

Wates Developments Limited

Town and Country Planning Act 1990

Appeal under Section 78 against the refusal by Hart District Council of an application for outline planning permission *for the development of up to 700 residential dwellings, site for primary school and local centre, together with associated vehicular, pedestrian and cycle access, drainage, landscape works and provision of general open space. Full details for the provision of Suitable Alternative Natural Greenspace and means of access' at Pale Lane Farm, Pale Lane, Hampshire*

Appeal Statement of Case

LPA Ref: 16/03129/OUT

May 2018

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1 INTRODUCTION

1.1 This Statement of Case has been prepared by Carter Jonas on behalf of Wates Developments (“the Appellant”) in accordance with Procedural Guide Planning Appeals – England (16 January 2018) and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 to support a planning appeal pursuant to section 78 of the Town and Country Planning Act 1990 (as amended) (“the Appeal”).

1.2 The Appeal has been submitted against the decision by Hart District Council (“HDC”) on 29th January 2018 to refuse to grant planning permission, pursuant to planning application reference number 16/03129/OUT (“the Planning Application”), for the following development:

Outline application for the development of up to 700 residential dwellings, site for primary school and local centre, together with associated vehicular, pedestrian and cycle access, drainage, landscape works and provision of general open space. Full details for the provision of Suitable Alternative Natural Greenspace and means of access.

1.3 The Planning Application was refused by HDC for the following reasons:

1) The proposed development, in a countryside location outside of the defined settlement boundary of Fleet, would represent inappropriate development which would have a detrimental effect on the character and setting of the countryside and the settlement of Fleet by virtue of its siting, size and prominence in the landscape and due to the loss of an important area of undeveloped land. As such the proposal would be contrary to the requirements of saved policies CON22 and RUR2 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 and the advice contained within paragraph 55 of the National Planning Policy Framework.

2) The proposed development would impinge on and degrade the setting of Palelane Farmhouse, a Grade II listed building, thereby causing (in the terms of the National Planning Policy Framework) "less than substantial" harm to the significance of the designated heritage asset. The public benefits that would arise from the proposal would not outweigh the harm to the listed building. Consequently, the scheme would not protect or enhance the listed building, contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme would also conflict with the policy of the Secretary of State in paragraphs 132 and 134 of National Planning Policy Framework (2012).

3) The site is located within 5 kilometres of the Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI) which form part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under Regulation 64 of The Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such, the proposal is contrary to South East Plan policy NRM6 and 'saved' policies CON1 and CON2 of the Hart

District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.

4) In the absence of any legally binding obligation to secure the provision of an appropriate level of affordable housing, any provision or financial contribution to mitigate the impact of the development on the provision of primary and secondary schooling, any provision of community based transport initiatives, cycling and pedestrian links and public transport, any provision of off-site highways improvements reasonably necessary to make the development acceptable nor any provision to mitigate the impact of the development on health services provision, the proposed development would conflict with the requirements of saved policies GEN1, ALTGEN13, RUR35 and T14 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.

5) The proposed development is premature. It would compromise the effective operation of the plan-led system in Hart District Council's area and undermine the spatial vision for the area and wider policy objectives contained within the emerging Local Plan Strategy and Sites document. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

6) The proposal would result in the unnecessary loss of approximately 32 hectares of the best and most versatile agricultural land. The loss of that land is not justified by the economic or social benefits of the scheme. The proposal would therefore conflict with the policy of the Secretary of State in paragraph 112 of the National Planning Policy Framework (2012).

1.4 The Appeal hereby being lodged is requesting this matter be dealt with by way of a Public Inquiry and given the narrow range of matters in dispute between the parties, it is estimated that 4 days is required. A public inquiry is the appropriate method to determine this appeal because of the complexity of the topics and the need for the evidence to be tested through formal questioning.

1.5 This statement sets out the Appellant's full Statement of Case. A Statement of Common Ground will be prepared separately with HDC and an outline of the statement is set out in Section 2. A draft of the statement accompanies this submission also and will be discussed with HDC as a matter of priority.

1.6 The remainder of this Statement of Case comprises:

Section 3 – Appeal Scheme's History

Section 4 – The Appellant's Case

Section 5 – The Planning Balance

Section 6 – Conclusions

- 1.7 The Appellant anticipates that reasons for refusal 3 and 4 can be overcome by entering into an appropriate planning obligation. Evidence will focus on the matters anticipated to be in dispute: heritage; landscape; prematurity, agricultural land and a range of planning policy guidance considerations. It is the Appellant's case that relevant development plan policies are out of date and as a result the 'tilted balance' set out in paragraph 14 of the NPPF is engaged.
- 1.8 It is proposed that an agreed s106 agreement will be submitted to the Inquiry.
- 1.9 We reserve the right to adduce further evidence, or otherwise advance our case, in the submission of proofs of evidence and rebuttal, as necessary, on receipt of the appeal documentation provided by the Council and any Rule 6 parties.
- 1.10 Documents that the Appellant intends to refer to or put in evidence at the Inquiry are listed in Appendix 1. The Appellant reserves the right to add to this list in the light of HDC's Statement of Case or subsequent evidence to the Inquiry produced by the Council or other parties.
- 1.11 It will be submitted that HDC's Reasons for Refusal are not justified and cannot be substantiated on sound planning grounds. It is also submitted that, in the event that there is deemed to be a conflict with any development policy, or policies (which, for the avoidance of doubt, we acknowledge that the Appeal Scheme is only in conflict with one element of the out-of-date Policy RUR2), the material circumstances that exist in this case are sufficient to overcome any perceived conflict with the Development Plan that justify the development proposals.
- 1.12 It will be demonstrated that planning permission should be granted as the benefits of the Appeal Scheme significantly and demonstrably outweigh any adverse impacts; that approval of the Appeal Scheme is not premature to the preparation of the Draft Hart District Local Plan Strategy and Sites (2016-2032) ("the DHDLPSS"); and the development can be properly considered to constitute sustainable development.

2 STATEMENT OF COMMON GROUND

- 2.1 As set out within the regulations, a full Statement of Common Ground will be submitted to the Inspectorate as soon as both parties are in agreement. The requirement to submit this within the first 6 weeks of this appeal is noted and will be communicated to HDC. The Statement of Common Ground will set out areas of agreement between HDC and the Appellant in order to reduce the scope of the appeal to those agreed areas of difference between the parties.
- 2.2 The draft Statement of Common Ground submitted in support of this Statement of Case is structured as follows:
- Section 1 – Provides the background to this Appeal;
 - Section 2 – Lists the documents comprising the application on determination;
 - Section 3 – Provides a description of the site and the surroundings;
 - Section 4 – Confirms the planning history of the site;
 - Section 5 – Refers to national planning policy guidance set out in the National Planning Policy Framework (existing and draft) and the National Planning Policy Guidance;
 - Section 6 – Lists the relevant development planning policies;
 - Section 7 – Lists the matters upon which the parties are agreed; and
 - Section 8 – Sets out matters upon which the parties are in dispute.
- 2.3 The layout and content of the Statement of Common Ground may change following discussions with HDC.

