
Appeal Decision

Inquiry opened on 28 July 2015

Site visit made on 30 July 2015

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 21 October 2015

Appeal Ref: APP/W1715/W/14/3001499

Land to the east of Sovereign Drive and Precosa Road, Botley, Southampton, Hampshire SO30 2NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bewley Homes plc against the decision of Eastleigh Borough Council.
 - The application Ref F/13/73606, dated 14 November 2013, was refused by notice dated 9 July 2014.
 - The development proposed is described as "the demolition of two properties, No 47 Sovereign Drive and No 1 Precosa Road, alterations to Sovereign Drive and Precosa Road, to create a new access and for residential development on 4.2 hectares of land, including the provision of new roads, public open space, landscaping and drainage works."
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Decision

1. The appeal is allowed and planning permission is granted for "the demolition of two properties, No 47 Sovereign Drive and No 1 Precosa Road, alterations to Sovereign Drive and Precosa Road, to create a new access and for residential development on 4.2 hectares of land, including the provision of new roads, public open space, landscaping and drainage works" at land to the east of Sovereign Drive and Precosa Road, Botley, Southampton, Hampshire SO30 2NW in accordance with the terms of the application, Ref F/13/73606, dated 14 November 2013, subject to the conditions set out in the annex hereto.

Preliminary and procedural matters

2. For the purposes of this decision I deploy the description of development used on the original application form. However, what is actually proposed is more comprehensively and precisely described by the Council as "residential development comprising 106 new dwelling units, new access from Sovereign Drive, new roads, public open space, landscaping and drainage works following demolition of 47 Sovereign Drive, 1 Precosa Road and Hatts Copse House (net 103 dwellings)."
3. The inquiry sat for the four days 28 – 31 July, the formal site visit having been undertaken on the afternoon of 30 July, in advance of closing submissions the following morning.

4. Statements of Common Ground were submitted to the Inquiry in respect of Planning Matters (PSoCG – Eastleigh Borough Council and appellant¹), Transportation (TSoCG – Hampshire County Council and appellant²) and Housing Land Supply (HLSoCG – Eastleigh Borough Council and appellant³). For the avoidance of doubt, I take the reference in paragraph 7.2 of the PSoCG to be a reference to the on-line Planning Practice Guidance (PPG).
5. A completed planning obligation, dated 27 of July 2015, was submitted to the Inquiry. This is in the form of an agreement between Bewley Homes plc, Eastleigh Borough Council, Hampshire County Council and the various current landowners identified therein. In summary, it provides for 37 of the 106 dwellings proposed to be affordable housing intermixed with open market housing and distributed across the site in specified locations, the laying out and ultimate transfer to the Council of open space within the site (or, in the alternative, the retention and management of the open space), the timely completion of a highways agreement, a travel plan, an employment and skills plan and a wide range of financial contributions. The latter include contributions in respect of community infrastructure, off-site play facilities, mitigation of impact on the birdlife of the Solent and the Hamble estuary, traffic regulation orders as may be necessary, primary education, secondary education, sustainable integrated travel measures, street tree maintenance and public art. More detail is contained in the Council's CIL compliance statement.⁴
6. There is a discrepancy in the numbering of the reasons for which the Council originally refused the application on the decision notice, but essentially there were five of these. As a consequence of agreement with the Highways Authority regarding revised access details, the highway safety reason originally recommended by officers was revised to relate solely to network capacity issues subsequently overcome by the completion of the planning obligation. This obligation also resolved the reasons for refusal concerning affordable housing, physical and social infrastructure and the anticipated impact on the Solent and Southampton Water Special Protection Area. Accordingly, the Council only pursues the first reason for refusal, giving rise to the main issues I have identified below.

Main Issues

7. Having heard and considered the evidence and submissions of the parties and visited the site and surrounding area, I consider the main issues to be as follows:-
 - The implications of the acknowledged shortfall in housing land for the application of relevant local and national policy including the presumption in favour of sustainable development articulated in the National Planning Policy Framework ('the Framework');
 - The effect of the proposed development on the character, appearance and utility of the countryside; its potential impact on the effectiveness of the defined local gap between Hedge End and Botley; and its effect on the intentions of relevant local and national policy to protect the countryside and the identity of settlements; and

¹ Doc 1

² BHCD.1

³ Doc 6

⁴ Doc 20

- If the proposed development would harm the intentions of local and national policy concerning these matters, whether such harm is outweighed by other considerations and whether, consequentially, it may be considered sustainable.

Reasons

Physical circumstances

8. The appeal site is described in detail in the PSoCG but essentially comprises a series of paddocks abutting the eastern margin of housing development in Hedge End dating from the latter half of the twentieth century. Hatts Copse House is set in the approximate centre of the site. The southern end of the site adjoins the Little Hatts Recreation Ground, from which it is separated by a substantial hedgerow; whilst the northern end is adjacent to what appears to be a large disused orchard, from which it is separated by hedgerows on either side of a track which forms part of a public right of way (Footpath 18). This continues eastwards to cross Brook Lane (at which point it becomes Footpath 10) before continuing eastwards to join a path (Footpath 11) which continues north-eastwards to the southern margin of Botley.⁵
9. The route traverses flattish countryside that is largely uninterrupted by built development, save for Fir Tree Farm, Hatts Copse House itself, isolated properties to the north of Footpath 18 and the ribbon of residential development along Brook Lane. The character of the countryside changes quite markedly at Brook Lane, the area to the east being more open with larger fields than the more intimate, and enclosed feel of the countryside around Footpath 18 to the west, where hedgerow and other trees tend to restrict views. To the east of the appeal site, and the fields most closely associated with Fir Tree Farm, what appears to be an informal route southwards crosses private land characterised at present by extensive bracken growth and woodland. I was informed that it is possible, via this route, to ultimately reach the recreation ground to the south of the appeal site. Via Footpath 18 and Brook Lane (and also via Precosa Road and Kings Copse Avenue) it is possible to reach the extensive network of footpaths associated with Manor Farm Country Park to the south, in the broader area of countryside on the north bank of the River Hamble.
10. The proposed layout of the site is constrained by easements for oil and gas pipelines and by the need to demolish two houses acquired at the junction of Sovereign Drive and Precosa Road so as to form (with changed priority) an offset crossroads arrangement, as agreed to be acceptable by the highways authority. Emergency access would be via the existing track to Hatts Copse House from Precosa Road and pedestrian access would be created to link open space within the proposed site to an area of incidental open space and the Little Hatts Recreation Ground at its southern end. The northern end of the site would connect to Footpath 18 and its eastern margin would be characterised by a belt of open space with trees spaced individually within it in broadly linear fashion, with a pedestrian route along the eastern margin roughly parallel to the existing informal route which I have described through the countryside to the east. Thus configured, the proposed development would link into the existing public realm along its northern, western and southern margins.

