

## SPARSHOLT PARISH COUNCIL

---

### CONSULTATION RESPONSE OF THE SPARSHOLT PARISH COUNCIL

TO THE 'LOCAL PLAN 2031 PART 2 Detailed Policies and Additional Sites

### CONSULTATION DRAFT MARCH 2017

### HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (HELAA)

---

#### Introduction

1. The HELAA is a 'Consultation Draft.' Sparsholt Parish Council ('SPC') is a local authority consultee. The date for responses from consultees to be received by the Vale is the 4<sup>th</sup> May 2017. This document is the response of the SPC to the consultation draft of the HELAA.

#### Consultation

2. The law relating to consultation by a public authority is well settled. In the Supreme Court in R (oao Moseley) v Haringey LBC [2014] 1 WLR 3947 Lord Wilson quoted what have become known as the Sedley criteria:<sup>1</sup>  
*"Mr Sedley submits that these basic requirements are essential if the consultation process is to have a sensible content. First, that consultation must be at a time when proposals are still at a formative stage. Second, that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response. Third ... that adequate time must be given for consideration and response and, finally, fourth, that the product of consultation must be conscientiously taken into account in finalising any statutory proposals."* [Underlining added]

---

<sup>1</sup> R v Brent LBC, ex p Gunning [1985] 84 LGR 168.

3. Lord Wilson went on to say: *“The time has come for this court also to endorse the Sedley criteria. They are...a prescription for fairness.”*
4. What this Supreme Court authority means is that, unless the consultation draft HELAA, as published, is at a ‘formative stage’ and capable of responding to consultation responses, then the Vale’s consultation exercise does not conform to legal requirements. Accordingly, the consultation draft HELAA cannot be set in stone at this consultation stage. The Vale must, as a matter of law, have regard to the ‘product of consultation’ (Sedley’s fourth criteria) including the SPC’s consultation responses set out below, and ‘conscientiously’ take them and the other consultation responses received, into account before ‘finalising’ the content of the HELAA. Where consultation responses received indicate that the consultation draft HELAA document should be changed or redrafted to take account of legitimate planning considerations / concerns raised, those changes must be made before the HELAA is finalised.
5. It is the SPC’s contention, for the reasons explained below, that if the HELAA exercise is to conform to the Government’s PPG guidance on the making of housing land availability assessments, and in the interests of good planning in the Vale, the following sites should not be included in the finalised or adopted HELAA:
  - SPRS01: Ram Paddock, Westcot
  - SPRS02: Westcot Farmyard and Paddock
  - SPRS03: Land off West Street
  - SPRS04: Land north of Church Way, east of Old Glebe House
  - SPRS05: Land at Church Way

#### **National Planning Policy Framework (‘NPPF’) Paragraph 159 bullet 2**

6. Paragraph 159 says local planning authorities should;  
*“Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land”*

**to meet the identified need for housing over the plan period.**” [Underlining and emphasis added]

7. The identified remaining need for housing over the Vale Local Plan 2031 Part 2 is 2,200 dwellings (LP 2031 Part 2 para. 2.25).<sup>2</sup> Accordingly, following the paragraph 159 guidance, the HELAA prepared on a ‘proportionate’<sup>3</sup> basis, should contain a list of sites that have been assessed, adopting ‘realistic assumptions,’ as suitable to meet the district’s housing need to 2031 of 2,200 dwellings.
8. It follows that, the ‘finalised’ or adopted HELAA is not to be a document including sites suitable to meet any housing need there might be at any time in the Vale; but sites suitable to meet the ‘identified need’ (NPPF 159) for 2,200 dwellings in the Vale in the period to 2031 in the LP Part 2031 Part 2.
9. Realistic assumptions have, of course, already been made in the recently adopted LP 2031 Part 1 concerning the ‘suitability’ of land for housing development in the Vale to meet the need for 20,560 dwellings in the district in the period to 2031. That exercise has involved the adoption of a ‘Settlement Hierarchy’<sup>4</sup> directing housing development to ‘Market Towns, Local Service Centres, Larger Villages and Smaller Villages.’ The consultation draft HELAA, however, in determining that sites are ‘suitable’ for housing development in the Vale, takes no account of this up to date adopted development plan LP 2031 Part 1 policy that accords with the presumption in favour of sustainable development in the NPPF. It is, accordingly, in conflict with the Government’s PPG Methodology - Part 2 guidance on housing land availability assessment for the reasons set out below.<sup>5</sup>
10. The SPC contends that the adoption of ‘realistic assumptions’ about the ‘suitability’ of land in the Vale to meet ‘the identified need for housing [2,200 dwellings] over

---

<sup>2</sup> There is a separate specific allocation of 1,400 houses in the South East Vale Sub-Area to support the Science Vale.

<sup>3</sup> PPG 004 Ref ID: 3-004-20140306

<sup>4</sup> LP 2031 Part 1 p.41: 4.7-4.9

<sup>5</sup> Paragraph 35 and following.

the plan period' (NPPF 159) is not demonstrated by the consultation draft HELAA. The identification in the draft of 100's of sites as 'suitable' to meet this limited need to 2031 is demonstrably disproportionate and their suitability has not been 'guided by'<sup>6</sup> the development plan LP 2031 Part 1 as it should have been.

11. In particular, the inclusion in the consultation draft HELAA as 'suitable'<sup>7</sup> of the Reference SPRS01 to 05 sites, (which are designated as being in 'open countryside' in the up-to-date development LP 2031 Part 1),<sup>8</sup> is not supportable when material national and local planning policies relevant to the preparation of a housing land availability assessment to meet a need for 2,200 dwellings in the Vale in the period to 2031 are properly taken into account and applied.

#### **Housing and economic land availability assessment**

<http://planningguidance.communities.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment>

12. In the consultation draft HELAA 2.2 reference is made to the Government's 'Housing and Economic Land Availability Assessment' guidance in Planning Practice Guidance ('PPG'). The web extract is attached as **Annexe 1** to these representations. The Vale say (HELAA 2.2) that the consultation draft HELAA process "aligns with stages 1 and 2 of the methodology advocated by Government." This is incorrect as explained below.
13. The Government's web guidance (PPG) under the heading "**What is the purpose of the assessment of land availability?**" includes the following statement:  
*An assessment of land availability identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period.* [Underlining added]
14. This description of a housing land availability assessment leaves no doubt that sites for housing included in the final or adopted HELAA will remain, for the period of the

---

<sup>6</sup> PPG 018 Ref ID: 3-018-20140306

<sup>7</sup> The SPC is not in a position to comment, at this stage, on the 'availability' or 'likely economic viability' of the SPRS01-05 sites.

<sup>8</sup> LP 2031 Part 1 p.42

Local Plan Part 1 and 2 to 2031, a catalogue of sites which are formally classified by the Vale as “suitable...for housing development [in the Vale]...over the plan period” to 2031.

