'areas of pasture, a high proportion of which supports mixed farming or horse grazing'.
42. The proposed development of this site would include the erection of up to 31 dwellings with a new vehicular access onto Main Road. While all matters, bar access, are reserved for future consideration, the supporting details indicate that the buildings would be two-storey and that there would be areas of natural and informal green space totalling 0.41ha.
43. The Appeal B site also lies on the northern edge of the village, to the east of Lower Moors Road. It is roughly rectangular and extends in total to approximately 2.46ha. It adjoins the main body of the built up area to the south, including the village recreation ground. To the east it abuts the rear gardens of the development which fronts on to Main Road, which include a number of listed buildings and which face the Appeal A site. The site is crossed by a bridleway, which runs roughly east-west linking Lower Moors Road and Main Road, arriving opposite the Appeal A site to the east. Together with the adjoining land to the north, it is reasonably flat and also down to permanent grassland and in use for the keeping of horses.
44. Notwithstanding its use, this site also broadly has the appearance of pasture used for agricultural purposes and has the general appearance of countryside albeit adjacent to the settlement. The LCA includes it as part of the 'Lower Itchen Valley' LCA, which comprises a wide, flat river valley flood plain and valley sides. It indicates that the overall character of this landscape type ranges from enclosed to open, depending on the degree of vegetation present and the nature of the topography and geology and the field pattern is irregular and largely made up of paddocks and pasture. These character traits are broadly typical of the site and nearby land within this LCA.
45. The development proposed at this site would include the erection of up to 45 dwellings with a new vehicular access to the western boundary on to Lower Moors Road and a new pedestrian access into Orchard Close and the recreation ground to the south. While all matters, except for access, are reserved for future consideration, the supporting details also indicate that the buildings would be two-storey and that there would be areas of natural and informal green space totalling 0.73ha.
46. The appellant produced separate Landscape and Visual Impact Assessments (LVIAs) for each of the appeals proposals, which were supplemented and modified somewhat by evidence submitted through the appeals process. The Council is critical of some aspects of this work,

particularly in respect to the assessment of the effect of the proposed development on the landscape character within each site. However, these sets of work are reasonably intended to assess any effect on the landscape at large within which each site sits rather than a narrow assessment of each site alone. Accordingly, given the medium sensitivity of the landscape at large, that both sites are reasonably well contained within that landscape, notably due to mature planting and existing development, and as they are both located close to the built up settlement edge, I consider that the LVIA's and the associated work undertaken by the appellant amount to reasonably representative assessments of the likely effect of each set of proposals.

47. In respect to the schemes' effects on landscape character they are assessed as Minor/Moderate Adverse for Appeal A and Minor Adverse for Appeal B. The appellant's evidence also reasonably concludes that visual effects would be principally confined to within and near to each site. While these are not major impacts as such, harm would arise to the character and appearance of the area as a consequence of each development.
48. While in the case of both sites part of the neighbouring landscape is characterised by domestic development and use, the introduction of development to any undeveloped site would be very likely to alter its character. Both of these sites are reasonably important insofar as they are both fairly readily apparent from nearby views and contribute to the countryside setting of the village. To a large extent, their value stems from the fact that they remain open and undeveloped.
49. Notwithstanding the proposed landscaping works, both sets of development would be readily apparent from nearby views; notably, in the case of Appeal A, from the adjoining Main Road, which is one of the principal approaches to the village from the north and to an extent from nearby private properties, and, in the case of Appeal B, from the proposed vehicular access point, Lower Moors Road and particularly from along the bridleway that crosses the site and also to an extent from nearby private properties. Users of the bridleway would also have reasonably clear views of the developed Appeal A site.
50. For these reasons, although the effects of both proposals in this regard would be fairly contained, the identified harm to the area's character and appearance carries reasonably significant weight against each appeal proposal. Consequently, while matters of detailed design, layout and scale of the built form could be carefully controlled at the reserved matters stage, the introduction of development of the extent and type proposed to the appeals sites would be at odds with LPP1 Policy CP13 (High Quality Design) particularly as neither would provide overall enhancement to both the natural and built environment. The Council also alleged conflict with Policy DP3 (General Design Criteria) of the WDLPR, however this Policy was superseded with the recent adoption of the LPP2, such that it is not now part of the development plan.
51. Nonetheless, notwithstanding the location of the appeals sites between Colden Common and Twyford, as the land to the north has a largely undeveloped, rural feel, I do not consider that either or both of the developments would have a significant effect in terms of coalescence particularly given the sites' reasonably modest sizes and the amount of space that would be retained between the settlements.