⁵ The route described is clearly shown on the plan at BHCD.5

Policy and legal circumstances

11. The starting point for the determination of the appeal is of course the existing development plan, as required by s38(6) of the Planning and Compulsory Purchase Act 2004. The development plan currently comprises the saved policies of the Eastleigh Borough Local Plan Review 2001-2011 ('the local plan') and the Hampshire Minerals and Waste Plan. It is common ground that the latter is not relevant to this appeal.
12. The examination of its proposed replacement, the Eastleigh Borough Local Plan 2011-2029, took place last autumn and winter but was found to be unsound in relation to housing land supply by the Inspector, who reported to that effect in February 2015. Although not formally withdrawn, apparently, it is common ground that the weight to be attached to the emerging policies therein is extremely limited. I have no reason to disagree.
13. A range of saved local plan policies of potential relevance is set out in the PSoCG⁶. I refer to these where it is necessary to do so for the purposes of addressing the main issues and any other matters. It is common ground that the local plan is out-of-date as far as housing land supply is concerned. Despite that generality of agreement, it is not common ground that the two policies cited by the Council in its first reason for refusal are policies relevant to the supply of housing, as the appellant maintains, and hence out of date also for the purposes of paragraph 49 the Framework. The policies in question are 1.CO concerning protection of the countryside and 3.CO which aims to protect designated Local Gaps. The matter of how to approach these policies was the subject of extensive legal submissions.⁷
14. Given the nature of the Council's submissions, in particular, it is necessary for me to conclude on this at the outset because the basis for approaching the main issues is predicated on that view, albeit the Council accepts without qualification that its view of the policies would not prevent me determining the appeal contrary to the intentions of the development plan by direct application of the discretionary approach embodied in the relevant primary legislation.⁸ The Council of course recognises in this context that the Framework itself, the overarching expression of national planning policy, is a material consideration, as is made explicit in its paragraphs 196 and 211. PPG, as maintained nationally, is also potentially material.
15. The PSoCG lists a number of Supplementary Planning Documents (SPD) and other forms of guidance, including inter-authority guidance of a non-statutory nature such as the "PUSH Policy Framework for Gaps" published in 2008.⁹ Again, I refer specifically to these only to the extent that it is necessary to do so.
16. I turn now to the legal arguments relevant to policies 1.CO and 3.CO. It is not necessary for me to retread the same ground as the parties' advocates. This is covered in detail in their submissions.¹⁰ It is, however, necessary for me to consider the policies in the context of the most relevant established case law

⁶ Doc 1 paragraph 8.4

⁷ See in particular Doc 23, the Council's closing submissions

⁸ s38(6) of the Planning and Compulsory Purchase Act 2004 provides that... "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*".

⁹ PUSH is the acronym for Partnership for Urban South Hampshire

¹⁰ Docs 8,9, 23 & 25

and the principles embodied therein as they have evolved through a number of legal cases, including *South Northamptonshire v SSCLG* [2014] EWHC 573 (Admin), *Cheshire East Borough Council v SSCLG* [2015] EWHC 410 (Admin) and *Wenman v SSCLG* [2015] EWHC 925 (Admin), in the latter of which the principles established in the preceding two cases mentioned were further refined. I am conscious that leave has been granted to test the Cheshire East judgement in the Court of Appeal but, pending the outcome of that process, which is unlikely to be within the timescale of this decision, I am constrained to apply the law as I understand it to operate at present.

17. The difficulty, as I see it, stems from disputes over the term “relevant policies for the supply of housing” as referred to in paragraph 49 of the Framework. *South Northamptonshire* established the principle that policies which restricted development generally could in some circumstances be effectively “counterpart” policies to those that expressly concerned housing land supply. *Cheshire East* is said by the Council to establish the principle that policies cannot sensibly be “dual-purpose”, i.e. out of date for the purposes of housing supply but up-to-date for other purposes which they may have. In other words, it was submitted, policies are either relevant policies for the supply of housing or they are not; and they are either out-of-date (and dis-applied in their entirety by virtue of paragraph 49) or they are not.¹¹ The ruling in *Cheshire East* concerned the application of a policy (NE.4) intended to protect defined Green Gaps specifically, rather than restrict development in the countryside generally. *Wenman*, on the other hand, refines the position somewhat by clarifying that policies may legitimately be categorised in the context of the *South Northamptonshire* ruling into policies which either expressly address housing or are general policies restricting development (and therefore fall within the first category identified in that case) and into policies designed to restrict specific areas or features, including gaps between settlements, and which could sensibly exist regardless of the distribution of housing or other development (therefore falling into the second category identified) by reference to the specific circumstances prevailing. The principle is overlaid by the principle established in *Cheshire East* that policies targeted by the intention of paragraph 49 must be relevant to the site in question.
18. Paragraph 54 of the *Wenman* judgement reproduces a policy concerning Green Belt and the countryside beyond it and outside certain settlements which intends that “building in the open countryside away from existing settlements will be strictly controlled”. On that basis it was held (at paragraph 55) as follows... “*In my judgement, policy C2 is a very general restriction on development in the open countryside. It falls within Ouseley J’s first category and so the Inspector erred in treating it as a policy which was not for the supply of housing, and in not considering the application of paragraph 49 NPPF*” (my emphasis). I am also conscious that the Judgement in *Wenman* (at paragraph 66) suggests that it remains open to the decision maker to give weight to any aspects of a policy dis-applied by paragraph 49 of the Framework which may remain relevant to the overall assessment under paragraph 14 of the Framework. Moreover, in paragraph 70 of the judgement it is suggested that... “*where an Inspector decides to have regard to a policy falling within paragraph 49, he ought to explain whether, and to what extent, he found it to be out-of-date, and indicate which aspects of the policy he gave weight to and why. Otherwise [it is contended] it is not possible for the parties to understand*

¹¹ Doc 23 (Council’s closing submissions) paragraph 4.13.4

how the overall assessment under paragraph 14 has been conducted, and whether an inspector has erred in his approach."

