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## Appeal Decision

Inquiry opened on 6 January 2015

Site visit made on 14 January 2015

**by Clive Hughes BA (Hons) MA DMS MRTPI**

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

**Decision date: 17 March 2015**

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**Appeal Ref: APP/Y9507/A/14/2220580**

**Land at Under the Hill (aka Barnfield), High Street, Selborne, Hampshire GU34 3LG**

- 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 Village Green PLC against the decision of South Downs National Park Authority.
  - The application Ref SDNP/14/00079/FUL, dated 8 January 2014, was refused by notice dated 16 May 2014.
  - The development proposed is erection of 10 dwellings with associated car parking and landscaping together with public open space and footpath.
  - The inquiry sat for 7 days on 6 to 9 and 13 to 15 January 2015.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The principal parties agreed that the address in the banner heading above is the correct address for the site rather than that set out on the application form. There is, however, some dispute as to the correct name for the main road through Selborne (B3006). It was variously described as Selborne Road, High Street, the Street and Fountain Road. The community's own documents<sup>1</sup> do not clarify the matter. For consistency, and where the B3006 passes to the east of the appeal site, I have described it as High Street.
3. In its *Statement of Case* the South Downs National Park Authority (SDNPA) stated that as the appellant had provided further information the third reason for refusal, relating to potential flood risk, was not being pursued.
4. At the Inquiry the appellant submitted a completed Unilateral Undertaking (UU) (Document 5) dated 23 December 2014. This makes provision for four of the houses to be affordable dwellings, for a management strategy for the informal public open space and for various financial contributions. The SDNPA is satisfied that this UU overcomes the fourth reason for refusal.
5. The table of plans on the SDNPA's decision notice contains a few errors and a corrected list was submitted during the Inquiry (Document 29). I have used the plans set out on this revised list for this Decision.

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<sup>1</sup> Selborne Village Community Plan (2013) and Selborne Village Design Statement (undated, adopted 2001)

6. Since the SDNPA issued its decision notice the *East Hampshire District Local Plan: Joint Core Strategy* (EHDLP:JCS) has been adopted. It was adopted by East Hampshire District Council on 8 May and by the SDNPA on 26 June 2014. The numbers of some of the policies cited in the notice have been changed in the adopted version. In this Decision I have used the up to date numbers as set out in paragraph 4.45 of the *Statement of Common Ground* (SoCG).

### **Main Issues**

7. The main outstanding issues are:
- Whether the Authority can demonstrate a 5 year housing land supply and the implications for this in local and national planning policy;
  - Whether the proposals would comprise major development in the National Park and, if so, whether there are exceptional circumstances and whether the development would be in the public interest;
  - Whether the proposals would conserve the landscape and scenic beauty of the National Park and the impact on its cultural heritage; and
  - Whether the proposals would preserve or enhance the character or appearance of the Selborne Conservation Area and the impact upon the setting of a listed building (Box Cottage).

### **Background**

#### *The appeal site and its setting*

8. The site is inside the Selborne Conservation Area and the South Downs National Park. It lies outside, but adjacent to, the settlement boundary of Selborne as identified in the *East Hampshire Local Plan 2006*. Selborne is a village of modest size that has a limited number of facilities which include shops including a general store and post office, primary school, church, village hall and tea rooms. It is particularly famous as the birthplace and home of Gilbert White, an 18<sup>th</sup> century curate, naturalist and chronicler. Gilbert White's house and the Oates Museum (The Wakes) lie at the heart of the village and are popular tourist attractions.
9. The site comprises an area of about 2.08 ha and is located on the western side of the village. The site is more or less flat before it slopes uphill towards the west. The slope continues westwards beyond the site, becoming steeper and wooded and forming the Selborne Hanger which visually dominates the village.
10. The site is in use as paddocks and is laid to grass. There is a field shelter, constructed of corrugated iron, and outbuildings located close to the northern boundary and several fences across the land. The site abuts residential gardens of High Street properties to the north and east. To the south lies a dwelling and Adams Lane. To the west, towards Selborne Hanger, there is a hedge along the boundary with Plum Fell Lane. This lane is also a public footpath that forms part of a long distance footway known as the Hangers Way. To the east, one of the dwellings is Box Cottage, a Grade II listed building.

#### *Planning history*

11. The application the subject of this appeal is the first planning application for the development of the site. However, the site is part of a larger parcel of land

that was considered for residential development during the *East Hampshire District Council Local Plan Second Review 2006* (EHDC:LP). The site was omitted by the Inspector on grounds relating to its value in the landscape, the effect on the rural setting of the historic village and its failure to either preserve or enhance the Conservation Area. The site was considered as part of the *Strategic Housing Land Availability Assessment* but was excluded on landscape and access grounds. In July 2013 the SDNPA determined that a pre-application submission for 14 dwellings was not EIA development.