3 APPEAL SCHEME'S HISTORY

3.1 This section provides a brief overview of the Appeal Site and its surrounding area and confirms the nature and extent of the Appeal Scheme. A factual description of the Appeal Site and the wider area, and a full description of the Appeal Scheme are all addressed in the draft Statement of Common Ground and are not repeated here.

Site Location

3.2 Section 3 of the draft Statement of Common Ground describes the Appeal Site and the surrounding area. We simply highlight here that the Appeal Site:

- Extends to 59.3 hectares, is located at the north-western corner of Fleet adjacent to Elvetham Heath that formed a northern extension to Fleet in the 1990s;
- Was identified as a potential strategic urban extension in HDC's Refined Options for Delivering New Homes Consultation between 4th February and 18th March 2016;
- Is in a sustainable location with good access to local facilities at Elvetham Heath and Fleet Town Centre;
- Is well served to larger settlements and employment opportunities via the M3 motorway and the South Western Mainline; and
- Is visually well contained due to existing land form, and structural vegetation; and
- Is clearly defined by existing development and infrastructure, including: the existing settlement edge and Fleet Road to the east; a raised railway embankment to the south, with the Berkeley Homes development further to the south; the M3 corridor to the north; and a solar farm to the west.

Scheme's History

3.3 The Planning Application was submitted following extensive pre-application discussions and consultation with HDC, the local community and other key stakeholders.

3.4 Following submission, the Planning Application was validated by HDC on 21st November 2016 and during the determination period, there were a number of amendments to respond to matters raised by statutory consultees with HDC providing several extensions of time to accommodate this.

3.5 At the end of this process there were no remaining technical objections to the Planning Application from any of the statutory consultees.

3.6 Officer's recommended to refuse to grant planning permission and the application was not taken before HDC's Planning Committee ("the Committee") in line with HDC's rules on the use of delegated powers. The decision notice was issued on 29th January 2018.

- 3.7 At every stage of the determination process, the Appellant has worked collaboratively with officers of HDC, Hampshire County Council (“HCC”) and all other statutory consultees. For the reasons that will be articulated in the Appellant’s evidence (and are set out in this Statement of Case), it is considered that the Planning Application merited the grant of consent and thereby this Appeal, should be allowed.

4 THE APPELLANT'S CASE

4.1 Planning permission was refused on 6 grounds, as set out in the draft Statement of Common Ground, and the Appellant considers that there are 6 matters of dispute between the parties that formed the basis of the refusal of planning permission.

4.2 The Appellant and the Council disagree on the following:

- Whether the relevant development plan policies are out of date, and as a result the 'tilted balance' set out in paragraph 14 of the NPPF is engaged. The Appellant contends that there is no good reason to depart from the approach taken by the inspector in the decision letter relating to the appeal made by *Berkeley Strategic Land Limited against Hart District Council for Land at Netherhouse Copse (APP/N1730/W/17/3167135)*, in which the inspector concluded that Policy RUR1 (Definition of areas covered by RUR policies), Policy RUR2 (Development in the Open Countryside – general), Policy RUR3 (Development in the Open Countryside – control), Policy CON21 (Local Gaps) and Policy CON22 (Setting of settlements and recreation) were out of date, and as such, moderate or limited weight should be afforded to them and the 'titled balance' was engaged.
- Whether the proposed development would have a significant detrimental effect on the character and setting of the countryside and the settlement of Fleet;
- That the proposed development would be prominent in the landscape;
- Whether any less than substantial harm to the significance of the listed Palelane Farmhouse is outweighed by the public benefits of the Appeal scheme;
- Whether the development proposed is so substantial that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale or location of new development which are central to the emerging Local Plan;
- Whether the loss of best and most versatile agricultural land would justify refusal to grant planning permission; and
- Whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 We set out below the Appellant's skeleton case in respect of each matter.

- i. **Whether the relevant development plan policies are out of date, and as a result, the 'titled balance' as set out in paragraph 14 of the NPPF is engaged**

4.4 The Appellant contends that the development plan policies cited as the basis of the first reason for refusal - saved policies CON22 and RUR2 of the Local Plan – are out of date.

4.5 This matter was considered by the Netherhouse Copse Inspector in July 2017 and in the decision letter dated 6 October 2017, he concludes at paragraph 67 that as *"these policies cannot be considered up*

to date, paragraph 14 is engaged in this case, notwithstanding that the policies serve various planning purposes". He went on to conclude at paragraph 90 that having found the relevant policies to be out of date, he attached "little weight to those policies. In such circumstances, paragraph 14 states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicated that development should be restricted. No such restrictive policies apply in this case ..."

- 4.6 The decision in respect of the proposed development at Netherhouse Copse was made 7 months ago and nothing material has changed in that intervening time.
- 4.7 The Appellant notes that in refusing planning permission for the proposed development, the Case Officer in his delegated report refers to Inspectors "generally" having concluded that housing land policies are up-to-date, and that *"taken as a whole, they are up to date and are consistent with the policies of the NPPF. On that basis, and having taken legal advice officers are satisfied that, notwithstanding the decision of the Inspector who determined the Netherhouse Copse appeal in October 2017, (which considered whether policies RUR1 to RUR3 are out date), the tilted balance is not engaged by the operation of the paragraphs 14 and 215 of the NPPF."* (page 21).
- 4.8 Previous appeal decisions are material considerations. A subsequent inspector is free upon consideration to disagree with the judgment of another but before doing so s/he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision¹.
- 4.9 HDC's reasoning and approach is flawed in that it does not identify or assess the judgements made by the Netherhouse Copse inspector, and does not give any coherent reason/s for departing from those judgements.
- 4.10 It is important to highlight that the Inspector found all of the following policies to be out of date:
- RUR1: Definition of areas covered by RUR policies,
 - RUR 2: Development in the Open Countryside – general,
 - RUR3: Development in the Open Countryside – control,
 - CON21: Local Gaps, and
 - CON22: Setting of settlements and recreation.

¹ **North Wiltshire Council v. Secretary of State** (1993) 65 P & CR 137 at page 145