19. The thrust of paragraphs 66 and 70 suggest to me that the rather absolute position advanced by the Council concerning the purposes and currency of policies affected by paragraph 49 of the Framework does not accord with judicial thinking, certainly as presented in the *Wenman* ruling. Moreover, paragraph 62 of the Cheshire East judgement stated, importantly in my view, that... "*a policy such as this one [NE.4 as previously described] cannot be divided according to its perceived purposes. It either comes within paragraph 49 or it does not.*" (the emphasis is mine). Given the qualification I have highlighted and the implications of paragraphs 66 and 70 in *Wenman* it seems to me that the Council's position is undoubtedly overstated and that varying degrees of currency relative to the Framework could well be identified within a single policy depending on its scope, construction and content.
20. Whilst the law is seemingly in a state of flux, I nevertheless consider that the relevant legal principles are sufficiently clear at present to be applied in a practical, commonsense and conclusive fashion to the policies at issue in this particular appeal.
21. It is plain that both policies 1.CO and 3.CO of the local plan are policies that are relevant to the site in question. It is included within a defined Local Gap on the proposals map and therefore it is clear that the intentions of 3.CO apply with full force. Similarly, because it lies outside the defined 'urban edge' on the proposals map, it is within the 'countryside' as defined subject to all facets of the policy 1.CO.
22. 1.CO imposes a general restriction on development within the countryside in essentially the same way that policy C2 in the *Wenman* case does. The fact that it is permissive of a limited range of exceptions does not, it seems to me, alter the principal intended effect of restricting most forms of development including general purpose housing. Like C2, it aims to strictly control building in the open countryside and, what is more, applies to all countryside areas outside the defined urban edge, within which it is non-contentious between the parties that there is very limited opportunity for the redevelopment of previously-developed land for housing and certainly nowhere near enough to satisfy housing requirements at the level acknowledged by the Council even now. This is borne out by the aggregate scale of Council resolutions to grant permission for housing on sites that are within the countryside at least and more often than not within a strategic or local gap.¹²
23. In the light of all that is set out above, I am driven to the clear and unequivocal conclusion that policy 1.CO, notwithstanding the Council's submissions that *Cheshire East* suggests otherwise, is in reality and, in the main, certainly to the extent that it impinges on housing as opposed to other forms of urban development, a relevant 'counterpart' policy for the supply of housing falling within the first category identified in the *South Northamptonshire* case, as refined by *Wenman*. Elements of it, notably the first category of allowable exceptions, remain broadly consistent with Framework policy for the countryside, but given the acknowledged shortfall in housing land supply, the policy taken as a whole cannot be considered up-to-date and is therefore effectively dis-applied by virtue of paragraph 49 of the Framework so as to

¹² Doc 12

engage the presumption in favour of sustainable development set out in paragraph 14. Even if it were not, it remains the case that the principal policy for the supply of housing throughout the Borough, policy 70.H, is acknowledged to be out-of-date¹³ and, in view of the universality of its application, it is arguably relevant to all sites where housing might be a practicable proposition.

24. The position regarding policy 3.CO is acknowledged to be less clear, even in the context of the appellant's submissions. If the policy has a single primary purpose, that is to maintain local gaps between settlements free of urban development, even though some development routinely acceptable in rural areas would be permissible. While I have considered the argument put to me that the "gap policies" (2.CO and 3.CO) are so extensive in their coverage and (now) so frequently breached¹⁴ that they must, for all practical purposes be, in effect, counterpart housing supply policies, I am also cognisant of the fact that, unlike policy 1.CO, they do not cover all land outside the defined urban edge. Examination of the local plan proposals map reveals substantial areas of open countryside covered solely by policy 1.CO which may or may not be potentially suitable for housing if circumstances so demanded.
25. Whilst the identified gaps by their very nature tend to be more proximate in their relationship to existing urban development, this characteristic of the existing local planning framework leads me to the conclusion that they could exist regardless of the distribution of housing or other development. Whether such an existence is "sensible" or not is largely a matter of broader planning judgement about the development planning circumstances of the Borough but, in the strictest sense, they do not inevitably frustrate housing supply beyond the current urban edge and may therefore, if such a distinction has to be made, be placed in the second category previously referred to in the context of the South Northamptonshire case¹⁵ and therefore not treated as counterpart housing supply policies. For that reason I consider policy 3.CO to be a current development plan policy to which due weight should be accorded.
26. Nevertheless, for the purposes of my overall approach to the decision in this case, the distinction drawn between the policies 1.CO and 3.CO in the legal submissions is academic because I have already concluded that policy 1.CO is a counterpart housing supply policy and, together with the more general policies of the local plan relevant to the supply of housing and those in respect of allocations¹⁶, is out-of-date by virtue of paragraph 49 of the Framework. In my view, the presumption in favour of sustainable development, articulated in paragraph 14 of the Framework, is therefore engaged in any event.

Shortfall in housing land supply

27. Despite the Council's strenuous efforts to address the issue, described by its Leader¹⁷, it acknowledges that it cannot presently demonstrate a five year supply of deliverable housing as the Framework requires.¹⁸ Nor does it adduce further information to substantiate its position that the supply is not so deeply in deficit as the appellant suggests (in evidence that is effectively uncontested).

¹³ Evidence of Mrs Harrison – paragraph 5.36

¹⁴ Doc 12

¹⁵ See paragraph 17 above

¹⁶ Evidence of Mrs Harrison – paragraph 5.36

¹⁷ Doc 10

¹⁸ Evidence of Mrs Harrison – paragraph 5.36

However, for the purposes of this appeal it is not necessary for me to divine what the actual supply is or should be (and PPG suggests that appeal proceedings are less appropriate for this than development plan examinations in any event.) It is sufficient for present purposes that the supply lies between the circa 4.5 years cited by the Council and the worst case scenario of 2.91 years' supply postulated by the appellant¹⁹. The supply is not on any assessment at the margins of a five year supply for the purposes of the Framework and, in view of the national imperative expressed therein to boost significantly the supply of housing, the evident inadequacy of the supply in Eastleigh is a matter to which I accord substantial weight.

28. The implications of the shortfall if, as I consider to be the case, policy 1.CO is in effect a counterpart policy for the supply housing land of the type categorised as such in the *Wenman* case, are that the presumption in favour of sustainable development is engaged as a consequence of paragraph 49 of the Framework. This leads to the balancing exercise set out in paragraph 14. Alternatively, if that were not so, the shortfall in housing land supply is in any event a material consideration which may be taken into account in the context of a planning balance performed under s38(6) of the Planning and Compulsory Purchase Act 2004.