#### *Development proposed*

12. The scheme comprises 10 dwellings with a mix of 2 two-bed, 4 three-bed, 3 four-bed and 1 six-bed houses. Four of the units would be affordable dwellings. Car parking would be provided in a mixture of frontage parking, a private court, cartilage parking and domestic garages, providing a total of 26 spaces. There would be a new vehicular access road that would join the B3006 to the south of Gilbert White Cottages. The existing informal and unrecorded path between the High Street and Plum Fell Lane/ Hangers Way, and which crosses the appeal site, would be formally dedicated as a public right of way.
13. The developed part of the site would comprise about 0.5ha. The residue of the land would be dedicated in perpetuity as public open space. It would be managed by a management company or transferred to the Parish Council. There would be additional biodiversity enhancements, landscaping and drainage works. These would include the regrading of the bank facing the B3006 to allow views across the new public open space to Selborne Hanger.

#### **Policy Context**

14. The site lies within the National Park whose statutory purposes are set out in the *Environment Act 1995*. These include conserving and enhancing the natural beauty, wildlife and cultural heritage of the area. In pursuing the statutory purposes the SDNPA has a duty to seek to foster the economic and social well-being of local communities within the Park. Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty. It adds that cultural heritage is an important consideration in such areas and should be given great weight.
15. The development plan comprises the EHDLP:JCS 2014 and the saved policies of the EHDC:LP 2006. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that, in the determination of planning applications, decisions are made in accordance with the development plan unless material considerations indicate otherwise. This is broadly restated in the *National Planning Policy Framework* (the Framework).
16. The Framework says that at its heart is the presumption in favour of sustainable development. The whole of the Framework, from paragraphs 18 to 219, constitute the Government's view as to what sustainable development means in practice for the planning system. Paragraph 14 says that it means approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.
17. The EHDC:LP was adopted some time ago and paragraph 215 of the Framework says that due weight should still be given to its relevant policies

according to their degree of consistency with the Framework. This matter is considered below in respect of the policies cited for the various issues.

18. The EHDLP:JCS is a recent plan that runs until 2028. It was adopted less than a year ago and it sets the housing target for the area. Policy CP2 says that the spatial strategy identifies that the National Park is one of four distinct areas of the District. In due course separate targets will be set for the two planning authorities and a separate Local Plan for the National Park will be prepared. It is not anticipated that this will be adopted before 2017.

### **Issue 1: Whether the Authority can demonstrate a 5 year housing land supply**

19. The Government's overarching objective, as set out in the Framework, is to boost significantly the supply of housing. As one of its core planning principles the Framework identifies that planning should be genuinely plan-led; it says that plans should be kept up to date and be based upon joint working and co-operation to address larger than local issues. Paragraph 47 sets out what local planning authorities should do to achieve the objective, including providing a 5-year supply of deliverable sites for housing.
20. During the Inquiry the principal parties jointly produced a *Revised Agreed Statement: Housing Land Supply* (RAS) (Document 39). This set out the agreed calculations in respect of a number of different scenarios which depended upon how the 5-year housing land supply needed to be interpreted and calculated. The different scenarios each involved different variables. These included taking either a district-wide basis, a disaggregated approach with separate EHDC and SDNPA calculations or a 70%/ 30% split between the Authorities; the "Sedgefield" or the "Liverpool" approach to the (agreed) backlog; and a 5% or 20% buffer depending on whether the SDNPA should be considered to have a record of persistent under-delivery.
21. The parties agreed that the summary of their calculations as set out on page 2 of the RAS represented their respective positions. The appellant considers that there is no 5-year housing land supply unless a disaggregated approach is taken using "Liverpool" and a 5% buffer. The SDNPA considers that there is a 5-year housing land supply provided a disaggregated approach is taken and either "Sedgefield" and 5% or "Liverpool" and 5% or 20%. In every other scenario there is no 5-year housing land supply.
22. As both parties agree that the only way in which a deliverable 5-year housing land supply can be achieved involves using a disaggregated approach it is necessary to consider first whether a such an approach is the correct way to ascertain the presence or otherwise of a 5-year housing land supply.
23. There is no separate development plan for the National Park. Policy CP10 of the EHDLP:JCS says that provision is made for a minimum increase of 10060 dwellings in the period 2011 to 2028. It says that sites will be identified through the Local Plan: Allocations, the SDNPA Local Plan or Neighbourhood Plans. These further plans have not yet materialised so no sites have yet been identified. The SDNPA Local Plan is not anticipated until 2017.
24. My attention was drawn to two previous appeal decisions. In respect of the appeal at Burlands Field, Selborne<sup>2</sup> the Inspector considered that the SDNPA's

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<sup>2</sup> APP/Y9507/A/13/2204544 dated 13 March 2014

disaggregated approach "*has merit*". In the second decision, in respect of land to the north of Sussex Road, Petersfield<sup>3</sup> the Inspector described the disaggregated approach as "*...a pragmatic way of securing the appropriate level of housing provision in the overall EHDC area...*".