- 4.11 The reasoning is clear.
- 4.12 In the Suffolk Coastal case (*Cheshire East v Richborough Estates & Suffolk Coastal v Hopkins Homes [2017] UKSC 37²*) the Supreme Court held that the inspector was entitled to conclude that the weight to be given to restrictive policies was reduced where they are derived from settlement boundaries that in turn reflect out-of-date housing requirements.
- 4.13 The Netherhouse Copse Inspector (at paragraph 63 of his decision letter) noted that reason that the Council were able to demonstrate a five year supply of deliverable housing sites, was that they were granting planning permission for housing developments outside of identified settlement boundaries to meet market and affordable housing needs.
- 4.14 As such, Policy RUR1 is out of date and carries moderate weight.
- 4.15 As Policies RUR2 and RUR3 are based on Policy RUR1, necessarily these are also out of date and carry moderate weight.
- 4.16 Policy CON21 is out of date because the policy specifically refers to its application only for the lifetime of the development plan and will be the subject of review. The lifetime of the Plan was up to 2006 and therefore only moderate weight can be attached to it.
- 4.17 Policy CON22 is not consistent with the guidance in the NPPF because it does not comply with the valued landscape and hierarchical approaches (paragraphs 109 and 113). As CON22 is not consistent with the NPPF it should be afforded little weight (see paragraph 215 of the NPPF).
- 4.18 The Appellant contends that the tilted balance set out at paragraph 14 of the NPPF is engaged.
- 4.19 This provides the proper planning context for the evaluation of the Appeal Scheme.
- ii Whether the proposed development would have a significant detrimental effect on the character and setting of the countryside and/or have a serious adverse effect on the character or setting of the settlement of Fleet;**
- 4.20 This reason for refusal links to policies RUR2 and CON22 and as demonstrated, limited weight should be applied to both policies in the determination of this appeal. Policy RUR2 provides 'in principle' objection to development beyond settlement boundaries and thus in the open countryside, and Policy CON22 is a criteria based policy to assess the impacts and effects of development.
- 4.21 Before applying the criteria in Policy CON22, it is relevant to highlight that consistent with its previous approach to allowing housing developments beyond settlement boundaries to meet the need for market

² See paragraph 63

and affordable housing, the Appeal Site had been considered by HDC as a possible potential strategic urban extension to Fleet to meet future housing needs. This is further evidence of HDC's acceptance in principle of housing developments in the countryside and beyond settlement boundaries.

4.22 Policy CON22 sets four tests which are to be applied when determining whether development would adversely affect the character or setting of a settlement, or lead to the loss of important areas or the development of open land around settlements, to such an extent as to justify refusal of planning permission. The four tests or criteria are:

- i. Obscure typical views of the settlement from public vantage points;
- ii. Obstruct significant public views out of the settlement;
- iii. Result in the loss of 'green fingers' important to the structure and amenity of the settlement; or
- iv. Otherwise have a serious adverse effect on the character or setting of the settlement.

4.23 Having regard to the character of the Appeal Site and its relationship to Elvetham Heath, it is clear that it is only the last criteria that is relevant to consideration of the Appeal Scheme when applying Policy CON22. It is important also to highlight that the assessment of character is only at a local level. However, the Appeal Site is not subject to any national or local landscape designations recognising scenic character or quality, nor has the land been identified by HDC as a valued Local Green Space as defined in paragraph 76 of the NPPF.

4.24 Although in his delegated report, the Case Officer asserts that the proposal would obscure views of the settlement from public viewpoints (page 39) which may be said to fall under criterion i), this does not form part of the Reason of Refusal 1.

4.25 The Appellant contends that the Landscape and Visual Impact Assessment (LVIA) which accompanied the Planning Application robustly demonstrates that impacts on landscape character would be localised and this is material to a policy that itself carries limited weight.

4.26 The findings of the LVIA in Chapter 5 of the Environmental Statement submitted with the application are summarised below:

5.9.1 This chapter provides a thorough assessment of the sensitivity of the Application Site and its features with relation to landscape character and visual amenity. It identifies receptors which are likely to be affected by the Proposed Development and, using a robust methodology, in line with the latest guidance, provides an assessment of the significance of effects on each receptor.

5.9.2. It concludes that the most significant effects will be those directly and indirectly related to the loss of the gently rolling rural landscape which is valued in local views and forms the setting of the River Hart adjacent to the Fleet urban edge.

5.9.3. The receptors most sensitive to the change associated with the Proposed Development are the residents and workers at Palelane Farm and the motorists and commuters traveling along Pale Lane and on the South Western Main Line.

5.9.4. The Proposed Development has been designed to reduce the changes in these views and to ensure that the long term landscape and visual effects are beneficial by ensuring a new development which fits well within the existing landform and landscape patterns; increases positive attributes in the local landscape and compliments national and planning policies.

5.9.5. Whilst there will be a permanent loss of greenfield land, the Application Site's location within the River Hart Valley, between the M3 and the South Western Main Line, ensures that the Proposed Development presents a sustainable location for a high quality, visually attractive development which can readily integrated into its existing landscape setting without any undue adverse effects.

- 4.27 The Appellant acknowledges that the Appeal Scheme will result in the permanent loss of part of a gently rolling landscape and change the character of the land used for development. However, the Appeal Scheme has been carefully designed with the primary objective of the landscape mitigation strategy being to minimise any short or long term effects and their significance. A key to this approach will be the retention and incorporation of existing trees, hedgerows and woodland into a substantial green framework in which development parcels will be located. Retained and additional planting will define and reinforce a network of new public amenity spaces and boundary vegetation running in and around the Appeal Scheme.
- 4.28 The proposed landscape treatments will be appropriate to local landscape character and ensure the rapid integration of the development into the wider landscape around Pale Lane and Elvetham Heath. The new public open spaces are integral to the scheme proposals and these extensive areas will be sufficient to cater for the informal amenity and recreational activities of future residents on the development as well as providing additional facilities for the existing local community.
- 4.29 The test in criteria iv) of Policy CON22 is whether the proposed development would have a "serious adverse effect". The accepted LVIA has demonstrated that landscape effects would be localised as the site is not prominent in the landscape and the proposed landscape mitigation measures would further reinforce the screening effect of existing structural vegetation around the edges of the site. This demonstrates that the Appeal Scheme would not conflict with criteria iv) of Policy CON22 and conflicts with that part of Policy RUR2 arising from development of open land around a settlement.
- 4.30 The Appeal Scheme will not have a significant detrimental effect on the character and setting of the countryside and will not have a serious adverse effect on the character or setting of the settlement, and there is no breach of CON22 or RUR2, whether as alleged in reason for refusal 1 or at all.

iii Whether any less than substantial harm to the significance of the listed Palelane Farmhouse is outweighed by the public benefits of the Appeal Scheme

- 4.31 HDC asserts the Appeal Scheme would impinge on and degrade the setting of Palelane Farmhouse, which is a Grade II listed building.
- 4.32 HDC also consider that the less than substantial harm caused to the significance of the heritage asset would not be outweighed by the public benefits of the Proposal.
- 4.33 A Heritage Assessment was submitted as part of the Planning Application, which considered the potential impact on the setting of Palelane Farm. This study was expanded upon in chapter 7 of the Environmental Statement which was also submitted with the application.
- 4.34 Palelane Farmhouse is an 18th century brick-built farmhouse which was listed at Grade II in 1987. Following established impact assessment methodology, a listed building of this grade is identified as of medium significance. The heritage studies indicate that both the listed building and its setting have been significantly altered by change in the 19th century and later. These changes have adversely affected both the significance of the listed building and the contribution which its setting makes to this significance.
- 4.35 Alterations to the listed building have included 'refurbishment' in the 1990s which modified the front exterior elevation and the interior spaces of the building, the addition of a substantial rear L-shaped extension in the early 21st century, and changes to the property boundaries. Alterations to the setting of the building have included the loss of a group of historic buildings lying opposite the farm complex, changes to the appearance and function of the surviving buildings which were associated with the farm, alterations to the surrounding field pattern and usage, the introduction of a railway line and motorway embankment, the diversion of Fleet Road towards the building and the recent introduction of housing development on the eastern side of Fleet Road.
- 4.36 Palelane Farmhouse would not be directly affected by the proposed development. Although the functional relationship between the building and its surroundings has already been broken by the later changes of use of the farmhouse and its outbuildings, together with the wider landscape changes summarised above, the protection of the setting of the farmhouse has been a key consideration in the design of the Appeal Scheme.
- 4.37 A range of steps were proposed to reduce the impact of the appeal scheme on the setting of the listed building and to allow the building to form a key historical focus in the new settlement. These steps drew on a detailed visual analysis of building and its environs and wireline photomontages of key views which followed on-site discussion with the council's conservation and landscape officers. A broad principle adopted by the applicants was to retain the legibility and separation of the former farm building from the proposed development. Careful design layout, green space allocations, the retention of key hedge lines