52. The National Park boundary runs close to Appeal site B to the west of Highbridge Road and also a little to the north of the Appeal A site. However, notwithstanding their reasonably close proximity, due to the intimacy of the landscape, neither site is clearly inter-visible with the National Park. For this reason, combined with the sites' modest respective sizes relative to that of the National Park and the mitigating effect of potential landscaping works, the appeals developments would not have a significant effect on the context/setting of the National Park, such that there would be no conflict with Policy CP19 (South Downs National Park) of the LPP1.
53. Nor have I identified any particular additional harm to the character and appearance of the area arising from the proximity of heritage assets to either appeals site, such that I have not found any associated conflict with LPP1 Policy CP20 (Heritage and Landscape Character). In this regard I am mindful that the Council's case against both appeals does not raise heritage issues as regards the setting of designated or undesignated heritage assets.

*Other Issues, Sustainable Development and Planning Balance*

54. I have found that the Council is currently able to demonstrate a five-year supply of housing land for the area and that both appeals proposals would conflict with Policies MTRA2, MTRA4 and CP13 of the LPP1 in terms of their respective harmful effects on the Council's Spatial Strategy and on the character and appearance of the area. As the LPP1 post-dates the Framework and given the Framework compliant housing land supply, these Policies carry full weight. Accordingly - in the context of a genuinely plan-led planning system and given the provisions set out in the LPP2 - the development plan, including the settlement boundary for Colden Common, is not absent, silent nor relevant policies out of date and I give the identified harm and development plan policy conflict very considerable combined weight against each of the appeals proposals.
55. There are, nonetheless, several matters that weigh in favour of the appeals proposals, including the contribution that they would make to the provision of affordable housing. For instance, applying the Council's 40% Policy objective to the number of homes that were predicted to be built following the trajectory appended to the LPP1 over its first four years, which amounts to 1,499 homes, equates to some 600 affordable homes, or roughly 150 homes per year. Applying the average annual requirement figure of 625 homes per year, which equates to 2,500 over the four years, results in a 40% affordable housing component of 1,000 dwellings in total or 250 per year. In reality, however, the evidence indicates that only 367 affordable homes have been delivered over that period, an average of some 92 dwellings per year.
56. There is also a current housing waiting list of some 2,300 households in the District and the Council is using bed and breakfast accommodation to house people. In Colden Common, the most recent Hampshire Home Choice Register shows some 100 households with a local connection on the waiting list for affordable housing. It is also not yet clear how much affordable housing the Colden Common LPP2 housing allocation sites will yield. The two appeals schemes would each make a valuable contribution to affordable housing provision locally amounting to 31 affordable units in total. In the context of such affordable housing need the proposed delivery of affordable housing carries significant weight in favour of both appeals.

57. There are also other matters that have been identified through the evidence that weigh in favour of the appeals proposals and which contribute to the three dimensions of sustainable development. In addition to affordable housing, these include the general contribution the developments would make to boosting significantly the supply of housing notwithstanding that the Council has demonstrated a Framework compliant supply of land. They would also contribute towards economic growth during the construction phase in terms of employment and spending. In the longer term, the additional population would increase the potential for spending, for instance in local shops, and help support the sustainability of the local services and facilities. Furthermore, the schemes offer the potential to create a good quality built environment for their residents with reasonably good access to local services and facilities, including public open space that would be accessible and thereby beneficial to the wider community; and to protect and enhance habitats.
58. While weighty considerations, particularly the contribution offered to the supply of affordable housing, overall these matters do not collectively outbalance the identified harm and planning policy conflict in either case. Neither of the appeals proposals is, therefore, sustainable development in the terms of the Framework.