25. However, the first of these pre-dated the adoption of the EHDLP:JCS and there is some uncertainty as to the extent of the evidence before the other Inspector. In particular, it seems unlikely that he was made aware of an exchange of correspondence involving the Examination Inspector that concerned a potential disaggregated approach. This exchange is considered below.
26. Based on the evidence before me, it seems that the potential for taking a disaggregated approach to the 5-year housing land supply was first raised in December 2013, and then only on a very tentative basis in an email. It was never raised at the Examination in Public for the EHDLP:JCS. The email says that "*It may therefore be that separate 5 year land supplies should be identified for the areas inside and outside the National Park*". This approach was rejected by the Examining Inspector who, the following day said that he would be reinstating the sites that the Authorities had wished to delete. In this regard the Inspector Main Modification IMM38 is quite clear. The reason stated for not deleting these sites is that "*the District lacks a 5 year land supply*".
27. It is clear that the EHDLP:JCS does not establish where the new housing will be located. It does not provide a disaggregated figure for new housing development in and outside the National Park. The *East Hampshire Strategic Housing Market and Local Housing Requirements Study* (SHMA) also takes a District-wide approach; it does not include a disaggregated housing requirement for the National Park. Indeed, at paragraph 7.35 it states that no sub-district modelling has been undertaken. The SHMA pre-dates the email exchange of December 2013 by several months.
28. There is, therefore, no development plan support for taking a disaggregated approach to the 5-year housing land supply. Policy CP10 is quite clear that sites will be identified in future plans. This carries significant weight. I have also given weight to the conclusions of the Examining Inspector who firmly rejected the suggestion of a disaggregated approach in the December 2013 email exchange and in his Report (April 2014).
29. In these circumstances, and drawing on the level of scrutiny afforded by this Inquiry into the previous appeal decisions, I conclude on the first issue that it is not appropriate to adopt a disaggregated approach to the determination of the 5-year housing land supply position. The parties agree that this conclusion means that the SDNPA cannot demonstrate a 5-year housing land supply.
30. This conclusion means that there is a District-wide need for more land for housing. That could mean that the National Park would have to pick up some of the shortfall that arises outside it as Policy CP10 cites only minimum figures for site allocations. The Examining Inspector was very clear in his Report that it had not been shown that environmental constraints limit the number of new dwellings in villages in the National Park to about 100. Nonetheless, the Framework makes it clear that environmental constraints have to be taken into account and so it is clear that the failure to provide a 5-year housing land supply does not mean that all sites are inevitably suitable for housing.

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<sup>3</sup> APP/Y9507/A/14/2218678 dated 30 October 2014

31. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Paragraph 14 says that in such circumstances for decision making, and unless material considerations indicate otherwise, this means granting permission unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. A footnote to the paragraph sets out examples of specific policies including those relating to National Parks and designated heritage assets.
32. This conclusion, together with advice in the Framework, is considered further in the planning balance at the end of this Decision.

**Issue 2: Whether the proposed development would comprise major development in the National Park**

33. Paragraph 116 of the Framework says that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. The Framework does not define major development. Paragraph 8-005 of the Natural Environment chapter of the *Planning Policy Guidance (PPG)* says that whether a scheme should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.
34. Selborne is a village of modest scale with a relatively limited range of facilities. According to the *Selborne Village Community Plan* there were 309 households in the parish when the Plan began, rising to 310 before completion. The 10 dwellings now proposed represent an increase of just under 3%.
35. The two Opinions by James Maurici QC provided in the Core Documents provide a useful background, as do the conclusions of the Inspectors in the Burlands Field and Sussex Road appeals. These documents all make reference to the definition of major development as set out in the *Town and Country Planning (Development Management Procedure) (England) Order 2010* but they also agree that this is no more than a starting point when considering whether a particular development comprises major development.
36. In the course of pre-application discussions the SDNPA said, in an email, that it would be "...hard to argue that the development would be major development for the purposes of paragraph 116...". I have also noted that the Burlands Field Inspector, while concluding that the development was unacceptable for landscape and heritage reasons, also concluded that a scheme for 30 dwellings at Selborne would not be major development.
37. In terms of the guidance in the PPG, the proposal in question is for just 10 dwellings. While the appeal site is large in the context of Selborne, it has a total site area of approximately 2.08ha, this has to be tempered by the fact that much of the site would be used for informal public open space and it is only intended to develop a quarter of it. The local context is that of a village, albeit one with significant landscape and heritage constraints on development. Nonetheless, the term major development, when given its ordinary meaning, cannot reasonably be taken to include a scheme of 10 dwellings abutting the settlement boundary of a modest sized village. I conclude on this issue that,

for the purposes of paragraph 116 of the Framework, the proposals do not constitute major development in the National Park.