and sympathetic boundary treatment were proposed in order to preserve the immediate setting of the building. This is intended to allow the historic building to be 'read' separately from the surrounding development when viewed from the identified key viewpoints on Pale Lane. This would allow the building to still be readily understood as a rural building within its own green space. Key boundaries and their lines would also be preserved where possible.

4.38 Disappointingly, no reference was made to the proposed mitigation measures by officers in their committee report, no detailed consideration of setting and how this contributed to the significance of the listed building was set out, nor were the positive benefits of the proposed mitigating measures identified or discussed.

4.39 The heritage studies suggest that the overall impact on the setting of the listed building would be moderate and, in relation to national planning guidance, the harm would be less than substantial. In determining the application, the council weighed this harm against the public benefits of the proposals as set out in the NPPF. However, while the workings of this balancing exercise are difficult to assess from the Case Officer's delegated report, it appears that greater weight has been given to the importance of the setting of the listed building than is justified and that the public benefits of the proposals have been understated. The broader public benefits of the proposed scheme are set out at paragraph 4.66 – 4.67.

4.40 It is the Appellant's case that, whilst giving great importance and weight to the desirability of preserving the setting of the listed building when carrying out the balancing exercise, the public benefits of the proposal significantly outweigh the less than substantial harm to the significance of the listed building.

4.41 This addresses Reason of Refusal 2.

iv Whether the Appeal Scheme is so substantial that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale or location of new development which are central to the emerging local plan

4.42 Progress on a replacement development plan has been slow. The DHDLPSS has been the subject of Regulation 19 consultation, but it has still not been submitted for Examination. At the Cabinet meeting on 5 April 2018, the Council resolved that:

the Joint Chief Executive, in consultation with the Cabinet Member for Planning, be authorised to:

1) Submit the Proposed Submission Version of the Hart Local Plan: Strategy and Sites 2016-2032 and all associated documents, together with representations received, to the Secretary of State for independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004 prior to the publication by the Government of the final revised National Planning Policy Framework

2) Make non material and minor changes and corrections to the Hart Local Plan: Strategy and Sites 2016-2032 and supporting documents, including minor editorial, typographical and grammatical errors, up to and following plan submission and during examination.

- 4.43 At the time of submission of this Statement of Case, the DHDLPSS has not been submitted for examination and there is no timetable indicated for its submission. It is noted that the Council intends to hold an all-Members' briefing on the Local Plan in May 2018, but a date has not been set for this, nor has a date for submission.
- 4.44 In situations such as this, the guidance in the National Planning Policy Guidance (Paragraph: 014 Reference ID: 21b-014-20140306) is clear, namely the *"refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination."* It also states that permission should only be refused where *"it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account"*.
- 4.45 HDC contends that to approve the Appeal Scheme would be premature and would compromise the effective operation of the plan-led system. It would undermine the spatial vision for the area and wider policy objectives contained within DHDLPSS. HDC considers that the adverse effects would be outweighed by the benefits.
- 4.46 HDC provide two main reasons to support this, namely the creation of doubt about the need for the scale of development at Hartland Village and also "certainly" risk the proposal for a new settlement at Murrell Green/Winchfield or constrain the precise area of search, timing and scale of that proposal.
- 4.47 The Appellant considers HDC's reasoning to be flawed. The Appellant contends that the Appeal Scheme does not undermine the Local Plan process and that the benefits of the Appeal Scheme significantly and demonstrably outweigh the adverse impacts so that there is no basis for the Appeal Scheme to be refused on this ground.
- 4.48 The Appellant's response to the progress of the DHDLPSS, Hartland Village and Murrell Green/Winchfield is set out below.
- 4.49 First, the simple fact is that the DHDLPSS has not been submitted for examination. Planning permission was refused nearly 4 months ago based on this reason and the DHDLPSS has still not been submitted. HDC is claiming that because the Plan will be submitted for examination in May and adoption is planned for later in 2018, determination of the application on the basis of prematurity is justified.
- 4.50 This timetable is unlikely to be met. Most recently, HDC undertook Regulation 19 consultation between 9th February and 26th March 2018 on the Proposed Submission Version. We understand that a significant number of objections were received, not just from the Appellant and other landowners and

stakeholders, but included an objection from Basingstoke & Deane Borough Council to the proposed new settlement at Winchfield / Murrell Green (Policy SS3).

- 4.51 Even once the DHDLPSS has been submitted the examination process is likely to be long and complex, potentially requiring an adjournment to consider housing need and supply. It is unlikely that the DHDLPSS will be at such a suitably advanced stage to result in the Appeal Scheme prejudicing this process. The housing target for the District will be the subject of considerable scrutiny. This was originally set at 10,185 in the first draft of the emerging Local Plan in order to meet the District's Objectively Assessed Need ("OAN") before being revised downwards to 6,208 in response to the Government's consultation on the standard methodology. As part of the Regulation 19 representations, the Appellant contended it was not appropriate to calculate HDC's housing need using the Government's proposed standard methodology, as that approach does not yet form part of Government policy and may be subject to change. This is clearly an unresolved issue.
- 4.52 There is a high risk of legal challenge to DHDLPSS.
- 4.53 In summary, in its current form, DHDLPSS is a long way from adoption and therefore the general principle enshrined in the NPPG, that refusal on grounds of prematurity will seldom be justified where a plan is at an early stage of preparation, applies in this case.
- 4.54 Second, approval of the Appeal Scheme would not undermine the ability of Hartland Village to come forward, or for HDC to investigate the possibility of a new settlement at Murrell Green/Winchfield. HDC resolved in August 2017 to support the proposals for up to 1,500 units at Hartland Village and in December 2017 to approve in detail the first phase of 181 units at Hartland Village, subject to completion of legal agreement. This has not happened. However, planning permission has been granted for the construction of a sales office and associated works. It is clear the developer of Hartland Village, St Edward, is progressing with the scheme and if delivered on time, will enable HDC to meet its target of 1,428 dwellings being built in the period up to 2032.
- 4.55 We note two matters in respect of Hartland Village, namely that the scheme does not provide 40% affordable housing, as required by adopted Local Plan policy, and the development programme is slipping, calling into question the likelihood of the scheme delivering 1,428 units within the current plan period. In Appendix 2 to DHDLPSS, it states that it is anticipated that 40 units will be developed at Hartland Village in 2018-2019, with a further 100 in 2019-2020. On the basis the s106 agreement has not been signed and conditions have not been discharged, it is highly likely that development will not start until 2019-2020, and therefore there will be a shortfall of around 140 units.
- 4.56 There are considerable objections to the principle, location, timing and scale of any development at Winchfield/Murrell Green. The land is not in the control of a single party or indeed a consortium of landowners, and there are many environmental and technical matters to be considered, and is located in area comprising best and most versatile agricultural land. Approval of the Appeal Scheme would

have no material impact on the decision on whether or not this site would come forward, as the DHDLPSS notes at footnote 7 on page 29 that “a new settlement within the area of search is not needed to meet the housing needs identified in this Plan.”