15. While the SPC readily appreciates that further planning processes would need to be gone through before any site included in the final or adopted HELAA was to be allocated in the LP 2031 Part 2 or granted planning permission, the Government guidance makes it quite clear that the HELAA, when adopted, will constitute a formal list of sites the Vale deems “suitable for housing development” to meet the required need of 2,200 dwellings in the period up until 2031; and will be relied on as such by interested parties including landowners and developers. It is for this reason that, as advised in paragraph 159 of the NPPF, ‘realistic assumptions’ need to be made in accordance with PPG housing land availability guidance, as to whether any site to be included in the HELAA is actually ‘suitable’ for housing development to meet that need for 2,200 dwellings to 2031. It is of crucial importance, therefore, that the HELAA is prepared, and transparently so, in strict accordance with the Government’s PPG guidance.
16. For reasons that are set out below, the SPC contends that, on any ‘realistic assumption’ made in that context, the SPRS01-05 sites are ‘unsuitable’ for meeting the LP 2031 Part 2 housing need in the Vale; and should not, therefore, be included in the final or adopted HELAA.

#### **Government guidance Stages 1 and 2**

17. The Government guidance (**Annexe 1**) says that a HELAA assessment should:
  - *identify sites and broad locations with potential for development*
  - *assess their development potential*
  - *assess their suitability for development and the likelihood of development coming forward (the availability and achievability)*

#### **Methodology – Stage 1: Identification of sites and broad locations**

18. Under the heading “**Methodology – Stage 1: Identification of sites and broad locations**” the Government guidance<sup>9</sup> advises that:
- “The assessment should identify all sites and broad locations regardless of the amount of development needed to provide an audit of available land. The process of the assessment will, however, provide the information to enable an identification of sites and locations suitable for the required development in the Local Plan.”*
- [Underlining added]
19. It is clear that this Stage 1 process of assessment exercise, should not result in all sites identified in the desk top exercise or referred to the Vale as having ‘potential for development’ being included in the final or adopted HELAA. The ‘process of assessment,’<sup>10</sup> which includes Stage 2 discussed below, should result in the ‘identification of sites and locations suitable to meet the housing need [2,200 dwellings] in the Vale to 2031 being included in the HELAA. This does not mean that only sites for 2,200 dwellings should be identified in the HELAA; but it does mean that the exercise must be proportionate having regard to the scale of this residual Local Plan need, and should identify sites as ‘suitable’ on that basis, taking account of the presumption in favour of sustainable development contained in LP 2031 Part 1 and the NPPF.<sup>11</sup>
20. It is the SPC’s submission that this has not been the approach of the Vale in the preparation of the consultation draft HELAA; and that, on any realistic assumption (NPPF 159), the Reference SPRS01-05 sites are unsustainable housing sites that are demonstrably not ‘suitable for the required development’ of 2,200 dwellings to 2031; and should not, therefore, be included in the HELAA applying Government guidance.
21. Under the heading “**How should sites/broad locations be identified?**” the Government guidance (PPG 010 Ref: ID: 3-010-20140306) says:

---

<sup>9</sup> PPG 006 Ref ID: 3-006-20140306

<sup>10</sup> PPG 008 Ref ID:3-008-20140306

<sup>11</sup> See paragraph 38 below.

*“When carrying out a desk top review, plan makers should be proactive in identifying as wide a range as possible and broad locations for development...Sites, which have particular policy constraints, should be included in the assessment for the sake of comprehensiveness but these constraints must be set out clearly, including where they severely restrict development.”* [Underlining added]

22. This guidance relates to the initial carrying out of the desk top review at Stage 1 of ‘the process of the assessment.’ It is not intended that it should be conclusive of which sites shall be included as ‘suitable’ in the final or adopted HELAA. Further stages in the process of assessment, including Stage 2, need to be gone through before the HELAA is finalised.
23. The consultation draft HELAA 2.8 says that the Vale stage 1 desktop review had regard to the data sources listed in Table 1. These included “Planning application records.” However, the planning application records referred to in the assessment tables appear to have been only those specific to the site in question. No regard appears to have been had to the planning history of the immediate neighbourhood of the identified sites.
24. For example, the assessment tables relating to the two Westcot sites Reference SPRS01 and 02, make no mention to the recent appeal decision **APP/V3120/A/14/2221707** concerning Humber Barn, Westcot, in which the Secretary of State’s Inspector Poole BA (Hons) Dip Arch MPhil MRTPI (**Annexe 2**) found the hamlet of Westcot (which the two agricultural fields SPRS01 and 02 adjoin) to be an unsustainable location for housing development applying national policy guidance in the NPPF and the PPG. The Vale’s desk top exercise, accordingly, whilst rightly acknowledging that planning records are relevant to the assessment of sites, has evidently failed to have any regard to the Secretary of State’s 2014 assessment of the hamlet of Westcot as being a wholly unsustainable and unsuitable location for housing development to meet any housing need<sup>12</sup> in the Vale.

---

<sup>12</sup> The appeal decision was made against the background of there being a shortfall in the 5 year supply of housing land in the Vale at the time in 2014.

25. The consultation draft HELAA 2.10 says that:

*“...some new sites have been identified where it (sic) they have been considered reasonable to addressing the needs of the Local Plan 2031 Part 2.”*

What is meant by ‘considered reasonable’ in this paragraph or the criteria of reasonableness applied by the Vale, is not explained in the document. But, as noted above, in so far as the Westcot sites are two such ‘new sites’ included in the consultation draft HELAA, the Vale’s judgement that they were ‘considered reasonable’ was reached without the decision maker taking any account of, or apparently having any knowledge of, the Secretary of State’s determination that Westcot is an unsustainable and unsuitable location for the development of housing in the Vale having regard to his national policy guidance in the NPPF and the PPG.

26. The Reference SPRS03-05 sites at Sparsholt have also been recognised as unsuitable locations for housing development by the Vale’s professional officers who reported to the Planning Committee in 2013<sup>13</sup> (applying 03/2012 NPPF guidance) that all three were unsustainable housing development sites being ‘outside the built up area of the village.’<sup>14</sup>

27. Under the heading “**What should be included in the site and broad location survey?**” the Government guidance<sup>15</sup> says:

*“The comprehensive list of sites and broad locations derived from data sources and the call for sites **should be assessed against national policies and designations** to establish which have **reasonable potential for development** and should be included in the survey.”* [Underlining and emphasis added]

28. The consultation draft HELAA 2.13/14 says that once the c.420 sites / broad locations had been mapped, a desk top survey was conducted the aim of which was:

---

<sup>13</sup> This was a post IHSP ‘site screening request’ exercise in which sites were ‘called for’ not dissimilar to that preceding the consultation draft HELAA.

<sup>14</sup> And therefore in countryside. On the 31 March 2016 Vale Planning Officer Charlotte Brewerton confirmed by email to the Chairman of Sparsholt Parish Council that site SPRS05 was a ‘location where new development is unlikely to be accepted given the relatively unsustainable location of the village...’