**Issue 3: Whether the proposed development would conserve the landscape and scenic beauty of the National Park**

38. Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of cultural heritage is an important consideration that should also be given great weight in National Parks. This does not, of course, preclude development but it is a material consideration of great weight. The National Park is clearly a valued landscape for the purposes of paragraph 109 of the Framework that should be protected but neither this, nor footnote 9 to paragraph 14, rules out development as a matter of principle.
39. The settlement of Selborne makes a positive contribution to the landscape character of the National Park. It is, with justification, described as a "*jewel in the crown*" of the National Park. This does not mean, of course, that Selborne cannot accommodate any new housing. Indeed, Policy CP10 of the EHDLP:JCS makes provision for the allocation of sites to provide a minimum of 100 dwellings at other villages in the National Park. By any measure, Selborne is one of the more sustainable settlements in the National Park. The probability, therefore, is that there will be some residential development at Selborne outside the current settlement boundary.
40. In terms of the visual impact of the proposals I have had regard to the *Landscape and Visual Impact Assessment* (LVIA) that accompanied the application. In particular, this identifies that the site is only visible from within a relatively small area. Notwithstanding the Hanger which rises to the west, the public footpaths within it provide few views of the site and these are often filtered by trees, even in winter. From other vantage points, for example the High Street, the proposed houses would only be seen through gaps between the existing frontage dwellings, albeit that some of these gaps are quite wide.
41. The development would be clearly visible from parts of Plum Fell Lane/ Hangers Way which is a popular public footpath. The proposals would bring the built form of Selborne significantly closer to this route and reduce the extent of the apron at the foot of the Hanger. This apron is especially discernible from Plum Fell Lane/ Hangers Way, as is the narrow depth of buildings either side of High Street with the countryside to the east visible over the houses.
42. The proposed development would be particularly visible from the B3006 when entering Selborne from the south. At present there is a steep bank down to the road which prevents clear views of this apron for drivers and passengers in most cars, but which still allows views for walkers and those travelling north in higher vehicles. The proposed dwellings would be very clearly seen, especially Unit 10 but also other dwellings including part of the flank wall of Unit 9 and parts of Units 1 and 5. The fact that they would be seen at an oblique angle would mean that when seen from the B3006, to the south of the new access, they would appear as a continuous run of built form.
43. Policy CP30(e) of EHDLP:JCS says that all development will be required to take account of village design statements where they exist. The *Selborne Village Design Statement* (SVDS) was adopted by the District Council in 2001. It has a section dealing with open spaces within the village. This mentions Barn Field,

describing it as an open space within the settlement that is an important feature which affords views through the village to the wider landscape beyond. The Design Guidelines seek to maintain the existing open spaces that are identified in the SVDS.

44. I have also had regard to the conclusions of the EHDC:LP Inspector in 2006 when considering this site. The Inspector concluded that the (then) scheme of development would result in a "major incursion and loss of open space within a meadow that in its open state is important to the attractive rural setting of this historic village". The Inspector added that the "...destruction of the pastoral quality and integrity of this open space would be unfortunate, to put it mildly."
45. The site lies within the Selborne Conservation Area and there is inevitably some overlap with Issue 4 concerning the effect on this. Some of the qualities that contribute to the cultural heritage of the National Park also contribute to the significance of this heritage asset. These qualities include the countryside setting of the village and its Conservation Area; the predominantly linear form of development in Selborne; and views from the Conservation Area to the surrounding countryside.
46. The SDNPA identified that the appeal site falls within the Under-the-Hill and Presents Farm Landscape Character area. This extends from Selborne Hanger to the west to Oaktree Farm to the east, taking in the southern end of High Street. In this area the built form is largely confined to houses fronting High Street with little or no built form to the rear. The land to the east, while undulating, lacks the drama of the Hanger but nonetheless contributes to the setting of the village. This area is clearly visible from Plum Fell Lane/ Hangers Way. It contrasts markedly with the landscape area to the north where, on the eastern side of High Street, there is more modern development that front roads that run perpendicular to High Street.
47. The proposed scheme would significantly reduce the scale of the green apron between Selborne and Selborne Hanger. This land is described in the submission draft of the LLCA *Selborne Local Landscape Characterisation 2013* as a precious village open space and the SVDS seeks to maintain this area of open space. The loss of such a significant part of the apron, in a location where it is particularly narrow, would be severely harmful to the setting of Selborne and to the relationship between the village and the Hanger. It would fail to respect the contribution that this valued open space makes to the landscape character of the immediate area and thus to the wider National Park.
48. While the physical extent of its visual impact would be relatively limited, the intrusion into this largely open part of the apron under the Hanger would be appreciated by road users heading north on the B3006, by walkers on Plum Fell Lane/ Hangers Way and from other vantage points on the High Street. There would therefore be visual harm as well as harm to the landscape character of the National Park and to its scenic beauty. This would be contrary to Policies CP19 and CP20 of the EHDLP:JCS.
49. Selborne is a largely linear settlement, although this linear character has been partly eroded by the more modern development immediately to the south of the historic core and mainly comprising housing around Maltby's and Hastards Lane. These roads and their frontage houses run mainly perpendicular to High Street creating a much greater depth of development than is characteristic of the settlement. Around the appeal site, however, in the Under-the-Hill and