4.57 It is obvious that the housing target for the next Plan period is not known because it has not been quantified, and therefore the contribution that a new settlement might make to that target cannot be known. As such, approval of the Appeal Scheme would not prejudice the assessment of the potential of development at Winchfield/Murrell Green to meet some unidentified future need.

4.58 In summary, the guidance in the NPPG is clear regarding prematurity. HDC has not yet submitted DHDLPSS for examination, submission is likely to be delayed and the examination process will be long and complex, with every reasonable prospect of challenge. Granting planning permission for the appeal scheme will not undermine the plan process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan. The benefits of approving the Appeal Scheme which include the early delivery of housing significantly and demonstrably outweigh any adverse effects.

4.59 This addresses Reason of Refusal 5.

v. Whether the loss of best and most versatile land would justify refusal to grant planning permission

4.60 The Appeal Scheme would result in the loss of 32.1 hectares of best and most versatile agricultural land. The NPPF requires that where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality (paragraph 112). It also advises that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

4.61 The land that is the subject of this Appeal performs a limited function as agricultural land and its economic role is limited.

4.62 There are limited other benefits of the land as there are no footpaths, bridleways or byeways that cross the Appeal Site providing public access to and enjoyment of the land.

4.63 The circumstances in Hart district are such that significant development of agricultural land for housing is necessary. As part of DHDLPSS, HDC is proposing the release of agricultural land to meet the identified housing need for the district as a whole, and has previously granted planning permission for housing development on agricultural land. The principle of the use of agricultural land for housing is accepted therefore by the Council.

4.64 In total, the Appeal Scheme would result in the loss of 32.1 hectares. As noted, although the land is designated as best and most versatile agricultural land, the agricultural use of the land is limited. Given that the Council is considering the release of a much larger area of best and most versatile agricultural

land at Winchfield and Murrell Green (Policy SS3) this is not an area where poorer quality land is available to meet the recognised need.

4.65 The Council's reason to refuse permission based on the loss of best and most versatile agricultural land cannot be justified. This deals with Reason for Refusal 6.

vi Whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

4.66 Applying the 'tilted balance test', it is necessary to determine whether the benefits of the proposal would significantly and demonstrably outweigh any adverse impacts of policies that carry limited weight. The Appellant contends that the benefits of the scheme are overwhelming and demonstrably outweigh the limited adverse impacts and these include:

- Provision of up to 700 dwellings including market and affordable housing (40% / 280 units) and a mix of unit sizes and types in accordance with planning policy;
- 280 affordable units will make a material contribution to the need for affordable housing in the District given the annual shortfall of 306 affordable dwellings over the period 2016-2032.
- Land and funding towards a 2 Form Entry (2FE) Primary School;
- Land for developing an early years nursery or privately run children's nursery;
- Neighbourhood centre with local shops and facilities;
- 28.5ha of publicly accessible open space for use as outdoor recreation and informal play space, including dual use of part of this land as a SANG;
- Sustainable Drainage Systems and works to existing surrounding culverts and culverts to improve drainage in local area;
- Contribute to the economic vitality of the area by supporting local businesses and shops and creating jobs in construction, associated industries and the supply chain;
- Off-site highway improvements including inter alia the reconfiguration of the Pale Lane / (A323) crossroad, junction of Fleet Road and the High Street in Hartley Wintney and the introduction of a lower speed limit along Fleet Road;
- New footpath along Fleet Road linking the Site to Elvetham Heath and Calthorpe Park secondary school;
- Improved public transport links to Elvetham Heath, Fleet and the wider area, including redirection of bus services through the Site;
- A package of wider highways and junction capacity improvement schemes;
- Retention and long-term protection and management of otherwise ephemeral habitats of value of plants and invertebrates in western area of Site;

- Habitat creation (e.g. wet woodland and ponds) along the southern boundary of the Site, enhancing the value of adjacent railway line as a habitat corridor together with the three woodlands being retained and linked by a 'green spine' that crosses through the centre of the Site. This will not only serve as a large wildlife corridor linking the existing edge of Fleet with the extensive area of on-site open space (including dual use as a SANG) and the wider countryside beyond, but will also provide opportunities for key leisure and recreation activities within the new community;
- Conservation and repair of the Second World War pillbox;
- Incorporation of heritage information and interpretation into the public realm and open spaces.

4.67 The draft Heads of Terms submitted for approval, and negotiated with a number of key stakeholders such as HDC, HCC (for Highways and Education), Natural England and the North Hampshire and North East Hampshire & Farnham Clinical Commissioning Groups ("the CCGs") included the following contributions, and it is expected that these would form the basis of an agreement submitted to the inquiry:

- Bus Service - £200,000 payable by the Owner towards measures to support the Bus Service directly serving the site;
- Healthcare Contribution to North East Hampshire and Farnham CCG - £360,000 towards the improvement and expansion of facilities to accommodate additional patient places at Elvetham Heath to meet the healthcare needs of the Development;
- Healthcare Contribution to North Hampshire CCG - £840,000 towards the improvement and expansion of facilities to accommodate additional patient places at Hartley Witney to meet the healthcare needs of the Development;
- Primary Education Contribution of £5,274,105 towards a Primary School or such other sum calculated in accordance with the provisions of [clause 24.1 of the s106] towards the provision of a new Primary School on the Site to meet the education needs of the Development;
- Secondary Education Contribution of £5,257,874 towards Calthorpe Secondary School expansion to meet the education needs of the Development;
- SAMM Contribution of £439,210 towards the Strategic Access and Monitoring Measures to be implemented by the Council in accordance with the Interim Avoidance Strategy for the Thames Basin Heaths Special Protection Area adopted by the Council in November 2010 or such successor or replacement strategy as may be adopted by the Council from time to time as relevant;
- 28.5ha of publicly accessible open space for use as outdoor recreation and informal play space including dual use as SANG land and laid out in accordance with the specification within the SANG Landscape and Biodiversity Management Plan;
- Travel Plan Approval Fee - £1,500 towards the costs incurred by the County Council in approving the Travel Plan;

- Travel Plan Bond - £41,700 provided by the Owner to the County Council in accordance with the provisions of clause 21.2 (of the s106) for the purposes of securing the carrying out of those aims set out in the Travel Plan; and
- Travel Plan Monitoring fee - £15,000 payable in 5 annual instalments each of £3,000 (three thousand pounds) by the Owner to the County Council in accordance with Clause 21.3 (of the s106) for the purpose of monitoring the Travel Plan.