<sup>15</sup> PPG 013 Ref ID: 3-013-20140306



*“to identify sites / broad locations that categorically have no potential for any type of development, and so should not be taken forward for assessment.”*

29. This “categorically have no potential for any type of development” test applied by the Vale in the consultation draft HELAA, is not to be found in the Government’s PPG guidance. PPG 013 Ref ID 3—13-20140306 says the test for inclusion of a site in the HELAA should not be whether it has potential for development but ‘reasonable potential for development.’ And, as extracted above, the guidance is emphatic that: *“sites should be assessed against national policies and designations to establish which have reasonable potential for development...”* [Underlining added]
30. It follows from this guidance that, before sites are included as ‘suitable’ in the HELAA they must be assessed against national policies and designations to determine whether any have ‘reasonable potential for development.’ ‘National policy’ pre-eminently includes the presumption in favour of sustainable development articulated in the NPPF paragraphs 11-16.
31. However, this up-to-date ‘national policy’ presumption in favour of sustainable development (NPPF) does not seem to have been taken into account by the Vale in determining whether sites and broad locations had ‘reasonable potential for development’ or were ‘suitable...for housing...over the plan period’<sup>16</sup> and were appropriately included or not in the consultation draft HELAA. And this is despite the expressed intention in paragraph 1.2 of the document which says that: *“On the basis of this assessment, sites can then be chosen for inclusion in the Local Plan, to meet housing and economic needs and deliver on wide ranging sustainable development objectives.”* [Underlining added]
32. If this is the intended planning function of the consultation draft HELAA, then the document should not include sites as ‘suitable’ that are in demonstrably unsustainable locations for meeting the LP 2031 Part 2 housing need of 2,200

---

<sup>16</sup> Paragraph 10 above.

dwellings. It is plainly the Government’s guidance, requiring account to be taken of ‘national policy’ (NPPF), that development sites and broad locations for housing development that are shown to be unsustainable, should not be included in the HELAA. Such sites include the Sparsholt/Westcot Reference SPRS01-05 sites that are designated ‘open countryside’ in LP 2031 Part 1<sup>17</sup> and have been found to be unsustainable and unsuitable for housing development by the Secretary of State and the Vale’s planning officers applying NPPF guidance.

33. ‘National designations’ referred to in the PPG 013 Ref ID 3—013-20140306 extract above include Areas of Outstanding Natural Beauty.<sup>18</sup> However, the North Wessex Downs AONB is not included in the “2.15 Table 2: Site exclusion criteria” on page 5 of the consultation draft HELAA; and this despite the fact that about 1/3 of the Western Vale Sub-Area is included in the AONB.
34. It can be seen, accordingly, that the HELAA test for excluding sites from the consultation draft document by applying a - “categorially have no potential for any type of development”- test, is not supported by the Government’s PPG guidance. Sites and broad locations should be excluded from the consultation draft HELAA where, on a considered basis, following assessment against ‘national policies [including the presumption in favour of sustainable development – NPPF 11-15] and designations,’ they have no ‘reasonable potential’ for housing development to meet the LP 2031 Part 2 housing need of 2,200 dwellings.
35. As the Government’s guidance makes clear, the test of ‘reasonable potential’ is not to be applied on a speculative basis but proportionately,<sup>19</sup> having regard to the purpose of the HELAA exercise which is to ‘enable an identification of sites and locations suitable for the required development [2,200 dwellings] in the Local Plan.”<sup>20</sup>

---

<sup>17</sup> P.42

<sup>18</sup> See NPPF 14 footnote 9 , 115

<sup>19</sup> PPG 004 Ref ID: 3-004-20140306

<sup>20</sup> (PPG 008 Ref ID: 3-008-20140306).

36. It follows that, only sites or broad locations which have ‘reasonable potential’ to be ‘suitable’ for meeting the Vale’s need for 2,200 dwellings should be included in the HELAA. The Secretary of State’s recent decision **APP/V3120/A/14/2221707 (Annexe 2)**, to which significant weight can and should be attached having regard to national policy (NPPF), is conclusive that Westcot is not a ‘suitable’ location for housing development to meet the Vale’s housing need.<sup>21</sup> And this is confirmed by the up-to-date LP 2031 Part 1 which designates the hamlet and Sparsholt as ‘open countryside.’

### **Methodology – Stage 2: Site/broad location assessment**

37. The consultation draft HELAA 2.2 says that the draft ‘aligns with’ stage 2 of the Government’s methodology. This is incorrect
38. The Government’s Methodology – Stage 2 under the heading, “**What factors should be considered when assessing the suitability of sites/broad locations for development**” (PPG 018 Ref ID: 3-018-20140306) [Underlining added] says: “Assessing the **suitability of sites** or broad locations for development should be guided by:
- **the development plan**, emerging plan policy and **national policy**;
  - market and industry requirements in that housing market or functional economic market area.
- When assessing the sites against the adopted development plan makers will need to take account of how up to date the plan policies are and consider the appropriateness of identified constraints on sites/broad locations and whether such constraints might be overcome.”* [Underlining and emphasis added]
39. It follows, that applying the Methodology – Stage 2 guidance, as the consultation draft HELAA 2.2 purports to do, requires the assessment of the ‘suitability of sites’ to be ‘guided by’ the policies of ‘the development plan’ and ‘national policy’ at the Stage 2 stage in the process of assessment.

---

<sup>21</sup> It is to be noted that at the time of the 2014 decision, there was a five year shortfall in deliverable housing land in the Vale.

40. In producing the consultation draft HELAA, however, the Vale has not followed this guidance. Paragraph 2.22 says:
- “The assessment of suitability is a desk, based high-level exercise. The outcome is that relatively few sites have been ruled-out as unsuitable. This is appropriate, given the potential to differentiate the relative merits of sites further through plan-making. Many of the sites deemed suitable in principle through HELAA will be found to be unsuitable for allocation in-light of objectively assessed needs and plan-specific issues (‘policy on’<sup>22</sup> factors).”*
41. What this paragraph reveals is that the Vale, despite purporting to apply the Methodology – Stage 2 guidance in preparing the consultation draft HELAA, has not in fact included sites in the document as ‘suitable’ ‘guided by’ the development plan.
42. This failure to conform to Government guidance is demonstrated in ‘Suitability’ paragraphs 2.20-2.22 in the consultation draft HELAA where it is apparent in the text that no attempt was made to assess the suitability of sites to be included in the HELAA ‘guided by’ the adopted (12/2016) development plan LP 2031 Part 1 that includes a ‘Settlement Hierarchy’ to ensure ‘the delivery of sustainable development in the Vale.’<sup>23</sup>
43. If the consultation draft HELAA exercise had followed the Government’s Methodology – Stage 2 guidance,<sup>24</sup> the sites included in the document should be shown to be ‘suitable’ ‘guided by’ the ‘development plan.’ This does not mean that the sites included in the HELAA on this basis, must necessarily be allocated in the LP 2031 Part 2; but following the Methodology – Stage 2 guidance they must be shown to be ‘suitable for development’ ‘guided by’ the LP 2013 Part 1 at the Stage 2 stage. The guidance leaves no scope for the application of that test of suitability to be

---

<sup>22</sup> This reference to a later ‘policy on’ exercise seems to be a confusion by the Vale with NPPF47 which requires ‘the full objectively assessed needs’ (FOAN) for housing to be assessed without reference to development plan policy constraints. This is not the approach to be adopted in assessing housing land availability. Methodology – Stage 2, requires regard to be had to the up-to-date development plan in deciding whether sites are ‘suitable’ for inclusion in the HELAA as discussed below.