Presents Farm landscape area, there is only a single line of houses on either side of the road. This narrow depth of housing, and the spaces between the houses, allows views into the countryside and emphasises the relationship between the village and its surrounding countryside.

50. The proposed development would be at odds with this linear character. The proposals would provide an alternative through route for walkers, enabling a greater appreciation of Selborne Hanger from the new road than is achievable from this part of High Street. This part of the development would be linear in character and would replicate the linear form of High Street, albeit at the same time creating a substantially greater depth of development. The northern part of the development, however, where Units 1 to 5 are proposed, would run at right angles to the High Street, albeit behind the frontage houses. This layout seems more typical of the newer development around Maltby's and Hastards Lane than the historic pattern of development in Selborne.
51. The new development would be visible between High Street properties, severely impinging on the relationship between the historic part of the settlement and the countryside and harming views out from within Selborne. The proposals would be especially visible to anyone entering Selborne from the south on the B3006. Here the new housing would be likely to be in the direct line of sight, the slightly oblique view increasing the apparent depth and scale of the housing. This would seriously detract from the perceived predominantly linear form of the settlement with the layout significantly increasing the depth of development. The further degradation of the predominantly linear form of Selborne, together with the loss of views of the countryside from the High Street, would harm the cultural heritage of the National Park, contrary to Policy CP20 of the EHDLP:JCS.
52. The proposals would thus fail to conserve the landscape or scenic beauty of the National Park and would fail to conserve its cultural heritage. In accordance with advice in paragraph 115 of the Framework this carries great weight. The identified harm would also be contrary to the development plan, and to guidance in the SVDS. This harm will be balanced with the scheme's benefits.

**Issue 4: Whether the proposed development would preserve or enhance the character or appearance of the Selborne Conservation Area**

53. The site lies within the Selborne Conservation Area. This is a widely drawn Conservation Area that encompasses much of the built up area of the village and extends a considerable distance into the countryside either side. It includes the entire appeal site, the northern end of Plum Fell Lane/ Hangers Way and the dwellings immediately to the west of this lane. The southern boundary of the Conservation Area aligns with much of the southern boundary of the appeal site, although it also encompasses Trumpeters Cottage.
54. The *Conservation Area Appraisal* (CAA), in describing its character, says that "the combination of a strong landscape setting, many historic buildings, narrow winding streets, the use of local materials and varied viewpoints and spaces combine successfully to create the attractive character and setting of Selborne." That seems to be a fair description and includes reference to the importance of the setting of Selborne.
55. I agree with the conclusions of the Inspector in the Burlands Field appeal decision that Selborne's attraction extends beyond the built form of the