Effect on the countryside and the local gap

29. The evidence of the landscape witnesses for the parties was more significant for what they agreed than it was for the evident disagreement on technical methodology in their appraisals. The essential consensus between them was that the sensitivity of the site to development was medium and that the impact would be significantly reduced in the wider landscape by the increasing maturity of the proposed landscaping in the medium term. I have no reason to dispute either conclusion and, notwithstanding its generally positive contribution to the existing rural landscape, the evidence of the Council's witness to the effect that the landscape of the site itself would be radically changed by the loss of its openness is of limited assistance, as this would apply in the case of virtually any development on a greenfield site such as this.
30. On the other hand, I do not consider the acceptability of the proposal in terms of the character and appearance of the area to be fundamentally affected by the prospect of masking of the existing urban edge. That is an advantage which would in broad terms aid the local plan policy intention of achieving a visually improved urban edge, but it is not a decisive advantage. The principle of the development must be justified in terms of broader policy considerations but, within that context, the design merits of the scheme are nevertheless significant in their own right. A scheme of development that was not well designed would clearly inflict a degree of harm that this particular proposal would not. The significant conflict with established development plan policy in this instance arises from the simple fact of development being proposed within the open countryside within an identified local gap.
31. Policy 1.CO of the local plan resists all forms of development "outside the urban edge" (i.e. in the 'countryside' as thus defined) save for specified categories which do not include the proposed housing at issue. The proposal therefore conflicts with this policy. Even if the presumption in favour of sustainable development were not engaged by reason of my conclusion that this policy is

¹⁹ "Turley supply" Scenario B: evidence of Mr Packer

out-of-date, the exclusive nature of the policy is not in my assessment entirely consistent with intentions of the Framework which, taken as a whole, makes for a more discriminating approach to sustainable development in rural areas including open countryside. That reduces the weight to be accorded to the policy in any event, following paragraph 215 of the Framework. Be that as it may, the core principle of the Framework which includes recognition of the intrinsic character and beauty of the countryside, to the extent that it is reflected in the policy, makes for a conflict to which weight should, in principle, nevertheless be accorded.

32. Policy 3.CO is more specific in its intention to retain local gaps between settlements, a policy more widely endorsed in South Hampshire through the informal guidance articulated through PUSH²⁰, albeit this recognises that such gaps should be carefully and rigorously justified if the policy is to remain effective. In particular, I note that this advocates that in defining gaps local planning authorities should include... *"no more land than is necessary to prevent the coalescence of settlements"..... "having regard to maintaining their physical and visual separation"*.
33. Of course it is not for me to determine the merits or delineation of the local gap between Botley and Hedge End as currently defined in the local plan. This gap is a given element of the development plan. Nevertheless, it seems to me that the advice of PUSH is pertinent to the assessment of the degree of harm that the proposal at issue could potentially inflict on the functions of the gap as defined. These also are discussed as general principles in the PUSH document, principally in terms of the open nature and sense of separation between settlements, the settlement character of the area and the risk of separate settlements coalescing. I note also that the Inspector examining the Eastleigh Borough Local Plan has commented to the effect that, if gaps are justified in principle (in Eastleigh), then the work of PUSH in that regard would be a good starting point to consider their extent. It seems that the role, purpose and extent of gaps in any future development plan is likely to be the subject of some rigorous scrutiny in future.
34. In the past, Inspectors considering development plan proposals and policy have endorsed the importance of much of the 'local gap' between Botley and Hedge End and I have no reason to disagree with that overall proposition in terms of the general principle embodied in the current development plan, especially bearing in mind its intended functions. The sporadic development along Broadway, at the narrowest part of the gap, to some degree illustrates the effect that the policy is intended to counter. The sense of impending coalescence of the settlements at that location is quite apparent.
35. It is a truism to say that development in the gap would physically and visually diminish it. However, the potential harm to the gap is of course a matter of fact and degree in any particular case. This proposal would of course remove a series of paddocks from its western margin, replacing them with built development in the form of a housing estate. The local plan policy 3.CO (c/f 2.CO in respect of 'strategic gaps') appears directed at the forms of development otherwise considered 'appropriate'. However, it follows that all other forms of development, including housing such as that proposed would not be considered appropriate and the local plan is overall effectively clear that the

²⁰ BHCD.7

gap is to be maintained as countryside and hence the appeal proposal would conflict with its intention in that regard. The nub of the issue, as I see it, is the degree to which the fundamental purposes of maintaining the local gap between Hedge End and Botley would be harmfully undermined if the appeal site were to be added to the built-up area of the former settlement in the manner proposed.

36. The appeal site does not impinge on the narrowest part of the gap which I have previously identified. It lies well to the south of that and is, moreover, offset from the main settlement of Botley as defined on the proposals map for local plan policy purposes (albeit I accept that the ribbon of development along Brook Lane within the open countryside is part of the Botley community). During the course of my site visit I walked across the gap towards the southern fringe of Botley (as defined on the proposals map) via footpaths 18,10 and 11, crossing Brook Lane en route. Owing to a combination of vegetation, land management, subtle but effective topographic variation and (by no means least important) the actual distance, it was very clear to me that there is a substantial separation between Botley and Hedge End here, both in reality and in terms of how that reality is experienced on the ground.²¹ The sense of separation is little diminished by the intervening development along Brook Lane, the nature of the countryside differing somewhat in character on either side of that highway, being intimate and enclosed towards Hedge End but more open and arable, with larger fields, towards Botley. In any event, the local plan intention is to physically separate the main built up areas of the two settlements, as defined, irrespective of intervening landscape qualities although, inevitably, these must affect the manner in which that actual separation is perceived as an effective outcome of planning policy. Therefore the potential impact of the proposed development on the efficacy of the current local plan definition of the gap, and hence the degree of harm it might inflict in that particular context, is a complex judgement which may only be made on the basis of the individual circumstances of the proposal and its setting.
37. The lack of intervisibility between the settlements agreed by the landscape witnesses for both parties is but one facet of the manner in which the gap currently functions. Their evidence in that respect, and the evidence of my own experience of the situation on the ground, leads me to the conclusion that not only would the relatively narrow area of development proposed not be perceived as a major incursion into the gap but it would not in reality be so. The broad area of countryside remaining would be substantially the same as it is now and the overall function of the gap in preventing physical coalescence of the separate settlements, whilst maintaining the essentially open nature of the countryside in between them, the settlement character of the area and sense of separation, would not in my assessment be significantly compromised by the specifics of the proposal. This is an essentially well designed scheme with generous open space and landscaping to the eastern margin in particular. Because it is of shallow depth, being constrained by, amongst other factors the eastern pipelines, the extent of the development is limited and the sense of incursion into the gap would correspondingly be reduced, albeit evident to local people presently accustomed to the open nature of the land within the appeal site.

²¹ Figures 1 and 3 in Appendix A to the evidence of Mr Hird respectively show relevant distances and the nature of the landscape between the settlements.