<sup>23</sup> LP 2031 Part 1: page 41.

<sup>24</sup> PPG 018 Ref ID: 3-018-20140306

postponed to some post HELAA exercise. In short, following the guidance the HELAA should contain a pool of sites that are considered 'suitable' 'guided by' LP 2031 Part that may or may not be allocated subsequently. This Methodology – Stage 2, however, step has not been undertaken in the consultation draft HELAA.

44. So, for example, looking at the consultation draft HELAA Reference SPRS01-05 sites, the judgement in each case:

*Suitability – Suitable in principle, provided the constraints can be overcome*

can be seen to have been reached without any account having been taken of the policy guidance in the up-to-date (12/2016) Local Plan 2031 Part 1 which designates Sparsholt / Westcot 'open countryside' and outside the 'Settlement Hierarchy' that has been adopted specifically 'to ensure the delivery of sustainable development' in the Vale.<sup>25</sup>

45. Had the Methodology – Stage 2 guidance been followed by the Vale in the preparation of the consultation draft HELAA, and had the "suitability of sites," including References SPRS01-05, been "guided by" the policies and guidance contained in the up-to-date adopted Local Plan 2031 Part 1, it is reasonable to conclude that relevant Part 1 policies and guidance that would have been had regard to would necessarily have included (extracts only):

- P.4: *Executive Summary p.4: The...Local Plan...provides a policy framework for the delivery of sustainable development across the district up until 2031. The plan sets out the Spatial Strategy and strategic policies for the district to deliver sustainable development*  
*The Local Plan 2031 has been prepared in compliance with national policy and in particular the National Planning Framework*
- P.15: *Core Policy 1: Presumption in Favour of Sustainable Development.*
- P.22: *...four thematic areas that are central to the Local Plan 2031...building healthy and sustainable communities...supporting sustainable transport and accessibility.*

---

<sup>25</sup> Nor any account of the 2014 appeal decision **Annexe 2**.

- P.25: 2.4 facilitate the right type of housing in the most sustainable locations...It is important the Local Plan 2031 meets the objectively assessed housing need by providing enough homes of appropriate type and size and in sustainable locations.
- P.26: Ensuring high quality and accessible services and facilities are provided in accessible, viable locations as part of new development...
- P.30: Ensuring that...housing growth is located to reduce the need to travel by car...
- P.32: Key landscape features [Lowland Vale, AONB] need to be respected, retained and enhanced to maintain the local character and distinctiveness of the landscape of the Vale
- P.33: ensuring the necessary growth is sustainably accommodated.
- P.35: SO3 Direct growth to the most sustainable locations in the district...SO9 Seek to ensure new development is accompanied by appropriate and timely infrastructure delivery to secure effective sustainable transport choices for new residents and businesses.
- P.36: ...safeguarding the countryside...
- P41: ...Settlement Hierarchy...to ensure the delivery of sustainable development
- P.42: Those villages [for example Sparsholt / Westcot] not included in the categories described above are considered to form part of the open countryside.
- P.46: Open Countryside – Development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the Development Plan or national policy.

46. The thrust of these up-to-date LP 2031 Part 1 policies and guidance is that a site, for example, Reference SPRS01 Ram Paddock, Westcot which is classified 'open countryside'<sup>26</sup> and is not included in the 'Settlement Hierarchy,' is an unsustainable and 'unsuitable' location for housing development to meet the assessed need for

---

<sup>26</sup> All the SPRS010-05 sites are in "open countryside" as defined by the LP 2031 Part 1.

2,200 dwellings in the Vale in the period to 2031. It follows that, applying the Government's Methodology – Stage 2 guidance (PPG 018 Ref ID: 3-018-20140306) and 'guided by' the development plan LP 2031 Part 1, the site should not be included in the HELAA as 'suitable...for housing...development uses over the plan period;'<sup>27</sup> and should not, therefore, have been included in the consultation draft HELAA. The same goes for the Reference SPRS02-05 sites.

47. Not only are the Reference SPRS01-05 sites in "open countryside," but also Sparsholt/Westcot has no accessible services and facilities (no bus service, shop, school, playing field/play facilities, mains drainage) such that the occupants of any new dwellings built in the village/ hamlet would be entirely dependent on the use of the car to access everyday facilities and services directly contrary to the policy challenge set out on page 30 of the up-to-date LP 2031 Part 1 and NPPF 11-16 and 30. 'Guided by' the adopted LP 2031 Part 1 development plan, therefore, these sites are not 'suitable' and should not be included in the HELAA applying the Government's Methodology – Stage 2 guidance.
48. The guidance, in addition, requires 'the suitability of sites' for inclusion in the HELAA to be tested against:  
*'potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation.'*
49. The Sparsholt / Westcot Reference SPRS01-05 sites all lie within the 'Lowland Vale' (the bowl of countryside which lies between the AONB within the district and the North Vale Corallian Ridge) where long open views within or across the area are to be protected under saved policy NE9 (LP 2031 Part 1 p.75). Under the heading 'Protecting our quality landscape' the adopted LP 2031 Part 1 on page 32 requires that the Lowland Vale landscape be:  
*"respected, retained and enhanced to maintain the local character and distinctiveness of the landscape of the Vale."*

---

<sup>27</sup> **Annexe 1:** Government guidance; "What is the purpose of the assessment of land availability?"

50. Both sites SPRS01 and 02 at Westcot are open agricultural fields reaching into the hamlet that afford long open views of the Lowland Vale from the extensive local public rights of way network<sup>28</sup> north and south of the hamlet including the Ridgeway. Nevertheless, despite purporting to apply the Government's Methodology – Stage 2 'suitability' guidance, which requires consideration to be given to potential impacts including the effect upon landscapes, the Vale, in disregard of the guidance, made no landscape assessment of Lowland Vale landscape impacts of housing development on sites SPRS01 and 02 at Westcot as required at the Stage 2 stage before classifying the sites as 'suitable' in the consultation draft HELAA.
51. As noted in paragraph 38 above, not only does the Methodology – Stage 2 guidance require the 'suitability' of sites included in the HELAA to be 'guided by' the development plan but also by 'national policy' including the presumption in favour of sustainable development in the NPPF. SPC repeats the points made in paragraphs 27-36 above as demonstrating that the Vale has not been 'guided by' national policy (NPPF) in determining whether sites included in the consultation draft HELAA were 'suitable' for the purposes of the housing land availability exercise.

