

NEW FOREST DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI: 2000/1625) as amended.

Appeal by AJC Group against the decision of New Forest District Council to refuse planning permission to demolish existing buildings and erect at 25 dwellings with associated access, landscape and parking at:

ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD

Proof of Evidence Summary

PINS Ref: APP/B1740/W/23/3324227

LPA Ref: 22/10813

James Gilfillan. MATCP, MRTPI.

1. This is an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) against the decision of NFDC to refuse permission to demolish the existing buildings and erect 25 dwellings with access from Noads way, landscaping and parking.
2. The application was refused by notice dated 19th December 2022 for seven reasons. Those reasons in summary:
 - (1) failure to respect the character of the area or deliver a high quality design that would contribute positively to local distinctiveness;
 - (2) failure to demonstrate that adequate visibility can be achieved at the site access or forward visibility within the site or to take appropriate opportunities to promote the use of sustainable transport modes;
 - (3) failure to demonstrate that surface water drainage will be dealt with adequately or as sustainably as possible;
 - (4) failure to demonstrate that recreational and air quality impacts on European Sites would be adequately mitigated and avoid significant impact;
 - (5) failure to provide sufficient recreational and open space for residents;
 - (6) failure to provide affordable housing; and
 - (7) impact on trees and landscape setting.
3. As set out in the Statement of Common Ground, the Council will defend reasons for refusal 1, 3, 5, 6 in full & 7 in part. The Council will not present evidence to defend reason 2, nor that part of reason 7 pertaining to the impact of the development on protected trees. It is expected that reason for refusal 4 will have been resolved by way of Legal Undertaking.
4. Expert witnesses have presented evidence to support the design, landscape and on-site open space reasons, the drainage reason and provision of affordable housing reason, for refusing planning permission, concluding conflict with adopted policies and guidance in each case.
5. This proof considers the conflict of the scheme with adopted policies, the Planning balance, application of S. 38(6) of the Planning and Compulsory Purchase Act 2004 and any other material planning considerations.
6. The scheme conflicts with policies of the Development Plan to the extent that to grant planning permission would permit development not in accordance with it, contrary to the requirement of S.38(6) of the Planning and Compulsory Purchase Act 2004

7. The inability of the Council to demonstrate a 5 year supply of land for housing, at this time, would direct the decision maker to apply the 'presumption in favour of sustainable development' indicated by para.11 of the NPPF, however due to the identified harm of the scheme it would not deliver sustainable development.
8. There are no other material planning considerations that should divert the Inspector from determining the appeal in accordance with the Development Plan.
9. The Inspector is respectfully requested to support the Local Planning Authority, by resisting this unsustainable development, in protecting the distinctiveness of this part of the District and ensuring the Council receives the amount of Affordable Housing it should, by dismissing this appeal.