38. The site has been described as 'doorstep countryside' in this context but I am not persuaded that the sense and actuality of an accessible rural environment in close proximity to the existing housing estates in the adjacent part of Hedge End would be fundamentally altered. The principal route across the local gap would pass the narrow northern boundary of the proposed development in a fringe area which is already interrupted by development at Fir Tree Farm and the neighbouring property to the north of Footpath 18. Thereafter, rapid access to the deeper countryside towards and beyond Brook Lane would still be very readily achieved as would informal access to the land characterised by bracken and woodland to the east of the site. Especially as the proposed landscaping matures, the relative visual containment of the site, hugging the eastern margin of Hedge End, would serve to minimise any sense of incursion into the rural land within the gap and the greater permeability of the residential environment facilitated by proposed footpath connections to Little Hatts Recreation Ground, Footpath 18 and the landscaped eastern margin of the proposed development would actually bring greater opportunities to appreciate the rural prospect to the east into the public domain. In my estimation, this would capitalise on an opportunity to improve the character and quality of the area and the way it functions (relative to the adjacent countryside) in the manner encouraged by the Framework.²²
39. Although the land within the site is within the best and most versatile category of farmland, I have no evidence that the proposed development is significant in terms of its loss or that poorer quality land could be made available. In this instance I therefore accord limited weight to the prospective loss of the land to development in the context of paragraph 112 of the Framework.
40. For the above reasons, I consider that the effect of the proposed development on the character, appearance and utility of the countryside would be comparatively limited in terms of the actual harm that would result in the context of local plan policy 1.CO and national policy objectives in respect of countryside protection. Moreover, for the reasons I have given in this particular regard, the proposed development, considered on its own specific merits, poses no substantial threat to the maintenance of the separate identities of Botley and Hedge End. As a consequence, its impact on the effectiveness of the local gap between the two settlements, as defined for the purposes of policy 3.CO of the local plan, would in my estimation be limited. All in all, therefore, despite the weight I accord to the intentions of policy 3.CO,²³ the overall effect of the proposal on the intentions of relevant local and national policy to protect the countryside and the identity of settlements would, in practice, be correspondingly limited, thereby reducing the weight I accord in this instance to the conflict with such policy I have previously acknowledged.

Sustainability

41. The appeal site is sustainably located adjacent to the existing residential area of Hedge End and the planning obligation is drafted to mitigate impact on the transport network. On the basis that relevant policies for the supply of housing land, notably policies 1.CO (certainly to the extent that it constrains housing land supply) and 70.H, are out-of-date, the presumption in favour of sustainable development is engaged pursuant to paragraph 14 of the Framework, notwithstanding conflict with the intentions of the development

²² Framework paragraph 64

²³ See paragraph 25 above

- plan to protect from most forms of development the countryside beyond the urban edge defined and the local gap, specifically, between Hedge End and Botley.
42. Sustainable development as conceived of by the Framework has three dimensions and the development of the site for housing, including affordable housing, would clearly serve well the economic and social dimensions of the concept. New housing has economic benefits in terms of stimulus to the local economy and government incentives to accommodate new housing, whilst the national imperative to boost supply is a central consideration in the Framework for social as well as economic reasons. The aim is to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable mixed communities.²⁴ These factors are implicit in the core principles for planning set out in the Framework, as is the recognition of the intrinsic character and beauty of the countryside and the intention that development should be plan-led.
43. In this case there is an undisputed conflict with the development plan in respect of an important environmental dimension of planning, namely to protect the countryside generally and in identified gaps from unnecessary development beyond that planned for. However, the first core principle of the Framework encompasses the intention that plans should be kept up-to-date and in this instance there is no fully up-to-date development plan and relevant saved policies of the local plan concerning housing land supply, specifically, no longer meet relevant requirements. The number of departures from the plan evident, including within local and strategic gaps, bears testimony to the Council's immediate need to improve its housing land supply.
44. As far as the appeal site is concerned I am not persuaded on the evidence that it has features that would place it in the category of being a valued local landscape in the sense intended by the Framework. 'Valued' does not of course equate to designated and most open land adjacent to residential areas has a value to local residents. The site can be appreciated in the public realm from a short section of Footpath 18, but in the main is a visually contained series of paddocks on the margins of a broader area of open countryside with more significant qualities, both aesthetically and in terms of its contribution to the intended separation of Hedge End and Botley. Moreover, the proposed development is well designed for the circumstances of the site, with consequential enhancements in terms of permeability, access to open space and biodiversity. Consequently, the environmental harm would be relatively limited and, notwithstanding the conflict with the intentions of the development plan insofar as it would impinge on countryside within an identified local gap, I do not consider, having taken all the relevant factors into account, that the harm to the environmental objects of the development plan in those respects would be sufficient to render the proposed development unsustainable in the sense alluded to in the *Bloor Homes* case²⁵ cited by the Council.
45. On the contrary, I am, for the reasons I have given, clear in my mind that the adverse environmental impacts of developing the site (taking into account the mitigation measures that can be secured through the planning obligation and appropriate conditions) would not significantly and demonstrably outweigh the considerable social and economic benefits, when assessed against the policies

²⁴ Ibid. paragraph 50

²⁵ CD17

of the Framework taken as a whole. Therefore, in those terms, the development is sustainable and it follows that permission should be granted.

46. I have previously noted that the law is in a state of flux as to what may or may not be regarded as a relevant policy for the supply of housing for the purposes of paragraph 49 of the Framework. Relevant submissions and my own deliberations have led me to the clear view that local plan policy 1.CO should be regarded as such and that it is not up-to-date.
47. In one important sense, however, that conclusion is academic in this particular case. If I am ultimately shown to have been wrong in taking that view, as judgements are in due course handed down concerning certain of the case law cited as it currently stands, then it would have made no practical difference to the outcome of this appeal in any event. For reasons that are plain from my consideration set out above of the specific merits of the proposal in the context of the Council's failure to provide for a five year supply of deliverable housing, my analysis of the sustainability credentials of the proposal and the relatively limited harm to the fundamental objects of policies 1.CO and 3.CO of the local plan, I am clear in my own mind that this is so. If, as the Council contends, neither policy 1.CO nor 3.CO are policies relevant to the supply of housing and the balance commences in favour of the development plan rather than in favour of sustainable development, I am nevertheless convinced that, in this case, the material considerations I have identified, including the national imperative to boost housing supply, are of such weight relative to the relatively limited harm to the fundamental intentions of those policies I have identified, that they outweigh the conflict with the development plan in any event.

Other matters

48. The Council's case focused on conflict with established local policy and claimed lack of sustainability but the Botley Parish Council, local residents, councillors and Mims Davies MP have expressed other concerns in respect of a range of matters including highway safety and emergency access arrangements, drainage, flooding, ecology and impact on services and facilities. On the basis of the TSoCG, the relevant safety audit and my own assessment of the access arrangements at the site, I am satisfied that there are no highway safety difficulties that weigh against the proposal. Similarly, on the basis of the technical evidence submitted, the draft conditions proposed and the scope and content of the planning obligation, I am satisfied that such material concerns may be satisfactorily addressed, including by mitigation where necessary. It is pertinent to note that mitigation in the form of financial contributions to physical and social infrastructure must be proportionate and directly related to the development at issue. Failure to contribute to facilities above and beyond what is required could not legally weigh against the proposed development.
49. The best quality trees within the site, including those subject to the preservation order, would be retained. There are no objections in principle from statutory bodies or undertakers and the pipelines are protected by easements (catered for in the site layout) and the civil liabilities of any person undertaking development in the vicinity.