### Summary and Conclusion

52. Government PPG guidance (**Annexe 1**) makes it quite clear that the HELAA, if adopted, will constitute a formal list of sites the Vale deems "suitable for housing development" to meet the required need of 2,200 dwellings in the period up until 2031; and will be relied on as such by interested parties including landowners and developers as declared 'suitable' for housing development by the Vale even where not allocated in the Local Plan. It is plainly critical, therefore, that the HELAA is drawn up in strict accordance with the Government's PPG guidance on housing land availability assessment.

---

<sup>28</sup> As shown on the HELAA 'Sparsholt' map, SPRS01 Ram Paddock is crossed by a public footpath and there is an extensive nearby PROW network to the north and west of SPRS02 Westcot Farmyard and Paddock which provides extensive open rural views of the Lowland Vale into and out of the hamlet.



53. Although purporting to 'align with' the Government's Methodology-Stage 1 and 2, it can be seen from the content of the consultation draft HELAA that the preparation of the document has not followed this National Planning Practice Guidance. In particular:
- the sites included in the consultation draft HELAA as 'suitable' have not been assessed properly against national policies (NPPF 11-15) and designations (AONB) to establish which have 'reasonable potential' for development to meet the need for 2,200 dwellings in the Vale in the period to 2031;
  - in this respect the consultation draft HELAA has been neither 'thorough' nor 'proportionate' (PPG 004 Ref ID: 3-004-20140306)
  - nor has the inclusion of sites as 'suitable' in the consultation draft HELAA been 'guided by' the 'up-to-date' development plan LP 2031 Part 1 or national policy (NPPF 11-15) as required by Methodology – Stage 2 (PPG 018 Ref ID: 3-018-20140306);
  - the consultation draft HELAA is not, accordingly, based on 'realistic assumptions' (NPPF 159) about the suitability of land to meet the identified need for 2,200 dwellings over the plan period to 2031. In particular, no account has been taken of the 'Settlement Hierarchy' in the LP 2031 Part 1; and
  - had proper regard been had to the Government's guidance Methodologies Stage 1 and 2 in the preparation of the consultation draft HELAA, Reference SPRS01-05 sites could not be included in the document, being wholly unsustainable locations for meeting the residual need for 2,200 dwellings in the district in the period to 2031.
54. It is plainly the Government's guidance, requiring account to be taken of 'national policy' (NPPF), that development sites and broad locations for housing development that are shown to be unsustainable should not be included in the HELAA. Such sites include the Sparsholt/Westcot SPRS01-05 sites that are designated 'open countryside' in LP 2031 Part 1.

55. As the Government's guidance makes clear, the test of 'reasonable potential' is not to be applied on a speculative basis but proportionately, having regard to the purpose of the HELAA exercise which is to 'enable an identification of sites and locations suitable for the required development [2,200 dwellings] in the Local Plan'<sup>29</sup> The consultation draft HELAA in identifying 200 or so sites with capacity for many 1,000's of dwellings as 'suitable' in this context, without regard to the adopted Development Plan and national NPPF policy guidance on sustainability is wholly disproportionate and not supported by PPG policy.
56. Lastly, the consultation draft HELAA being not in accordance with the Methodology – Stages 1 and 2, is misconceived and likely to lead to confusion and to unwelcome applications for speculative housing development in the Vale which the LP process is designed to avoid. This is best demonstrated by paragraph 2.22 of the consultation draft HELAA which says:
- "The assessment of suitability is a desk, based high-level exercise. The outcome is that relatively few sites have been ruled-out as unsuitable. This is appropriate, given the potential to differentiate the relative merits of sites further through plan-making. Many of the sites deemed suitable in principle through HELAA will be found to be unsuitable for allocation in-light of objectively assessed needs and plan-specific issues ('policy on'<sup>30</sup> factors)."*
57. What this paragraph reveals is that the Vale, despite purporting to apply the Methodology – Stage 2 guidance in preparing the consultation draft HELAA, has in fact and contrary to the guidance, applied a "categorially have no potential for any type of development" test of 'suitability;' and in doing so, has in conflict with PPG policy postponed the assessment of sites 'to enable an identification of site and locations suitable for the required development in the Local Plan' to some future post Stage 1 exercise.

---

<sup>29</sup> PPG 008 Ref ID: 3-008-20140306

<sup>30</sup> This reference to a later 'policy on' exercise seems to be a confusion by the Vale with NPPF47 which requires 'the full objectively assessed needs' (FOAN) for housing to be assessed without reference to development plan policy constraints. This is not the approach to be adopted in assessing housing land availability. Methodology – Stage 2, requires regard to be had to the up-to-date development plan in deciding whether sites are 'suitable' for inclusion in the HELAA as discussed below.

58. In addition, and contrary to the Stage 2 guidance, the Vale's identification of sites to be included as 'suitable' in the HELAA has not been 'guided by' the policies of the development plan and the NPPF. This necessary Stage 2 step has been mistakenly postponed to some post Methodology – Stage 2 'policy on' exercise. This approach is misconceived.
59. First, the 'required development' is 2,200 dwellings to 2031. The HELAA should therefore be drawn up on a 'proportionate'<sup>31</sup> basis identifying sites with 'reasonable potential for development'<sup>32</sup> to meet that limited requirement. Secondly, and importantly, before sites are included in the HELAA, the assessment of their suitability for development should be 'guided by'<sup>33</sup> the development plan LP 2031 Part 1, in particular the 'Settlement Hierarchy.' Where sites do not conform to the 'Settlement Hierarchy' the guidance of the newly adopted Local Plan Part 1 is clear; they are unsustainable and unsuitable sites for meeting the housing need in the Vale in the adopted Local Plan period to 2031 and ought, on that basis, to be excluded from the HELAA as unsuitable applying the PPG Methodology –Stage 2 guidance,.
60. Lastly, the guidance also requires the assessment of the 'suitability of sites' included in the HELAA to be 'guided by'<sup>34</sup> national policy/NPPF and the presumption in favour of sustainable development. This exercise has not yet been undertaken in the consultation draft HELAA. What is clear from the planning history referred to above, however, is that Reference SPRS01-05 sites at Sparsholt/Westcot are demonstrably unsustainable locations for housing development outside the 'Settlement Hierarchy' in the adopted LP 2031 Part 1 and in 'open country;' and not, therefore, 'suitable' locations for housing development to be included in the finalised or adopted HELAA applying the Government's PPG guidance.