- village's historic core. The fact that the grounds of The Wakes, Gilbert White's house, are now designated as a registered park and garden, is a material consideration. This designation includes part of Selborne Hanger, including Gilbert White's zig-zag path that is cut into its steep slope.
56. The Framework says that the particular significance of a heritage asset that may be affected by a proposal should be identified. In this case, and as set out above, some of the same qualities that contribute to the cultural heritage of the National Park also contribute to the significance of the Conservation Area and are cited in the CAA. In the preceding section I found that there would be harm to the cultural heritage of the National Park arising from the impact of the development on the setting of Selborne; its impact on the predominantly linear character of the settlement; and its impact on views of the countryside from within the village. These aspects of the significance of the heritage asset also need to be taken into account in assessing the impact of the proposals on this heritage asset.
57. It is the appellant's case that the proposals would enhance the Conservation Area; the SDNPA consider that it would be harmful and that, for the purposes of the Framework, the harm to the heritage asset would be less than substantial. In view of the considerations set out above, I have found that the proposals would harm the setting of Selborne, and in particular harm the special relationship between the built form of the village with the Selborne Hanger to the west. In this respect the openness of the appeal site makes a positive contribution to the Conservation Area and this would be harmfully diminished by these proposals.
58. The proposals, by constructing a second tier of houses behind those fronting High Street, would conflict with the predominantly linear pattern of development in Selborne. At this point in the High Street, the linear character is particularly strong and its dilution would be harmful to the established character of the Conservation Area. While part of the scheme follows the linear form of High Street, albeit uncharacteristically in parallel with the main road, the northern part would be almost at right angles to it and so partly mimic the less historic and less characteristic housing developments to the north east of the site. The increased depth of housing would be clearly noticeable in views through the gaps between the frontage houses and, especially, when travelling north along the B3006 into the village. The new development would be highly visible from the road and footway at this point and would significantly change the view on entering the village, reducing the openness of its setting and harmfully detracting from its predominantly linear form.
59. These considerations are all harmful to the significance of the designated heritage asset and weigh against the development. I have had regard to the provisions of s72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*. The proposed development would fail to either preserve or enhance the character or the appearance of the Selborne Conservation Area. In addition it would be in conflict with saved Policy HE4 of the EHDC:LP and Policy CP30 of the EHDLP:JCS.
60. Following the guidance in Chapter 12 of the Framework, the identified harm would be less than substantial. The advice in paragraph 134 of that document is that in such instances the harm should be weighed against the public benefits of the proposal. This exercise is carried out later on in this Decision.

61. The site abuts Box Cottage, a Grade II listed building fronting High Street. It is a 16<sup>th</sup> century timber framed cottage with brick and malmstone infilling. Its significance lies mostly in its architectural quality and its setting in a row of houses along High Street. The proposals would alter its setting insofar as new houses would be sited to the rear, visible from High Street between Box Cottage and Chapel Cottage, and views of the rear of the property from Plum Fell Lane/ Hangers Way would be reduced. Concerning the impact of the development I agree with the principal parties and their expert witnesses that the level of harm to its setting arising from these proposals would be minimal.

### **Other material considerations**

62. I have taken account of all the other matters raised at the Inquiry and in the written submissions. The appellant submitted a completed UU with the appeal that, amongst other things, makes provision for 4 of the proposed dwellings to be units of affordable housing. The UU also makes provision for a financial contribution of £6,138 towards measures designed to support environmental improvements in the locality; a sum of £14,850 towards the maintenance of public open space in the vicinity of the site; and a contribution of £44,298 towards the costs of improving the local transport system in the vicinity of the site. Finally, the UU ensures the transfer of the residue of the site, not less than 1.5ha in extent, to the Parish Council, the Park Authority or its nominee or a management company with a financial contribution towards its maintenance.

63. The UU accords with section 122 of the *Community Infrastructure Regulations 2011* and with paragraph 204 of the Framework. The UU, in providing four units of affordable housing, is clearly beneficial as there are either 13 (Parish Council) or 17 (appellant) families currently registered on the waiting list for an affordable dwelling in Selborne. If occupancy was not restricted to local people then there are over 1000 applicants who have expressed a desire to live in Selborne. These benefits weigh in favour of the development.

64. The financial contributions are designed to cover the additional costs arising from the development and so can carry only limited weight. However, and notwithstanding the strong reservations of the Parish Council which related more to the principle of the development than to the provision of this public open space, the transfer of at least 1.5 ha of land into public open space is a public benefit that carries weight in favour of the scheme.

65. The landscape works associated with this would include regrading the bank adjacent to the B3006 to allow improved views over this proposed public open space towards Selborne Hanger beyond, a further benefit of the development. The submitted scheme indicates that the bank would have new railings which, when viewed at an oblique angle, could reduce views of the open space for anybody travelling north into the village. However, the details of the fencing could be the subject of a condition to ensure that views were achieved.

66. These landscaping works would have the benefit of tidying up the land and removing a relatively recent hedgerow that marked the boundary of the 2006 housing scheme. However, this carries only very limited weight as the land could be tidied without the need for planning permission for 10 houses. The formalisation of the footpath across the land would be beneficial, not least because the existing route is somewhat tortuous and involves negotiating fences and awkward gates. The footpath would offer clear views of the Hanger, although at the outset from the High Street it would run between