Planning obligation

50. I have considered the planning obligation of 27 July 2015 in the context of the PPG concerning planning obligations and I have had specific regard the

Council's submitted schedule and local area map²⁶ concerning compliance with the Community Infrastructure Levy Regulations 2010. I am satisfied that the contributions are necessary, having regard to the Framework, the development plan and relevant supplementary planning documents. There are no anticipated infringements of Regulation 123 requirements concerning pooled contributions through the Borough Council and I have no evidence to suggest any such potential infringements in respect of County Council matters.

51. The appellant queries but does not contest the public art contribution. Whilst I acknowledge that such a contribution might not always qualify as legitimately sought, in this case I am convinced by the Council's argument that its track record is one of reasonableness and relatedness in this respect and that public art projects such as way-finders, for example, linked to the development of the site, would be a legitimate means of helping to secure a development which takes the opportunities available for improving the character and quality of the area to be developed and the way it and its immediate environs functions.
52. Accordingly, I am able to give weight to the planning obligation in its entirety, insofar as it provides for a range of measures to mitigate the impact of the proposed development, promotes sustainable travel on the part of its users and ensures the appropriate delivery of affordable housing.

Conditions

53. Suggested conditions (SC) have been agreed between the parties and discussed at the Inquiry, at which time it became clear that references to phasing therein were erroneous. In considering the draft conditions I have borne in mind Framework policy and the advice in the PPG regarding the imposition of planning conditions, together with the retained annex to the former Circular 11/95. The conditions suggested are for the most part necessary and otherwise appropriate subject to minor amendment to improve clarity, precision and enforceability in some cases.
54. SC1 departs from the standard commencement period of three years, reducing it to two but as conflict with established local policy is outweighed by the immediate need to improve housing land supply, this is a reasonable curtailment of timescale. SC2 would define the permission for the avoidance of doubt and in the interests of proper planning. (It is not necessary to include site survey sheets in the list of approved plans.) SC3 is a local interpretation of the model condition requiring approval and implementation of a construction method statement but functions in substantially the same way. It would be necessitated by the close relationship with the existing housing adjacent to the site and it was agreed that it would encompass the proper treatment of the linked garages between 1 and 3 Precosa Road which would be severed by implementing the access arrangement.
55. SC4 would effectively duplicate requirements imposed nationally and is neither necessary nor appropriate. SC5 necessarily requires approval of the details of external materials and fixtures and prevents internal glazing bars, which the Council considers would detract from the appearance of the proposed dwellings. Equally, SC6 seeks to ensure that chimneys and balconies, specifically, are approved at a level of detail that exerts meaningful control,

²⁶ Docs 20 & 21

- whilst SC7 would seek to mitigate the potentially harmful impact of metering paraphernalia on otherwise high quality dwelling design.
56. SC8 would require detailed approval of foul and surface drainage arrangements and would include approval of any interaction with landscaping and biodiversity mitigation measures. SC9 is intended to secure satisfactory implementation of road and footway construction, whilst SC10 is intended to minimise the possibilities for criminal activity to which the flatted units might otherwise be susceptible.
57. SC11 is required to protect existing trees but could usefully be combined with SC26 which is directed to the same end. SC12 is to ensure that the parking provision across the site is not diminished, whilst SC13 is intended to prevent the piecemeal and incremental erosion of public and incidental open space to preserve the integrity of the layout and function of the development as approved. SC14 would secure the timely implementation of the approved landscaping and the subsequent survival of the vegetation planted therein.
58. SC15 would limit construction hours to protect the living conditions of nearby residents. SC16 is to ensure that the living conditions of residents are safeguarded in a timely fashion and in the long term by proper boundary treatments. SC17 would protect the living conditions of nearby residents during construction by preventing the burning of materials on the site.
59. SC18 is intended to ensure the adequacy of parking at all times as planned for in the layout, whilst the SC19 is intended to ensure the bin and cycle storage planned for is provided in a timely fashion.
60. SC20 is necessary in order to conserve the reptile population identified and SC21 is necessitated by the possibility that lighting could impact harmfully on bat habitat. SC22 is intended to help promote biodiversity within the proposed development by making specific provision for birds and bats. SC23, 24 and 25 address the possibility of archaeological resources within the site. SC26 would ensure the protection of existing trees during the course of development.

Overall Conclusion

61. Having taken all other matters raised into account, including numerous legal rulings, I consider, for the reasons I have given, that the appeal should be allowed. In coming to that conclusion I am conscious of the concerns of the Council and others that, pending the ultimate replacement of the local plan, land elsewhere in the Borough particularly that within local and strategic gaps currently defined as such in the local plan, could become increasingly vulnerable to development pressure as a consequence. However, it is clear that the Council itself is constrained to allow such departures on their specific individual merits in the absence of an adequate housing land supply and, in that sense, this appeal decision is no different. My decision in this case turns on the specific merits and circumstances of the appeal proposal and site and, therefore, cannot and should not be taken as an indication that other such proposals would necessarily be allowed.

Keith Manning

Inspector

Annex:

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than two years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 041111/LP; Site Layout 041111/SL/02/Rev M; Site Layout 041111/SL/03 Rev M Coloured; 041111/AB/SG1/EP; 041111/AB/SG2/EP; 041111/AB/DG3/EP; 041111/AB/DG4/EP; 041111/AB/TG3/EP; 041111/AB/TG4/EP; 041111/AB/4G4/EP; 041111/HT/1B.AB/EP; 041111/HT/2B.A/EP Rev A; 041111/HT/2B.B/EP Rev A; 041111/HT/2B.C/EP Rev A; 041111/HT/2B.D/EP Rev A; 041111/HT/2BF.A/EP Rev A; 041111/HT/2BF.B/EP Rev A; 041111/HT/2BF.C/EP Rev A; 041111/HT/2BWC.2BM/EP Rev A; 041111/HT/3B.AB/EP; 041111/HT/3B.BC/EP Rev A; 041111/HT/3B.D/EP; 041111/HT/4B.A.3B.B/EP; 041111/HT/4B.B.3B.B/EP; 041111/HT/5B/EP Rev A; 041111/HT/748.A/EP Rev A; 041111/HT/748.B/EP Rev A; 041111/HT/748.C/EP Rev A; 041111/HT/830.A/EP Rev A; 041111/HT/830.B/EP Rev A; 041111/HT/830.C/EP; 041111/HT/1001.A/EP Rev A; 041111/HT/1001.B/EP Rev A; 041111/HT/1001.C/EP Rev A; 041111/HT/1001.D/EP Rev A; 041111/HT/1001.E/EP; 041111/HT/1001.F/EP; 041111/HT/1200.AB/EP Rev A; 041111/HT/1200.BJ/EP; 041111/HT/1200.CD/EP Rev A; 041111/HT/1200.EF/EP Rev A; 041111/HT/1200.GH/EP Rev A; 041111/HT/1550.A/EP Rev A; 041111/HT/1550.B/EP Rev A; 041111/HT/1550.C/EP Rev A; 041111/HT/1550.D/EP Rev A; 041111/HT/1550.E/EP; 041111/SS/01 Rev A; 041111/SS/02 Rev A; 041111/SS/03 Rev A; 041111/SS/04 Rev B; 041111/EXT-WKS/DEF; 041111/EXT-WKS/BW; 11.06.14 3555.017 Rev A; 19.05.14 1404-2001-Rev2; 19.05.14 1404-2002-Rev2; 19.05.14 1404-3001-Rev3; and 19.05.14 1404-3002-Rev3.