**Timothy Comyn,  
Chairman, Sparsholt Parish Council**

**2<sup>nd</sup> May 2017**

---

<sup>31</sup> PPG 004 Ref ID: 4-008-20140306

<sup>32</sup> PPG 013 Ref ID: 3-013-20140306

<sup>33</sup> PPG 018 Ref ID: 3-018-20140306

<sup>34</sup> Ibid.

Timothy Comyn, Chairman, Sparsholt Parish Council

2<sup>nd</sup> May 2017

# SPARSHOLT PARISH COUNCIL CONSULTATION RESPONSE TO HELAA

## ANNEXE 1

---

### Guidance

# Housing and economic land availability assessment

From:

[Department for Communities and Local Government](#)

Part of:

[Planning practice guidance](#) and [Planning system](#)

First published:

6 March 2014

Guides councils in identifying appropriate land to meet development needs.

### Contents

1. [What is the purpose of the assessment of land availability?](#)
2. [About the assessment](#)
3. [Methodology – flowchart](#)
4. [Methodology – Stage 1: Identification of sites and broad locations](#)
5. [Methodology – Stage 2: Site/broad location assessment](#)
6. [Methodology – Stage 3: Windfall assessment \(where justified\)](#)
7. [Methodology – Stage 4: Assessment review](#)
8. [Methodology – Stage 5: Final evidence base](#)

## What is the purpose of the assessment of land availability?

An assessment of land availability identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period. The assessment of land availability includes the Strategic Housing Land Availability Assessment requirement as set out in the National Planning Policy Framework.

The assessment of land availability is an important step in the preparation of [Local Plans](#). The National Planning Policy Framework identifies the advantages of carrying out land assessments for housing and economic development as part of the same exercise, in order that sites may be allocated for the use which is most appropriate.

An assessment should:

- [identify sites and broad locations with potential for development](#);
- [assess their development potential](#);
- [assess their suitability for development and the likelihood of development coming forward \(the availability and achievability\)](#).

This approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.

See related policy:

- [paragraph 159](#)
- [annex 2: glossary](#)

Paragraph: 001 Reference ID: 3-001-20140306

Revision date: 06 03 2014

## About the assessment

### **How does the assessment relate to the development plan process?**

The assessment forms a key component of the evidence base to underpin policies in development plans for housing and economic development, including supporting the delivery of land to meet identified need for these uses.

From the assessment, plan makers will then be able to plan proactively by choosing sites to go forward into their development plan documents to meet objectively assessed needs.

This guidance should be read in conjunction with separate guidance on the application of town centre planning policy, which includes the sequential test for locating [town centre](#) uses.

See related policy: [annex 2: glossary](#)

Paragraph: 002 Reference ID: 3-002-20140306

Revision date: 06 03 2014

### **Does the assessment allocate land in development plans?**

The assessment is an important evidence source to inform plan making but does not in itself determine whether a site should be allocated for development. This is because not all sites considered in the assessment will be suitable for development (eg because of policy constraints or if they are unviable). It is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the development plan itself to determine which of those sites are the most suitable to meet those needs.

Paragraph: 003 Reference ID: 3-003-20140306

Revision date: 06 03 2014

### **Can designated neighbourhood forums and parish/town councils use the guidance?**

Designated neighbourhood forums and parish/town councils may use the methodology to assess sites but any assessment should be proportionate. Neighbourhood forums and parish councils may also refer to existing site assessments prepared by the local planning authority as a starting point when identifying sites to allocate within a [neighbourhood plan](#).

Paragraph: 004 Reference ID: 3-004-20140306

Revision date: 06 03 2014

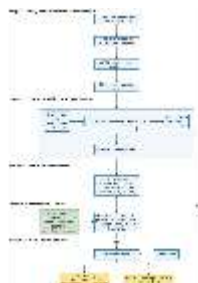
### **Can plan makers use a different methodology?**

This guidance indicates what inputs and processes should lead to a robust assessment of land availability. Plan makers should have regard to the guidance in preparing their assessments. Where they depart from the guidance, plan makers will have to set out reasons for doing so. The assessment should be thorough but proportionate, building where possible on existing information sources outlined within the guidance.

Paragraph: 005 Reference ID: 3-005-20140306

Revision date: 06 03 2014

## Methodology – flowchart



### Methodology - flowchart

PDF, 220KB, 1 page

This file may not be suitable for users of assistive technology. [Request an accessible format.](#)

Paragraph: 006 Reference ID: 3-006-20140306

Revision date: 06 03 2014

## Methodology – Stage 1: Identification of sites and broad locations

Determine assessment area and site size

### **What geographical area should the assessment cover?**

The area selected for the assessment should be the [housing market area and functional economic market area](#). This could be the local planning authority area or a different area such as 2 or more local authority areas or areas covered by the Local Enterprise Partnership.



Paragraph: 007 Reference ID: 3-007-20140306

Revision date: 06 03 2014

### **Who should plan makers work with?**

The assessment should be undertaken and regularly reviewed working with other local planning authorities in the relevant housing market area or functional economic market area, in line with the [duty to cooperate](#).

The following should be involved from the earliest stages of plan preparation, which includes the evidence base in relation to land availability: developers; those with land interests; land promoters; local property agents; local communities; partner organisations; Local Enterprise Partnerships; businesses and business representative organisations; parish and town councils; neighbourhood forums preparing [neighbourhood plans](#).

Paragraph: 008 Reference ID: 3-008-20140306

Revision date: 06 03 2014

### **Should the assessment be constrained by the need for development?**

The assessment should identify all sites and broad locations regardless of the amount of development needed to provide an audit of available land. The process of the assessment will, however, provide the information to enable an identification of sites and locations suitable for the required development in the [Local Plan](#).

Paragraph: 009 Reference ID: 3-009-20140306

Revision date: 06 03 2014

### **What site/broad location size should be considered for assessment?**

Plan makers will need to assess a range of different site sizes from small-scale sites to opportunities for large-scale developments such as village and town extensions and new settlements where appropriate.

The assessment should consider all sites and broad locations capable of delivering 5 or more dwellings or economic development on sites of 0.25 hectares (or 500 square metres of floor space) and above. Where appropriate, plan makers may wish to consider alternative site size thresholds.

Paragraph: 010 Reference ID: 3-010-20140306

Revision date: 06 03 2014

### **How should sites/broad locations be identified?**

When carrying out a desk top review, plan makers should be proactive in identifying as wide a range as possible of sites and broad locations for development (including those existing sites that could be improved, intensified or changed). Sites, which have particular policy constraints, should be included in the assessment for the sake of comprehensiveness but these constraints must be set out clearly, including where they severely restrict development. An important part of the desktop review, however, is to test again the appropriateness of other previously defined constraints, rather than simply to accept them.

Plan makers should not simply rely on sites that they have been informed about but actively identify sites through the desktop review process that may have a part to play in meeting the development needs of an area.