4.68 In summary, the Appellant contends that the benefits of the Appeal Scheme are very significant.

4.69 As demonstrated by the Netherhouse Copse appeal decision, limited weight should be placed upon policies RUR1, RUR2, RUR3, CON21 and CON22.

4.70 Analysis set out from paragraph 4.27 onwards demonstrates that the only identified harm involving the loss of gently rolling landscape does not meet the test of “serious adverse effect” in Policy CON22. Furthermore, the conflict with that part of Policy RUR2 arising from development of open land around a settlement and less than substantial harm to the setting of Palelane Farmhouse are very limited.

4.71 The Appeal Scheme could be developed and delivered quickly and accord with the aims of the NPPF, by assisting in boosting significantly the supply of housing in HDC. The NPPF is clear that it sets the requirement that not only should a Local Planning Authority provide five years’ worth of supply against an their requirements, but also *‘identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15’*. The Appeal Scheme would ensure there is a constant delivery of housing. Should planning permission be granted in 2019, reserved matters approval and approval of conditions would take place into late 2019 and early 2020, with work starting on site in 2020 and the first houses being occupied from 2021 onwards and with the scheme taking 7 years to complete, this clearly demonstrates the Appeal Site would provide a robust supply of housing land in the district until 2027 / 2028. This is nine years from now and clearly complies with the guidance in the NPPF regarding the supply of land in years 6-10 and 10-15 of the period of DHDLPSS. The Appeal Scheme would also contribute to the five year supply of deliverable housing sites.

4.72 It is also relevant that the Appeal Scheme is developable now. The land is in single ownership and free from any constraints that prevent it from being developed. It is viable for housing development.

4.73 All of the benefits will be secured by a s106 agreement that will be submitted to the inquiry in conformity with the requirements of CON1, CON2, GEN1, ALTGEN13, RUR35 and T14. This deals with Reasons for Refusal 3 and 4.

4.74 Overall, it is clear that the wider benefits of the scheme significantly and demonstrably outweigh the limited adverse impacts.

5 PLANNING BALANCE

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 It is accepted that the proposal conflicts with one element of saved policy in RUR2 of the local plan.
- 5.3 However that policy is out of date and very little weight can be given to it and to the other saved local plan policies relied upon by the LPA.
- 5.4 The NPPF is a very important material consideration. The outcome of the paragraph 14 NPPF balancing exercise comes down firmly in favour of the appeal scheme and indicates that planning permission should be granted.
- 5.5 Balanced against the conflicts with policy RUR2 is the contribution to the supply of housing of 700 units, of which 280 would be affordable. This carries significant weight in the context of paragraph 47 of the NPPF. It also carries significant weight in the context of Policy ALTGEN13 and Hart District Council's Affordable Housing Background Paper 2017 in which it states that the total annual shortfall in housing provision over the period 2016-2032 is estimated to be 306 dwellings. As part of DHDLPSS, the recommendation arising from the Paper is that increasing the housing target for the Plan period as a whole would reduce the shortfall in affordable housing. It is clear there has been a period of significant under delivery of affordable housing in the District and it is in this context that the delivery of 280 affordable housing units should be afforded significant weight.
- 5.6 The scheme also includes significant investment in public transport and highways improvements including:
- Improvements to the following junctions: A323/A30 Hartley Wintney roundabout, A323 Fleet Road/Elvetham Heath Way and A323 Reading Road North/Elvetham Road/Hitches Lane double roundabout, Fleet Station/High Street/Elvetham Road junction, Reading Road/Fleet High Street/Crookham Road (Oatsheaf) junction, Canal Bridge signalised junction and Elvetham Heath Way
 - Bus Service - £200,000 payable by the Owner towards measures to support the Bus Service directly serving the site;
 - Travel Plan Approval Fee - £1,500 towards the costs incurred by the County Council in approving the Travel Plan;
 - Travel Plan Bond - £41,700 provided by the Owner to the County Council in accordance with the provisions of clause 21.2 (of the s106) for the purposes of securing the carrying out of those aims set out in the Travel Plan; and

- Travel Plan Monitoring fee - £15,000 payable in 5 annual instalments each of £3,000 (three thousand pounds) by the Owner to the County Council in accordance with Clause 21.3 (of the s106) for the purpose of monitoring the Travel Plan.
- Off-site highway improvements including inter alia the reconfiguration of the Pale Lane / (A323) crossroad, junction of Fleet Road and the High Street in Hartley Wintney and the introduction of a lower speed limit along Fleet Road;
- New footpath along Fleet Road linking the Site to Elvetham Heath and Calthorpe Park secondary school;
- Improved public transport links to Elvetham Heath, Fleet and the wider area, including redirection of bus services through the Site.

5.7 In addition to these benefits, having regard to the guidance in paragraph 7, other benefits of the Appeal Scheme include the following (noting that the list below is indicative, not exhaustive, in evidence the Appellant will describe and examine the full extent of the benefits):

Economic

- Gross direct employment benefits of 612 years of employment generating gross direct income of £20.5m equivalent to 87 person years of employment and £2.9m of income pa over the 7 year construction period.
- Indirect multiplier effects into the local economy.
- Jobs will be created in the primary school, pre-school and local centre, and also operation of the community bus and management of the open space/SANG.

Social

- Land and funding contribution for a 2FE primary school, land for pre-school centre, health care contribution and contribution to expansion of Calthorpe Park secondary school.
- 14.5ha of open space including LEAPs, NEAPs, woodland trails, footpaths and cycleways.
- 28.5ha of publically accessible open space for use as outdoor recreation and informal play space (including dual use of part of this land as a SANG).
- Neighbourhood centre with local shops.

Environmental

- Retention and long-term protection and management of otherwise ephemeral habitats of value of plants and invertebrates in western area of Site;

- Habitat creation (e.g. wet woodland and ponds) along the southern boundary of the Appeal Site, enhancing the value of adjacent railway line as a habitat corridor together with the three woodlands being retained and linked by a 'green spine' that crosses through the centre of the Site. This will not only serve as a large wildlife corridor linking the existing edge of Fleet with the open space/SANG and the wider countryside beyond, but will also provide opportunities for key leisure and recreation activities within the new community.

5.8 The Appellant contends that significant weight should be placed on all of these benefits.

5.9 It is clear that the other material considerations indicate that planning permission should be granted, and that those other material considerations far outweigh any conflict with policy RUR2. The Appeal Scheme represents sustainable development.