- 3) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan must address the impact of, and required mitigation measures related to, demolition, dust, piling, vibration, noise, construction traffic movements and temporary construction car parking both on and off-site, location of site huts, storage of building materials and mud on the road. The construction must then be carried out in accordance with the approved management plan.
- 4) No development shall take place until details and samples of all external facing and roofing materials, windows (which shall only have external glazing bars), hard landscaping, fascia and soffits, and colour of rain water goods, have been submitted to and approved in writing by the

- Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until large-scale details (at a scale of 1:10) of balconies and chimneys have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 6) No development shall take place until details and location of meter boxes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 7) Notwithstanding the information submitted with the application, no development shall take place until detailed proposals for the disposal of foul and surface water alongside landscaping and biodiversity mitigation details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the buildings hereby approved are occupied or otherwise in accordance with a programme submitted to and approved in writing by the local planning authority.
 - 8) No development shall take place until details of the type of construction proposed for the roads and footways including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting; the method of disposing of surface water and the programme for the making up of the roads and footways have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
 - 9) None of the flatted units within the development hereby approved shall be occupied until Secured by Design certificates for the relevant units have been submitted to the Local Planning Authority. The measures specified in obtaining the certificates shall be implemented and retained as detailed.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the garages constructed within the development shall not be converted to living accommodation nor the car ports fitted with doors.
 - 11) The areas defined on the approved plans for public open space, amenity land and play areas shall be retained for those uses and shall not be incorporated into private garden land or other uses.
 - 12) The approved landscape scheme must be completed within 12 months from the completion of the last building shell, or by such later date as the Local Planning Authority may determine in writing. Any trees or plants which die, are removed or become seriously damaged or diseased during the first five years must be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
 - 13) No construction or demolition work must take place except between the hours 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

- 14) No development shall take place until details of the materials and design of the screen walls and/or fences shown on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. These shall be constructed in accordance with the approved details before the adjacent development is first occupied and shall thereafter be retained.
- 15) No burning of materials obtained by site clearance or from any other source shall take place on the site during the construction and fitting out process.
- 16) No dwelling shall be occupied until parking for that dwelling has been laid out and made available, and the areas must thereafter be retained for those dwellings to which each parking bay is allocated. Prior to the completion of the penultimate dwelling, the unallocated parking areas shall be made available, surfaced and marked out, and must be also be retained thereafter and reserved for parking at all times.
- 17) The cycle and bin storage shown on the approved plans must be provided before the first occupation of each of the dwellings to which the associated storage relates.
- 18) No development shall take place until a scheme encompassing a habitat creation, management and monitoring strategy for reptiles and a translocation schedule, together with a programme of implementation has been submitted to and approved in writing by the Local Planning Authority. The material submitted pursuant to the discharge of this condition shall incorporate the following:
 - details regarding methods used and timing of scrub and rough grass habitat creation;
 - identification of on off-site receptor site to be used if the reptile population is larger than expected;
 - a schedule for translocation;
 - detailed management specifications and details of the organisation or company that will provide the management in the long term;
 - a schedule of monitoring covering the first 10 years and details of management review every three years; and
 - details of protection of reptiles from recreational activities within the public open space.

The scheme shall be implemented in accordance with the approved details.
- 19) No development shall take place until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning authority to ensure that no harmful increases in lighting in the proximity of important bat roosting features or foraging corridors will occur, as recommended within the bat surveys submitted with the application. The lighting strategy shall be implemented in accordance with the approved details.
- 20) No development shall take place until details of bat and bird enhancement features have been submitted to and approved in writing

by the Local Planning Authority. The details should include the provision of bat boxes, tubes or bricks; and a selection of swallow, house sparrow, swift, starling, finch and tit nest boxes. Development shall be carried out in accordance with the approved details.

- 21) No development shall take place until the developer has secured the implementation of a programme of archaeological assessment in accordance with the Written Scheme of Investigation submitted with the application entitled "Written Scheme of Investigation for Archaeological Works at Precosa Road, Hedge End, Hampshire" (dated July 2013, West Sussex Archaeology).
- 22) In the event that archaeological features are identified, no development shall take place until the developer has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme that has been submitted to and approved in writing by the Local Planning Authority.
- 23) Following completion of archaeological fieldwork a report will be produced in accordance with a programme to be submitted to and approved in writing by the Local planning Authority, including as required for such approval appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.
- 24) The development shall be carried out in accordance with the submitted Arboricultural Development Statement reference CBA10171 v5, June 2014. Other than for the purposes of tree protection, no equipment, materials or machinery shall be brought onto the site until a pre-commencement site meeting between the Local Planning Authority's Tree Officer, the developer's Arboricultural Consultant and the Site Manager has taken place to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Report prepared by CBA Trees. The tree protection shall be positioned as shown on the Tree Protection Plan (Ref. CBA10171.02C). The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made within the fencing without the written consent of the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to have previously been discussed and agreed at the pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.