Paragraph: 011 Reference ID: 3-011-20140306

Revision date: 06 03 2014

### **What types of sites and sources of data should be used?**

Plan makers should consider all available types of sites and sources of data that may be relevant in the assessment process but the following may be particularly relevant:

Page 1 of 2	Page 2 of 2
<p>1. The first stage of the process is to identify the potential sites and locations for development. This is done by consulting with the local community and the local authority.</p> <p>2. The second stage is to assess the potential of the sites and locations identified in stage 1. This is done by carrying out a site-specific assessment.</p> <p>3. The third stage is to develop a plan for the sites and locations identified in stage 1. This plan should set out the proposed development and the measures to be taken to manage the development.</p> <p>4. The fourth stage is to implement the plan. This involves carrying out the development and the measures to manage the development.</p>	<p>5. The fifth stage is to monitor and evaluate the development. This involves carrying out regular monitoring and evaluation of the development and the measures to manage the development.</p> <p>6. The sixth stage is to report on the development. This involves carrying out a regular report on the development and the measures to manage the development.</p> <p>7. The seventh stage is to review the development. This involves carrying out a regular review of the development and the measures to manage the development.</p> <p>8. The eighth stage is to update the plan. This involves carrying out a regular update of the plan to reflect changes in the development and the measures to manage the development.</p>

## Type of site and potential data source

PDF, 69.5KB, 2 pages

This file may not be suitable for users of assistive technology. [Request an accessible format.](#)

Paragraph: 012 Reference ID: 3-012-20140306

Revision date: 06 03 2014

### **Should plan makers issue a call for potential sites and broad locations for development?**

Plan makers should issue a call for potential sites and broad locations for development, which should be aimed at as wide an audience as is practicable so that those not normally involved in property development have the opportunity to contribute. This should include parish councils and neighbourhood forums, landowners, developers, businesses and relevant local interest groups, and local notification/publicity. It may be possible to include notification of a call for sites in other local authority documentation (such as notification of local elections) to minimise costs.

Plan makers should also set out key information sought from respondents. This could include:

- site location;
- suggested potential type of development (eg economic development uses – retail, leisure, cultural, office, warehousing etc; residential – by different tenures, types and needs of different groups such as older people housing, private rented housing and people wishing to build or commission their own homes);
- the scale of development;
- constraints to development.

Paragraph: 013 Reference ID: 3-013-20140306

Revision date: 06 03 2014

### **What should be included in the site and broad location survey?**

The comprehensive list of sites and broad locations derived from data sources and the call for sites should be assessed against national policies and designations to establish which have reasonable potential for development and should be included in the site survey.

Plan makers should then assess potential sites and broad locations via more detailed site surveys to:

- ratify inconsistent information gathered through the call for sites and desk assessment;
- get an up to date view on development progress (where sites have planning permission);
- a better understanding of what type and scale of development may be appropriate;
- gain a more detailed understanding of deliverability, any barriers and how they could be overcome;
- identify further sites with potential for development that were not identified through data sources or the call for sites.

Paragraph: 014 Reference ID: 3-014-20140306

Revision date: 06 03 2014

### **How detailed should the survey be?**

Site surveys should be proportionate to the detail required for a robust appraisal. For example, the assessment will need to be more detailed where sites are considered to be realistic candidates for development.

Paragraph: 015 Reference ID: 3-015-20140306

Revision date: 06 03 2014

### **What characteristics should be recorded during the survey?**

During the site survey the following characteristics should be recorded (or checked if they were previously identified through the data sources and call for sites):

- site size, boundaries, and location;
- current land use and character;
- land uses and character of surrounding area;
- physical constraints (eg access, contamination, steep slopes, flooding, natural features of significance, location of infrastructure/utilities);
- potential environmental constraints;
- where relevant, development progress (eg ground works completed, number of units started, number of units completed);
- initial assessment of whether the site is suitable for a particular type of use or as part of a mixed-use development.

Paragraph: 016 Reference ID: 3-016-20140306

Revision date: 06 03 2014

## **Methodology – Stage 2: Site/broad location assessment**

Estimating the development potential of each site/broad location

### **How should the development potential be calculated?**

The estimation of the development potential of each identified site should be guided by the existing or emerging plan policy including locally determined policies on density.

Where the plan policy is out of date or does not provide a sufficient basis to make a judgement then relevant existing development schemes can be used as the basis for assessment, adjusted for any individual site characteristics and physical constraints. The use of floor space densities for certain industries may also provide a useful guide.

The development potential is a significant factor that affects economic viability of a site/broad location and its suitability for a particular use. Therefore, assessing achievability (including viability) and suitability can usefully be carried out in parallel with estimating the development potential.

Paragraph: 017 Reference ID: 3-017-20140306

Revision date: 06 03 2014

### **What factors should be considered for when and whether sites/broad locations are likely to be developed?**

Assessing the suitability, availability and achievability of sites including whether the site is economically viable will provide the information on which the judgement can be made in the plan-making context as to whether a site can be considered deliverable over the plan period.

Paragraph: 018 Reference ID: 3-018-20140306

Revision date: 06 03 2014

### **What factors should be considered when assessing the suitability of sites/broad locations for development?**

Plan makers should assess the suitability of the identified use or mix of uses of a particular site or broad location including consideration of the types of development that may meet the needs of the community. These may include, but are not limited to: market housing, private rented, affordable housing, people wishing to build or commission their own homes, housing for older people, or for economic development uses.

Assessing the suitability of sites or broad locations for development should be guided by:

- the development plan, emerging plan policy and national policy;
- market and industry requirements in that housing market or functional economic market area.

When assessing the sites against the adopted development plan, plan makers will need to take account of how up to date the plan policies are and consider the appropriateness of identified constraints on sites/broad location and whether such constraints may be overcome.

Sites in existing development plans or with planning permission will generally be considered suitable for development although it may be necessary to assess whether circumstances have changed which would alter their suitability. This will include a re-appraisal of the suitability of previously allocated land and the potential to designate allocated land for different or a wider range of uses. This should be informed by a range of factors including the suitability of the land for different uses and by market signals, which will be useful in identifying the most appropriate use.

In addition to the above considerations, the following factors should be considered to assess a site's suitability for development now or in the future:

- physical limitations or problems such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;
- potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation;
- appropriateness and likely market attractiveness for the type of development proposed;
- contribution to regeneration priority areas;
- environmental/amenity impacts experienced by would be occupiers and neighbouring areas.

Paragraph: 019 Reference ID: 3-019-20140306

Revision date: 06 03 2014

### **What factors should be considered when assessing availability?**

A site is considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership problems, such as

unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 020 Reference ID: 3-020-20140306

Revision date: 06 03 2014

**What factors should be considered when assessing achievability including whether the development of the site is viable?**

A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic [viability of a site](#), and the capacity of the developer to complete and let or sell the development over a certain period.