6 SUMMARY & CONCLUSIONS

- 6.1 Given the issues raised by the Appeal Scheme, the appropriate means for its determination is a public inquiry and on the assumption that the issues raised in reasons for refusal 3 and 4 will not be in issue, it is estimated that 4 days will be sufficient.
- 6.2 Based on the Netherhouse Copse appeal decision in October 2017, it is evident that the relevant development plan policies are out of date, and as a result the 'tilted balance' set out in paragraph 14 of the NPPF is engaged fully and little weight should be afforded to those policies.
- 6.3 The test in criteria iv) of Policy CON22 is whether the proposed development would have a "serious adverse effect". The LVIA submitted as part of the application documentation has demonstrated that the effects of the development would not be severe or lasting on the surrounding countryside, and that there will be limited harm on an enclosed site that is not prominent in the immediate landscape setting. This demonstrates that the Appeal Scheme would not conflict with criteria iv) of Policy CON22 and conflicts with that part of Policy RUR2 arising from development of open land around a settlement. This addresses Reason for Refusal 1.
- 6.4 Due to the careful design treatment it is considered that less than substantial harm would be caused to the significance of Palelane Farmhouse, thus this harm should be weighed against the significant and demonstrable benefits as set out at paragraphs 4.66 - 4.67. This addresses Reason for Refusal 2.
- 6.5 The benefits identified above include the provision of 28.5ha of publically accessible open space for use as outdoor recreation and informal play space (including dual use of part of this land as a SANG) and an appropriate management and monitoring contribution in respect of this land. This also includes the provision of 40% of the units as affordable. This will be secured via a s106 agreement that will be submitted to the inquiry. This addresses Reasons for Refusal 3 and 4.
- 6.6 The guidance in the NPPG is clear regarding prematurity. HDC has not submitted DHDLPSS for examination, submission is likely to be delayed and the examination process will be long and complex, with every reasonable prospect of challenge. The benefits of approving the Appeal Scheme set out at paragraphs 4.66 - 4.67 significantly and demonstrably outweigh any adverse benefits. The Appeal Scheme will not delay Hartland Village which appears to have slipped in any event, leading to a delay in the delivery of around 140 dwellings within the Plan period. The Appeal Scheme will not prejudice the proposal at Winchfield/Murrell Green which faces many objections to its delivery and is needed in the next Plan period. This addresses Reason for Refusal 5.
- 6.7 The loss of best and most versatile agricultural land is not so significant to justify the refusal to grant planning permission arising from the economic and other benefits of the Appeal Scheme. The Appeal Site comprises the release of some 32.1 hectares of best and most versatile land that is necessary to meet housing need. It is acknowledged in the Case Officer's delegated report that the Council is

considering the release of similar quality land on a much larger scale in order to bring forward a new settlement at Winchfield/Murrell Green and has thereby accepted that it is not possible or appropriate to restrict development to land of lesser quality. The Appellant contends that the benefits set out above demonstrably and significantly outweigh the loss of approximately 32ha of the best and most versatile agricultural land. This deals with Reason for Refusal 6.

- 6.8 It is clear that the adverse effects impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole and that the Appeal Scheme represents sustainable development. We respectfully request that the appeal be allowed and planning permission should be granted for the Appeal Scheme.

APPENDICES

APPENDIX 1 – LIST OF DOCUMENTS SENT TO THE LPA AS PART OF THE APPLICATION

- Completed Planning Application Form and Certificates (prepared by Carter Jonas);
- Planning Obligations draft s106 HOTs (November 2016) (prepared by Carter Jonas);
- Transport Assessment (ITB11215-006C R) (prepared by i-Transport);
- Superseded Framework Travel Plan (ITB11215-013B R) (prepared by i-Transport);
- Site Wide Drainage Assessment (C85284 RE002-B) (November 2016) (prepared by JNP);
- Flood Risk Assessment (C85284 RE001-C) (November 2016) (prepared by JNP);
- Design and Access Statement (November 2016) (prepared by LDA Design);
- Superseded SANG and Delivery Management Plan (2640-RE-01 Rev P1) (November 2016) (prepared by Allen Pyke Associates);
- Sustainability Statement (28th September 2016) (prepared by Bluesky Unlimited);
- Air Quality Assessment (36057_3001_R001_REV2) (November 2016) (prepared by Peter Brett Associates);
- Noise and Vibration Impact Assessment (36057_4501_R001_REV0) (August 2016) (prepared by Peter Brett Associates);
- Preliminary Utilities Appraisal (36057_4502_R001_REV1) (November 2016) (prepared by Peter Brett Associates);
- Geotechnical and Ground Appraisal Report (GE15056 – GARv2JK160412) (April 2016) (prepared by GESL);
- Heritage Assessment (November 2016) (prepared by Malcolm A Cooper Consulting);
- Ecology Assessment (8550.01_R_EcoAssessment_190916) (prepared by BSG Ecology);
- Archaeological Desk-Based Assessment (prepared by CgMs);
- Arboricultural Implications Report (Ref. SJA air 16017-01a) (November 2016) (prepared by Simon Jones Associates);
- Tree Survey Schedule (SJA tss 16017-01d) (May 2016) (prepared by Simon Jones Associates);
- Education Assessment – note only (28th September 2016) (prepared by Educational Facilities Management);
- Affordable Housing Statement (November 2016) (prepared by Carter Jonas);
- Agricultural Land Classification and Soil Resources (August 2016) (prepared by Reading Agricultural Consultants);
- Retail and Leisure Capacity Assessment (August 2016) (prepared by Carter Jonas);
- Statement of Community Involvement (November 2016) (prepared by Carter Jonas / LDA Design);
- Environmental Statement (Volume I) (November 2016) (prepared by LDA Design) including the following Chapters:
 - Chapter 1 – Introduction;
 - Chapter 2 – EIA Methodology;

- Chapter 3 – Alternatives Site and Design Iterations;
- Chapter 4 – Description of Proposed Development;
- Chapter 5 – Landscape and Visual Impact;
- Chapter 6 – Ecology and Nature Conservation;
- Chapter 7 – Archaeology and Cultural Heritage;
- Chapter 8 – Traffic and Transport;
- Chapter 9 – Socio Economics;
- Chapter 10 – Soils and Agriculture;
- Chapter 11 – Cumulative Assessment; and
- Chapter 12 – Summary of Mitigation.
- Environmental Statement (Volume II) – Appendices including (but not exhaustive):
 - Figure 1.1 – Site Location Plan;
 - Figure 1.2 – Application Site Boundary;
 - Figure 4.1 – Development Framework;
 - Figure 4.2 – Illustrative Landscape Masterplan with SANG detail;
 - Figure 4.3a – Primary Site Access to A323 Fleet Road;
 - Figure 4.3b – Pale Lane improvement – Option A;
 - Figure 4.4 – Land Use Parameter Plan;
 - Figure 4.5 – Building Heights Parameter Plan;
 - Figure 4.6 – Access and Movement Parameter Plan;
 - Figure 4.7 – Landscape Parameter Plan;
 - Figure 4.8 – Building Density Parameter Plan;
 - Figure 4.9 – Construction Phasing Plan;
 - Figure 5.1 – Landscape Context;
 - Figure 5.2 – Topography;
 - Figure 5.3 – Landscape Character;
 - Figure 5.4 – Site Features;
 - Figure 5.5 – Site Character;
 - Figure 5.6 – Zone of Visual Influence and Visual Receptors;
 - Figure 5.7 – Location of Representative Views;
 - Figure 5.8 – View 1;
 - Figure 5.9 – View 2;
 - Figure 5.10 – View 3;
 - Figure 5.11 – View 4;
 - Figure 5.12 – View 5;
 - Figure 5.13 – Views 6 and 7;
 - Figure 5.14 – Views 8 and 9;
 - Figure 5.15 – Views 10 and 11;
 - Figure 5.16 – Views 12 and 13;