### **Other Matters**

59. Having taken into consideration the contents of the respective UUs and given due weight to the obligations therein these matters have not altered my overall decision on either appeal. I have come to this view bearing in mind the matters set out above regarding the proposed affordable housing and that the other planning obligations that would be secured were planning permissions to be granted are intended to respond to requirements arising from the developments rather than any existing need.
60. I have also taken into account the matters raised in support and opposition to the appeals schemes by interested parties, including by those who spoke during the Inquiry. However, for the reasons outlined above, they have not led me to any different overall conclusions.

### **Conclusions**

61. In summary, the Appeal A and Appeal B developments would cause harm to the Council's Spatial Strategy and to the character and appearance of the area in conflict with the development plan. While there are matters that weigh in favour of the developments, most notably affordable housing delivery, these are not so weighty that they indicate that the appeals should be determined other than in accordance with the development plan. Neither appeal scheme is sustainable development in the terms of the Framework.
62. For all of the reasons given, therefore, **Appeal A and Appeal B should be dismissed.**

*G D Jones*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

David Lintott, of Counsel	Instructed by Winchester City Council
He called	
Linda Jewell BA T&CP	LJ Planning
Sue Sutherland BSc(Hons), CMLI	Sue Sutherland Landscape Architects

### FOR THE APPELLANT:

Christopher Boyle of Queens	Instructed by Pro Vision Planning and Design
He called	
Corinna Demmar BA (Hons) DipLA (Hons) CMLI	RPS Group
Mark Hewitt	Senior Partner, Intelligent Land
Steven Smallman BA MRTPI MRICS	Director, Pro Vision Planning and Design Ltd

### INTERESTED PERSONS:

Margaret Hill	Colden Common Parish Council
Pam Glasspool	Local Resident

## **DOCUMENTS submitted at/following the Inquiry**

- 1 A - Planning Obligation by Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990, dated 16 December 2016 in respect to Appeal A  
B - Planning Obligation by Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990, dated 16 December 2016 in respect to Appeal B
- 2 RPS Comments on Proof of Evidence of Sue Sutherland's Appendix 2
- 3 Plans of SSLA significance of visual effects for Main Road and Lower Moors Road sites
- 4 SSLA Photo Location Plan and Photos
- 5 LPP2 Examination – July 2016 Statement of Common Ground between the Council and Bloombridge (51939) concerning Policy CC1: Sandyfields Housing Allocation
- 6 'Parish Council Statement to Inspector at LPP2 Hearing on 19 July 2016'
- 7 Suggested sets of conditions
- 8 Appeal decision reference APP/Z3825/W/14/3001703 dated 12 December 2016
- 9 Email exchange between Mike Emett (Strategic Land Director, Cala Group Ltd) and Mark Hewett, December 2016
- 10 Email exchange between Elizabeth Ellam (Council Planning Solicitor) and Fiona Sutherland (Council Planning and Information Solicitor), December 2016
- 11 Email from Steve Opacic (Council Head of Strategic Planning) to Rob Westwood, dated 11 October 2016

- 12 Extract from Hampshire Home Choice website and email from Kirstin Gray (Planning Consultant, Pro Vision) to Steven Smallman dated 22 November 2016 and attached schedule of applications on Hampshire Home Choice who indicate they had a location connection to Colden Common, November 2016
- 13 Definitions of rural-urban fringe and urban fridge
- 14 Extracts from Guidelines for Landscape and Visual Impact Assessment Third Edition
- 15 Extract from tree species sizes manual
- 16 Suffolk Coastal DC v Hopkins Homes & SSDCLG and Richborough Estates v Cheshire East BC & SSDCLG, Neutral Citation Number: [2016] EWCA Civ 168, 17 March 2016
- 17 Report to Winchester City Council on the Examination of the Winchester District Local Plan Part 2 – Development Management and Site Allocations, 31 January 2017
- 18 Winchester City Council on the Examination of the Winchester District Local Plan Part 2 – Development Management and Site Allocations Main Modifications January 2017
- 19 The parties' comments on Inquiry Document 17, above, prepared by Linda Jewell and Steven Smallman respectively