* * *

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Paul Stinchcombe QC

He called

Michal Nowak MA PolSci Associate, Influence Environmental Ltd
EPM MSc
SPUD (Dist) AIEMA

Mrs Liz Harrison Principal Planning Officer, Eastleigh Borough
BA (Hons) Dip TP MRTPI Council

FOR THE APPELLANT: Stephen Morgan of Counsel

He called

Simon Packer BA (Hons) Director, Turley
Dip TP MRTPI

Martin Hird BA (Hons) Associate, The Terra Firma Consultancy
Dip LA CMLI

Bryan S Jezeph BA Managing Director, Bryan Jezeph Consultancy Ltd
Dip TP MRTPI FRICS
FRSA

Robert Hewitt BSc Stuart Michael Associates
(Hons) CEng MICE
MCIHT

INTERESTED PERSONS:

Mr Beckwith Local resident

Dr Colin Mercer BSc (Eng) PHD Chairman, Botley Parish Council
CEng FBCS CITP

Councillor Keith House Leader, Eastleigh Borough Council

Councillor Rupert Kyrle Ward Councillor

Mims Davies MP Member of Parliament for Eastleigh Constituency

INQUIRY DOCUMENTS ('Doc')

- 1 Planning Statement of Common Ground with appended access plan
- 2 Extract from *Hampshire County Integrated Character Assessment* (Final Draft Autumn 2010)
- 3 Extract from *Hampshire County Integrated Character Assessment* (FINAL May 2012)
- 4 Landscape Character Area – Area 12 *Landscape Character Assessment for Eastleigh Borough*
- 5 Extract from Landscape Institute's *Guidelines for Landscape and Visual Impact Assessment* (GVLIA Third Edition)
- 6 Five Year Housing Land Supply Statement of Common Ground (July 2015)
- 7 Planning obligation dated 27 July 2015
- 8 Appellant's opening statement
- 9 Council's opening submissions
- 10 Proof of evidence of Councillor Keith House
- 11 Statement of Dr Mercer on behalf of Botley Parish Council
- 12 Updated schedules of progress and outcome of major housing applications in Eastleigh with notes on location
- 13 Statement of Councillor Rupert Kyrle
- 14 Map showing location of Broadoak site referred to in error by Mr Jezeph
- 15 Hampshire dwelling completions 2014/15 highlighting Eastleigh
- 16 Letter to Inquiry from Mims Davies MP dated 29 July 2015
- 17 Council's list of those notified of Inquiry
- 18 Draft planning conditions agreed between parties
- 19 Further extract from GVLIA Third Edition
- 20 Council's CIL compliance schedule
- 21 Plan showing schemes to be funded by planning obligation contributions
- 22 Bundle of papers detailing grant of permission to appeal, grounds and skeleton arguments in the case of *Cheshire East Borough Council –v- Secretary of State for Communities and Local Government and anr* Ref.C1/2015/0894
- 23 Council's closing submissions
- 24 Inspector's Post-Hearing Note 3 (Eastleigh Borough Local Plan Examination) dated 3 December 2014
- 25 Appellant's closing submissions

BEWLEY HOMES COMMON DOCUMENTS ('BHCD')

- BHCD.1 Transportation Statement of Common Ground
- BHCD.2 Statement from Highways Consultant²⁷
- BHCD.3 Planning statement of Common Ground - unsigned
- BHCD.4 Inspector's Report on the 2011-2029 Local plan: February 2015
- BHCD.5 Rights of Way Plan
- BHCD.6 Policy 59.BE
- BHCD.7 PUSH Framework for Gaps
- BHCD.8 Hamble Lane Appeal Decision APP/W/1715/A/13/2207851
- BHCD.9 Extract from the Council's SLAA
- BHCD.10 Extract from the Council's SLAA: Strategic Site B11
- BHCD.11 Statement from Drainage Consultant
- BHCD.12 Extract from the Hampshire County Structure Plan 1996-2011(Review): adopted 2000
- BHCD.13 Safety Audit: August 2014

CORE DOCUMENTS SUPPLIED BY COUNCIL ('CD')

CD1	Decision Notice; Correction Letter
CD2	Report on the Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan 2011-2029
CD3	Policy Extracts from Eastleigh Borough Local Plan Review 2001-2011: 1.CO, 3.CO, 18.CO, 20.CO, 21.NC, 59.BE, 70.H, 74.H, 76.H, 77.H, 78.H, 79.H, 80.H, 81.H, 82.H, 83.H, 84.H, 100.T, 101.T, 147.OS, 191.IN; A3 Proposals Map Extract, Eastleigh Borough Local Plan Review 2001-2011
CD4	Policy Extracts from Revised Pre-submission Eastleigh Borough Local Plan 2011-2029: S9, S12, DM1, DM9, DM23, DM28, DM32, DM37; A3 Proposals Map Extract, Revised Pre-submission Eastleigh Borough Local Plan 2011-2029
CD5	National Planning Policy Framework
CD6	Strategic Land Availability Assessment - Main Document; Extracts from Appendix
CD7	Extract from Hampshire County Structure Plan 1996-2011: Policies G1, G2, G3
CD8	Extract from Hampshire County Structure Plan: Policies C7, C8
CD9	Five Year Housing Land Supply Position: Housing Implementation Strategy for the Borough of Eastleigh

²⁷ Replaced and corrected by statement prepared by Stewart Wallace Andrews MCIHT MCILT (forwarded to PINS 03/07/15)

CD10	Wenman -v- Secretary of State for Communities and Local Government and another
CD11	Ivan Crane -v- Secretary of State for Communities and Local Government
CD12	Cheshire East Borough Council -v- Secretary of State for Communities and Local Government and another
CD13	Satnam Millennium Limited -v- Warrington Borough Council
CD14	Wynn-Williams -v- Secretary of State for Communities and Local Government
CD15	Dartford Borough Council -v- Secretary of State for Communities and Local Government
CD16	Gallagher Estates Ltd and another -v- Solihull Metropolitan Borough Council
CD17	Bloor Homes East Midlands Limited -v- Secretary of State for Communities and Local Government and another
CD18	South Northamptonshire Council -v- Secretary of State for Communities and Local Government and another
CD19	Hunston Properties Limited and another -v- St Albans City and District Council
CD20	William Davis Limited -v- Secretary of State for Communities and Local Government and another
CD21	Colman -v- Secretary of State for Communities and Local Government and others
CD22	South Northamptonshire Council -v- Secretary of State for Communities and Local Government and another
CD23	O/13/72490 - Land at the corner of Knowle Lane and Mortimers Lane, Fair Oak, Eastleigh, Hampshire SO50 7EA
CD24	O/13/72471 - St Swithun Wells Church and adjacent land, Allington Lane, Fair Oak, Eastleigh SO50 7DB
CD25	O/12/71828 - Land at Hamble Lane, Bursledon
CD26	S/0645/13/FL - Land to the West of Cody Road, Waterbeach, Cambridge CB25 9LS
CD27	11/01755/OUT Land North of The Bourne and adjoining Bourne Lane, Hook Norton, Oxfordshire
CD28	Chestnut Avenue Committee Report
CD29	Chestnut Avenue Committee Report Update
CD30	Minutes of the Chestnut Avenue Committee Meeting
CD31	Orchard Lodge, Bursledon Committee Report
CD32	Minutes of the Orchard Lodge Committee Meeting
CD33	Berry Farm, Hamble Lane, Bursledon Committee Report