- houses and would use a shared surface. This would be shared with cars accessing and manoeuvring to enter and leave 14 garages and parking spaces. Notwithstanding these factors, however, the provision of the footpath would be likely to be beneficial to the community. Also beneficial would be the ecological and landscape enhancements and future management.
67. Concerning the design quality of the proposed houses, the SDNPA witnesses acknowledged that they are well designed. The DAS makes it clear that the designs, materials and scales have been strongly influenced by existing dwellings in Selborne. They provide a varied mix of styles and sizes without the uniformity frequently associated with new developments. Concerns were expressed that the appearance would be rather suburban, that the size of the house at Unit 1 would be too large for its plot, and that the provision of rooms in the roof of this Unit was inappropriate. However, this criticism is too harsh as the varied designs, strongly influenced by existing houses in Selborne, would accord with advice in the VDS. Unit 1 would have a plot of reasonable scale and the rooms in the roof would not appear unduly out of character.
68. The dwellings have been very strongly influenced by existing buildings in Selborne so I do not consider that the development could reasonably be said to raise the standard of design in the village. The scheme is not supported by paragraph 63 of the Framework. While it is superior to other more recent developments in Selborne, this is not sufficient for it to attract the great weight accorded by this paragraph. Some elements of the design would detract from the area. These include its failure to follow the predominantly linear form of Selborne; the road uncharacteristically having housing on only one side for much of its length; the long stretch of frontage car parking; and the layout of part of the site being at right angles to the frontage houses in High Street.
69. The proposed new housing would bring economic benefits for businesses in Selborne. The site is in a reasonably sustainable location and within walking distance of the few shops and other businesses in Selborne. It has ready access to public transport albeit the bus service is quite limited in extent. Nonetheless, there are bus stops within easy walking distance. Other economic benefits would include construction jobs, the likelihood of local expenditure and Council tax revenues. These weigh in favour of the proposals.
70. I have had regard to the objections raised by the Parish Council and by local residents. Many of these objections are reflected in the reasons for refusal. Concerning the likelihood of flooding, I am satisfied that *the Flood Risk Assessment* and its *Addendum* (May 2014) show that subject to appropriate conditions the development would not result in additional flooding in the area. The Highway Authority raised no objections, subject to conditions, to the new vehicular access. The access would be within an area subject to 20-mph speed limit and adequate visibility splays can be achieved. I saw no compelling evidence to suggest that the access would not be safe.
71. Concerning the impact on living conditions of nearby residents, it is certainly the case that the outlook for occupiers of several houses fronting High Street would be changed with houses obscuring views of at least the lower slope of the Hanger. However, the houses would, for the most part, be sited a reasonable distance from existing houses such that there would be no unacceptable impact on living conditions. For the occupiers of one property, Chapel Cottage, the proximity of the closest house, Unit 3, would be seriously

harmful to the outlook, especially from the garden. This house would extend almost the full width of the garden and be within about 3m of the common boundary at its closest point. It would be an unnecessarily unneighbourly form of development out of keeping with the more spacious character of the area.

72. The recently approved scheme for 4 houses (with one house demolished) at Doone to the south east of the site is of little relevance to this appeal as the circumstances are very different. In particular, the site lies within the settlement boundary and, save for a small part of the access, outside the Conservation Area. It is located away from the B3006 and not in a part of the village where there is a predominantly linear form of development. It does, however, demonstrate that EHDC (as planning authority) will grant planning permissions for new development in Selborne.

### **The planning balance and overall conclusions**

73. I have found that the SDNPA cannot demonstrate a robust and deliverable 5-year housing land supply. The test set out in the fourth bullet point of paragraph 14 of the Framework (and summarised in paragraph 32 above) therefore applies. I have also found that the proposals do not comprise major development in the National Park, and so the proposals fall to be considered against paragraph 115 of the Framework, and not the higher tests set out in paragraph 116.
74. I have taken into account the many benefits of the scheme that are set out above. In particular, the provision of additional housing, including four units of affordable housing, on a deliverable site carry significant weight, especially given the absence of a deliverable 5-year housing land supply.
75. Against this there is conflict with the development plan, and in particular with saved Policy HE4 and with Policies CP19 and CP20 and CP30. This conflict needs to be considered in the context of my conclusion that the relevant development plan policies are out of date and so carry much reduced weight. I have considered, therefore, whether permission should be granted having particular regard to the second bullet point of the decision-taking section of paragraph 14 of the Framework.
76. However, I consider that the policy conflict, and notwithstanding the much reduced weight afforded to those policies, taken together with the very considerable harm to the National Park and the less than substantial harm to the Conservation Area, carries very great weight against the scheme. The proposals would fail to conserve landscape, scenic beauty and cultural heritage in the National Park and fail to preserve or enhance the character or the appearance of the Conservation Area. In these circumstances, I conclude that the harm would significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework taken as a whole. The less than substantial harm to the designated heritage asset is not outweighed by the public benefits of the proposal.
77. I do not consider that the harm could be overcome by the use of planning conditions and so, for the reasons given above, I conclude that the appeal should be dismissed.