Paragraph: 021 Reference ID: 3-021-20140306

Revision date: 06 03 2014

**What happens when constraints are identified that impact on the suitability, availability and achievability?**

Where constraints have been identified, the assessment should consider what action would be needed to remove them (along with when and how this could be undertaken and the likelihood of sites/broad locations being delivered). Actions might include the need for investment in new infrastructure, dealing with fragmented land ownership, environmental improvement, or a need to review development plan policy, which is currently constraining development.



Paragraph: 022 Reference ID: 3-022-20140306

Revision date: 06 03 2014

**How should the timescale and rate of development be assessed and presented?**

The local planning authority should use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. This may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites allowance should be made for several developers to be involved. The advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

Paragraph: 023 Reference ID: 3-023-20140306

Revision date: 06 03 2014

# **SPARSHOLT PARISH COUNCIL CONSULTATION RESPONSE TO HELAA**

## **ANNEXE 2**

---

**Appeal decision Ref: APP/V3120/A/14/2221707  
Land in the garden of Humber Barn, Westcot,  
Wantage, Oxfordshire OX12 9QA**

**9<sup>th</sup> October 2014**

# Appeal Decision

Site visit made on 15 September 2014

**by S Poole BA(Hons) DipArch MPhil MRTPI**

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

**Decision date: 9 October 2014**

---

**Appeal Ref: APP/V3120/A/14/2221707**

**Land in the garden of Humber Barn, Westcot, Wantage, Oxfordshire OX12 9QA**

- 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 Mr and Mrs J O’Gorman against the decision of Vale of White Horse District Council.
  - The application Ref P14/V0382/FUL, dated 18 February 2014, was refused by notice dated 11 June 2014.
  - The development proposed is the erection of a part single part two storey detached house.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council has advised in its appeal statement, dated 15 August 2014, that the reference to Policy H12 of the Vale of White Horse Local Plan 2011 (LP) in the reasons for refusal was a clerical error and LP Policy H13 should have been quoted. As the appellants have been given an opportunity to respond to this matter in their final comments, and it is clear from the committee report that the proposal was assessed against Policy H13 rather than H12, I am satisfied that it would not be prejudicial to consider the appeal against LP Policy H13.

## Main Issues

3. The main issues in this case are:
  - (i) whether the proposal would be contrary to the aims of sustainable development; and
  - (ii) the effect of the proposal on the character and appearance on the street scene and the Lowland Vale.

## Reasons

### *Sustainable development*

4. The appeal site is a flat, broadly rectangular area of land that forms part of the garden of Humber Barn. It is bounded on its long side by a small field, beyond which there is a group of houses facing the road. There are further houses and
-

farm buildings on the opposite side of the road and to the rear there is agricultural land and hills beyond.

5. The site is located within the small settlement of Westcot, which primarily comprises dwellings to either side of a country lane. In my judgement, due to its size, character and lack of community facilities, Westcot is best described as a rural hamlet rather than a village. This view is corroborated by the fact that Westcot was not assessed in the Vale of White Horse document *A Study of Village Facilities in the Vale* (July 2009). Westcot is close to the settlement of Sparsholt, which has a church, village hall and a public house, and is assessed in the Council's study. Whilst the residents of Westcot may use the facilities at Sparsholt, in my judgement the two settlements are separate entities and should be considered as such in the application of development plan policies.
6. The proposal would involve the erection of a part single and part 2-storey house within the front portion of the site. The appellants' intention is to downsize to this new dwelling thus freeing up Humber Barn as a family home. The net result would be an additional dwelling in a rural hamlet. Whilst I note that Westcot is served by 2 bus routes, there is nothing before me to demonstrate that the service provides convenient and frequent access to shops, schools, services and places of employment. It is likely therefore that new residents of Westcot will be largely reliant on the private car to access these facilities.
7. The National Planning Policy Framework (2012) (the Framework) states that the purpose of the planning system is to contribute to the achievement of sustainable development. To promote this in rural areas, paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities. In my judgement the key aim is to encourage new housing in rural areas where community facilities and services exist and would be maintained by an increase in the local population as opposed to rural locations with limited facilities.
8. Whilst the Vale of White Horse Local Plan 2011 (LP) pre-dates the Framework, it reflects the thrust of the Framework. In particular LP Policy GS1 seeks to concentrate development within the main settlements rather than in villages where people would be reliant on the private car to access jobs and services.
9. I note that LP Policy H13 allows infilling with no more than one or two small new dwellings within the existing built up area of a number of specified small rural settlements. However, the list of settlements where this policy applies does not include Westcot. The text supporting Policy H13 clearly identifies that the aim of the policy is to strictly control development in small settlements with few services and facilities, to minimise the need to travel by private car. As Westcot has no facilities and is some distance from shops, schools and places of work, the policy has, in my judgement, been framed to specifically exclude new housing in such areas, except where essential to meet the needs of an agricultural, equestrian or other rural enterprise. As the proposal would not meet any of these needs there is clear conflict with the aims of Policies GS1 and H13 and the Framework.
10. Whilst each planning application and appeal should be considered on its individual merits, I recognise that allowing this appeal would make it difficult

for the Council to resist similar proposals on similar sites in Westcot, most notably the field immediately to the side of the appeal site. This would compound the harm identified above and further weighs against the proposal.

11. I note that there has been a high degree of support for the proposal from the local community and that the construction of the dwelling would provide some short term employment. I also recognise that the Council has not identified a 5-year housing supply and the proposal would contribute towards the supply of housing in the district, albeit marginally. These benefits are not sufficient to outweigh the conflicts with development plan policy and the Framework identified above.
12. For the reasons set out above I therefore conclude that the proposal would be contrary to the aims of sustainable development and fails to comply with LP Policies GS1 and H13 and the objectives of the Framework.

*Character and appearance*

13. The buildings close to the appeal site and visible from the road comprise a mix of small semi-detached 2-storey twentieth century houses, converted farm buildings, bungalows and cottages. Whilst the proposal would be partly screened by hedges and set slightly into the ground, it would be a relatively large and prominent, and therefore incongruous, building in this context. It would include extensive areas of glazing in the front elevation and a single-storey flat-roofed side element, neither of which would reflect the characteristics of nearby buildings or those of rural buildings more generally.
14. For these reasons I conclude that the proposal would have an unacceptable effect on the character and appearance of the street scene and fails to comply with LP Policy DC1 and the aims of the Framework, which include the achievement of high quality design.
15. The proposed dwelling would be sited close to the road and in the context of other buildings. As a result of this and the significant screening afforded by the mature trees towards the rear of the site, I am satisfied that the proposal would not have an unacceptable effect on the character and appearance of the Lowland Vale. The proposal therefore accords with LP Policy NE9. However this lack of harm does not outweigh the harm identified above.

**Conclusion**

16. For the reasons set out above, and having regard to all other matters raised including the representation made by local residents and the Member of Parliament, Ed Vaizey, I conclude that the appeal should fail.

*S Poole*

INSPECTOR