- Figure 5.17 – Views 14 and 15;
- Figure 5.18 – Views 16 and 17;
- Figure 5.19 – Views 18 and 19;
- Figure 5.20 – Views 20 and 21;
- Figure 5.21 – View 22;
- Figure 5.22 – Night-Time Assessment Plan;
- Figure 6.1a – Statutory Designated Sites;
- Figure 6.1b – Non-Statutory Designated Sites;
- Figure 6.2 – Phase 1 Habitat Plan;
- Figure 6.3 – Ecology Mitigation;
- Figure 7.1 – Archaeological Heritage Assets;
- Figure 7.2 – Built Heritage Assets;
- Figure 8.1 – Location of Traffic Surveys;
- Figure 8.2 – Location of Road Links; and
- Figure 11.1 – Location of Cumulative Developments.
- Appendix 2.1 – Schedule 4, Part 1 and Part 2 of the Town and Country Planning (EIA Regulations) 2011;
- Appendix 2.2 – EIA Scoping Request Report;
- Appendix 2.3 – EIA Scoping Opinion;
- Appendix 4.1 – Draft Code of Construction Practice;
- Appendix 5.1 – Methodology & Definition of Landscape and Visual Impact Terms;
- Appendix 6.1 – Ecology Baseline Report;
- Appendix 6.2 – Ecology-related Consultation;
- Appendix 7.1 – EIA Record of Consultation;
- Appendix 7.2 – Heritage Assessment;
- Appendix 10.1 – Geotechnical and Environmental Ground Appraisal Report;
- Appendix 10.2 – Agricultural Land Classification and Soil Resources Report; and
- Appendix 11.1 – Analysis of Long List of Cumulative Developments.
- Environmental Statement Non-Technical Summary including:
 - Non-Technical Summary (prepared by LDA Design);
 - NTS Figure 1.1 – Site Location Plan;
 - NTS Figure 1.2 – Application Site Boundary; and
 - NTS Figure 3.1 – Development Framework.
- Plans and Drawings as Existing:
 - Topographical Survey Drawing No Pale3D.200 (Sheets 1 to 33) (prepared by KA Rylance); and
 - Superseded Application Boundary, Drawing No 4231_001_A (prepared by LDA Design).
- Plans and Drawings as Proposed:
 - Development Framework Plan, Drawing No 4928_SK_03_M (prepared by LDA Design);

- Land Use Parameter, Drawing No 4928_114_G (prepared by LDA Design);
- Building Heights Parameter, Drawing No 4928_115_H (prepared by LDA Design);
- Access and Movement Parameter, Drawing No 4928_116_J (prepared by LDA Design);
- Landscape Parameter, Drawing No 4928_117_H (prepared by LDA Design);
- Building Density Parameter, Drawing No 4928_118_G (prepared by LDA Design);
- Construction Phasing Plan, Drawing No 4928_119_E (prepared by LDA Design); and
- Illustrative Masterplan, Drawing No 4928_SK_20_B (prepared by LDA Design).
- Proposed Highways Works (prepared by i-Transport):
 - Superseded Fleet Road Access Works, Drawing No ITB11215-GA-023 Rev H; and
 - Superseded Pale Lane Access Works with Footway, Drawing No ITB11215-GA-031 Rev C.
- SANG Plans (prepared by Allen Pyke Associates):
 - Illustrative SANG Proposal, Drawing No 2640-LA-10;
 - SANG General Arrangement, Drawing No 2640-LA-15; and
 - SANG Planting Plan, Drawing No 2640-PP-01.

APPENDIX 2 – LIST OF DOCUMENTS SENT TO THE LPA WHICH DID NOT FORM PART OF THE ORIGINAL APPLICATION

- Highways Heads of Terms for Section 106 Agreement Technical Note (ITB11215-023) (prepared by i-Transport);
- Transport Assessment Addendum (ITB11215-022) (prepared by i-Transport);
- Community Bus Proposal (ITB11215-015 TN) (prepared by i-Transport);
- Framework Travel Plan (ITB11215-013C) (prepared by i-Transport);
- SANG and Delivery Management Plan (October 2017) (2460-RE-01 Rev P8) (prepared by Allen Pyke Associates);
- Supplementary Noise and Vibration Technical Note (TECH04, July 2017) (prepared by Peter Brett Associates);
- Letter to Hart District Council explaining extension of red line boundary dated 22 November 2017 (prepared by Carter Jonas);
- Completed Certificate B Form to cover land added by extension of red line boundary dated 22 November 2017 (prepared by Carter Jonas);
- Plans and Drawings as Existing:
 - Property Plan Boundary on OS, Drawing No 4231_001_B (prepared by Jasplan Services).
- Proposed Highways Works (prepared by i-Transport):
 - Fleet Road Access Works, Drawing No ITB11215-GA-023 Rev J;
 - Pale Lane Access Works with Footway (Sheet 2 of 2), Drawing No ITB11215-GA-047;
 - Proposed Arrangements – Fleet Road/Elvetham Heath Way/Elvetham Road/A323/Hitches Lane Double Roundabout, Drawing No ITB11215-GA-056 Rev B;
 - Proposed A323/A3013 Junction Improvement Scheme with Cycle Advanced Stop Line, Drawing No ITB11215-SK-011 Rev B;
 - Committed Works – Fleet Road/Elvetham Heath Way/Elvetham Road/A323/Hitches Lane Double Roundabout, Drawing No ITB11215-GA-042;
 - Queuing on Existing Roundabout, Drawing No ITB11215-GA-050; and
 - Potential Improvement to A30/A323 Roundabout – Vehicle Swept Path Analysis, Drawing No ITB11215-GA-060 Rev C.
- Financial contributions based on the following (prepared by i-Transport):
 - Toucan Crossing on A3013, Drawing No ITB11215-SK-012 Rev B;
 - Potential Improvement to A30/A323 Roundabout, Drawing No ITB11215-SK-049 Rev D;
 - Pale Lane Arch Improvement, Drawing No ITB11215-GA-031 Rev F; and
 - Pedestrian and Cycle Audit Technical Note.

**APPENDIX 3 – LIST OF DOCUMENTS RELATING TO THE APPLICATION
BUT NOT PREVIOUSLY SEEN BY THE LPA**

- Appeal Decision for land north of Netherhouse Copse planning application (16/01651/OUT, APP/N1730/W/17/3167135); and
- Cheshire East v Richborough Estates & Suffolk Coastal v Hopkins Homes [2017] UKSC 37.

The Appellant reserves the right to add to this list in the light of HDC's Statement of Case or subsequent evidence to the Inquiry produced by the Council or other parties.