*Clive Hughes*

Inspector

## **APPEARANCES**

### FOR THE NATIONAL PARK AUTHORITY:

Matthew Reed of Counsel	Instructed by the Head of Legal and Democratic Services, West Sussex County Council
He called	
Alison Farmer BA MLD CMLI	Principal, Alison Farmer Associates
Michael Scammell BA(Hons)	South Downs National Park Authority
Dip Cons (Arch) IHBC	
Kieran Howarth BA(Hons)	Principal and Director, Kieran Howarth
DipTP MRTPI	Planning Ltd
Gary Palmer BSc(Hons) MA	South Downs National Park Authority
MRTPI	

### FOR VILLAGE GREEN PLC:

Christopher Boyle QC	Instructed by WYG
He called	
Duncan McInerney	Director, The Environmental Dimension
BSc(Hons) MLD CMLI	Partnership
Edmund Booth BA Dip UD	Director, The Conservation Studio
MRTPI IHBC FSA	
Steve Brown BSc(Hons)	Associate Director, Woolf Bond Planning
DipTP MRTPI	
Martin Hawthorne	Director, WYG
BSc(Hons) MRTPI	

### INTERESTED PERSONS:

Cllr Minette Palmer	Selborne Parish Councillor and local resident
Simon Bennett	Local resident, also representing 156 other local residents
Ronald Davidson-Houston	Vice Chairman, Selborne Association and local resident
Terry Cartwright	Local resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 East Hampshire District Local Plan: Second Review – Extract from Inspector’s Report on Objections pp514-517
- 2 Revised Proof Plan 10 (Duncan McInerney’s Appendices)
- 3 Drawing No 3D-VP6-A3 - 3D model from viewpoint 6
- 4 Drawing Nos S-Site-YY-ZZ-A2 & P-YY-ZZ-A3 – cross sections
- 5 Unilateral Undertaking dated 23 December 2014
- 6 Email exchange concerning affordable housing mix
- 7 Meeting Notes 4 April 2014
- 8 Officers’ report concerning land at Doone, Honey Lane, Selborne
- 9 Opening statement on behalf of the National Park Authority

- 10 East Hampshire District Local Plan: Second Review - Inset Map 17 (Selborne)
- 11 Statement and appendices of Simon Bennett
- 12 Statement of Ronald Davidson-Houston
- 13 Statement and appendices of Terence Cartwright
- 14 Letter from Hampshire County Council (Highways) to National Park Authority dated 16 December 2014
- 15 Statement and appendices of Minette Palmer
- 16 Selborne Village Design Statement
- 17 [Document withdrawn at Inquiry]
- 18 East Hampshire Five Year Housing Land supply (as of 1 October 2014)
- 19 Email exchange 11 to 18 December 2014
- 20 Table of SHLAA sites – inside or outside settlement boundaries
- 21 Extract from proof of evidence of Keith Reed to Burlands Field Inquiry pp12-16
- 22 Delegated decision sign off sheet for pre-application advice on land to south of 63-65 Inwood road, Liss
- 23 Notes of South Downs NP Design Review Panel 27 November 2014 – land south of 63-65 Inwood Road, Liss
- 24 Update of Steve Brown’s appendix 16 – housing delivery at Whitehill & Borden
- 25 Settlement Hierarchy scores – Michael Hawthorne
- 26 File notes of Michael Scammell re Under the Hill, Selborne
- 27 Response to Settlement Hierarchy scores (Document 25) by Selborne Parish Council and appendices
- 28 Extent of development proposed, 2004 plan (Drawing No CPM2269/04d)
- 29 Agreed list of appeal plans
- 30 Letter dated 31 March 2014 by Inspector A Thickett concerning the Examination of the New east Devon Local Plan 2006-2026
- 31 [Document withdrawn at Inquiry]
- 32 Letter dated 29 September 2014 and plans concerning Larcombe Road, Petersfield
- 33 Land off Larcombe Road, Petersfield – Planning layout
- 34 Settlement Hierarchy (WYG)
- 35 Photographs of parking area to east of site
- 36 Extract from Planning Policy Guidance – ID:18a-014-20140306
- 37 Agreed list of suggested conditions
- 38 Location plan and layout plan – Burlands Field, Selborne
- 39 Revised Agreed Statement: Housing Land Supply
- 40 List of those represented by Simon Bennett
- 41 Addendum to Flood Risk Assessment (May 2014 Rev 2)
- 42 Bus time table with Selborne service highlighted
- 43 Closing submissions on behalf of the National Park Authority
- 44 Barnwell Manor Wind Energy Ltd v East Northamptonshire DC and Others [2014] EWCA Civ 137
- 45 Closing submissions on behalf of the Appellant
- 46 Cotswold DC v SSCLG and Fay and Son [2013] EWHC 3719 (Admin)

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